

## **Out of Sight, Out of Media – A Recipe for Neglect: Statement on Tennessee Department of Children’s Services’ New Funding and Announced Projects**

October 16, 2023

*The Tennessee Department of Children’s Services (DCS) has been allocated over \$400 million to combat the chronic mismanagement of care for Tennessee’s vulnerable youth, including funds to build more hardware secure facilities. Disability Rights Tennessee (DRT) reaffirms our commitment to preventing unwarranted institutionalization of youth by ensuring that children and families across the state are provided the appropriate community-based services and resources to thrive at home or in other family settings.*

We are discouraged by the Department of Children’s Services’ (DCS’) plans to spend \$400 million to build more hardware secure facilities and otherwise institutionalize youth in their custody. These plans fly in the face of best practice and ignore successful family focused alternatives, as outlined in *Families not Facilities* ([linked here](#)), a report we co-authored with [Youth Law Center \(YLC\)](#). Our primary recommendation is to keep youth in home settings by building strong families across Tennessee, through the provision of community-based services and wraparound supports for system impacted youth and their families. Rather than spending millions to create more institutional placements for youth, DCS could be investing in keeping families together. For example, if a parent cannot afford to secure the treatment and services required to care for a child with a complex disability, instead of removing that child from the family they know and love, why not provide the family and child with the services they so desperately need to thrive in their own home?

Institutional placements should be a last resort for Tennessee’s children, not the primary option. A December 2022 Performance Audit of DCS by the Tennessee Comptroller ([linked here](#)) highlighted the prevalence of abuse in residential facilities and the lack of vision plaguing the Department. The 2022 Audit found DCS failed to effectively monitor residential facilities it licenses/oversees and to identify the key risks facing the vulnerable population they serve. Given the current legacy of mismanagement and inability to fully staff existing facilities, DRT questions how new facilities will be properly managed.

### **The Funding**

Last month, the Tennessee Department of Children’s Services (DCS) received over \$400 million in funding to go towards building new youth prisons, updating/hardening existing structures, and creating assessment and intake centers for youth entering DCS custody ([Tennessee Lookout article linked here](#)). Plans are in place to increase hardware secure bed capacity across the state through a new Woodland Hills Youth Detention Center and John S. Wilder Youth Development Center – a dangerous facility that we found violated youth’s basic human rights after years of monitoring ([Wilder report, “Designed to Fail,” linked here](#)). This expansion plan is “aimed at addressing the lack of placement options for children entering the care of the department.”

## **Our Concerns**

**The true crisis in our state is not just a failure to find housing for our children and youth, but a failure to invest in the families who love them.** There is no research that shows putting youth in residential facilities is effective, but the detrimental effects of institutionalizing young people in highly restrictive environments are well known. **Furthermore, building facilities with more beds will only buy time until government offices are again overflowing with children with nowhere to go.**

Building more facilities does not equate to DCS investing in appropriate, evidence-based programming and services for Tennessee's youth. Instead, this expensive undertaking contributes to child welfare and juvenile justice crossover (almost 90% of youth in DCS custody on the juvenile justice side have had prior contact on the child welfare side), makes our communities less safe, and teaches vulnerable youth how to survive in youth prisons and other residential facilities rather than giving them the tools to thrive in their communities.

Tennessee's youth should not be seen as commodities to be passed from office floor to facility. In fact, with a highly disproportionate number of these youth having a disability or mental health diagnosis, DCS should be focused on serving them in the least restrictive environment as required by the Americans with Disabilities Act ([linked here](#)) and the 1999 Olmstead decision ([linked here](#)). When we prioritize the development and well-being of our children, we not only uplift the lives of these young people but also create safer communities across Tennessee. **Unnecessarily stowing away Tennessee's youth in facilities will keep them out of sight and out of the media but will do nothing to facilitate their growth into contributing members of society.**

-end-

**Spokespeople from Disability Rights Tennessee are available for comment.**

**For more information and for comment, contact:**

Lee Sherwood, Disability Rights Tennessee: LeeS@DisabilityRightsTN.org, cell/text 409-771-0098.

*Disability Rights Tennessee (DRT) is the designated Protection & Advocacy (P&A) agency for Tennessee. DRT provides free legal advocacy services to protect the rights of Tennesseans with disabilities, and has broad access authority to monitor facilities, including juvenile justice facilities, and to investigate allegations of abuse and neglect. Visit [www.DisabilityRightsTN.org](http://www.DisabilityRightsTN.org) for more information.*