



A Call to Action:

Advancing Tennessee's Juvenile
Justice System to Strengthen Families,
Communities, and Oversight





This report is a joint effort of Disability Rights Tennessee (DRT) and the Youth Law Center (YLC).

Disability Rights Tennessee is part of the national Protection & Advocacy (P&A) System — a network of 57 federally mandated legal advocacy agencies serving people with disabilities and making up the National Disability Rights Network. As the P&A agency for Tennessee, DRT has broad authority to advocate for the rights of individuals with disabilities in this state, to monitor certain facilities, including juvenile justice facilities, and to investigate allegations of abuse and neglect. This report is partly based on records and information that DRT is authorized by law to collect in order to advocate for and protect the rights of people with disabilities. *DRT is supported at taxpayer expense by the U.S. Department of Health & Human Services, The Administration for Community Living; Substance Abuse & Mental Health Services Administration; U.S. Department of Education, Rehabilitation Services Administration; and the Social Security Administration. This report does not represent the views, positions or policies of, or the endorsements by, any of these federal agencies.*

Youth Law Center is a non-profit law firm that advocates to transform foster care and juvenile justice systems across the nation so that every child and youth can thrive. For over forty years, YLC has pursued policy and advocacy to protect the rights of youth in the child welfare and juvenile justice systems and to promote positive youth connections to community and family.

For more information, please visit DRT at www.DisabilityRightsTN.org and YLC at www.YLC.org. For questions or other inquiries, please contact YLC at Info@YLC.org and DRT at Inquiries@DisabilityRightsTN.org.

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Glossary of Terms and Abbreviations

Department of Children’s Services (“DCS” or “the Department”): oversees Tennessee’s foster care and juvenile justice systems

Disability Rights Tennessee (DRT): the federally mandated Protection & Advocacy (P&A) agency in Tennessee with broad authority to advocate for and protect the rights and well-being of Tennesseans with disabilities, which involves monitoring certain facilities and investigating abuse and neglect

Hardware Secure Facility: a highly restrictive juvenile detention facility in which the movement of youth is managed by both staff supervision and the construction and hardware of the facility such as locks, bars and fences

Recidivism: the tendency of a convicted person to reoffend

Tennessee Commission on Children and Youth (TCCY): TCCY is an independent, nonpartisan agency established by the Tennessee General Assembly. TCCY’s primary goal is to ensure that the policies and programs of the state effectively promote and protect the health, well-being, and development of children and youth.

The Protection & Advocacy System (P&A System): a network of 57 federally mandated legal advocacy agencies serving people with disabilities and making up the National Disability Rights Network (NDRN).

The Tennessee Department of Mental Health and Substance Abuse Services (TDMHSAS): a state agency that creates pathways to recovery and independence for Tennesseans living with mental illness and substance abuse disorders.

The Youth Law Center (YLC): a non-profit advocacy organization working to transform foster care and juvenile justice systems across the nation so every child and youth can thrive

Trauma-Informed Care: practices that recognize and respond to the signs, symptoms, and risks of trauma to better support the health needs of individuals who have experienced it

Wilder Youth Development Center (“Wilder”): a hardware secure facility in West Tennessee run by the Department of Children’s Services. Disability Rights Tennessee has maintained an active monitoring project at this facility since 2020.

Executive Summary

What would it look like if Tennessee’s juvenile justice system prioritized strengthening families, connecting youth to their home communities, and creating safe environments that promote healing, growth, and being held accountable for one’s actions?

Instead, Tennessee’s youth continue to suffer, primarily Black youth with disabilities. Disability Rights Tennessee (DRT) and Youth Law Center (YLC) remain concerned about the safety of youth in Tennessee’s juvenile justice facilities like Wilder Youth Development Center and offer research-based recommendations to overhaul Tennessee’s juvenile justice system.

This third report, builds on DRT and YLC’s first two reports, *Designed to Fail* and *Families Not Facilities* to offer solutions related to Tennessee’s juvenile justice system, which is overseen by the Department of Children’s Services.

Introduction

In 2023, Tennessee’s juvenile justice system again came under national scrutiny over conditions in facilities and the Department of Children’s Services’ (“DCS” or “the Department”) failure to provide oversight. **Yet, the Department continues to prioritize building facilities over strengthening families, institutional placements over community-based services, avoiding public scrutiny over transparency, and preserving provider contracts over protecting the young people in their custody.** As a result, youth continue to suffer, primarily Black youth with disabilities—approximately 80% of youth interviewed during Disability Rights Tennessee’s (2020-2022) monitoring of the Wilder Youth Development Center (“Wilder”) were youth with disabilities, and over 95% were Black.

We continue to be gravely concerned about the safety of youth in facilities like Wilder and offer that the best way to keep youth safe from abuse in facilities is to ensure that they never go to one. Not only are facilities like Wilder inherently dangerous, but they are expensive and likely lead to higher recidivism rates.

Placing one youth at Wilder Youth Development Center costs the state \$1632.24 per day, or almost \$600,000 a year for each youth. Tennessee’s 2017 Blue Ribbon Task Force on Juvenile Justice recommended that state funds instead should be “reinvested in a continuum of in-home and community-based services that research indicates will improve recidivism rates and other outcomes...”

What would it look like if Tennessee’s juvenile justice system truly focused on strengthening families, connecting youth to communities, and creating environments that are conducive to healing, growth, and being held accountable for one’s actions? In 2024, this is the question that should guide legislators, policymakers, and members of the public who want to see Tennessee’s children and youth grow and thrive. It is often said that the best time to invest was yesterday, and the second best is today. Tennessee has an opportunity to start solving problems in the juvenile justice system now. To fix our juvenile justice system and create safer communities for all, this report identifies three areas for improvement and actionable steps within each:

\$1,632.24

the per day cost to house a youth at the Wilder Youth Development Center

3 Areas for Improvement:

1. **Support and strengthen families, thus eliminating barriers to parenting.**
2. **Connect youth to community-based networks of support that can keep them on the right path, rather than cutting them off from resources.**
3. **Increase transparency, oversight, and accountability to ensure that the state keeps youth in the juvenile justice system safe.**

Area 1: Support and strengthen families, thus eliminating barriers to parenting

Why? Every child in Tennessee needs a loving and supportive relationship with a caregiver, whether that is their biological or adoptive parents, grandparents, foster parents, or extended family. **For youth who enter the juvenile justice system, those relationships become even more important to help take accountability, heal, and find their path towards a positive future.** Many youth and families come into the juvenile justice system at a time when they are overloaded. The juvenile justice system creates barriers to parenting, which means that families have even less energy and resources to put towards helping their child than they did before their child entered the juvenile justice system.

Area 2: Connect youth to community-based networks of support that can keep them on the right path, rather than cutting them off from resources.

Why? Community based resources are, in the broadest sense, the people and places that make youth feel safe and supported, where they can develop new skills and grow into their potential. All youth benefit from formal and informal community-based resources that allow them to expand their horizons, form positive relationships with peers and mentors, and support healthy social and emotional development. Lack of access to community-based resources can lead to youth

entering the juvenile justice system, and make it harder for them to successfully exit. Creating a sustainable network of community-based resources for youth and families who need help allows youth who have committed low-level offenses to stay in community settings and get the services they need, while also providing a support network for youth who are returning to the community from more restrictive settings to help keep them on the right track.

Area 3: Increase transparency, oversight, and accountability to ensure that the state keeps youth in the juvenile justice system safe.

