

Amendment No. 1 to SB1089

Kelsey
Signature of Sponsor

AMEND Senate Bill No. 1089

House Bill No. 218*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 36-6-112, is amended by designating the language of subsection (c) as (c)(1) and by adding the following new (c)(2):

(2) A parent is presumed to present a substantial risk of harm to the child if the parent is under indictment for the offense of aggravated child abuse under § 39-15-402, child sexual abuse under § 37-1-602, or severe child sexual abuse under § 36-1-113(g)(11). The parent shall remain a risk of harm during the pendency of the indictment; provided, however, that the court may grant the parent supervised visitation with the child.

SECTION 2. Tennessee Code Annotated, Section 36-6-101, is amended by adding the following new subdivision (v) to subdivision (a)(2)(A):

(v) If prior to awarding joint legal custody, joint physical custody, or sole custody, the court finds one (1) parent is under indictment for the offense of aggravated child abuse under § 39-15-402, child sexual abuse under § 37-1-602, or severe child sexual abuse under § 36-1-113(g)(11), the court shall not award the parent under indictment any type of custody during the pendency of the indictment unless the presumption created by § 36-6-112(c)(2) is overcome; provided, however, that the court may grant the parent supervised visitation with the child. If the court finds that a parent to whom some form of custody has been ordered is indicted for one (1) of the offenses set out in this subdivision

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(a)(1)(A)(v), that finding shall constitute a material change in circumstance for the purpose of modifying any existing child custody orders.

SECTION 3. This act shall take effect July 1, 2015, the public welfare requiring it and shall apply to persons who are indicted for an applicable offense committed on or after that date.