

SENATE BILL 983

By Haynes

AN ACT to amend Tennessee Code Annotated, Title 37, Chapter 1, Part 4, relative to mandatory child abuse reports.

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

SECTION 1. Tennessee Code Annotated, Section 37-1-403, is amended by deleting subsections (a) and (b) and substituting instead the following:

(a)

(1) Any person who is a member of one (1) or more of the occupational classifications set out in subsection (a)(4) who, in such person's professional capacity, has knowledge of or is called upon to render aid to any child who is suffering from or has sustained any wound, injury, disability, or physical or mental condition shall report such harm immediately if the harm is of such a nature as to reasonably indicate that it has been caused by brutality, abuse or neglect or that, on the basis of available information, reasonably appears to have been caused by brutality, abuse or neglect.

(2) Any such person with knowledge of the type of harm described in subsection (a)(1) shall report it, by telephone or otherwise, to the:

(A) Judge having juvenile jurisdiction;

(B) County office of the department;

(C) Office of the sheriff; or

(D) Chief law enforcement official of the municipality where the child resides.

(3) If any such person knows or has reasonable cause to suspect that a child has been sexually abused, the person shall report such information in accordance with Chapter 478 of the Public Acts of 1985, relative to the sexual abuse of children, regardless of whether such person knows or believes that the child has sustained any apparent injury as a result of such abuse.

(4) Members of the following occupational classifications are required to report the type of harm described in subsection (a)(1):

(A) Physician, osteopathic physician, medical examiner, chiropractor, nurse or other hospital personnel engaged in the admission, examination, care or treatment of persons;

(B) Health or mental health professional other than those listed in subdivision (4)(A);

(C) Practitioner who relies solely on spiritual means for healing;

(D) School teacher or other school official or personnel;

(E) Judge of any court of the state;

(F) Social worker, day care center worker, or other professional child care, foster care, residential or institutional worker; or

(G) Law enforcement officer.

(b) In addition to those persons required to report pursuant to subsection (a), any other person may make a report if any such person has reasonable cause to believe that a child is suffering from or has died as a result of such abuse or neglect.

SECTION 2. Tennessee Code Annotated, Section 37-1-410, is amended by deleting subsection (a) and substituting instead the following:

(a)

(1) No person required to report harm under § 37-1-403(a) shall be liable in any civil or criminal action by reason of such report.

(2) No other person making such a report shall be liable in any civil or criminal action by reason of such report if:

(A) The report was made in good faith; and

(B) The person reporting the harm did not perpetrate or inflict the abuse or cause the neglect.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.