Why? All youth need to be safe from abuse and neglect, especially youth involved in the juvenile justice system who often have experienced significant trauma. A young person must feel, and in fact be, safe in his or her environment to heal and grow. When we create environments that are safe and conducive to healing, we enable young people to overcome challenges and take responsibility for their actions. This encourages them to be open to new paths and facilitates their discovery of opportunities to contribute to their communities in ways they may not have previously thought possible. The state cannot hold youth accountable and help them heal if the state is not itself accountable.

All youth need to be safe from abuse and neglect, especially youth involved in the juvenile justice system who often have experienced significant trauma.

Actionable Steps to:

1. **Support Parents and Strengthen Families of Youth in the Juvenile Justice System**
2. **Connect Youth in the Juvenile Justice System to Communities, thus Improving Outcomes and Community Safety**
3. **Keep Youth in Juvenile Justice Facilities Safe From Harm**

I. Actionable Steps to Support Parents and Strengthen Families of Youth in the Juvenile Justice System

Step 1: Invest in family engagement strategies to promote parent participation in their child's treatment, rehabilitation, and reentry planning. Family engagement and education is particularly important for youth with disabilities, whose families may need additional support to navigate special education and other disability specific resources.

- Dedicate funding to pilot a reentry program akin to Georgia's Department of Juvenile Justice family engagement model, which includes: a course on family communications and monthly family chats about topics such as nutrition and financial planning; a multidisciplinary team that includes the family to create a reentry plan; and a reentry resource coordinator who helps families navigate connections to local service providers.
- Expand existing family engagement models in Tennessee, such as the Department of Mental Health and Substance Abuse Services' collaboration with TN Voices and Montgomery, Robertson, and Sumner County courts to employ Family Support Specialists and Youth and Family Therapists, who meet with you and families to coordinate care, build collaborative relationships with providers, and build parenting and communication skills.
- Create a technical assistance center to help

local jurisdictions, as well as DCS caseworkers and staff, implement family engagement practices.

- Pursue interagency collaboration to ensure that best practices from different state agencies are cross-pollinated.
- Create ongoing system-wide training for judges, attorneys, probation staff, and DCS staff on family engagement.

Step 2: Create peer support opportunities for families to help them navigate the juvenile justice system. Peer support is a well-regarded model for serving youth and families with disabilities and refers to programs in which persons with prior experience in the juvenile justice system offer support and guidance to families who are currently system involved.

- Expand upon existing, successful peer support models available through the Department of MentalHealth and Substance Abuse Services for persons receiving behavioral/mental health services, such as the training program for young people wanting to serve as peer supporters, and the 45 peer support centers located statewide.

Peer support is a well-regarded model for serving youth and families with disabilities.

- Create juvenile justice peer support programs to help family members learn juvenile court terminology and processes so that they can

better understand their child's case, access the resources that are available to support their child, and learn how to navigate the difficult emotions that come with having a child involved in the juvenile justice system.

- Addressing factors such as lack of housing, lack of healthcare, and the need for special education services.

Step 3: Increase access to high quality legal advocacy services to ensure that children and families are receiving the services that the state is obligated to provide. Without adequate legal representation, the juvenile justice system cannot function.

- Raise the rates for appointed counsel or rethink the way that the system for appointing counsel for foster care and juvenile justice systems is organized and funded.
- Provide additional legal support to help youth and families navigate the multitude of collateral consequences flowing from involvement in the juvenile court system, such as losing access to housing or food aid, or struggling to reenroll in school.
- Increase access to civil legal services to prevent entry into the juvenile justice system, by addressing factors such as lack of housing, lack of healthcare, and the need for special education services.

Step 4: Remove barriers to parenting for youth in the juvenile justice system by increasing family contact.

- Bring youth and families together to review DCS policies to find opportunities for improvement, such as free phone calls to family, increase in the allotted phone time, varied and flexible visitation hours, and allow contact with extended family members.
- Remove costly juvenile fines and fees that burden families and do not support victims of crime.

II. Actionable Steps to Connect Youth in the Juvenile Justice System to Communities, thus Improving Outcomes and Community Safety

Step 1: Invest in and expand school and community based wraparound programs to lower the likelihood that youth will have subsequent contact with the justice system. These programs help young people meet their educational goals, improve relationships with family, and create new mentoring relationships, allowing youth to not only survive, but thrive. Examples include:

- Project STAND in Memphis: works with youth exiting detention centers or other institutions (and their families) to help them enroll in school, provide tutoring, take them on college visits, provide family counseling, mentoring, and other services. Project STAND has a 94% non-recidivism rate.
- Youth Advocate Program: a high-intensity program that provides wraparound services by pairing youth with paid mentors and using a strengths-based family assessment to create an individualized service plan and safety plan.
- Café Momentum: a paid internship program for youth involved in the juvenile justice system that teaches them restaurant and hospitality industry skills while also providing case management to help youth connect to education and other services.
- Y-CAP Project Chattanooga: an early intervention and prevention program that works with youth and their families to provide mentoring, tutoring, hot meals, family nights, and group therapy.

5 minutes

the amount of time some youth in juvenile justice are allowed to speak with their families per week.

Step 2: Increase access to community-based therapeutic and behavioral/mental health services such as Multi-Systemic Therapy, Functional Family Therapy, and Aggression Replacement Therapy. These programs are less expensive, safer, and more effective than institutional placements, but are not widely available across Tennessee.

- Collect data about the availability and utilization of these and other evidence-based services across the state for youth in the juvenile justice system.
- Encourage collaboration between different agencies and programs, as various prevention and intervention services are housed under different departments.
- Examine whether preventative behavioral health resources like Systems of Care Across Tennessee (SOCAT) can be better utilized for system-involved or at-risk youth and made available to all communities, as only 9% of the children and youth served in the 2017-2020 cohort were Black.

III. Actionable Steps to Keep Youth in Juvenile Justice Facilities Safe From Harm

Step 1: Increase transparency and accountability in the licensing and oversight mechanisms for juvenile

facilities. These mechanisms are crucial for the safety of youth, especially as the state embarks on spending \$400 million on new highly restrictive hardware secure facilities pursuant to the DCS Real Estate Plan and increases its spending on residential placements, including at facilities with a history of noncompliance and abuse.

- Ensure that there is a publicly available list of all settings licensed, approved, contracted, and/or operated by DCS for placement or temporary holding of youth.

Step 2: Create new or strengthen existing independent, third-party oversight for facilities to avoid conflicts of interest between DCS and its providers.

- Strengthen Tennessee's Ombudsman program to reflect similar programs in other states, where the ombudsman is able to inspect facilities and pursue enforcement action against facilities that do not comply with standards.
- Explore ways to increase the independence of licensing and enforcement functions at DCS.
- Revive the Children's Program Outcome Review Team (CPORT), a successful program which previously performed statewide interviews and observations to measure the quality of services and outcomes.

Conclusion

All youth need to be connected to their families and their communities. All families need support in times of crisis. Our state has an opportunity to leverage Tennessee's two greatest assets—our families and communities—to solve the problems within Tennessee's juvenile justice system and improve community safety for all. There's no better time to start than today.

Introduction

What would it look like if Tennessee’s juvenile justice system truly focused on strengthening families? In 2024, this is the question that should guide legislators, policymakers, and members of the public who want to see Tennessee’s children and youth grow and thrive.

All youth and families need to be connected to and supported by their communities, and this includes those involved in the juvenile justice system. Increasing support and community-based connections for youth in the juvenile justice system is both common sense and proven by research to improve outcomes for these young people and their families, as well as to make all of our communities safer.

This report focuses on concrete, actionable steps, including highlighting existing programs in Tennessee and other states, that can move us toward a juvenile justice system in which youth and families are connected rather than isolated. These solutions have both short and long term payoffs for youth outcomes and community safety; it is often said that the best time to invest was yesterday, and the second best is today. Tennessee has an opportunity to start solving problems in the juvenile justice system today.

