STATE OF TENNESSEE

PUBLIC CHAPTER NO. 270

SENATE BILL NO. 855

By Black, Marrero, Burks

Substituted for: House Bill No. 321

By Sherry Jones, Favors

AN ACT to amend Tennessee Code Annotated, Section 37-2-415, relative to the rights of foster parents.

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

SECTION 1. Tennessee Code Annotated, Section 37-2-415, is amended by adding the following new subsections:

(d)(1)(A) If a foster parent believes:

(i) That the department, an employee of the department, an agency under contract with the department, or an employee of an agency under contract with the department, has failed to follow the tenets listed in subsection (a); and

(ii) Such failure has harmed or could harm a child who is or was in the custody of the department or such failure has inhibited the foster parent's ability to meet the needs of a child as written in the permanency plan;

The foster parent may inform the child's case manager who shall make every attempt to resolve the dispute. If the foster parent believes that the dispute has not been adequately resolved by the case manager, the foster parent may contact the case manager's supervisor. The foster parent is encouraged to make such contact in writing and to forward any written communication between the foster parent and the department's employees to such employees' regional administrator and to the commissioner or the commissioner's designee within the department's central office. The department's central office shall maintain a record of any such communication that is received.

(B) If the foster parent believes that the dispute has not been adequately resolved by the case manager's supervisor or supervisors, the foster parent may contact the regional administrator or the regional administrator's designee. This review shall include an in-person interview.

(C) If the foster parent believes that the dispute has not been adequately resolved by the regional administrator or the regional administrator's designee, the foster parent may request in writing via certified mail that the department's central office review the actions of the department or the department's employee.

(D) If a review is requested pursuant to subdivision (d)(1)(B), the department shall conduct such review and respond in writing to the foster parent no later than thirty (30) days from the postmarked date of the foster parent's written mailed request. The review shall include, but not be limited to, a review of any previous communication mailed in by the foster parent and an in-person interview with the foster parent.

(2) The department shall transmit to the Tennessee Commission on Children and Youth copies of the written request made pursuant to subdivision (d)(1)(B) no later than ten (10) days from the date the request was received. The department shall also transmit copies of the written response made pursuant to subdivision (d)(1)(C). Such copies shall be transmitted no later than ten (10) days from the date the response was sent pursuant to subdivision (d)(1)(C).

(3) If the foster parent believes that the dispute has not been adequately resolved by the department's central office, the foster parent may request in writing via certified mail that the Tennessee Commission on Children and Youth review the actions of the department. The department shall fully comply with the commission in such review including providing any records requested.

(4) The provisions of this subsection (d) shall not be construed to limit any rights otherwise granted to foster parents by law.

(e) The department shall train all employees of the department who come in contact with foster parents regarding the provisions of this section and § 37-2-416. A plan for such training shall be submitted to the Select Committee on Children and Youth no later than October 1, 2009. All current employees shall receive such training no later than February 1, 2010, and new employees shall be trained within thirty (30) days from the date of such employment.

SECTION 2. This act shall take effect July 1, 2009, the public welfare requiring it.

PASSED: May 7, 2009

RON RAMSEY
SPEAKER OF THE SENATE

KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 21st day of May 2009

PHIL BREDESEN, GOVERNOR