

A Summary of Tennessee Child Abuse Reporting Requirements (summarized 2009)

Reference statute: TCA 37-1-401 et seq.

What is reportable child abuse: physical, sexual, or mental abuse

A "child" is a person under the age of 18.

Physical abuse: a person deliberately and intentionally uses bodily harm (violent battery with weapon like knife or belt, burning, choking, fracturing bones, and other non-accidental injuries). Or a person endangers a child's health, welfare, and safety through negligence (withholding food, medical care).

Sexual abuse: any form of sexual contact or exploitation in which a child is being used for the sexual stimulation of the perpetrator.

Mental abuse: a person exposes a child to spoken and/or unspoken violence or emotional cruelty (deprived of parental affection, education withheld, locked in confined spaces, forced to drug abuse, sent messages child is worthless, unloved, undeserving of care). This type is difficult to prove.

An abuser may be an adult or an older child, provided the child is four years older than the victim.

Who are mandatory reporters: any person [403]

Mandatory reporters are legally required to report known or reasonably suspected cases of child abuse, and they face criminal penalties (normally a misdemeanor) for failing to do so.

Where to report: the judge having juvenile jurisdiction, or the county office of the Department of Children's Services, or the sheriff or chief law enforcement officer where the child resides. **[CALL HOTLINE 1-800-237-0004]**

Immunity for reporters: "...if acting in good faith, the person makes a report of harm, as required by the reporting laws, then the person shall not be liable in any civil or criminal action that is based solely upon:

- The person's decision to report what the person believed to be harm;
- The person's belief that reporting such harm was required by law; or
- The fact that a report of harm was made..." [410]

No clergy privilege regarding reporting: "Neither the husband-wife privilege nor the psychiatrist-patient privilege nor the psychologist-patient privilege is a ground for excluding evidence regarding harm or the cause of harm to a child in any dependency and neglect proceeding resulting from a report of such harm or a criminal prosecution for severe child abuse." [411]

Ministers are mandatory reporters in Tennessee because "any person" is a mandatory reporter of child abuse. No clergy-penitent privilege statute or rule specifies that the privileged nature of a communication exempts a minister from complying with child abuse reporting requirements.

For more information: <http://childwelfare.gov/>

Child Welfare Information Gateway, US Dept of Health & Human Resources

Tennessee Reporting Hotline: 1-800-237-0004