

HOUSE BILL 1187

By DeBerry J

AN ACT to amend Tennessee Code Annotated, Title 71;  
Title 49; and Title 37, relative to school  
attendance.

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

SECTION 1. Tennessee Code Annotated, Section 37-5-103(1), is amended by deleting the subdivision in its entirety and by substituting instead the following language:

(1) "Abuse" exists when:

(A) A person under the age of eighteen (18) 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 or other actions or inactions of a parent, relative, guardian or caretaker;  
or

(B)

(i) A child is required under title 49, chapter 6, part 30, to attend school and the child is unable to do so due to lack of clothing or food; and

(ii) A parent, guardian or caretaker of the child is:

(a) Receiving benefits pursuant to title 71, chapter 3, part 1; or

(b) Deemed to have sufficient income or funds, or any combination of income or funds, to adequately clothe and feed the child such that the child may attend school as required pursuant to title 49, chapter 6, part 30.

SECTION 2. Tennessee Code Annotated, Section 49-6-3014, is amended by adding the following language as a new subdivision (c):

(c) If the welfare agency or other official having charge of a case pursuant to this section reasonably ascertains that the parent, guardian or caretaker of the child is receiving state benefits pursuant to title 71, chapter 3, part 1 or is ineligible for such benefits due to failure to meet the appropriate income standards pursuant to § 71-3-104 and is reasonably believed to have sufficient income or funds, or any combination of income or funds, to adequately clothe and feed the child such that the child may attend school based on the information submitted by the parent, guardian or caretaker of the child while applying for benefits, such welfare agency or other official shall report such case to the department of children's services, in a manner specified by the department of children's services. The department of children's services and the department of human services are authorized to promulgate rules and regulations, pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, to effectuate the provisions of this subsection (c).

SECTION 3. Tennessee Code Annotated, Section 71-3-104(h)(2)(C), is amended by adding the following language as a new subdivision (iii):

(iii) Failure to comply with the personal responsibility plan as required under subdivision (h)(2)(B)(i), without good cause, shall result in the immediate filing of a report to the department of children's services, in a manner specified by the department of children's services, and the commencement of an investigation by the appropriate authority, as determined by the department of children's services, for child abuse as defined in § 37-5-103(1)(B); provided, that nothing in this subdivision (h)(2)(C)(iii) shall preclude or prohibit the investigating authority from investigating the benefit recipient for child abuse as defined in § 37-5-103(1)(A) or from investigating any other adult resident of the household for child abuse as defined in § 37-5-103(1), if in the course of the investigation pursuant to this subdivision (h)(2)(C)(iii) the investigating authority finds reasonable suspicion of such child abuse. The department of children's services and the department of human services are authorized to promulgate rules and regulations,

pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, to effectuate this subdivision (h)(2)(C)(iii).

SECTION 4. For purposes of promulgating rules and regulations, this act shall take effect upon becoming law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2013, the public welfare requiring it.