

BRIEFING SHEET

The Tennessee Commission on Children and Youth

The 22nd Annual

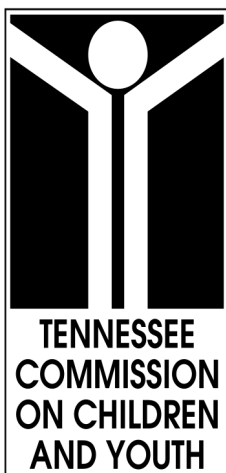
**Children's Advocacy Days:
Vote for Children**

March 9-10, 2010

Mission:

The Tennessee Commission on Children and Youth advocates to improve the quality of life for children and families and provides leadership and support for child advocates.

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ADVOCACY

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ISSUES IMPACTING TENNESSEE CHILDREN WHAT LEGISLATORS CAN DO!

BUDGET POSITION

TCCY strongly supports continued full funding for the Pre-Kindergarten program as quality early childhood education programs are among the most important for providing children opportunities for success in school and in life. The basic architecture of the human brain is constructed through an ongoing process that begins before birth and continues into adulthood. Like the construction of a home, the building process begins with laying the foundation, framing the rooms and wiring the electrical system in a predictable sequence. Early experiences literally shape how the brain is built; a strong foundation in the early years increases the probability of positive outcomes. A weak foundation increases the odds of later difficulties. TCCY applauds Governor Bredesen for his commitment to maintaining funding for the Pre-K program and strongly encourages the General Assembly to fund Pre-K.

TCCY appreciates Governor Bredesen including in his recommended budget many important services and supports for Tennessee children and families that were identified as possible reduction options in the budget hearing and development process, especially:

- State Supplements for Juvenile Courts;
- Court Appointed Special Advocates (CASA);
- Child Advocacy Centers;
- Children's Program Outcome Review Team.

TCCY applauds Governor Bredesen for including in his proposed budget continuation with non-recurring funds for a number of critical programs providing the infrastructure of essential services and supports for children and families that were funded with non-recurring dollars in fiscal year 2009-2010 or were identified as potential options for reductions during the state budget development and hearing process:

- Family Resource Centers;
- Coordinated School Health Program;
- Mental Health Home and Community Based Services for Children and Adults, including Early Childhood Network; Child Care Consultation; Planned Respite Services; Teen Screen; Alcohol and Drug Counseling in Schools; Services to Children and Special Populations; Behavioral Health Safety Net Services; Community Mental Health Recovery Services; Alcohol and Drug Abuse Community Treatment Services; Criminal Justice/mental Health Liaisons Project; etc.;
- Home Visitation Programs (Child Health and Development and Healthy Start);
- Juvenile Justice Court Prevention and Community Intervention and Services Grants;
- Child Welfare and Juvenile Justice Family Support Services;
- Education Programs, including Safe Schools Grants; K-2 Assessments; Tennessee Early Intervention Services;
- Safety Net Grants to Federally Qualified Health Centers;
- Juvenile Court Reimbursement Account Supplement;
- Intellectual Disabilities Services Family Support Program;
- Child Care Assistance;
- Temporary Assistance for Needy Families Differential Grants for Child-Only Cases;
- Delayed Staff Reductions Across Many Departments.

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BUDGET POSITION (Continued)

TCCY supports re-opening CoverKIDS and keeping enrollment open to ensure children have access to health insurance.

TCCY supports plans to right-size youth development centers and authorize mergers in Department of Children's Services group homes. TCCY also supports the transfer of New Visions Youth Development Center to Woodland Hills Youth Development Center. TCCY strongly encourages appropriate gender-specific programming for girls in the custody of the Department of Children's Services, but recognizes that appropriate treatment is more dependent on staffing and programming than location. DCS must focus on providing quality services for girls at Woodland Hills.

TCCY's greatest concerns about the proposed budget are in the area of TennCare reductions. TCCY supports all appropriate strategies, including the coverage fee proposed by the Tennessee Hospital Association, to identify state dollars to match federal Medicaid funds for health care services. TCCY is especially concerned about the impact of proposed TennCare reductions in provider fees and limits on services, including the \$10,000 annual cap on inpatient hospitalization, and limits on physician visits, outpatient visits, lab and x-ray. While fortunately, pregnant women and children are exempt from these limits, these service limitations, coupled with the provider rate reductions, are particularly problematic for behavioral health providers, primary care providers and rural and safety net hospitals. However, restoration of funding for TennCare cannot come at the expense of other essential services and supports for children and families.

