



2022 Legislative Update

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Quest Monthly Training 6-23-22



Part I Civil Proceedings



Acknowledgement of Paternity - SOL

PC863: (Lundberg/Parkinson)

- Removes 5 year statute of limitations for challenging a voluntary acknowledgment of paternity on the basis of fraud, duress or mistake of fact.
- Amends T.C.A. § 24-7-113
- **Effective date: 7/01/2022**



Failure to Pay Child Support – Custody Determination

PC671: (White/Casada)

- Adds child support as factor in determining best interest of the child for custody determination - *Whether a parent has failed to pay court-ordered child support for a period of three years or more.*
- The parent who has not paid child support may request reasonable visitation rights with the child.
- Amends T.C.A. § 36-6-100; T.C.A. § 36-6-106
- **Effective date: 3/18/2022**



Child Custody Case Prioritization

PC1028: (Bell/Littleton)

- Applies in all *contested custody cases* with *unmarried parties* where a paternity test exists or has been requested.
- Court shall expedite the proceeding and such a case must be given priority.
- Amends T.C.A. § 36-2-300
- **Effective date: 5/11/2022**



Noah's Law – Emergency Court Order

PC767: (Haile/Garrett)

- A custodial parent may seek an emergency court order declaring their child to be in imminent danger of injury or death if the non-custodial parent fails to return the child as specified in a current court ordered custody agreement.
- *48 hours must have passed with no contact from the noncustodial parent, a missing persons report be filed with law enforcement, and there be a pending court case regarding custody, parentage, child support, or dependency and neglect proceeding in order to apply.*
- Amends T.C.A. § 36-6-100
- **Effective date: 4/06/2022**



Part II

Criminal Proceedings



Aggravated Human Trafficking

PC1089: (Bell/Curcio)

- Creates a new offense of *Aggravated Human Trafficking* as a class A felony.
- *No release eligibility* of an offender convicted under this offense.
- Enhancing sentencing for other related trafficking offenses.
- T.C.A. §§ 39-11-703; 39-13-300; 39-13-307; 39-13-308; 39-13-309; 39-13-314; 39-13-316; 39-13-515; 39-13-524; 40-35-501
- **Effective date: 7/01/2022**



Governor's Human Trafficking Legislative Package

PC1115: (Johnson/Lamberth)

- Increases penalties and amends certain procedural rules.
- Specifies that the enhanced penalty will also apply in cases of patronizing prostitution from a person who is a law enforcement officer posing as a minor.
- Expands child human trafficking victim's resources
- Prohibits an underage victim to be charged with prostitution.
- Prohibits the defense of ignorance or a mistake regarding defendant's previous knowledge of a victim's age.
- Amends T.C.A. §§ 24-7-120; 36-3-605; 36-3-606; 37-1-134; 37-1-607; 37-5-400; 39-11-502; 39-13-307; 39-13-308; 39-13-309; 39-13-514; 39-13-515; 40-32-101; 40-32-105; 40-35-113; 40-38-119
- **Effective date: 7/01/2022**



Penalties for Continuous Sexual Abuse of a Child

PC1025: (Bell/Clay)

