



March 4, 2023

**SUMMARY OF BILL:** Requires the Department of Children’s Services (DCS) to destroy all records of investigations, that are held on or after July 1, 2023, after one year of their closure in which no probable cause was found to believe that a child was neglected or that an individual committed a criminal offense. Authorizes individuals, whose cases were held before July 1, 2023, and closed without finding probable cause of child neglect or criminal offenses, to submit a written request to have all records of the investigation destroyed within one year of the receipt of the request.

**FISCAL IMPACT:**

**Increase State Revenue – \$967,600/FY23-24/Strategic Technology Solutions**

**Increase State Expenditures –  
\$967,600/FY23-24/Department of Children’s Services**

**Other Fiscal Impact – Passage of this legislation could jeopardize federal funding received under Title IV-E, and may also lead to a minimum penalty of \$180,000 for non-compliance under the Social Security Act. The extent and timing of any federal funding reduction is unknown and dependent upon action of the federal government.**

Assumptions:

- The proposed legislation will require DCS to modify the Tennessee Family and Child Tracking System (TFACTS) to allow for deletion of records on an investigation from the permanent records system.
- This work will be performed by the Department of Finance and Administration’s Strategic Technology Solutions (STS).
- There will be a one-time increase in state expenditures to DCS of \$967,572 for updates to TFACTS, as well as a corresponding one-time increase in state revenue to STS of \$967,572.
- DCS currently has a process for destroying case records. If a case is closed with no findings of neglect or abuse then the records are to be destroyed upon the youngest alleged child victim’s 19<sup>th</sup> birthday, or after 7 years.
- DCS will utilize existing staff to perform the removal and destruction of files.

- Depending on the number of requests to destroy records from investigations before July 1, 2023, the number of hours required for DCS staff to complete the removal and destruction would likely extend outside of regular work periods.
- The proposed legislation will require DCS to destroy all records associated with an individual who was alleged to commit a violation of a criminal offense under Title 39 of the Tennessee Code Annotated, but then had their case closed without probable cause; however, DCS is not the department responsible for conducting many of the investigations under this title, which may create difficulties in their ability to carry out this provision.
- Under Title IV-B and IV-E of the Social Security Act, states are required to include all past history of substantiated and unsubstantiated cases involving child-welfare. The failure to meet this requirement is a minimum penalty of about \$180,000.
- The destruction of certain child fatality or near fatality records, regardless of if the parent or guardian was found to be not at fault, puts Title IV-E federal funding at risk.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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