

SENATE BILL 1089

By Harris

AN ACT to amend Tennessee Code Annotated, Title 36,  
Chapter 6, Part 1, relative to child custody  
placement and visitation.

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

SECTION 1. Tennessee Code Annotated, Section 36-6-112, is amended by designating the language of subsection (c) as (c)(1) and by adding the following new (c)(2):

(2) A parent is conclusively presumed to present a substantial risk of harm to the child if the parent is under indictment for or charged with the offense of aggravated child abuse under § 39-15-402, child sexual abuse under § 37-1-602, or severe child sexual abuse under § 36-1-113(g)(11). The parent shall remain a risk of harm during the pendency of the charges.

SECTION 2. Tennessee Code Annotated, Section 36-6-101, is amended by adding the following new subdivision (v) to subdivision (a)(1)(A):

(v) If prior to awarding joint legal custody, joint physical custody, or sole custody, the court finds one (1) parent is under indictment for or charged with the offense of aggravated child abuse under § 39-15-402, child sexual abuse under § 37-1-602, or severe child sexual abuse under § 36-1-113(g)(11), the court shall not award the parent charged or under indictment any type of custody during the pendency of the charges. If the court finds that a parent to whom some form of custody has been ordered is indicted or charged with one (1) of the offenses set out in this subdivision (a)(1)(A)(v), that finding shall constitute a material change in circumstance for the purpose of modifying any existing child custody orders.

SECTION 3. This act shall take effect July 1, 2015, the public welfare requiring it and shall apply to persons who are charged with or indicted for an applicable offense committed on or after that date.