



State of Tennessee

PUBLIC CHAPTER NO. 799

HOUSE BILL NO. 2760

By Representatives Alexander, Raper, Hawk, Powell, Eldridge, Jernigan, White, Hardaway, Helton-Haynes, Haston, Littleton, Vital, McCalmon

Substituted for: Senate Bill No. 2627

By Senators Massey, Campbell, Reeves, Lundberg, Akbari, Kyle, Haile, Jackson, Walley

AN ACT to amend Tennessee Code Annotated, Title 36 and Title 37, relative to children.

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

SECTION 1. Tennessee Code Annotated, Section 36-6-106, is amended by deleting subdivision (a)(11) and substituting:

(11) Evidence of physical or emotional abuse to the child, to the other parent, or to any other person, including the child's siblings. The court may, where appropriate, refer any issues of abuse to juvenile court for further proceedings;

SECTION 2. Tennessee Code Annotated, Section 36-6-106, is amended by adding the following as a new subsection:

(g) As required by § 36-6-404(b), only if the limitations of § 36-6-406 are not dispositive of the child's residential schedule, then the court shall consider the factors found in subdivisions (a)(1)–(15).

SECTION 3. Tennessee Code Annotated, Section 36-6-702(b), is amended by designating the current language as subdivision (b)(1) and adding the following subdivision (b)(2):

(2) The training required in subsection (a) must:

(A) Be provided by:

(i) A judge or retired judge with experience in assisting survivors of domestic violence, child abuse, or child sexual abuse; or

(ii) A professional with experience in assisting survivors of domestic violence, child abuse, or child sexual abuse; and

(B) Rely on evidence-based research by recognized experts in the listed topics.

SECTION 4. Tennessee Code Annotated, Title 36, Chapter 6, Part 7, is amended by adding the following as a new section:

(a) In a custody proceeding, a court shall take into account the training as required by § 36-6-702.

(b) In a proceeding in which a court makes a custody determination, the court shall not order reunification treatment to reestablish a relationship with a parent or caregiver if a court has made findings against the parent or caregiver under § 36-6-406(a) or (c) or § 37-1-102(b)(27) unless the court finds that reunification efforts are in the best interest of the child. The court shall file written findings of fact that are the basis of its conclusions on that issue in the order addressing reunification. An order of reunification must not cut off contact with a parent who is non-abusive.

HB2760

(c) In any proceeding in which a court makes an initial custody or custody modification determination after a court has made findings against a parent or caregiver under § 36-6-406(a) or (c) or § 37-1-102(b)(27), the court shall not issue an order restoring parenting time of the child to the parent or caregiver unless the court finds that the child will not be subject to further abuse or harm. The court shall file written findings of fact that are the basis of its conclusions on that issue in the order addressing parenting time.

SECTION 5. Tennessee Code Annotated, Section 37-1-130, is amended by adding the following as a new subsection:

(e)

(1) Except as provided in subdivision (e)(2), the court shall not order reunification treatment to reestablish a relationship with a parent or caregiver if a court has made findings against the parent or caregiver under § 36-6-406(a) or (c) or § 37-1-102(b)(27).

(2) If the court made findings against the parent or caregiver under § 36-6-406(a) or (c) or § 37-1-102(b)(27) and finds that reunification efforts are in the best interest of the child, then the court may order reunification treatment to reestablish a relationship with a parent or caregiver. The court shall consider the safety of the child during and after reunification treatment and shall file written findings of fact that are the basis of its conclusions on the issues of reunification treatment and the child's safety within thirty (30) days of the close of the hearing or, if an appeal or petition for certiorari is filed, within five (5) days thereafter, excluding Sundays. An order of reunification must not cut off contact with a parent who is non-abusive.

SECTION 6. This act takes effect upon becoming a law, the public welfare requiring it.

HOUSE BILL NO. 2760

PASSED: April 4, 2024



CAMERON SEXTON, SPEAKER
HOUSE OF REPRESENTATIVES


RANDY MCNALLY
SPEAKER OF THE SENATE

APPROVED this 23rd day of April 2024


BILL LEE, GOVERNOR