There are, unfortunately, lots of problems. In 2023, Tennessee’s juvenile justice system again came under national scrutiny over conditions in facilities and failure to provide oversight. Tennessee’s juvenile justice system has many stakeholders and players, chief among them when it comes to statewide oversight, accountability, prevention, and intervention services, is Tennessee’s Department of Children’s Services (“DCS” or “the Department”). DCS has seen changes over the past eighteen months, following the first joint report from Disability Rights Tennessee and the Youth Law Center, [Designed to Fail: A Report on the Wilder Youth Development Center, a Department of Children’s Services Facility](#).¹ The Department has a new commissioner, has seen budget infusions from the state to mitigate caseworker turnover, and is working with the Department of Intellectual and Developmental Disabilities to explore better ways to serve young people with complex disabilities.

However, many of DCS’s struggles and budget priorities have remained the same—the Department continues to prioritize the utilization of institutional placements over community based services, building facilities over strengthening families, avoiding public scrutiny over transparency, and preserving provider contracts over protecting the young people in their custody. The result is that youth, particularly Black youth with disabilities in DCS custody, continue to be denied access to needed resources—approximately 80% of youth interviewed at the Wilder Youth Development Center during Disability Rights Tennessee’s (2020-2022) monitoring were youth with disabilities, and over 95% were Black. We continue to be gravely concerned about the safety of youth in facilities like Wilder.

Tennessee’s juvenile justice system is not helping youth connect to families and communities, and is instead doubling down on the kind of disconnection that often leads young people to engage in unsafe behavior to begin with. Tennessee can and must do better.

In order to fix our juvenile justice system and create safer communities for all, we need to support parents and families, rather than creating barriers to parenting. Youth need to be connected to community-based networks of support that can keep them on the right path, rather than cutting them off from resources. And lastly, we need to ensure that the state lives up to its responsibilities to keep those in the juvenile justice system safe—the state cannot hold youth accountable and help them heal

80%

of youth interviewed at the Wilder Youth Development Center during Disability Rights Tennessee’s (2020-2022) monitoring were youth with disabilities.

Our 2024 recommendations are as follows:

Tennessee should support families by:

- 1. Investing in and expanding** family engagement models for youth involved in the juvenile justice system, some of which already exist in Tennessee.
- 2. Creating** peer support opportunities and services for families of youth in the juvenile justice system, building off of successful peer support models for people in recovery from substance use and people with mental and behavioral health needs, which currently exist under the Department of Mental Health and Substance Abuse Services.
- 3. Removing** barriers to parenting by bringing youth and families together to review DCS policies to find opportunities for improvement, including for example: standardizing and expanding family phone call and visitation rights across all facilities, and removing costly juvenile fines and fees that burden families and do not support victims of crime.
- 4. Increasing** access to high quality legal advocacy services to ensure that families are receiving the services that the state has promised to provide to them.

Tennessee should support communities by:

- 1. Investing** in and expanding school and community based wrap-around programs for youth involved in the juvenile justice system, some of which already exist in Tennessee; and
- 2. Increasing** access to community-based therapeutic and behavioral health services.

Tennessee should fulfill its legal and moral obligations to keep youth in facilities safe from harm by:

- 1. Investing** in transparency and accountability infrastructure for facilities; and
- 2. Strengthening and expanding** third-party oversight of facilities.

Section 1: Strengthening Families

How Tennessee can promote family engagement for youth in the juvenile justice system

Every child in Tennessee needs a loving and supportive relationship with a caregiver, whether that is their biological or adoptive parents, grandparents, foster parents, or extended family. For youth who enter the juvenile justice system, those relationships become even more important to helping youth take accountability, heal, and find their path towards a positive future.

Tennessee can take concrete steps towards strengthening family relationships for youth in the juvenile justice system in four ways:

1. **Engaging families in the treatment, rehabilitation, and reentry planning for their children.**
2. **Helping families better understand and navigate the juvenile justice system through programs such as peer support.**
3. **Ensuring that families have access to high quality legal representation both in their child's case and to assist with other problems that families might be facing, such as access to housing services or special education.**
4. **Evaluating Tennessee's current policies and practices to remove barriers to parenting.**

Before we discuss these steps in detail, let's walk through why supporting families is such an important component of fixing the juvenile justice system.

Two main concepts: **first, many youth and families come into the juvenile justice system at a time when they are overloaded**—they are already experiencing challenges, and have been for a long time. In order for these families to be able to put more energy and resources towards helping their child in a time of crisis, families need support.

Second, the juvenile justice system, as it currently exists, creates barriers to parenting, which means that families have even less energy and resources to put towards helping their child than they did before their child entered the juvenile justice system. This is counterintuitive and counterproductive—it's common sense (and also science) that all children and youth need positive relationships with supportive adults to support their development into happy, healthy adults.

Let's go deeper—first, we'll talk more about what it means for families to be overloaded, then we'll talk about how the juvenile justice system often adds additional burdens to families, rather than giving families more support to parent their children. Then, we'll outline steps that Tennessee could take to promote family engagement for youth in the juvenile justice system.

Concept 1: Youth and families often come into contact with the juvenile justice system in times when they are overloaded.

All families have times when they struggle with communicating with their children, or have concerns about their development, or how they're doing at school, or whether their friends are a good influence, but when families are overloaded it is more difficult for them to figure out how to get their

child the help that they need. And when children and youth need help, but don't get it, one of the possible outcomes is that they enter the juvenile justice system.

What does it mean to be overloaded? Well, think about what happens to a truck when it carries too much weight—it will slow down, and if it's overloaded for too long, there will be damage to structural components like the axles or engines. The longer a truck is overloaded, the more stress will accumulate on its parts, which is particularly bad if the truck doesn't have access to regular maintenance. If the truck is regularly maintained, it may be able to handle being overloaded for a while, but if it isn't, the truck may break down very quickly.

Data shows that youth often come into contact with the juvenile justice system during times when their families are overloaded—the Tennessee Commission on Children and Youth's 2023 Youth in Detention Survey noted that 65% of youth surveyed had experienced a health challenge, 69% had experienced an education challenge, 43% had experienced an economic challenge like being evicted, having their lights or water turned off, or losing a job, and 63% had experienced another adversity like a parent dying or being incarcerated, living in an unsafe neighborhood, or becoming pregnant.²

According to DCS, 86.2% of youth in state juvenile justice custody have had prior contact with the child welfare system, another sign that children and youth are coming from situations where families have been overloaded.³ DRT has worked with many families who have struggled to obtain disability-related services at school or in the community, whose children are eventually pushed into the juvenile justice system as a result. These families, which can include biological parents, adoptive parents, foster parents, grandparents, aunts and uncles, siblings, and others, care deeply for their children but they're overloaded, and their

ability to respond to new challenges is limited.

What are some things that can be done to help Well, you can bring in other trucks to share the weight, you can redistribute the weight on the truck to minimize stress on its parts, you can make sure that the truck is receiving regular maintenance. And you can try to solve whatever problem led to the truck being overloaded to begin with.

Families are not so different from trucks—when people are carrying too much weight, whether that is stress from past experiences, concerns about meeting basic needs like food and housing, worries about their kids' health and development, managing a chronic health condition themselves, or other types of physical and emotional

DRT has worked with many families who have struggled to obtain disability-related services at school or in the community, whose children are eventually pushed into the juvenile justice

burdens, it's harder for them to keep moving forward, especially if they're navigating obstacles. Finding time to access regular maintenance services like healthcare, counseling, or even just a peaceful walk in the park is more difficult, especially if those resources aren't available close to home. The good news is that these problems are addressable—we can redistribute the weight on families in order to keep them moving forward, rather than getting stuck.

