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House of Representatives State of Tennessee

114TH GENERAL ASSEMBLY
NASHVILLE, TENNESSEE

MEMBER

Agriculture and Natural
Resources Committee

Transportation Committee

Transportation
Sub-Committee

Naming and Designating
Committee

RE: Transmittal of OCR Complaints Against the Tennessee Department of Children's Services — Request for Federal Investigation and Coordinated Review

June 19th, 2026

Office for Civil Rights

U.S. Department of Health and Human Services
Sam Nunn Atlanta Federal Center, Suite 16T70
61 Forsyth Street, S.W.
Atlanta, GA 30303-89091

Dear HHS Office for Civil Rights Southeast Region,

I am Aftyn Behn, a member of the Tennessee House of Representatives representing District 51 in Nashville. I write to transmit to this Office a collection of fourteen civil rights complaints filed by Tennessee families against the Tennessee Department of Children's Services (DCS). These complaints were prepared through my legislative office, in coordination with relevant stakeholders, and are submitted together as part of the Children Over Checks accountability campaign, which I have led in response to mounting evidence of systemic civil rights failures within Tennessee's federally funded child welfare system.

I. The Federal Finding That Preceded Every Complaint in This Package

In September 2024, the U.S. Department of Health and Human Services Departmental Appeals Board issued DAB Decision No. 3150, upholding findings that Tennessee DCS failed to achieve substantial conformity with key federal child welfare requirements, including those related to placement stability. The Board affirmed the withholding of federal Title IV-B and Title IV-E funds based on these deficiencies.

DAB No. 3150 is not background. It is the foundation. Every complaint in this package describes a child or family harmed by the same systemic failures that the federal tribunal identified and confirmed. The families whose complaints are enclosed were unaware of DAB No. 3150 when they reached out to my office. They knew what happened to their children. The federal record confirmed that what happened to their children was not an accident; it was a system operating exactly as its incentives designed it to operate.

II. What These Complaints Document

The fourteen complaints enclosed represent families from across Tennessee — Knox, Lawrence, Davidson, Grundy, Washington, Sumner, Houston, Bradley, Hamilton, Rutherford, and other counties. They were collected through my office's DCS accountability campaign and prepared with assistance from stakeholders involved in this work.

Taken individually, each complaint documents a serious civil rights violation. Taken together, they document six patterns that cannot be explained as isolated failures:

First: Children with documented disabilities, autism, ADHD, Reactive Attachment Disorder, epilepsy, cerebral palsy, and others, are being denied the therapeutic and disability-appropriate services federal law requires. DCS routinely treats disability-related behaviors as disciplinary problems rather than clinical symptoms, cycles children through placements without therapeutic support, and isolates children from the family connections that are clinically necessary for their diagnoses.

Second: Multiple children have been sexually assaulted in DCS-certified foster placements. In each case, DCS's response was a placement transfer...not a criminal referral, not a formal investigation, not an immediate trauma-targeted clinical intervention. The abuse was treated as a logistics problem. It was a crime. At least three complaints document this pattern.

Third: DCS has systematically retaliated against parents, foster parents, and family members who filed complaints, reported misconduct to courts, or advocated for their children's rights. Retaliation has taken the form of fabricated abuse and neglect allegations, foster care license revocations, manufactured termination of parental rights timelines, explicit threats of child removal, and instructions to families not to contact the state Ombudsman.

Fourth: Case records have been falsified. Caseworkers signed documentation certifying that a child was receiving therapeutic services at daycare and in the foster home for over a year, while those services were never arranged. One child's permanency plan states she was placed in state custody because her mother was incarcerated for failing to pay child support and left the child without a caregiver. That statement is false on every element: the mother was not incarcerated, has never had a child support order, and the child was not left without a caregiver. That fabricated document is now the legal basis for a termination-of-parental-rights proceeding.

Fifth: Children have been removed from families without court orders, without petitions, and based on evidentiary standards that DCS's own caseworkers acknowledged were legally insufficient. In multiple cases, the legal basis stated in official DCS documents for a child's state custody is demonstrably false. Parents have been denied counsel at hearings affecting their parental rights. Children have attended ten or more court hearings without a guardian ad litem.

Sixth: National origin and race discrimination are documented in these complaints. One caseworker told an Asian American immigrant mother to 'go back to your country' and called her disabled son a criminal in front of his school. That mother has a court-issued visitation order that DCS has not enforced for over a year. A court found DCS had no evidence. Her children remain in custody. Black and American Indian children appear in this package in disproportionate numbers, facing placement instability and service denial at rates that warrant examination under Title VI.

III. Why Federal Intervention Is Necessary

Each family in this package has attempted to resolve these matters through internal DCS channels, the courts, the Ombudsman's office, their state legislators, and my office. Those remedies have been exhausted. In some cases, they have been weaponized: complaints were redirected to the caseworkers being complained about; court disclosures produced retaliatory allegations; families were told that contacting oversight bodies would itself be treated as interference.

The State of Tennessee has not taken corrective action in response to DAB No. 3150. It has not reformed its approach to children with disabilities. It has not invested in the therapeutic foster care and family preservation infrastructure required by the Family First Prevention Services Act. It has instead sought to expand the group home and congregate care placements that the federal government had already found were driving instability. The incentive structure of Title IV-E, which has historically rewarded states for the number of children in custody rather than for the success of family reunification, has operated in Tennessee exactly as critics of that model predicted.

The families in this package are not outliers. They are evidence that the system, DAB No. 3150, identified in the aggregate, is doing to real children and real families. A six-year-old with autism isolated from all five of her siblings, her behavior escalating without therapy, and her family is not told where she is. A fourteen-year-old American Indian child who went through eleven placements without therapeutic care was sexually assaulted in the first home DCS placed him in, and came home a changed person who has since attempted to harm his mother three times. A fifteen-year-old biracial girl with Reactive Attachment Disorder who has been running away from placements for three years because a GAL made a recommendation based on a single phone call with a bad connection, without ever meeting the family that had built a clinical team around her.

IV. Requested Action

I respectfully request that this Office:

1. Accept these fourteen complaints for coordinated review and open a systemic investigation into Tennessee DCS's compliance with Section 1557, Section 504, ADA Title II, and Title VI across the counties represented in this package.
2. Issue an immediate hold on any termination of parental rights proceedings in cases where the underlying evidentiary basis for state custody is disputed, where the parent has documented compliance with their case plan, or where the family has an active OCR complaint pending.

3. Refer the documented instances of fraudulent service certification and fabricated permanency plan statements to the HHS Office of Inspector General for investigation of federal program fraud.
4. Require Tennessee DCS to develop and implement a comprehensive Olmstead compliance plan for all children with disabilities in its custody, with independent monitoring and federal reporting.
5. Require Tennessee DCS to implement mandatory anti-retaliation protections for parents, foster parents, and family members who exercise their legal rights to file complaints, report misconduct, or seek oversight, including through this Office.
6. Require a corrective action plan and ongoing federal monitoring of Tennessee DCS's compliance with all applicable nondiscrimination requirements.

My office is available to provide any additional information, coordinate with legal advocates representing individual complainants, or facilitate direct communication between OCR and the families in this package. I can be reached at (615) 741-3229 or rep.aftyn.behn@capitol.tn.gov.

The families represented in these pages have been asking for years for someone with the authority to act to hear them. They are not asking for special treatment. They are asking for the equal protection that federal law has always promised them. I am asking this Office to deliver it.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Aftyn Behn', with a long horizontal line extending to the right.

Representative Aftyn Behn, LMSW
Tennessee House District 51