



SENATE BILL 1868

By Johnson

AN ACT to amend Tennessee Code Annotated, Title 37,
Chapter 1, Part 1, relative to children.

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

SECTION 1. Tennessee Code Annotated, Section 37-1-102(b), is amended by adding the following as a new subdivision:

() "Child in need of heightened supervision" means a child who a court determines:

(A) Has exhibited or threatened violent behavior consistent with an offense enumerated in § 37-1-131(a)(2)(B)(i) or § 39-14-202, regardless of whether a petition has been filed alleging the child committed a delinquent act and regardless of the child's adjudication or diversion status; or

(B) Is incompetent to be adjudicated delinquent but has exhibited behavior consistent with a violent offense or an attempt to commit a violent offense, including offenses enumerated in § 37-1-131(a)(2)(B)(i) and § 39-14-202;

SECTION 2. Tennessee Code Annotated, Section 37-1-114(c), is amended by redesignating the current subdivisions (c)(7) and (c)(8) as subdivisions (c)(8) and (c)(9) and adding the following as a new subdivision (c)(7):

(7) There is probable cause to believe the child is a child in need of heightened supervision;

SECTION 3. Tennessee Code Annotated, Section 37-1-114(c), is amended by deleting "listed in subdivisions (c)(1)-(6)" and substituting "listed in subdivisions (c)(1)-(7)".

SECTION 4. Tennessee Code Annotated, Section 37-1-116(a), is amended by deleting "delinquent or unruly" and substituting "delinquent, unruly, or a child in need of heightened supervision".

SECTION 5. Tennessee Code Annotated, Section 37-1-116(d), is amended by deleting "alleged to be delinquent" and substituting "alleged to be delinquent, unless the child is also a child in need of heightened supervision".

SECTION 6. Tennessee Code Annotated, Section 37-1-116(k)(1), is amended by deleting "unless the following" and substituting "unless the child is also a child in need of heightened supervision or the following".

SECTION 7. Tennessee Code Annotated, Section 37-1-130(b), is amended by deleting "to be delinquent" and substituting "to be delinquent or a child in need of heightened supervision".

SECTION 8. Tennessee Code Annotated, Section 37-1-137(b)(1), is amended by adding the following as a new subdivision:

(D)

(i) The child is alleged to have committed an assault against a staff member at the child's residential placement. If the child is found to have committed such an assault following a disciplinary offense hearing or if the child is adjudicated delinquent for an assault that was committed against a staff member at the child's residential placement, then the child's indefinite commitment must not be discharged and the child must not be placed on home placement supervision for an additional six (6) months from the date of the assault.

(ii) A child committed to the custody of the department for an indefinite time must be informed of this subdivision (b)(1)(D) upon commitment.

SECTION 9. This act takes effect July 1, 2026, the public welfare requiring it.

Amendment No. 1 to SB1868

Gardenhire
Signature of Sponsor

AMEND Senate Bill No. 1868*

House Bill No. 2526

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 37-1-131(a)(2)(A)(v)(c)(2), is amended by deleting the subdivision and substituting:

(2) A child placed in the custody of the department under this subdivision (a)(2)(A)(v)(c) shall remain in custody so long as necessary to complete the treatment or services, which shall be evidence-based and provided by a qualified provider, but shall remain in custody no longer than six (6) months; provided, that the court may order that the child remain in custody for up to an additional six-month period if the court finds after a hearing or stipulation that:

(A)

(i) The child needs services or treatment that are available only if the child is in custody; and

(ii) The services or treatment the child needs are evidence-based and will be provided by a qualified provider; or

(B) The child committed an assault against a staff member at the child's residential placement. For the purposes of this subdivision (a)(2)(A)(v)(c)(2)(B), the child does not have to be adjudicated of a separate delinquent offense of assault for the court to order that the child remain in custody for up to an additional six (6) months;

SECTION 2. Tennessee Code Annotated, Section 37-1-131(a)(4)(B)(iii)(b), is amended by deleting the subdivision and substituting:

