

SENATE BILL 2109

By Lundberg

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, Title 37, Chapter 1, Part 1, is amended by adding the following as a new section:

(a) This section shall be known and may be cited as "Eli's Law".

(b) Notwithstanding this part to the contrary, there is a presumption that any subsequent child born to a parent, from whose custody a child has been removed for being dependent or neglected and is in the custody of the department of children's services, is dependent or neglected and that it is in the subsequent child's best interest to be removed from the parent's custody and placed in the custody of the department upon the subsequent child's birth.

(c) A parent whose child is removed from the parent's custody pursuant to this section is entitled to a judicial hearing regarding the child's removal within five (5) days of the parent filing a petition with the court.

(d) Whenever a child is found to be dependent or neglected and placed in the custody of the department of children's services, the court shall also include in the order that if the child's biological parent or parents, or any other person who has been primarily responsible for the care of the child during the twelve (12) months prior to the child's placement in the department's custody, and from whose custody the child is being removed, gives birth while the child is in the department's custody, then the subsequent child shall be presumed to also be dependent or neglected and automatically removed to the custody of the department.

(e) Whenever a child has been found to be dependent or neglected and placed in the custody of the department of children's services, the department of children's services shall file a petition with the court to remove any child subsequently born to the dependent or neglected child's biological parent or parents, or any other person who was primarily responsible for the care of the child during the twelve (12) months prior to the child's placement in the department's custody, and from whose custody the dependent or neglected child was removed. The department is authorized to file the petition prior to the birth of any subsequent child, but under no circumstance shall the department file the petition later than twenty-four (24) hours after the department learns of the birth of a subsequent child. This subsection (e) applies only if the child found to be dependent or neglected remains in the custody of the department.

(f) A person whose subsequent child has been ordered placed in the custody of the department may petition the court for the child to be returned to the person's custody in accordance with this part; provided, that the child originally found to be dependent or neglected has been returned to the person's custody, or that the court finds the return of the subsequent child is in the best interest of the child.

SECTION 2. This act shall take effect July 1, 2020, the public welfare requiring it.