Concept 2: Tennessee's juvenile justice system adds additional burdens to families who are already overloaded, making it harder, rather than easier, for parents to parent their children.

Right now, when a child enters the juvenile justice system, families have another set of obstacles thrown in their path, as they navigate how to make

86.2%

of youth in state juvenile justice custody have had prior contact with the child welfare system, another sign that children and youth are coming from situations where families have been overloaded.

sure that their child makes all of the court dates and other appointments, that they get and stay enrolled in school, that they have money to pay any fines and fees, that their child has a good attorney, as well as other stressors. Rather than reduce the burden on families that are often already overloaded, the juvenile justice system increases the load, making it *harder* for families to learn the skills and access the resources they need to parent their children.

One concrete example—**many families struggle to regularly communicate with and visit their children while they are detained, because of logistical and cost barriers.** Many youth in

Parents literally cannot parent their children, not because they don't want to, but because the juvenile justice system erects barriers that make it virtually impossible to do so.

juvenile justice custody are placed in youth prisons, detention centers, or other institutions that are far from their homes. Facilities have limited visitation hours, or even no in-person visitation. Shelby County's juvenile detention center has not allowed

in-person visitation for several *years*.⁴ Facilities also have strict limitations on the number of free phone calls they can make to their families—one facility limits youth to as little as 5 minutes per week depending on their progress in the program, which means, functionally, that the youth who are struggling the most in a facility are the ones who get the least support from family.⁵

The burden is particularly heavy for parents who must travel across or out of the state in order to see their child. Parents from Memphis, especially those who do not have a reliable car and have limited gas money and other children to care for, cannot regularly drive 6 hours roundtrip to visit their child in Nashville, or 12 hours roundtrip to visit in East Tennessee, or 18 hours roundtrip to see their child at Rockdale Academy in Texas; and all for a 30 minute visit with their child where they cannot hug or hold hands.

Visits and phone calls are often limited only to parents and legal guardians, which means that

parents must find childcare for any siblings in order to visit, and if a youth's parents are unable to visit because of work or childcare obligations, the youth cannot be visited by or talk to a grandparent, older brother or sister, aunt, uncle, pastor, teacher, coach, or other supportive adult. Under these types of strict policies, young people who are themselves parents cannot speak to their co-parent or visit with their own child, which means that not only are the parental relationships between youth and their parents fractured, so is the parent-child relationship in the next generation. **Parents literally cannot parent their children, not because they don't want to, but because the juvenile justice system erects barriers that make it virtually impossible to do so.**

Even if a young person's family has the flexibility and resources to do all the planning, arranging, and spending required for contact with a child in juvenile justice custody, they are still largely in the dark about what the youth is experiencing on a daily basis. Parents may not be informed when their child is sick, hurt, seriously injured, restrained, secluded, disciplined, prescribed different medications, chemical sprayed, hospitalized, "refusing" to attend school, not sleeping, not eating, anxious, depressed, suicidal, facing threats, being abused, or even when they are transferred to another facility. Parents may believe their child is receiving individualized services related to education and rehabilitation, which in fact the youth is not. Furthermore, there is little opportunity for a family to be involved in case planning or to participate in therapeutic programming, both while the young person is in custody and upon their return to the family and reentry to the community.

This lack of contact and family involvement is particularly negative for youth with disabilities and their families—the youth may struggle to use formal reporting procedures to report abuse, or have difficulty communicating their experiences, while the families are unable to ensure that their child is safe. Families also aren't able to learn new skills to help them better understand their child's disability and how to best support them—the kinds of skills that will help them create a stable and supportive environment for their child when they return home.

The Tennessee Commission on Children and Youth's 2023 Youth in Detention Survey included direct quotes from youth on the issue of parental contact—**one young person said if they could change the detention center they would “give more contact and communication with parents” and another said “I would put more windows in. And I would also let parents come every once and[sic] awhile.”**⁶

Rather than nurturing relationships between families and youth in crisis, the juvenile justice system makes it virtually impossible for those relationships to grow and improve, all while putting more financial and emotional strain on a family that was already overloaded. And when the youth is released back to the family, nothing has improved for the family that would allow them to better address whatever issue led to their child entering the juvenile justice system in the first place.

What if, instead of adding to a family's load, the juvenile justice system helped reduce the burden, redistributed the weight, and helped families access ongoing “maintenance” services?

What if coming into contact with the juvenile justice system meant that families would have more time and resources to pour into their children, rather than less? We think that Tennessee's juvenile justice system has an opportunity to provide caregivers with more support—taking some of the burden off of families so that they are able to focus on parenting their children, rather than creating additional burdens and barriers that prevent caregivers from parenting.

Action Steps:

What programs and policies to support families could be expanded or implemented in Tennessee?

Action 1: Invest in family engagement strategies for youth in the juvenile justice system

Action 2: Create peer support for families to help them navigate the juvenile justice system

Action 3: Increase access to quality legal representation for youth and families

Action 4: Remove barriers to parenting

Action 1: Invest in family engagement strategies for youth in the juvenile justice system

Families need to be engaged with their child's treatment and rehabilitation while they are involved in the juvenile justice system so that they can continue to parent their children, rather than being barred from parenting their children. Family engagement and education is particularly important for youth with disabilities and their families, who may need additional support to navigate special education and other resources for people with disabilities. There are many successful models for improving family engagement in the juvenile justice system that the state could consider.⁷

For example, Georgia's Department of Juvenile Justice is implementing a new reentry plan process that includes: a course on family communications and monthly family chats about topics such as nutrition and financial planning; a multidisciplinary team that includes the family to create a reentry plan; and a reentry resource coordinator who helps families navigate connections to local service providers.⁸

Here at home in Tennessee, the Department of Mental Health and Substance Abuse Services already collaborates with TN Voices and Montgomery, Robertson, and Sumner County courts to employ Family Support Specialists and Youth and Family Therapists that meet with youth and families involved in the juvenile justice system to coordinate care, build collaborative relationships with providers, and build parenting and communication skills.⁹

Tennessee should build upon this existing work as well as consider new models to engage families at all stages of the juvenile justice system—this could be accomplished in a number of ways, including but not limited to dedicating funding at the state and local levels to pilot or expand family engagement models, creating a technical assistance center to help local jurisdictions as well as DCS caseworkers and staff implement family engagement practices, interagency collaboration to ensure that best practices from different state agencies are cross-pollinated, or ongoing system-wide training

for judges, attorneys, probation, and DCS staff on family engagement.

Action 2: Create peer support for families to help them navigate the juvenile justice system

Peer support refers to programs in which family members and youth with prior experience in the juvenile justice system provide peer support to families currently involved in the juvenile justice system.¹⁰ Peer support can include interventions such as helping family members learn juvenile court terminology and processes so that they can better understand their child's case, teach them about resources that are available to support their child, and be a listening ear as families navigate the difficult emotions that come with having a child involved in the juvenile justice system. According to one study, "parents reported the most significant impact [of peer support] was in their ability to persist and keep going until they found what they needed,"¹¹ which is exactly the outcome we are looking for when it comes to families who are overloaded.

Peer support is a well-regarded model for serving youth and families with disabilities. Tennessee's Department of Mental Health and Substance Abuse Services already uses peer support models for people in recovery from substance use and people experiencing mental illness, including a training program specifically for youth and young adults who want to serve as peer supporters, and 45 peer support centers located statewide. Tennessee should consider expanding these successful models and adapting them to the needs of families in the juvenile justice system, particularly as so many young people in Tennessee's juvenile justice system are youth with disabilities.

