

State of Tennessee

PUBLIC CHAPTER NO. 266

SENATE BILL NO. 722

By Massey, Crowe, Reeves, Lundberg, Briggs, Campbell, Akbari, Jackson, Rose

Substituted for: House Bill No. 940

By Alexander, Hawk, Whitson, Littleton, Holsclaw, Gary Hicks, Tim Hicks, Freeman, Crawford, Jernigan, Gloria Johnson, Carringer, Harris, Powell, Russell, Faison, Haston, Bricken, Raper, Eldridge, Helton-Haynes, Todd, Davis, Howell, Love

AN ACT to amend Tennessee Code Annotated, Title 36 and Title 37, relative to children.

WHEREAS, the legislature finds that:

(1) Approximately one in fifteen children in the United States is exposed to domestic violence each year;

(2) Most child abuse in America is perpetrated in the family and by a parent, and intimate partner violence and child abuse overlap in the same families at rates between thirty and sixty percent. A child's risk of abuse increases after a perpetrator of partner violence separates from a domestic partner, even when the perpetrator has not previously directly abused the child. Children in the United States who have witnessed intimate partner violence are approximately four times more likely to experience direct child maltreatment than children who have not witnessed intimate partner violence;

(3) More than seventy-five percent of child sexual abuse in America is perpetrated by a family member or a person known to the child. Data from the United States Department of Justice shows that family members are forty-nine percent, or almost half, of the perpetrators of crimes against child sexual assault victims younger than six years of age;

(4) Federal scientific research suggests a child's exposure to an abuser is among the strongest indicators of risk of incest victimization. One national study found that female children with fathers who are abusers of their mothers were six and one-half times more likely to experience father-daughter incest than female children who do not have abusive fathers;

(5) Child abuse is a major public health issue in the United States. Total lifetime financial costs associated with just one year of confirmed cases of child maltreatment, including child physical abuse, sexual abuse, psychological abuse, and neglect, result in one hundred twenty-four billion dollars in annual costs to the economy of the United States, or approximately one percent of the gross domestic product of the United States;

(6) Ensuring the health, safety, and welfare of children shall be the court's primary concern in determining the best interests of children when making any orders regarding the physical or legal custody or visitation of children;

(7) Children have the right to be safe and free from abuse and the perpetration of child abuse or domestic violence in a household where a child resides is detrimental to the health, safety, and welfare of the child; and

(8) Children should have frequent and continuing contact with both parents after the parents have separated or dissolved their marriage, or ended their relationship, and parents should share the rights and responsibilities of child-rearing in order to effect this policy, except when the contact would not be in the best interests of the child; and

WHEREAS, the paramount concern of all child custody decisions must be to provide complete health and safety when determining the best interests of the children; and

WHEREAS, it is the intent of the legislature to:

(1) Prevent child abuse and situations that have been shown to increase the likelihood children will engage in harmful behaviors. Separating children from the primary attachment figure, which has been shown to increase the risk of depression, low self-esteem and suicide in children, and witnessing domestic violence, which has been shown to interfere with the ability of children to reach developmental milestones and increase the likelihood children will engage in a wide range of harmful behaviors when older, are common examples of situations that create a safety risk for children;

(2) Increase the priority given to child safety and health in any State court divorce, separation, visitation, paternity, child support, or order of protection proceeding affecting the custody and care of children; and

(3) Strengthen the abilities of courts to recognize and adjudicate domestic violence and child abuse allegations based on valid, admissible evidence, and enter orders that prevent, protect, and minimize the risk of harm to children. Present practices are working poorly for children, and one of the purposes of this law is to stop using outdated practices that are placing children in jeopardy; now, therefore,

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

SECTION 1. This act is known and may be cited as "Abrial's Law, the Keeping Children Safe from Family Violence Act."

SECTION 2. Tennessee Code Annotated, Title 36, Chapter 6, is amended by adding the following as a new part:

36-6-701.

(a) All judges involved in child custody proceedings shall complete at least two (2) hours of training or continuing education courses on domestic violence or child abuse per year or ten (10) hours per five (5) years.

(b) The training or continuing education courses may include the following topics:

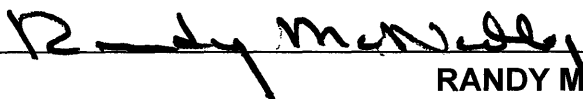
- (1) Child sexual abuse;
- (2) Physical abuse;
- (3) Emotional abuse;
- (4) Coercive control;
- (5) Implicit and explicit bias, including biases relating to parents with disabilities;
- (6) Trauma;
- (7) Long-term and short-term impacts of domestic violence and child abuse on children;
- (8) Victim and perpetrator behavior patterns and relationship dynamics within the cycle of violence; and
- (9) Any relevant topic addressing the best interest of the victim.

(c) The training and continuing education courses may be offered in person or virtually by the administrative office of the courts in conjunction with the annual meetings of the judicial conferences in accordance with §§ 17-3-104, 17-3-203, and 37-1-504.

SECTION 3. This act takes effect January 1, 2024, the public welfare requiring it.

SENATE BILL NO. 722

PASSED: April 13, 2023



RANDY McNALLY
SPEAKER OF THE SENATE



CAMERON SEXTON, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 28th day of April 2023



BILL LEE, GOVERNOR