

HOUSE BILL 1530

By McCormick

AN ACT to amend Tennessee Code Annotated, Title 37,
Chapter 2, Part 4, relative to a reasonable and
prudent parent standard.

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

SECTION 1. Tennessee Code Annotated, Title 37, Chapter 2, Part 4, is amended by
adding the following language as a new, appropriately designated section:

(a) As used in this section:

(1) "Age- or developmentally-appropriate" means:

(A) Activities or items that are generally accepted as suitable for
children of the same chronological age or level of maturity or that are
determined to be developmentally appropriate for a child based on the
development of cognitive, emotional, physical, and behavioral capacities
that are typical for an age or age group; and

(B) In the case of a specific child, activities or items that are
suitable for the child based on the developmental stages attained by the
child with respect to the cognitive, emotional, physical, and behavioral
capacities of the child;

(2) "Caregiver" means the child's foster parent, whether the child is in a
family foster home or a therapeutic foster home, or the designated official at a
child placing agency; and

(3) "Reasonable and prudent parent standard" means the standard
characterized by careful and sensible parental decisions that maintain the health,
safety, and best interest of a child while also encouraging the emotional and

developmental growth of the child, that a caregiver shall use when determining whether to allow a child in foster care under the responsibility of the department to participate in age- or developmentally-appropriate extracurricular, enrichment, cultural, and social activities.

(b) Every child-placing agency that makes the determinations in subsection (c) shall designate an on-site official who is authorized to apply the reasonable and prudent parent standard and assist a caregiver in application of the reasonable and prudent parent standard.

(c) A caregiver shall use the reasonable and prudent parent standard when determining whether to allow a child in foster care to participate in extracurricular, enrichment, cultural, and social activities.

(d) The caregiver and the child-placing agency, if applicable, shall not be liable for injuries to the child that occur as a result of acting in accordance with the reasonable and prudent parent standard. Any caregiver or child-placing agency acting in good faith in compliance with the reasonable and prudent parent standard shall be immune from civil liability arising from such action.

(e) The immunity provided in subsection (d) shall not apply if the injuries to the child were caused by gross negligence, willful or wanton conduct, or intentional wrongdoing. Any liability under this subsection that may be attributable to the department or any of its employees shall be strictly adjudicated before the claims commission pursuant to title 9, chapter 8, part 3, as applicable.

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

it.