Action 3: Increase access to quality legal representation for youth and families

Increasing access to counsel for youth and families in the juvenile justice and child welfare systems has been a top priority for the Tennessee court system in recent months,¹² and for good reason. A lack of adequate representation can have

negative ripple effects across the entire juvenile justice system, as qualified attorneys are key to ensuring that the state and private service providers are fulfilling their legal obligations to children and families. There have been a number of proposals for methods to improve representation, including raising the rates for appointed counsel, or rethinking the way that the system for appointing counsel for foster care and juvenile justice systems is organized and funded. These proposals merit consideration—without legal representation for youth, the juvenile justice system cannot function, and lacks a key stakeholder that can hold the state accountable.

Outside of legal representation in youth delinquency cases, there is also a need for additional legal support to help youth and families navigate the multitude of collateral consequences of

For example, sometimes families lose access to housing or food aid as a result of their child's system involvement, and many families, as discussed in the next section, struggle to find a school for their child once they are impacted by the system.

involvement in the juvenile court system—for example, sometimes families lose access to housing or food aid as a result of their child's system involvement, and many families, as discussed in the next section, struggle to find a school for their child once they are impacted by the system.

There are a number of model programs in other states that work with youth impacted by the juvenile justice system to help them get connected to the services they need, and in Tennessee, there

are several legal clinics at law schools¹³ and public defender offices¹⁴ that offer these valuable services. The outcomes of interventions like these are positive for the youth and families as well as the community—for example, the Juvenile Probation Educational Advocacy Program in Texas had a 94% **non**-recidivism rate for youth referred to the program in 2021 and 2022.¹⁵

It's worth noting that access to civil legal services can help prevent youth from entering the juvenile justice system to begin with—addressing factors such as lack of housing, lack of healthcare, and need for special education services, among other challenges, can help families get the help they need quickly, and thus prevent families from becoming overloaded.

Action 4: Remove barriers to parenting

Tennessee should remove barriers to parenting for youth in the juvenile justice system. Two obvious barriers that stand out are lack of regular access to phone calls and visitation for youth in juvenile facilities, as well as fines and fees resulting from involvement in the juvenile justice system. However, there are likely many more barriers large and small that could be identified and addressed if the Department engaged in a review of its policies and practices, in partnership with youth and families who are or have been impacted by the justice system. Identifying and removing these barriers and setting a basic standard for family involvement is a crucial first step that the state must take in order to move towards a system that allows all children and youth to access effective parenting.

Impact of Phone Call and Visitation Limits

With regard to phone calls and visitation, there appears to be wide variation in how facilities choose to administer phone calls and visits—we should note that policies and procedures around phone calls and visitation in facilities are not widely available, which is itself problematic for family members.

One Williamson County foster parent wrote in the *Tennessean* that when his son was taken into juvenile justice custody, he couldn't contact him in person or via phone for 24 hours, and a copy of the visitation policy wasn't made accessible to him until he requested it under Tennessee's open records law.¹⁶

At a minimum, Tennessee should audit all juvenile justice facilities' phone and visitation policies in order to ensure that youth have access to phone calls and visitation—from there, in consultation with youth and families, reforms could be made to: require free phone calls to family (a policy adopted by Shelby County Juvenile Detention Center in 2019),¹⁷ increase the minimum allotted phone time with family, require that a minimum number of visitation hours be available on varied days of the week to accommodate work schedules, and ensure that extended family members such as grandparents and aunts and uncles or foster parents are able to contact youth in custody.

With regard to fines and fees, there has been widespread bipartisan support in many states for eliminating juvenile fines and fees.¹⁸ Fees related to juvenile probation, detention costs, DNA tests, and other administrative costs **do not go towards helping victims of crime**, and the cost of collecting them from families may not be worth the effort, as many families are unable to pay.¹⁹

These fines and fees burden youth and families with additional stress at a time when they should be focusing on getting reconnected with school and ensuring positive community supports are in place.

The federal Department of Justice has called for states to eliminate fines and fees for youth and families,²⁰ and the American Legislative Exchange Council has published a model policy for eliminating fines and fees, noting that “fees and fines imposed on youth who oftentimes do not have the means to pay them themselves, undermine rehabilitation and successful reentry by increasing recidivism.”²¹ Proposals to reduce or eliminate youth fines and fees in other states have been backed by Americans for Prosperity.²² In recent years, Tennessee has considered banning fines and fees for youth at the state and local level—the state should move forward with these proposals.

Section 2: Community-Based Resources

How Tennessee can improve short and long term outcomes for youth in the juvenile justice system and improve community safety

All youth benefit from formal and informal community based resources that allow them to expand their horizons, form positive relationships with peers and mentors, and support healthy social and emotional development. Youth in the juvenile justice system also benefit from these resources, but often don't have access to them. Lack of access to community based resources can lead to youth entering the juvenile justice system, and make it harder for them to successfully exit the system.

Tennessee can take concrete steps towards expanding access to community based resources for youth in the juvenile justice system in two ways:

1. Create new or expand existing school and community-based wrap-around programs for youth who have had contact with the juvenile justice system
2. Increasing access to community-based therapeutic and mental health services

Before we go deeper, let's talk more about what community-based resources are and what kinds of problems they can solve.

What are community-based resources and why are they important for youth in the juvenile justice system?

Community based resources are, in the broadest sense, the people and places that make youth feel safe and supported, where they can develop new skills and grow into their potential. Some examples of informal community based resources are extracurricular activities like Boy Scouts, dance team, football, a church youth group, or even a safe neighborhood hangout spot—a bowling alley, local restaurant, or bookstore where community members gather and socialize, and maybe even a place where a lot of young people have their first job. Formal community-based resources could be things like school, library, community center or community mental health center, a local youth jobs initiative, a caseworker, mentor, or counselor. **Youth in the juvenile justice system are often**

youth who haven't had access to these types of formal and informal community based resources, who need extra support to overcome barriers to engagement, and who may need more specialized types of support—like support for pregnant and parenting teens, assistance identifying and treating mental health conditions, or help navigating special education resources.

Tennessee should ensure that youth who do come into contact with the juvenile justice system are able to access the formal and informal community based resources that can provide them and their families with supervision, support, and treatment. Creating a sustainable network of community-based resources for youth and families who need help allows youth who have committed low-level offenses to stay in community settings and get the services they need and to prevent any negative behaviors from escalating, while also providing a support network for youth who are returning to the community from more restrictive settings to help keep them on the right track.

Investing in these services not only benefits youth in the juvenile justice system, but can also help increase access to needed mental health services and other positive youth and family development resources across the whole community, while creating desirable job opportunities for people who

When these youth lead and succeed it can have a positive ripple effect in their lives, as well as across their communities.

want to give back to their communities, including and especially people who may have experienced similar challenges when they were young.. Youth who have come into contact with the justice

system have immense potential to achieve their college and career goals, to form positive relationships with families and peers, and to serve as leaders—when these youth lead and succeed it can have a positive ripple effect in their lives, as well as across their communities.

Let's talk more concretely about a problem that many youth in the juvenile justice system face that could be alleviated through community based resources.

