

HOUSE BILL 1053

By Gilmore

AN ACT to amend Tennessee Code Annotated, Title 37  
and Title 49, relative to persons accused of child  
abuse.

WHEREAS, Tennessee Code Annotated § 37-1-406 provides that the Tennessee department of children's services is responsible for the investigation of alleged child abuse, for making a determination as to whether the reported abuse was "indicated or unfounded," and reporting its findings to the department's abuse registry; and

WHEREAS, upon the classification of an individual as an indicated perpetrator of child abuse becoming final, Section 0250-7-9.11(3) of the Tennessee administrative rules and regulations requires that the individual's employer or licensing authority assure that the individual is not a threat to the safety of any child in the individual's care; and

WHEREAS, Tennessee Code Annotated § 49-10-608 prohibits the state board of education and local school districts from hiring any individual whom the department of children's services has found to have committed child abuse; and

WHEREAS, the state board of education has grounds to revoke a Tennessee teaching license for an individual classified as an indicated perpetrator of child abuse, regardless of whether criminal charges were ever filed in the case; and

WHEREAS, in order to have a teaching license that has been revoked under this rule reinstated, the individual would have to show proof that the individual is no longer classified as an indicated perpetrator of child abuse; and

WHEREAS, it is just and equitable that an individual classified as an indicated perpetrator of child abuse have this classification removed if no criminal charges have been filed

as a result of the alleged abuse, and no further child abuse has been indicated by the department of children's services within a reasonable period of time; now, therefore,  
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 37-1-406(i), is amended by redesignating the current language as subdivision (1) and by adding the following subdivision:

(2) The department is urged to remove the name of any indicated perpetrator of child abuse from the child abuse registry if, after a reasonable period of time, the district attorney general determines that no criminal charges will be filed in the case and no other abuse by the person is indicated.

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