

SENATE BILL 809

By Overbey

AN ACT to amend Tennessee Code Annotated, Title 10, Chapter 7, Part 5; Title 36, Chapter 1, Part 1 and Title 37, relative to confidential records.

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

SECTION 1. Tennessee Code Annotated, Section 10-7-504, is amended by adding the following new subsection (j):

(j)

(1) All applications, certificates, records, reports, legal documents and petitions made or information received pursuant to title 37 that directly or indirectly identify a child or family receiving services from the department of children's services or that identify the person who made a report of harm pursuant to §§ 37-1-403 or 37-1-605 shall be confidential and shall not be open for public inspection, except as provided by §§ 37-1-409, 37-1-612 and 37-5-107.

(2) The information made confidential pursuant to subdivision (j)(1) includes information contained in applications, certifications, records, reports, legal documents and petitions in the possession of not only the department of children's services but any state or local agency, including but not limited to, law enforcement and the department of education.

SECTION 2. Tennessee Code Annotated, Section 37-1-403(h), is amended by adding the following language at the end of the subsection:

Provided that if any hospital, clinic, school, or other organization responsible for the care of children develops a procedure for internally tracking, reporting, or otherwise

monitoring a report pursuant to this section, the identity of the person who made a report of harm pursuant to § 37-1-403 or § 37-1-605 shall be kept confidential.

SECTION 3. Tennessee Code Annotated, Section 37-1-409(a), is amended by deleting subdivision (1) in its entirety and substituting instead the following:

(1) Except as otherwise provided by this section and §§ 37-1-612 and 37-5-107, reports of harm made under this part and the identity of the reporter are confidential, except when the juvenile court in which the investigation report is filed, in its discretion, determines the testimony of the person reporting to be material to an indictment or conviction.

SECTION 4. Tennessee Code Annotated, Section 37-5-107(a), is amended by deleting the subsection in its entirety and substituting instead the following:

(a) All applications, certificates, records, reports and all legal documents, petitions and records made or information received pursuant to this title that directly or indirectly identify a child or family receiving services from the department or that identify the person who made a report of harm pursuant to § 37-1-403 or § 37-1-605 shall be kept confidential and shall not be disclosed, except as provided by this section and §§ 37-1-409 and 37-1-612.

SECTION 5. This act shall take effect July 1, 2009, the public welfare requiring it.