

HOUSE BILL 1301

By Jones S

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

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

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

(1) "Abuse" exists when 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 or other actions or inactions of a parent, relative, guardian or caretaker. Residing with a parent, relative, guardian, or caretaker who uses or has in the last seventy-two (72) hours used heroine, cocaine, or methamphetamines creates a presumption that the child is in immediate danger and is a form of abuse;

SECTION 2. Tennessee Code Annotated, Section 37-1-114, is amended by redesignating subdivision (a)(2) as subdivision (a)(2)(A) and by adding the following as a new subdivision:

(B) If the department or a contract service provider of the department has probable cause to believe that the child's parent, relative, guardian or caretaker is using or has in the last seventy-two (72) hours used heroine, cocaine, or methamphetamines, the department shall consider that person an immediate threat to the child's health and safety to the extent that delaying removal for a hearing would be likely to result in severe or irreparable harm as required in subdivision (a)(2)(A) and remove the child from the home.

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