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Sequence Number: 07-08-12
 Rule ID(s): 5251
 File Date: 7/11/12
 Effective Date: 12/29/12

Proposed Rule(s) Filing Form

Proposed rules are submitted pursuant to T.C.A. §§ 4-5-202, 4-5-207 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within sixty (60) days of the first day of the month subsequent to the filing of the proposed rule with the Secretary of State. To be effective, the petition must be filed with the Agency and be signed by twenty-five (25) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly. The agency shall forward such petition to the Secretary of State.

Agency/Board/Commission:	Tennessee Department of Finance and Administration
Division:	Office of Criminal Justice Programs
Contact Person:	Buddy Lea, Assistant Commissioner
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Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only ONE Rule Number/Rule Title per row)

Chapter Number	Chapter Title
0620-03-11	Disposition of Forfeitures in Child Abuse Cases
Rule Number	Rule Title
0620-03-11-.01	Purpose and Authority
0620-03-11-.02	Grants
0620-03-11-.03	Grant and Program Administration

Chapter Number	Chapter Title
Rule Number	Rule Title

The text of the proposed rules is as follows:

Proposed Rules
of
Department of Finance and Administration
Division of Criminal Justice

Chapter 0620-03-11
Disposition of Forfeitures
in Child Abuse Cases

0620-03-11-.01 Purpose and Authority
0620-03-11-.02 Grants
0620-03-11-.03 Grant and Program Administration

0620-03-11-.01 Purpose and Authority.

- (1) T.C.A. § 39-13-530 requires the Commissioner of Finance and Administration to promulgate rules and regulations for the distribution of money appropriated from the child abuse fund created by forfeitures under the statute.
- (2) T.C.A. § 39-13-530 provides that fifty percent (50%) of the money from the child abuse fund be used for child advocacy centers. The statute requires the Department of Finance and Administration to provide grants to child advocacy centers that are not-for-profit corporations, are tax-exempt under Section 501 of the Internal Revenue Code, and have provided child advocacy services for at least six (6) months prior to an application for funds.
- (3) T.C.A. § 39-13-530 requires that twenty five percent (25%) of the money from the child abuse fund be used by the Department of Finance and Administration for the court appointed special advocate (CASA) fund. The statute requires the Department of Finance and Administration to provide grants to CASA programs that are not-for-profit corporations, are tax-exempt under Section 501 of the Internal Revenue Code, and have provided CASA services for at least six (6) months prior to an application for funds.
- (4) T.C.A. § 39-13-530 requires that the twenty five percent (25%) of the money from the child abuse fund be used by the Department of Finance and Administration for the child abuse prevention fund, which shall be used to provide a grant to Prevent Child Abuse Tennessee, provided that it be a not-for-profit corporation, be tax-exempt under Section 501 of the Internal Revenue Code, and have provided child abuse prevention services for at least six (6) months prior to an application for funds.
- (5) The purpose of these rules is to provide procedures for the grant of these funds in an efficient, fair, and consistent manner.

Statutory Authority: T.C.A. §§ 4-5-202, 39-13-530.

0620-03-11-.02 Grants.

- (1) The Department of Finance and Administration will grant the money allocated for the child advocacy centers under T.C.A. § 39-13-530(c) to the Tennessee Chapter of Children's Advocacy Centers.
 - (a) The Tennessee Chapter of Children's Advocacy Centers shall grant ninety percent (90%) of the funds granted to it by the Department to the child advocacy center (CAC) in the county in which the forfeiture occurred. The remaining ten percent (10%) shall be retained by the Tennessee Chapter of Children's Advocacy Centers to cover administrative costs.

