

Tennessee

Child Abuse Reporting

Who do I contact to report an incident in Tennessee?

The Department of Children's Services; the county Sheriff's office, the Chief law enforcement officer in the municipality where the child resides, or a Judge having juvenile jurisdiction over the child. T.C.A. §37-1-403(a)(2)

Tennessee Department of Children's Services

Abuse reporting: 877-237-0004 or Direct link: <https://apps.tn.gov/carat/>

How much time do I have to report an incident?

Reports should be made immediately. T.C.A. §37-1-403(a)(1)

What is "child abuse" in Tennessee?

"Abuse" exists when a person under the age of eighteen (18) is suffering from, has sustained, or may be in immediate danger of suffering from or sustaining a wound, injury, disability or physical or mental condition caused by brutality, neglect or other actions or inactions of a parent, relative, guardian or caretaker T.C.A. §37-1-102(b)(1)

Severe child abuse means 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; serious bodily injury shall have the same meaning given in §39-15-402(d).

Specific brutality, abuse or neglect towards a child that in the opinion of qualified experts has caused or will reasonably be expected to produce severe psychosis, severe neurotic disorder, severe depression, severe development delay or intellectual disability, or severe impairment of the child's ability to function adequately in the child's environment, and the knowing failure to protect a child from such conduct;

The commission of any act towards the child prohibited in other statutes listed: § 39-13-309, §§ 39-13-502 - 39-13-504, § 39-13-515, § 39-13-522, § 39-15-302, § 39-15-402, or § 39-17-1005 or the knowing failure to protect the child from the commission of any such act towards the child; Knowingly allowing a child to be present within a structure where the act of creating methamphetamine, as the substance is identified in §39-17-408(d)(2) is occurring.

Who is a mandatory reporter in Tennessee?

Any person who has knowledge of suspected child abuse is required to report such abuse.

Specifically any person who has knowledge of or is called upon to render aid to any child who is suffering from or has sustained any wound, injury, disability, or physical or mental condition shall report such harm immediately if the harm is of such a nature as to reasonably indicate that it has been caused by brutality, abuse or neglect or that, on the basis of available information, reasonably appears to have been caused by brutality, abuse or neglect. T.C.A. §37-1-403(a)(1)

Are Clergy mandatory reporters in Tennessee?

Yes.

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Is there an exception for penitential communication in Tennessee?

It depends on whether the abuse is sexual in nature. The Clergy/Penitent communication is not privileged concerning reports of child sexual abuse.

“The privileged quality of communication between husband and wife and between any professional person and the professional person's patient or client, and any other privileged communication, except that between attorney and client, as such communication relates both to the competency of the witness and to the exclusion of confidential communications, shall not apply to any situation involving known or suspected child sexual abuse and shall not constitute grounds for failure to report as required by this part, failure to cooperate with the department in its activities pursuant to this part, or failure to give evidence in any judicial proceeding relating to child sexual abuse.” T.C.A §37-1-614

If the abuse is not sexual in nature, the clergy/penitent privilege as described in T.C.A §24-1-206 would still apply.

If there is a penitential communication in Tennessee, how do you define such a communication?

Tennessee law defines a privileged communication in the context of the clergy-penitent privilege as: “information communicated to that person in a confidential manner, properly entrusted to that person in that person’s capacity, and necessary to enable that person to discharge the function of such office according to the usual course of that person’s practice or discipline, wherein such person so communicating such information about such person or another is seeking counsel and advice relative to and growing out of the information so imparted. The privilege may not apply if Clergy become aware of the abuse outside of the private communication and does not apply at all if it is child sexual abuse as noted above.

Where can I find Tennessee law on child abuse?

<https://apps.tn.gov/carat/pdf/tnchild-37-1-403.pdf>