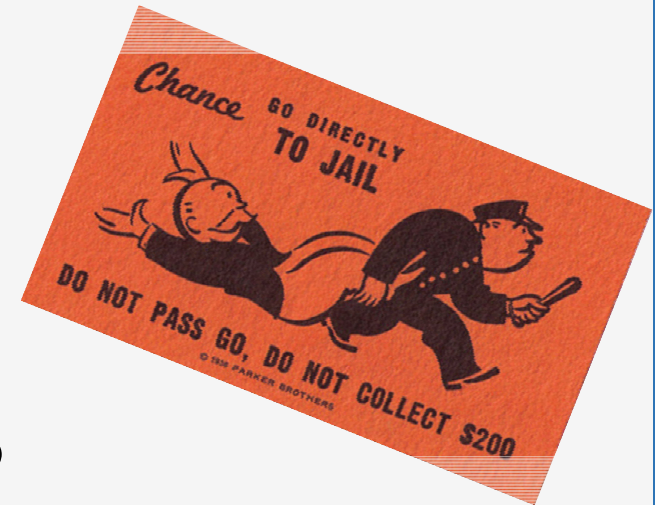
- Changes the penalties for continuous sexual abuse of a child:
 - An offense involving 3+ violations of aggravated rape, rape, aggravated sexual battery, rape of a child, solicitation of sexual abuse of a minor, or aggravated rape of a child is a Class A felony.
 - An offense involving 2 violations of such offenses is a Class B felony.
 - An offense involving 1 or no violations of such offenses is a Class C felony.
- Amends T.C.A. § 39-13-518
- **Effective date: 7/01/2022**



Revocation of Bail for Continuous Sexual Abuse of Child

PC643: (Stevens/Howell)

- Requires judge to *revoke bail immediately*, notwithstanding sentencing hearings, motions for a new trial, or related post-guilt determination hearings, for a defendant who is convicted of continuous sexual abuse of a child.
- Amends T.C.A. § 40-11-113
- **Effective date: 3/11/2022**



Part III

Dependency and Neglect



Parental Rights and Adoption

PC937: (Haile/Leatherwood)

- Expands crimes considered to be child sexual abuse and outlines the ability of a parent or adoptive parent to terminate parental rights of the abusive parent.
- Once rights are terminated and adoptions are finalized, no orders requesting visitation or other contact with the child are permitted, parent with custody can no longer receive child support, and the adoption records must be sealed for 100 years after the adoption is finalized.
- Details further what situations qualify for petition of terminated parental rights.
- Amends T.C.A. §36-1-100 36-1-102 36-1-111 36-1-113 36-1-115
36-1-117 36-1-122 36-1-123 36-1-145 37-1-102
- **Effective date: 7/01/2022**



Reporting of Location of Alleged Abused Child by Landlord

PC971: (Jackson/Littleton)

- A landlord or person in control of a residential rental property must provide an investigator from the DCS or a child protective investigation team with information on the address or location of a child who has been alleged to be abused or neglected and resides or is located on the residential rental property.
- Amends T.C.A. § 37-1-400
- **Effective date: 7/01/2022**



DCS Reporting of Violation of Order of Protection

PC1095: (Jackson/Littleton)

- DCS employees must report to law enforcement a suspected violation of order of protection or restraining order when the employee has knowledge of the order and observes the person violating the order of protection or restraining order.
- Amends T.C.A. § 37-5-100
- **Effective date: 5/27/2022**



Anonymous Reports of Child Abuse Made to DCS

PC849: (Bowling/Doggett)

- Clarifies that if a report of harm to a child was made to DCS anonymously, then the juvenile court is prohibited from ordering the parents or person responsible for the care of the child to allow the department entrance for purposes of interview, examination, and investigation unless the department has presented evidence corroborating the anonymous report of harm.
- Amends T.C.A. § 37-1-406
- **Effective date: 4/20/2022**



Contact Information for LEA's Child Abuse Coordinator

PC781: (Haile/Eldridge)

- Local Educational Agencies and public charter schools must submit the contact information of the school's child abuse coordinator and alternate child abuse coordinator to DCS at the start of each school year.
- Permits people to report alleged abuse from those employed or affiliated to the school directly to law enforcement and DCS rather than reporting internally to the school.
- Amends T.C.A. § 49-6-1601
- **Effective date: 4/08/2022**



Members of Child Protective Services Team

PC649: (Walley/Bricken)

- Establishes that each child protective team *may* include an appropriately credentialed medical provider and a mental health representative
- Amends T.C.A. § 37-1-600; T.C.A. § 37-1-607
- **Effective date: 3/15/2022**



Child Protective Investigation Teams

PC915: (Jackson/Littleton)