Many youth who come into contact with the juvenile justice system in Tennessee struggle to reenroll in school after they exit detention. In order to re-enroll, their parents may have to take time off work to drive or take the bus to a specific school office, where they may be asked for lots of paperwork, including immunization records and proof of residency, even if the student was enrolled in the very same district just a few weeks prior. The school may deny them the ability to reenroll at all, based on the fact that the student was previously charged with a crime. Youth may not have a right to attend alternative or virtual school, and in some districts, may wait weeks in order to get a seat. During the time when their youth aren't in school, parents still have to work, which hampers their ability to supervise them during the day. When youth aren't in school for long periods of time, it negatively impacts their short and long-term learning and social development, which is particularly problematic for youth with special education needs, and also means that they're more likely to spend time unsupervised during the day. This isn't

exactly a recipe for success for any youth, and especially not for a youth who has recently been in juvenile detention.

This is a fixable problem. When youth exit detention, they should be connected to community-based resources that help them get enrolled in school quickly. Dedicated staff with DCS and school districts can ensure that young people who transition from juvenile justice settings are automatically enrolled either before their release or the next day. Case managers can further help support students and families through these often disruptive transitions. When youth are quickly enrolled back into a supportive school environment, their learning benefits, their family benefits, and the community benefits.

When youth are quickly enrolled back into a supportive school environment, their learning benefits, their family benefits, and the community benefits.

One successful program in Memphis called Project STAND works with youth exiting detention centers or other institutions and their families to help them enroll in school, tutor them, take them on college visits, provide family counseling, mentoring, and other services that allow these youth to not only survive, but thrive in their communities. Project STAND has a 94% non-recidivism rate, meaning that 94% of young people who participated didn't have further trouble with the law.²³ This is just one example of a concrete, actionable solution that can increase educational attainment for youth involved in the juvenile justice system and support family involvement in their children's education, while also increasing community safety in the short and long term.

94%

the non-recidivism rate of Project STAND. Meaning that 94% of young people who participated didn't have further trouble with the law.

Action Steps:

What models for community based supports could be expanded or implemented in Tennessee?

Action 1: Create new or expand existing school and/or community based wraparound services

Action 2: Increase access to community-based therapeutic and mental health resources

Action 1: Create new or expand existing school and/or community-based wraparound services

Project STAND, mentioned above, is just one example of how schools and communities can invest in solutions that help young people who have had contact with the juvenile justice system meet their educational goals, improve relationships with family, and create new mentoring relationships, which also happens to be a highly effective way to lower the likelihood that youth will come into contact with the justice system again, and thus increases community safety. Other models that currently exist in Tennessee include, but are not limited to:

- **Youth Advocate Program-** a high-intensity program that provides wraparound services through pairing youth with paid mentors and using a strengths-based family assessment to create an individualized service plan and safety plan.²⁴
- **Cafe Momentum-** a paid internship program for youth involved in the juvenile justice system that teaches them restaurant and hospitality industry skills while also providing case management to help youth connect to education and other services.²⁵
- **Y-CAP Program Chattanooga-** an early intervention and prevention program that works with youth and their families to provide mentoring, tutoring, hot meals, family nights, and group therapy.²⁶

These programs may be particularly beneficial for youth with disabilities with special education needs, who require additional assistance when getting reconnected with school.

Action 2: Increase access to community-based therapeutic and mental health resources

DCS cannot reform its juvenile justice system or make its communities safer without considerable expansion in the availability and utilization of community based supports, including trauma responsive therapeutic supports for youth who have experienced trauma. Tennessee's 2017 Blue Ribbon Task Force on Juvenile Justice recommended that state funds be "reinvested in a continuum of in-home and community-based services that research indicates will improve recidivism rates and other outcomes, as compared to placements that may lead to higher rates of recidivism and may cost the state more than \$230,000 per youth per year."²⁷ In the years since the Blue Ribbon Task Force on Juvenile Justice's report was released, costs for restrictive settings such as Wilder have skyrocketed; **in 2023-2024 the state reported spending \$1632.24 per youth per day to house a youth at Wilder Youth Development Center**, which comes out to almost \$600,000 a year for an individual youth.²⁸ The question must be asked: what else could be purchased with \$600,000 dollars a year? We have a few suggestions.

First, there are three evidence-based therapeutic programs currently exist in Tennessee that could be expanded to serve more youth and families:

1. **Multi-Systemic Therapy (MST):** an evidence-based, intensive therapeutic service targeting behaviors that may lead to out of home placement or juvenile justice involvement. MST is highly studied and has repeatedly demonstrated effectiveness with juvenile justice involved young people including cutting re-arrests by half.²⁹
2. **Functional Family Therapy (FFT):** an evidence-based therapeutic service that works specifically with at-risk youth and their families, is also highly studied with demonstrated effectiveness in increasing overall child well-being and reducing recidivism.³⁰
3. **Aggression Replacement Therapy (ART):** a cognitive based intervention focusing on youth who struggle with aggression or violent behavior, is an evidence based intervention that is listed in the IV-E Clearinghouse.³¹

All three of the above community based supports were also recommended by Tennessee's Blue Ribbon Task Force on Juvenile Justice, which also pointed out that the state needed to invest in building out these services, saying, "These **less expensive** programs are not available across Tennessee, despite their proven effectiveness."

A concrete first step that should be taken towards expanding these programs is collecting data about the availability and utilization of these and other evidence-based services across the state, with a particular attention to whether or not youth in the juvenile justice system are able to access them. Without an understanding of the baseline availability of these services, it is difficult to move forward with measuring successful implementation of service

expansion. Such an effort will require collaboration between different agencies and programs, as various prevention and intervention services that could be utilized for this population are housed under different departments, including but not limited to DCS, the Department of Mental Health and Substance Abuse Services, the Department of Intellectual and Developmental Disabilities, the Department of Education, and TennCare.

Second, Tennessee should also examine whether there is an ability to expand or better utilize behavioral health resources like Systems of Care Across Tennessee (SOCAT) for youth involved in or at risk of involvement in the juvenile justice system. SOCAT is an initiative of the Tennessee Department of Mental Health and Substance Abuse Services, and serves children and youth across Tennessee who have serious emotional disturbance or severe mental illness who are at risk of out-of-home placement with high fidelity wraparound services, focusing on providing care individualized to families where families are primary decision makers for their children—67% of youth referred between 2017 and 2020 were referred due to concerns about conduct or delinquency, and 93% had no arrests or time in state custody.³²

While these initial findings are very promising, further information about the availability of these services across counties and demographic groups is necessary; at the time of most recent reporting, SOCAT was still in the process of expanding statewide, however, one finding from the 2017-2020 cohort was that only 9% of the children and youth served were Black. Given that Black youth have historically been overrepresented in the juvenile justice system in Tennessee,³³ and one of the goals of SOCAT is to reduce involvement in the juvenile justice system, it is important to ensure that these services are available to all communities who need

\$600,000

the estimated cost to house a youth at Wilder Youth Development Center for 1 year.
Or \$1,632.24 per youth per day.

Section 3: Transparency, Oversight, and Accountability

Tennessee's moral and legal obligation to keep youth in institutional placements safe from harm

As Tennessee takes steps to build the family and community supports that will keep youth at home, rather than in institutions, the state must fulfill its legal and moral obligations to keep youth safe from harm.

All youth need to be safe from abuse and neglect, especially youth involved in the juvenile justice system who often have experienced significant trauma. A young person must feel, and in fact be, safe in his or her environment in order to heal.

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Healing for youth in the juvenile justice system comes from the provision of appropriate education services and therapeutic

supports, evidence-based programming that is specific to a young person's needs, and strong relationships with community and family. All youth should be in an environment that promotes healthy growth and development, where they can build and maintain positive community connections.

When we create environments that are safe and conducive to healing, we enable young people to overcome challenges and take accountability for their actions. This encourages them to be open to new paths and facilitates their discovery of opportunities to contribute to their communities in ways they may not have previously thought possible.

