



**State of Tennessee**  
**PUBLIC CHAPTER NO. 314**

**HOUSE BILL NO. 1332**

**By Representatives Jones, Stewart, White, Hensley, Brown, Favors, Parkinson, Shipley, Hardaway, Dean, Weaver, Camper, Lollar, Elam, Shepard, Maggart, Harry Brooks, Don Miller, McManus, Sexton, Johnnie Turner, Bass, Ryan Williams**

**Substituted for: Senate Bill No. 1150**

**By Senators Gresham, Faulk, Marrero, Harper, Summerville, Burks, Ketron, Ford**

AN ACT to amend Tennessee Code Annotated, Title 36, Chapter 6; Title 37 and Title 39, Chapter 15, Part 4, relative to custody of abused children.

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

SECTION 1. Tennessee Code Annotated, Section 37-1-130, is amended by deleting subsection (d) in its entirety and by substituting instead the following:

(d) No child who has been found to be a victim of severe child abuse shall be returned to the custody or residence of any person who engaged in or knowingly failed to protect the child from the brutality or abuse unless the court finds on the basis of clear and convincing evidence that the child will be provided a safe home free from further such brutality and abuse. The court shall file written findings of fact that are the basis of its conclusions on that issue 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. No such child shall be returned to such custody on the basis of the court's order until five (5) days after entry of the order without the consent of the department and the petitioner.

SECTION 2. Tennessee Code Annotated, Section 37-1-130, is amended by deleting subsection (c) in its entirety and renumbering the remaining subsections accordingly.

SECTION 3. Tennessee Code Annotated, Section 37-1-102(b)(23)(A), is amended by deleting the current subdivision in its entirety and by substituting instead the following:

(A)

(i) The knowing exposure of a child to or the knowing failure to protect a child from abuse or neglect that is likely to cause serious bodily injury or death and the knowing use of force on a child that is likely to cause serious bodily injury or death;

(ii) "Serious bodily injury" shall have the same meaning given in § 39-15-402(d).

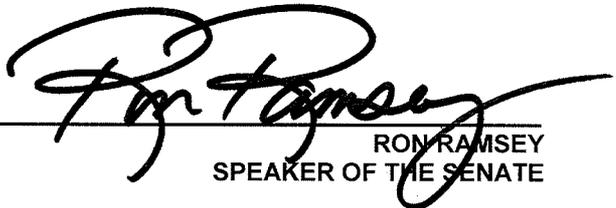
SECTION 4. Tennessee Code Annotated, Section 37-1-102(b)(23)(C) is amended by inserting the language "39-15-402," immediately following the language "39-15-302".

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.

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PASSED: May 16, 2011

  
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BETH HARWELL, SPEAKER  
HOUSE OF REPRESENTATIVES

  
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RON RAMSEY  
SPEAKER OF THE SENATE

APPROVED this 27 day of May 2011

  
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BILL HASLAM, GOVERNOR