



State of Tennessee

PUBLIC CHAPTER NO. 906

SENATE BILL NO. 2730

By White, Stevens

Substituted for: House Bill No. 2712

By Howell, Todd, Ragan, Moody

AN ACT to amend Tennessee Code Annotated, Title 4; Title 5; Title 6; Title 7; Title 9; Title 37; Title 38; Title 39; Title 49; Title 50; Title 55; Title 67; Title 68 and Title 71, relative to children.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 37-5-502, is amended by adding the following as a new subsection:

() On or after July 1, 2022, an applicant seeking a license, including renewal of an existing license, for a child care agency that provides residential child care shall disclose all contracts and agreements, including contract or agreement amendments, with third parties through which the applicant intends to provide placement, housing, or care services for children in this state.

SECTION 2. Tennessee Code Annotated, Section 37-5-514, is amended by adding the following as a new subsection:

(i)(1) Notwithstanding a law to the contrary, the department of children's services shall revoke an agency's license if:

(A) The department determines at any time that in a period of one (1) year, the greater of two (2) employees or three percent (3%) or more of facility employees have been charged with a criminal offense for conduct alleged to:

(i) Have occurred on the premises of the agency;

(ii) Be in connection with the agency employee's job responsibilities; or

(iii) Involve a child served by the agency; and

(B) The agency provides residential child care.

(2) As used in this subsection (i), "employee" includes a person who directly interacts with children served by the agency to provide services on behalf of the agency, regardless of whether the person is an employee, independent contractor, or volunteer.

(3) A person who has served as full or part owner or director, or as a member of the management, of a child care agency with a license revoked pursuant to subdivision (i)(1) shall not receive a license to operate a child care agency for one (1) year following the date of the revocation.

SECTION 3. Tennessee Code Annotated, Section 37-5-513, is amended by adding the following new subsections:

(d) Upon request by the department, an approved or suspected child care agency that provides, or is suspected of providing, residential child care shall provide a census of the number and names of children currently in the agency's care.

(e)(1) Upon the escape or disappearance of a child in the care of an approved child care agency, the agency shall immediately report the disappearance of the child to the department and the chief law enforcement officer of the county in which the agency is located. The report must include, at a minimum:

- (A) The facts of the disappearance;
- (B) The time the child escaped or disappeared;
- (C) The circumstances under which the escape or disappearance occurred; and
- (D) A description of the missing child, including the child's age, size, complexion, race, and color of hair and eyes.

(2) The agency shall designate an individual who is responsible for making the required reports pursuant to subdivision (e)(1). An individual so designated by the agency who intentionally fails to comply with the reporting requirement commits a Class B misdemeanor.

SECTION 4. Tennessee Code Annotated, Section 37-5-518, is amended by deleting the section and substituting:

(a) Each child care agency shall make an annual report of its work to the department on a form as the department prescribes by rule.

(b) The department shall prepare and supply to all child care agencies the necessary printed forms to record the requested information.

(c) An agency that provides residential child care shall include, at a minimum, in its annual report to the department:

- (1) The number of children who have been under the agency's care during the license period;
- (2) The disposition of children for whom care has been transferred to an individual or entity during the license period, including, but not limited to:
 - (A) The number of children for whom care has been transferred;
 - (B) The state and county where each child was adopted or transferred; and
 - (C) The reason for the transfer, including whether the child was placed in foster care or with a family member; and
- (3) Any contracts or agreements with third parties, including contract or agreement amendments, through which the child care agency has agreed to provide placement, housing, or care services for children.

SECTION 5. The department of children's services is authorized to promulgate rules to effectuate the purposes of this act. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 6. For the purpose of promulgating rules, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect July 1, 2022, at 12:01 a.m., the public welfare requiring it.

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PASSED: April 7, 2022



RANDY McNALLY
SPEAKER OF THE SENATE



CAMERON SEXTON, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 19th day of April 2022



BILL LEE, GOVERNOR