

SENATE BILL 2419

By Yarbro

AN ACT to amend Tennessee Code Annotated, Title 37,
relative to juvenile court assessment reports in
certain counties.

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

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

(a) All reports and materials compiled by the juvenile court in connection with an assessment report shall be confidential, shall not be public record, and shall not be disclosed, except as specifically authorized by this section. Except for purposes directly connected with this section, a person shall not disclose, receive, make use of, authorize, or knowingly permit the use of assessment reports and related materials. Assessment reports and related materials shall not be subject to any court subpoena.

(b) Access to assessment reports and materials shall be granted to the following people, officials, or agencies only for the following limited purposes:

(1) A court official or employee for the purpose of compiling information, administering assessment tools, preparing reports, and assisting children and families with accessing identified services and programs. The court official or employee may disclose relevant information, but not the actual assessment reports or materials, to professionals or other agency providers as needed to assist the child and family in accessing services and programs;

(2) An attorney for the child to use in representing the child or a guardian ad litem for the child for use in representing the child's best interests; or

(3) The child who is the subject of the assessment report and the child's parent or legal guardian.

(c) A juvenile court judge, magistrate, or district attorney general may be provided with a limited report concerning a child adjudicated delinquent. The limited report may contain service recommendations developed from the assessment report for the purpose of reviewing the appropriateness of the recommendations.

(d) A juvenile court judge or magistrate may hear testimony regarding the contents of an assessment report in a delinquency case for a child adjudicated delinquent for the limited purpose of determining appropriate services and programs for the child who is the subject of the assessment report. If such testimony is introduced, the actual assessment report and materials shall not be submitted to the court and shall not become part of the court record.

(e) The materials, records, and assessment report compiled by the juvenile court for use as discussed in this section are to be maintained separately from public court records. When a child who is the subject of such an assessment report reaches an age when they are no longer under the jurisdiction of the juvenile court, the assessment report and all materials used to compile the information in the assessment report shall be destroyed.

(f) A violation of this section is a Class B misdemeanor.

(g) This section shall be limited in application to any assessment report or materials used in the creation of an assessment report in juvenile courts located in any county having a metropolitan form of government with a population of more than five hundred thousand (500,000) according to the 2010 federal census or any subsequent federal census.

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