



State of Tennessee

PUBLIC CHAPTER NO. 613

HOUSE BILL NO. 1676

By Representatives Lamberth, Cochran, Littleton, Gant, White, Hardaway, Terry,
Burkhart, Ragan, Alexander

Substituted for: Senate Bill No. 2070

By Senators Johnson, Taylor, Haile, Rose, Walley

AN ACT to amend Tennessee Code Annotated, Title 36, Chapter 1, Part 1; Title 37, Chapter 1, Part 1 and Title 37, Chapter 2, Part 4, relative to children.

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

SECTION 1. Tennessee Code Annotated, Section 37-1-108(3), is amended by deleting the language "or" following the semicolon.

SECTION 2. Tennessee Code Annotated, Section 37-1-108, is amended by adding the following as a new subdivision (4) and redesignating the remaining subdivision accordingly:

(4) By the taking of a child into custody or the removal of custody from a parent or legal guardian as provided in § 37-1-113; or

SECTION 3. Tennessee Code Annotated, Section 36-1-102(1)(B), is amended by deleting the subdivision and substituting:

(B) For purposes of this subdivision (1), "token support" means that the support, under the circumstances of the individual case, is insignificant given the parent's means. Support is presumptively token support if it is less than the amount of the minimum child support order established by the department of human services child support guidelines. The parent or guardian bears the burden of proving by a preponderance of the evidence that any support provided was more than token support;

SECTION 4. Tennessee Code Annotated, Section 37-2-402(1) is amended by deleting the subdivision and substituting:

(1) "Abandonment", for purposes of terminating the parental or guardian rights of a parent or a guardian of a child to that child in order to make that child available for adoption, has the same meaning as defined in § 36-1-102;

SECTION 5. Tennessee Code Annotated, Section 37-1-102(b)(1), is amended by deleting the subdivision and substituting:

(1) "Abuse" exists when:

(A) A person under eighteen (18) years of age is suffering from, has sustained, or may be in immediate danger of suffering from or sustaining a wound, injury, disability, or physical or mental condition caused by brutality, neglect, use of force, extreme or repeated cruelty, or other actions or inactions of a parent, relative, guardian, or caregiver; or

(B) A person under eighteen (18) years of age is suffering from, has sustained, or may be in immediate danger of suffering from or sustaining child sexual abuse, as defined in § 37-1-602, by the actions or inactions of a parent, relative, guardian, or caregiver;

SECTION 6. Tennessee Code Annotated, Section 37-1-102(b)(27), is amended by deleting the subdivision and substituting:

(27) "Severe child abuse" means:

(A)

(i) Exposure of a child to serious bodily injury or death, or the risk of serious bodily injury or death, caused by brutality, abuse, neglect, or use of force; and

(ii) As used in this subdivision (b)(27)(A), "serious bodily injury" has the same meaning as "serious bodily injury to the child" given in § 39-15-402;

(B) Specific brutality, abuse, or neglect toward a child that in the opinion of a qualified expert has caused or will reasonably be expected to produce severe psychosis, severe neurotic disorder, severe depression, severe developmental delay or intellectual disability, or severe impairment of the child's ability to function adequately in the child's environment;

(C) The commission of an act toward the child prohibited by §§ 39-13-307—39-13-309, §§ 39-13-502—39-13-504, § 39-13-514(b)(3)(A), § 39-13-515, § 39-13-522, § 39-13-527, § 39-13-531, § 39-13-532, § 39-15-302, § 39-15-402, § 39-17-1004, or § 39-17-1005;

(D) The presence of a child within a structure where the act of creating methamphetamine, as that substance is identified in § 39-17-408, is occurring;

(E) The ingestion of an illegal substance or a controlled substance by a child under eight (8) years of age that results in the child testing positive on a drug screen, except as legally prescribed to the child; or

(F) The presence of a child within a structure where any of the following controlled substances are present and accessible to the child:

(i) A schedule I controlled substance listed in § 39-17-406;

(ii) Cocaine;

(iii) Methamphetamine; or

(iv) Fentanyl;

SECTION 7. Tennessee Code Annotated, Section 37-1-129(b)(2), is amended by deleting the subdivision and substituting:

(2)

(A) If the petition alleged the child was dependent and neglected as defined in § 37-1-102, or if the court finds the child was dependent and neglected regardless of the grounds alleged in the petition, then the court shall determine whether:

(i) The child is a victim of severe child abuse, regardless of whether a perpetrator can be identified; and

(ii) Each of the child's parents, guardians, relatives, and caregivers who provided care during the relevant time period of abuse:

(a) Knowingly or with gross negligence either committed severe child abuse or failed to protect the child from severe child abuse; or

(b) Cannot be excluded as a perpetrator of severe child abuse.

(B) The court shall file written findings of fact that are the basis of the court's conclusions on those issues no more than thirty (30) days after the close of the hearing or, if an appeal or a petition for certiorari is filed, within five (5)

HB1676

days after the filing of an appeal or a petition for certiorari, excluding nonjudicial days. If the court finds the child is dependent and neglected, then the court shall hold a dispositional hearing. In scheduling the hearing, the court shall prioritize proceedings in which a child has been removed from the child's home before an order of disposition has been made.

SECTION 8. Tennessee Code Annotated, Section 37-1-130(c), is amended by deleting the subdivision and substituting:

(c) Unless the court finds by clear and convincing evidence that the child will be provided a safe home free from further brutality, abuse, or neglect, the court shall not return a child who has been found to be a victim of severe child abuse to the custody or residence of a person who knowingly or with gross negligence either committed severe child abuse or failed to protect the child from severe child abuse, or who cannot be excluded as a perpetrator of severe child abuse. The court shall file written findings of fact that are the basis of the court's conclusions on that issue no more than thirty (30) days after the close of the hearing or, if an appeal or petition for certiorari is filed, within five (5) days after the appeal or petition for certiorari is filed, excluding nonjudicial days. A severely abused child must not be returned under this subsection (c) without the consent of the department and the petitioner until five (5) days after entry of the order.

SECTION 9. Tennessee Code Annotated, Section 36-1-113(g)(4), is amended by deleting the subdivision and substituting:

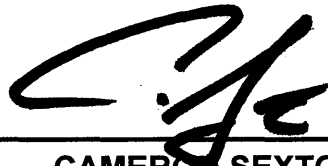
(4) Under a prior order of a court or by the court hearing the petition to terminate parental rights or the petition for adoption, a child has been found to be a victim of severe child abuse, as defined in § 37-1-102, and the parent or guardian has been found to have knowingly or with gross negligence either committed severe child abuse or failed to protect the child from severe child abuse.

SECTION 10. Tennessee Code Annotated, Section 37-1-102(b)(5)(G), is amended by deleting "§ 37-2-417" and substituting "§ 37-2-604".

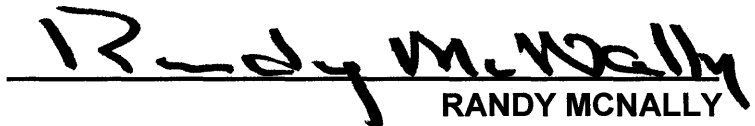
SECTION 11. This act takes effect July 1, 2024, the public welfare requiring it.

HOUSE BILL NO. 1676

PASSED: March 11, 2024



CAMERON SEXTON, SPEAKER
HOUSE OF REPRESENTATIVES



RANDY MCNALLY
SPEAKER OF THE SENATE

APPROVED this 27th day of March 2024



BILL LEE, GOVERNOR