

HOUSE BILL 1126

By Russell

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

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

SECTION 1. Tennessee Code Annotated, Title 37, Chapter 5, Part 2, is amended by adding the following as a new section:

37-5-214.

(a) As used in this section, "seclusion" means the involuntary segregation of a child from the rest of the resident population regardless of the reason for the segregation, including confinement to a locked unit or ward where other children may be seen or heard but are separated from the child, but does not include:

(1) The segregation of a child for the purpose of managing biological contagion consistent with the centers for disease control and prevention guidelines;

(2) Voluntary time-out involving the voluntary separation of an individual child from others, and where the child is allowed to end the separation at will; or

(3) Temporarily securing children in their rooms during regularly scheduled times, such as periods set aside for sleep or regularly scheduled down time, that are universally applicable to the entire population or within the child's assigned living area.

(b) This section applies to juvenile detention facilities approved, certified, or licensed by the department of children's services, including youth development centers.

(c) Seclusion must not be used for discipline, punishment, administrative convenience, retaliation, staffing shortages, or any reason other than a temporary response to behavior that threatens immediate harm to a youth or others.

SECTION 2. Tennessee Code Annotated, Section 37-1-102, is amended by deleting subdivision (b)(26) and substituting instead the following:

(26) "Seclusion" means the involuntary segregation of a child from the rest of the resident population regardless of the reason for the segregation, including confinement to a locked unit or ward where other children may be seen or heard but are separated from the child, but does not include:

(1) The segregation of a child for the purpose of managing biological contagion consistent with the centers for disease control and prevention guidelines;

(2) Voluntary time-out involving the voluntary separation of an individual child from others, and where the child is allowed to end the separation at will; or

(3) Temporarily securing children in their rooms during regularly scheduled times, such as periods set aside for sleep or regularly scheduled down time, that are universally applicable to the entire population or within the child's assigned living area;

SECTION 3. Tennessee Code Annotated, Section 37-1-116(l), is amended by deleting the subsection and substituting instead the following:

(l) Seclusion must not be used for discipline, punishment, administrative convenience, retaliation, staffing shortages, or any reason other than a temporary response to behavior that threatens immediate harm to a youth or others. This subsection (l) applies to any child detained in any facility pursuant to § 37-1-114, either pre-adjudication or post-adjudication.

SECTION 4. This act takes effect upon becoming a law, the public welfare requiring it.