

SENATE BILL 1150

By Gresham

AN ACT to amend Tennessee Code Annotated, Title 36, Chapter 6; Title 37 and Title 39, Chapter 15, Part 4, relative to custody of abused children.

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

SECTION 1. Tennessee Code Annotated, Section 37-1-130, is amended by adding the following as a new, appropriately designated subsection:

(f)

(1) Notwithstanding any provision of this part to the contrary, there shall be a rebuttable presumption that returning a child who has been removed from a home due to abuse or neglect and whose parent or guardian has been convicted of any crime pursuant to title 39, chapter 15, part 4 or § 39-15-302, to the custody of the abusive or neglectful parent is not in the best interest of the child.

(2) The presumption established by subdivision (f)(1) shall only be rebutted by a court finding that the parent has spent at least one (1) year in counseling with a trained mental health professional. The mental health professional must also testify before the court that the parent is no longer a threat of harm of any kind to the child.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.