(b) A child placed in the custody of the department under this subdivision (a)(4)(B)(iii) shall remain in custody so long as necessary to complete the treatment or services, which shall be evidence-based and provided by a qualified provider, but shall remain in custody no longer than six (6) months; provided, that the court may order that the child remain in custody for up to an additional six-month period if the court finds after a hearing or stipulation that:

(1)

(A) The child needs treatment or services that are available only if the child is in custody; and

(B) The treatment or services the child needs are evidence-based and will be provided by a qualified provider; or

(2) The child committed an assault against a staff member at the child's residential placement. For the purposes of this subdivision (a)(4)(B)(iii)(b)(2), the child does not have to be adjudicated of a separate delinquent offense of assault for the court to order that the child remain in custody for up to an additional six (6) months;

SECTION 3. Tennessee Code Annotated, Section 37-1-131(a)(4), is amended by adding the following as a new subdivision:

(C) When committing a child to the custody of the department, the court shall notify the child that committing an assault against a staff member at the child's residential placement may result in an extension of the child's period of commitment;

SECTION 4. Tennessee Code Annotated, Section 37-1-137(f)(3)(B), is amended by deleting the subdivision and substituting:

(B) A child placed in the custody of the department under this subdivision (f)(3) shall remain in custody so long as necessary to complete the treatment or services, which shall be evidence-based and provided by a qualified provider, but shall remain in

custody no longer than six (6) months; provided, that the court may order that the child remain in custody for up to an additional six-month period if the court finds after a hearing or stipulation that:

(i)

(a) The child needs treatment or services that are available only if the child is in custody; and

(b) The treatment or services the child needs are evidence-based and will be provided by a qualified provider; or

(ii) The child committed an assault against a staff member at the child's residential placement. For the purposes of this subdivision (f)(3)(B)(ii), the child does not have to be adjudicated of a separate delinquent offense of assault for the court to order that the child remain in custody for up to an additional six (6) months.

SECTION 5. Tennessee Code Annotated, Title 37, Chapter 1, Part 1, is amended by adding the following as a new section:

37-1-193.

(a) The department of children's services shall create a juvenile commitment review task force to examine system issues and service gaps for children found to be dependent and neglected and committed to the custody of the department, and who also have pending delinquency allegations, have been determined to be incompetent to be adjudicated delinquent, or have exhibited violent behaviors that could constitute a delinquent offense.

(b) The task force shall be composed of the following:

(1) The commissioner of the department of children's services or the commissioner's designee;

(2) The commissioner of the department of mental health and substance abuse services or the commissioner's designee;

(3) The commissioner of the department of disability and aging or the commissioner's designee;

(4) The director of the administrative office of the courts or the director's designee;

(5) The director of TennCare or the director's designee;

(6) The executive director of the commission on children and youth or the executive director's designee;

(7) The president of the council of juvenile and family court judges or the president's designee;

(8) The executive director of the district attorneys general conference or the executive director's designee;

(9) The executive director of the district public defenders conference or the executive director's designee;

(10) A licensed attorney who regularly serves as a guardian ad litem, to be appointed by the commissioner of the department of children's services; and

(11) Other individuals as determined by the commissioner of the department of children's services, including service providers.

(c) The task force shall:

(1) Review necessary data, including data from the administrative office of the courts;

(2) Develop recommendations to improve care and case management, treatment and placement options, interagency collaboration, and court processes; and

(3) Identify necessary statutory or procedural changes to support the target youth.

(d) By February 1, 2027, the department of children's services shall submit a final report from the task force to the governor, the chair of the judiciary committee of the

senate, and the chair of the committee of the house of representatives having jurisdiction over children and families. The report must include a summary of findings and short-term and long-term recommendations.

(e) The task force terminates on the date the report is filed.

(f) Notwithstanding another law to the contrary, the task force may access information made confidential pursuant to this title but shall not review information that would directly or indirectly identify a child or family receiving services from the department of children's services. Any confidential information reviewed by the task force remains confidential after review and is not subject to further disclosure except as necessary to carry out the purposes of this part.

SECTION 6. Section 5 of this act takes effect upon becoming a law, the public welfare requiring it. All other sections of this act take effect July 1, 2026, the public welfare requiring it.