It is our responsibility to ensure that all youth in

It is our responsibility to ensure that all youth in DCS custody have access to healing environments that promote healthy growth and development.

DCS custody have access to healing environments that promote healthy growth and development, with or close to people who love and care for them. Developing DCS's capacity to

provide healing environments to all youth is a long-term project, but in the short term, there are steps DCS and the state can take to ensure that

youth are not in dangerous environments.

Two first steps that can be taken towards fulfilling these responsibilities are:

1. Increasing transparency and accountability in the licensing and oversight mechanisms for juvenile facilities.
2. Creating new or strengthening existing independent, third-party oversight over facilities to avoid conflicts of interest between DCS and its providers.

We want to reiterate: the best way to keep youth safe from abuse in facilities is to ensure that they never go to one. And if youth do go to facilities, keeping them connected to families and communities is paramount not only to their healthy development and to improving community safety in the long run, but also to keeping them safe.

Our discussion in sections I and II on ways that Tennessee can better support families and communities include many suggestions for ways that the state can improve prevention and intervention services for youth involved in the juvenile justice system that will both make communities safer and reduce the use of incarceration.

Before we dive into the details of licensing and oversight, here is some background information on why safety in juvenile facilities is such a concern in Tennessee.

Why is increased transparency, oversight, and accountability needed in Tennessee's juvenile justice facilities?

Over the past several years, there have been a

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number of concerns raised about conditions in facilities that house youth in the juvenile justice system, including the DRT/YLC report from April of 2022 on dangerous and abusive practices at the Wilder Youth Development Center, and the Tennessee Comptroller's Audit from December of 2022. In the past year, there have been additional allegations of unsafe conditions, and abusive and illegal practices in facilities including:

- Reporting from News Channel 5 on transitional houses, which can house both children and youth in foster care and in the juvenile justice system in Nashville,³⁴ where it was alleged that the facilities did not have enough food for children to eat, there were not enough beds for children, and the walls had exposed wiring, among other concerns, and Greeneville,³⁵ where a child with intellectual disabilities was handcuffed and hogtied face down on a mattress.
- Reporting from WPLN that the Richard L. Bean Juvenile Detention Center in Knoxville was not complying with state law restricting the use of solitary confinement for youth.³⁶
- A series of reports from the Office of the Child Advocate in New Hampshire about Bledsoe Academy in Gallatin, a facility operated by Youth Opportunity Investments that, at the time of the report, primarily housed youth from other states' child welfare and juvenile justice systems. Their reports alleged unsanitary conditions, maltreatment and inappropriate restraints, among other issues.
- Continued reporting from WREG on inadequate staffing and safety concerns at Wilder Youth Development Center.³⁷
- Reporting on the tragic death of Alegend Jones while in the custody of Youth Villages, a facility that houses children and youth in Tennessee's child welfare and juvenile justice systems, in addition to children and youth from other states.³⁸
- DRT's own findings about the use of chemical spray in Middle Tennessee Juvenile Detention

Center and Hollis Residential Treatment Center to punish youth.

Disability Rights Tennessee's monitoring of the Richard L. Bean Juvenile Detention Center in Knoxville on December 19-20, 2023 turned up additional issues in that facility, many of which mirror the concerns that DRT has previously raised about Wilder. Mr. Bean told DRT investigators that he does not have enough staff. Investigators confirmed that the facility had been using seclusion in ways that violated state law, found that the facility was not abiding by state requirements around access to educational services, and raised concerns about access to prescription medications. DRT also learned that Bean had failed to meet state approval standards not once, but three years in a row, without any further action on the part of the Department of Children's Services.

To keep youth in the state's care safe, we must have transparency related to licensing and approval of facilities utilized by the Department for placement of youth, robust rules and regulations and policies from DCS to govern their safe operation, and accountability measures in place to ensure compliance with minimum standards and requirements. We are gravely concerned that issues of facility safety have not been resolved, and that reports of dangerous conditions have spread to new facilities—this is an indication that our current oversight and accountability scheme is not effective; as just one example, to allow Richard L. Bean, a facility that did not meet minimum standards and was in violation of state law to continue operating for *three years* with no corrective action is a dereliction of duty by DCS.

Licensing, oversight, and accountability are crucial for the safety of youth, especially as the state embarks on spending \$400 million on new highly restrictive hardware secure facilities pursuant to the DCS Real Estate Plan³⁹ and increases its spending on residential placements, including the same placements and facility operators that are

named above.

The juvenile justice and foster care systems are by nature inaccessible to the public due to confidentiality concerns, but that doesn't mean that the child care agencies responsible for housing Tennessee's children and youth should be operating in the shadows. Whether we are talking about DCS-run transitional houses, county-run juvenile detention centers, Wilder Youth Development Center, other child care agencies exempt from licensing requirements pursuant to TCA 37-5-510, or private facilities licensed by the Department, there must be full transparency when it comes to

all facilities licensed, approved, and/or operated by DCS.

Furthermore, there must be accountability measures in place to ensure that DCS is exhausting avenues to force facilities to comply with minimum standards and requirements when violations are found.

Action Steps:

What accountability measures can ensure minimum standards are met?

Action 1: Increase transparency and accountability in the licensing and oversight mechanisms for juvenile justice facilities.

Action 2: Invest in or expand third-party oversight of facilities to provide additional enforcement mechanisms and avoid con-

Action 1: Increase transparency and accountability in the licensing and oversight mechanisms for juvenile justice facilities.

Licensing reform is a complex multi-year process, but one easy place to start would be by making sure there is a publicly available list of all settings licensed, approved, contracted, and/or operated by DCS for placement or temporary holding of youth. This is a common sense safety measure we employ for preschools and daycare programs licensed and approved by the state. The public should know what child care agencies (a technical term which includes juvenile justice facilities), DCS is licensing, contracting with, approving, or running; how those agencies are licensed, contracted, approved, or operated, including any

memorandum of understandings between the agency and DCS; what third parties the child care agency contracts with; copies of annual inspections; and serious incidents or complaints of abuse or neglect.

Having publicly available licensing information also benefits communities and families outside of those involved with DCS, as many of the facilities that DCS uses for placement of custodial youth are also used for private placement of youth seeking mental/behavioral health services. It is also good for members of the communities in which these child care agencies sit to have access to information about serious incidents, including escapes, and abuse and neglect within facility walls, and whether or how DCS and/or the facility responded to those incidents. The public, as well as

youth and youth's families, should know if a facility is repeatedly failing to meet the licensing standards that are supposed to keep children and youth safe.

Once this information is more readily available to the public, it will be easier to understand what next steps should be taken to ensure that facilities are well-regulated. Certain problematic patterns, practices, or providers might be easier to spot, or gaps in the regulatory scheme might come to light. For example, if a particular facility is a source of many allegations of abuse and neglect, but the inspection reports are not showing any concerns, that could be a sign that the inspection reports are not asking the right questions.

Action 2: Invest in or expand third-party oversight of facilities to provide additional enforcement mechanisms and avoid conflicts of interest between DCS and its providers.

Third party oversight and review is another way to create safer custodial environments for young people. There are several models from other states that could be helpful—for example, many states have an Ombudsman program for child welfare and/or juvenile justice that is able to inspect facilities and pursue enforcement action against facilities that do not comply with standards. Tennessee has an Ombudsman program that could be strengthened to play this role.

Another example could be exploring ways to increase the independence of licensing and enforcement functions at DCS—at present, there are some inherent conflicts of interest in the way licensing is structured, as the agency may be disincentivized from pursuing enforcement actions against providers it heavily relies on for placements. Some states have an independent third-party licensing office, while others have an oversight board or commission whose responsibility includes approving and inspecting facilities.