Areas of concern remain with reductions in mental health and substance abuse prevention and treatment services. The current economy provides increasing stress on families and results in the need for more, not less services and supports in this important arena.

The appropriations bill should include enabling language to allow the Administration to expend any current or future Federal appropriations aimed at reducing state budget deficits. Any savings such funding would generate should be placed in reserve to help continue essential services and supports in the future.

The Commission has previously expressed its support for consideration of strategies to increase revenue to fund essential services and supports to provide Tennessee children and families opportunities for success. Within the current revenue structure, there are changes that could be considered to provide funding for essential services and supports:

- Extend the six percent Hall Tax to lottery winnings over \$100,000.
- The August sales tax holiday could be suspended or repealed.
- The Professional Privilege Tax, which applies primarily to skilled professionals who provide services that are not included in the sales tax base, could be increased or broadened.
- The fiscal note for proposed changes in the law to permit selling wine in grocery stores indicates an increase in revenue.
- Tennessee should consider moving to a combined reporting requirement for business as 23 other states have done.

Tennessee must continue essential services and supports for Tennessee children and families. We must maintain the quarter century of progress we have built in public-private and state-local partnerships that support opportunities for Tennessee children and families to be successful and reach their full potential.

While Tennessee wants to protect its "business-friendly climate," part of a good climate for future business is a healthy, well-educated workforce. Improving outcomes for children lays the foundation for a stronger Tennessee with a healthier, better-educated workforce to stimulate and support future economic development. Today's children are the economic engine for the state's future prosperity. Their needs are many, and they cannot wait. We must find a way to ensure all Tennessee children have the public services and supports necessary for them to develop into productive citizens.

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CHILDREN ON THE SEX OFFENDER REGISTRY

Vote **NO** on legislation [SB 2725(Black)/HB 2789 (Maggart), SB 2838(E. Stewart)/HB 2849(T. Cobb)] that would require **children** who are adjudicated delinquent for certain sexual offenses to be **on the Sex Offender Registry**.

TCCY opposes legislation placing juveniles who have not been transferred to criminal court and adjudicated as adults on the sex offender registry. Juvenile courts currently consider the seriousness of the offense and have the authority to transfer youth to criminal court in the most egregious cases, and if convicted in criminal court these serious offenders will be placed on the sex offender registry.

TCCY opposes registration of juvenile sex offenders for the following reasons:

- There is no evidence that community notification reduces sex offense recidivism or increases community safety.
- Children whose conduct involves sexually inappropriate behavior do not pose the same threat to public safety as do adults.
- Children are more responsive to treatment than adults and are less likely to re-offend if provided appropriate treatment.
- The National Center on Sexual Behavior of Youth reports sexual recidivism rate for juvenile sex offenders to be as low as 5%.
- Children who offend have fewer numbers of victims than adult offenders, and on average, children who offend engage in less serious and aggressive behaviors than adults.
- Most children who offend can be safely maintained in the community under supervision by probation officers and be treated in outpatient treatment programs.
- More than 9 out of 10 times the arrest of a child for a sex offense is a one-time event.
- As many as 1/3 of sexually abused children will demonstrate some sort of sexual problem in response to their own abuse.
- Public registration and community notification requirements can complicate the rehabilitation and treatment of these youth. In some cases in other states, children who are required to register have been harassed at school, forcing them to drop out.
- The stigma that arises from community notification serves to exacerbate the poor social skills many children who offend possess, destroying the social networks necessary for rehabilitation. Education itself is vital to reducing the risk of further criminal behavior.
- Because residence restrictions are tied to registration status, there will likely be an emergent housing crisis for these youth when they turn 18 because they will be prevented from living with their families or in other community placements due to proximity to schools, parks, and places where children congregate. This could result in them being forced to drop out of school because the majority of 18-year-old youth have not graduated from high school.
- Registration will disrupt families and communities because it does not just stigmatize the child; it stigmatizes the entire family, including parents and other children in the home. There is great concern registration requirements will almost certainly decrease parental willingness to report or seek help for children's sexual behavior problems when they understand the result will be placement on the sex offender registry, a serious concern because many instances of inappropriate sexual behavior occur within the family/extended family.
- The limitations on where these children could live may result in them being forced to live in circumstances where they are in close proximity to adult sexual offenders. In some areas, placement of youth on the sexual offender registry has resulted in them being targeted as potential victims by pedophiles.
- There are concerns about the lack of access to adequate legal representation for children in Tennessee, increasing the potential for an unjust adjudication.
- Costs for juvenile courts, public defenders, local law enforcement, and additional incarceration resulting from this legislation would be substantial and have generally not been adequately acknowledged in fiscal notes.
- Advances in brain imaging and research validates the importance of treating children differently from adults and providing them opportunities to avoid unnecessary stigma and receive services to enable them to become productive citizens.
- There is substantial litigation regarding these requirements all across the country, and passage of registration legislation would almost certainly result in litigation in Tennessee. While legal questions are pending, it seems inappropriate to pass legislation guaranteed to result in costly litigation in Tennessee.