- (b) If there is no CAC in the county where the forfeiture occurred, ninety percent (90%) of the funds granted to it by the Department shall be granted to one (1) or more CAC in the judicial district in which the forfeiture occurred.
 - (c) If there is no CAC in the judicial district where the forfeiture occurred, the Tennessee Chapter of Children's Advocacy Centers shall, in consultation with the Department of Finance and Administration, select one (1) or more CAC outside the judicial district which will receive ninety percent (90%) of the funds granted to the Tennessee Chapter of Children's Advocacy Centers by the Department and provide the necessary services.
 - (d) Grants under this subsection shall be used to continue existing programs and services, create new programs and services, and/or to train personnel.
 - (e) The Commissioner may authorize a grant or subgrant to a CAC not otherwise authorized by these rules, if either:
 - 1. The Tennessee Chapter of Children's Advocacy Centers or a CAC authorized under these rules does not meet the statutory requirements of being incorporated as a not-for-profit corporation, being tax exempt under Section 501 of the Internal Revenue Code, or having provided services for at least six (6) months prior to receiving funds; or
 - 2. The Commissioner finds that any actual or proposed grantee or subgrantee is incapable of carrying out the purposes of the grant.
- (2) The Department of Finance and Administration will grant the money allocated for the Court Appointed Special Advocates under T.C.A. § 39-13-530(e) to the Tennessee CASA Association.
- (a) The Tennessee CASA Association shall grant ninety percent (90%) of the funds granted to it by the Department to the CASA program in the county in which the forfeiture occurred. The remaining ten percent (10%) shall be retained by the Tennessee CASA Association to cover administrative costs.
 - (b) If there is no CASA program in the county where the forfeiture occurred, ninety percent (90%) of the funds granted to it by the Department shall be granted to one (1) or more CASA in the judicial district in which the forfeiture occurred.
 - (c) If there is no CASA in the judicial district where the forfeiture occurred, the Tennessee CASA Association shall, in consultation with the Department of Finance and Administration, select one (1) or more CASA outside the judicial district which will receive ninety percent (90%) of the funds granted to the Tennessee CASA Association by the Department and provide the necessary services.
 - (d) Grants under this subsection shall be used to continue existing programs and services, create new programs and services, and/or to train personnel, including volunteers.
 - (e) The Commissioner may authorize a grant or subgrant to a CASA not otherwise authorized by these rules, if either:
 - 1. The Tennessee CASA Association or a CASA authorized under these rules does not meet the statutory requirements of being incorporated as a not-for-profit corporation, being tax exempt under Section 501 of the Internal Revenue Code, or having provided services for at least six (6) months prior to receiving funds; or
 - 2. The Commissioner finds that any actual or proposed grantee or subgrantee is incapable of carrying out the purposes of the grant.

- (3) The Department of Finance and Administration will grant the money allocated under T.C.A. § 39-13-530(g) to Prevent Child Abuse Tennessee.
- (a) Grants shall continue existing programs and services, create new programs and services, and train personnel to plan and carry out a comprehensive statewide child abuse prevention program that includes emphasis on primary and secondary prevention strategies and includes evaluation strategies to assess the effectiveness of prevention activities.

Statutory Authority: T.C.A. §§ 4-5-202, 39-13-530.

0620-03-11-.03 Grant and Program Administration.

- (1) The Department of Finance and Administration shall develop and implement grant formats for grants authorized by these rules consistent with the requirements of Tennessee state laws, regulations, and policies relating to grants, including the requirements of T.C.A. § 39-13-530. The grants shall require reporting of grant performance and program operations to the Department and appropriate committees and subcommittees of the General Assembly.
- (2) The Tennessee Chapter of Children's Advocacy Centers, Tennessee CASA Association and Prevent Child Abuse Tennessee shall work together as collaborative partners and will comply with requests from the Department of Finance and Administration to consult with governmental or private entities working on problems of child abuse.

Statutory Authority: T.C.A. §§ 4-5-202, 39-13-530.

* If a roll-call vote was necessary, the vote by the Agency on these rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the agency on 6-18-2012 (date as of 6/18/2012), and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of sixty (60) days of the first day of the month subsequent to the filing of the proposed rule with the Secretary of State.

Date: 6/18/12

Signature: Mark A. Emkes

Name of Officer: Mark A. Emkes

Commissioner, Department of Finance and

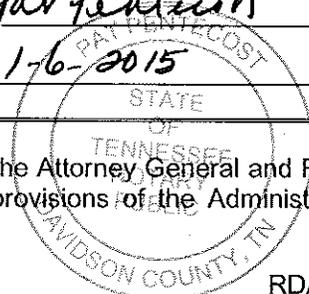
Title of Officer: Administration

Subscribed and sworn to before me on: 6-18-2012

Notary Public Signature: [Signature]

My commission expires on: 1-6-2015

All proposed rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act,

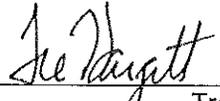



Robert E. Cooper, Jr.
Attorney General and Reporter
7-6-12
Date

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Filed with the Department of State on: 7/11/12

Effective on: 12/29/12


Tre Hargett
Secretary of State

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SECRETARY OF STATE

Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

This rule substantially codifies an existing Tennessee statute, T.C.A. § 39-13-530 and does not change the regulatory burden imposed on grantees under this statute. Therefore, an economic impact statement is not required under T.C.A. § 4-5-404.

Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 “any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments.” (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

This rule has no projected impacts on local governments.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

This rule allocates funds forfeited in criminal child abuse prosecutions according to a formula set forth in the controlling Tennessee statute.

A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

T.C.A. 39-13-530

Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

This affects non-profit agencies working on the problem of child abuse. These entities are supportive of this rule.

Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule;

None

An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

None

Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Buddy Lea, Assistant Commissioner, Department of Finance and Administration

Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Buddy Lea, Assistant Commissioner, Department of Finance and Administration

Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

12th floor, 312 Rosa L. Parks Avenue, Nashville, Tennessee 37243, (615) 741-6049, Buddy.Lea@tn.gov

Any additional information relevant to the rule proposed for continuation that the committee requests.

N/A