Yet another option could be reviving a successful Tennessee program called the Children's Program Outcome Review Team (CPORT), which previously did statewide interviews and observations

to measure the quality of services and outcomes. This type of data, which relies on interactions with youth and families who have recently been involved in the child welfare or juvenile justice system, would be very helpful in understanding the perspectives of people who are actually experiencing these systems and identifying areas of success as well as areas for improvement.

Conclusion

All youth need to be connected to their families and their communities. All families need support in times of crisis. Tennessee needs to act now to support families and communities. The problems in our juvenile justice system are solvable. Our state has an opportunity to leverage Tennessee's two greatest assets—our families and communities—to fix Tennessee's juvenile justice system and improve community safety for all. And there's no better time to start than today.

Endnotes

- 1 <https://www.ylc.org/designed-to-fail/>
- 2 https://www.tn.gov/content/dam/tn/tccy/documents/data-snapshots/2023_Youth_in_Detention_Survey.pdf
- 3 7/18/22 Joint Ad Hoc Committee on Juvenile Justice hearing presentation by DCS, available at: https://tnga.granicus.com/MediaPlayer.php?view_id=627&clip_id=27055 (49:30).
- 4 As of February 8, 2024 Shelby County's Sheriff's website states that in-person visitation is suspended until further notice. This policy was confirmed via phone call to the Sheriff's office on February 8, 2024. <https://www.shelby-sheriff.org/juvenile-court-detention-center>
- 5 https://www.waynehalfwayhouse.com/files/ugd/00ed2a_24169ba2d5a6411699b-7dab02020c308.pdf
- 6 https://www.tn.gov/content/dam/tn/tccy/documents/data-snapshots/2023_Youth_in_Detention_Survey.pdf
- 7 <https://csgjusticecenter.org/publications/family-engagement-in-juvenile-justice-systems/>
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- 13 <https://law.vanderbilt.edu/clinics-experiential-learning/youth-opportunity-clinic/>
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- 16 <https://www.tennessean.com/story/opinion/contributors/2023/12/22/williamson-county-juvenile-detention-policy-denies-parents-immediate-access-to-children/71746681007/>
- 17 <https://www.prisonlegalnews.org/news/2019/mar/5/free-phone-calls-juvenile-offenders-jailed-memphis-tennessee/>
- 18 Note that juvenile fines and fees are separate from restitution. Restitution is a way for someone who has committed a crime to make financial amends to the victim of the crime, while fines and fees do not go to victims of crime, but rather to the court bureaucracy.
- 19 <https://www.thinktennessee.org/wp-content/uploads/2022/04/eliminating-juvenile-fines-fees-in-tennessee.pdf>
- 20 <https://imprintnews.org/justice/juvenile-justice-2/doj-fines-and-fees/247097>
- 21 <https://alec.org/model-policy/elimination-of-youth-justice-fines-and-fees-act/>
- 22 <https://finesandfeesjusticecenter.org/2022/10/06/national-campaign-to-eliminate-justice-system-fees-launches-today/>
- 23 <https://www.chalkbeat.org/tennessee/2019/4/12/21107990/this-program-helps-put-arrested-memphis-teens-on-track-now-its-funding-is-in-jeopardy/>
- 24 <https://crimesolutions.ojp.gov/ratedprograms/661#7-0>
- 25 <https://cafemomentum.org/nashville/>
- 26 <https://www.ymcachattanooga.org/locations/ymca-y-cap>
- 27 See <https://www.tn.gov/content/dam/tn/tccy/documents/youth-justice/JJ-BlueRibbon-Report-2018.pdf>, p. 6.

- 28 Page B-198 <https://www.tn.gov/content/dam/tn/finance/budget/documents/2025BudgetDocumentVol1.pdf>
- 29 See Zajac, et al, Multisystemic Therapy for Externalizing Youth (2016). <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4475575/> “Among serious juvenile offenders across studies, the median reduction in re-arrest rates and out-of-home placements has been 42% and 54%, respectively. In addition, multiple studies have shown improved family functioning, decreased substance use and mental health problems, and high client satisfaction. These effects are lasting, as demonstrated by a 22-year follow-up study showing that youth who received MST during adolescence had fewer felony arrests (violent and non-violent), days incarcerated, divorces, and paternity or child support suits in adulthood.”
- 30 See Sexton and Turn, The Effectiveness of Functional Family Therapy for Youth with Behavioral Problems in a Community Practice Setting (2014) <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4172308/> “High adherent therapists delivering FFT had a statistically significant reduction of (35%) in felony, a (30%) violent crime, and a marginally significant reduction (21%) in misdemeanor recidivisms as compared to the control condition.”
- 31 <https://preventionservices.acf.hhs.gov/programs/311/show>
- 32 https://socacrosstn.org/wp-content/uploads/2021/09/DMHS-SOCAT-Annual2020_CRI_FINAL.pdf
- 33 <https://www.tn.gov/content/dam/tn/tccy/documents/youth-justice/dmc-rep12.pdf>
- 34 <https://www.newschannel5.com/news/newschannel-5-investigates/dcs-investigations/dcs-whistleblowers-claim-cover-up-of-dangerous-conditions-in-state-run-homes>
- 35 <https://www.newschannel5.com/news/newschannel-5-investigates/dcs-investigations/a-12-year-old-with-special-needs-handcuffed-and-hog-tied-in-dcs-run-home>
- 36 <https://www.propublica.org/article/knoxville-youth-detention-center-locked-up-kids-alone-1000-times-in-three-months> and <https://www.npr.org/2023/12/06/1217513376/investigation-finds-tenn-juvenile-detention-center-illegally-secluded-children>
- 37 <https://wreg.com/news/investigations/escapes-riots-assaults-concerns-mounting-at-wilder-youth-development-center/> and <https://wreg.com/news/investigations/reports-of-staff-locked-in-cells-fights-and-more-at-wilder-youth-development-center/>
- 38 <https://www.nbcnews.com/news/us-news/teen-was-body-slammed-tennessee-group-home-death-attorney-says-rcna127652>
- 39 DCS Real Estate Plan, obtained via public records act request.



This report is a joint effort of Disability Rights Tennessee (DRT) and the Youth Law Center (YLC).

Disability Rights Tennessee is part of the national Protection & Advocacy (P&A) System — a network of 57 federally mandated legal advocacy agencies serving people with disabilities and making up the National Disability Rights Network. As the P&A agency for Tennessee, DRT has broad authority to advocate for the rights of individuals with disabilities in this state, to monitor certain facilities, including juvenile justice facilities, and to investigate allegations of abuse and neglect. This report is partly based on records and information that DRT is authorized by law to collect in order to advocate for and protect the rights of people with disabilities. *DRT is supported at taxpayer expense by the U.S. Department of Health & Human Services, The Administration for Community Living; Substance Abuse & Mental Health Services Administration; U.S. Department of Education, Rehabilitation Services Administration; and the Social Security Administration. This report does not represent the views, positions or policies of, or the endorsements by, any of these federal agencies.*

Youth Law Center is a non-profit law firm that advocates to transform foster care and juvenile justice systems across the nation so that every child and youth can thrive. For over forty years, YLC has pursued policy and advocacy to protect the rights of youth in the child welfare and juvenile justice systems and to promote positive youth connections to community and family.

For more information, please visit DRT at www.DisabilityRightsTN.org and YLC at www.YLC.org. For questions or other inquiries, please contact YLC at Info@YLC.org and DRT at Inquiries@DisabilityRightsTN.org.