TCCY recognizes the seriousness of juvenile sexual offenses and the need for more effective intervention and treatment for children with sexual behavior problems. These needs are not met by registration legislation. Tennessee should work toward providing evidence-based interventions that promote positive outcomes for children and families and improve community safety.

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SELECT COMMITTEE ON CHILDREN AND YOUTH

Vote **NO** on legislation [SB 2973 (Black)/HB 2878 (Casada)] **abolishing the Select Committee on Children and Youth (SCCY)**. The SCCY plays an extremely valuable role by serving as a vehicle to bring together members of the Tennessee State Senate and House to study concerns about services for children in Tennessee and to develop strategies and support legislation to improve outcomes for children and families. Examples of leadership from the SCCY include the multiple-response child protective services legislation, resource mapping and current work on transitioning youth from state custody and improving child protective services. The SCCY provides critical leadership for improving services for children in Tennessee.

COUNCIL ON CHILDREN'S MENTAL HEALTH

Vote **YES** on legislation [SB 2458 (B. Watson)/HB 2471 (Lynn)] **to extend the Council on Children's Mental Health (CCMH)** to June 30, 2014. The Council is co-chaired by the TCCY executive director and the Commissioner of the Department of Mental Health and Developmental Disabilities. The Council has made significant progress in meeting its mandate to develop a plan for implementation of a system of care to improve the Tennessee children's mental health system. A system of care is an evidence-based approach to providing child-centered, family-driven, culturally and linguistically competent, collaborative mental health services in the context of the home and community. This extension will allow the Council the time necessary to complete its statutory charge and complete the work envisioned.

TENNESSEE SECOND LOOK COMMISSION

Vote **YES** on legislation [SB 2701 (Burchett)/HB 2765 (Tindell)] **creating the "Tennessee Second Look Commission."** Data from the Department of Children's Services suggests 204 children experienced second or subsequent sexual or serious abuse last year, a number that causes concern and prompts an interest in reviewing such cases. The Second Look Commission will review an appropriate sampling of cases to provide recommendations and findings to the general assembly regarding adequate protection for the children of this state. TCCY supports efforts to improve the child protective services system in Tennessee.

SHARED/JOINT CUSTODY

Vote **NO** on legislation [SB 2881 (Bunch)/HB 2916 (Bell), SB 3443 (Tate)/HB 2442 (Hardaway)] creating a **rebuttable presumption for shared or joint custody** unless the parties have agreed to such a custodial arrangement. Shared parenting is generally in the best interests of children, but only when the parents have agreed to such an arrangement. In the absence of such an agreement, there should be no presumption in favor of shared parenting. Parents who have not been able to agree on shared parenting as a custody arrangement are unlikely to be able to agree on the day-to-day decisions that must be made for their children. Custodial decisions for children should be based on the best interests of the child, as provided by current Tennessee laws that are fair and equal and do not give a preference for either parent. Custody is based on the determination of which parent is better positioned to protect the best interests of the child. Members of the General Assembly should be encouraged to Vote **YES** on an **amendment** to current law clarifying best practice of providing children with the maximum participation of both parents in their lives, subject to the best interests of their children. This is a reasonable approach in statute to promoting best interests of children and rights of parents.