- Expands the requirements of DCS to create a child protective team to investigate reports of child sexual abuse and severe child abuse.
- Amends various sections to now include reports of severe child abuse as type of cases requiring investigations of a child protective team.
- Amends T.C.A. § 37-1-607
- **Effective date: 4/27/2022**



Training for Police Officers on Child Abuse Identification

PC995: (White/Littleton)

- Requires the Jerry F. Agee Tennessee Law Enforcement Academy, the Tennessee Peace Officer Standards and Training Commission, and DCS to work together in developing ways to inform and instruct appropriate local law enforcement personnel in the detection of child abuse and in the proper action that should be taken in a suspected case of child abuse.
- Amends T.C.A. § 37-1-603
- **Effective date: 5/04/2022**



Providing Services to Sexually Abused or Trafficked Children

PC984: (White/Rudder)

- Requires DCS, human trafficking advisory council, joint task force on children's justice and child sexual abuse, and the council of juvenile and family court judges to work together with other appropriate public and private groups, to develop a mechanism to identify and provide services to children involved with the juvenile justice system who have been sexually abused or trafficked for commercial sex acts.
- Services must be accessible to a child identified as a victim, regardless of status of the proceedings in the juvenile court and must not be contingent on the child's participation in another program
- Amends T.C.A. § 37-1-603
- **Effective date: 5/03/2022**



Joe Clyde Daniels Act – Permanency Plan When Allegations of Abuse or Neglect

PC918: (Roberts/Curcuio)

- In cases of child abuse, the agency preparing the plan and the court developing or approving that plan must consider whether allegations of abuse or neglect warrant supervision of any visitation between the child and the abusing or neglecting parent, and whether it is in the child's best interest that supervision be required.
- Amends T.C.A. § 37-2-403
- **Effective date: 4/27/2022**



Information Provided in Writing to Foster Parents by DCS

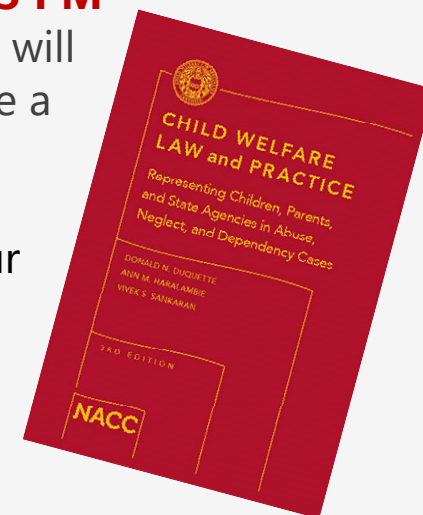
PC956: (White/Casada)

- Expands the information required to be provided in writing to foster parents by DCS to include all information available to the department regarding the child's education status, mental health history and status, behavioral history, and physical disabilities.
- Amends T.C.A. § 37-2-415
- **Effective date: 4/29/2022**



Opportunity for Red Book Training

- The National Association of Counsel for Children's (NACC's) signature seven-week virtual Red Book Training Course reviewing **core dependency competency areas**: investigative interviewing of children, counseling legal clients who are children, practice of child welfare casework, child safety, representing parents, federal due process, educational goals for children in foster care, and transition of youth from foster care.
- Live webinar on Thursdays, **September 8 - October 27, 2022 at 4 PM CST/5 PM EST**. Most weeks, the webinar will be 1 hour long. However, sessions 2 and 7 will be 1.5 hours long in order to cover the material sufficiently. (There will not be a session on September 22.)
- If you would like to participate in the please visit www.tncourts.gov/redbooktraining for additional information and a link to our Candidate Questionnaire. Please contact courtimprovement@tncourts.gov with any questions.
- **NO COST TO PARTICIPATE!!** Participation sponsored by the Court Improvement Program, Tennessee Administrative Office of the Courts.



Any Questions – Please Contact:

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