

Tennessee Child Abuse Reporting

Who do I contact to report an incident in Tennessee?

Call the Child Abuse Hotline for reporting suspected child abuse or neglect at 877-237-0004 or reporting can be done through this direct link: <https://apps.tn.gov/carat/>

In case of emergency and life-threatening situation call 9-1-1.

“Any such person with knowledge of the type of harm described in this subsection (a)ⁱ shall report it, by telephone, to the

- (A) Judge having juvenile jurisdiction over the child;
- (B) Department (of Child Services), in a manner specified by the department, either by contracting a local representative of the department or by utilizing the department’s centralized intake procedure, where applicable;
- (C) Sheriff of the county where the child resides; or
- (D) Chief law enforcement official of the municipality where the child resides.” **T.C.A. §37-1-403(a)(2).**

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(c)ⁱⁱ.

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: § 39-13-309ⁱⁱⁱ, §§ 39-13-502 - 39-13-504^{iv}, § 39-13-515^v, § 39-13-522^{vi}, § 39-13-527^{vii}, § 39-13-531^{viii}, § 39-15-302^{ix}, § 39-15-402^x, or § 39-17-1005^{xi} 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)^{xii} is occurring;

Knowingly or with gross negligence allowing a child under eight (8) years of age to ingest an illegal substance or a controlled substance that results in the child testing positive on a drug screen, except as legally prescribed to the child; or

Knowingly allowing a child to be within a structure where any of the following controlled substances are present and accessible to the child: (i) Any Schedule I controlled substance listed in § 39-17-406; (ii) Cocaine; (iii) Methamphetamine; or (iv) Fentanyl; **T.C.A. §37-1-102(b)(27)**.

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)**.

If any such person known or has reasonable cause to suspect that a child has been sexually abused, the person shall report such information in accordance with §37-1-605^{xiii}, relative to the sexual abuse of children, regardless of whether such person knows or believes that the child has sustained any apparent injury as a result of such abuse.” **T.C.A. §37-1-403(a)(3)**.

Are Clergy mandatory reporters in Tennessee?

Yes.

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.

Title of 37-1-614 *Evidentiary privileges inapplicable in child sexual abuse cases:*

“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. (underlining added)**

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

How is a penitential communication in Tennessee defined?

“Information communicated to that person in a confidential manner, properly entrusted to that person in that person’s professional 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 spiritual counsel and advice relative to and growing out of the information so imparted.”
T.C.A §24-1-206.

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/>

ⁱ 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.

ⁱⁱ Includes, but is not limited to, second – or third – degree burns, a fracture of any bone, a concussion, subdural or subarachnoid bleeding, retinal hemorrhage, cerebral edema, brain contusion, injuries to the skin that involve severe bruising or the likelihood of permanent or protracted disfigurement, including those sustained by whipping children with objects and acts of female genital mutilation as defined in §39-13-110.

ⁱⁱⁱ Trafficking for commercial sex act

^{iv} Aggravated rape, rape, and aggravated sexual battery

^v Promoting prostitution

^{vi} Rape of a child

^{vii} Sexual battery by an authority figure

^{viii} Aggravated rape of a child

^{ix} Incest

^x Aggravated child abuse and aggravated child neglect or endangerment

^{xi} Offenses of especially aggravated sexual exploitation of a minor.

^{xii} Controlled substances in Schedule I.

^{xiii} Any person including, but not limited to, any:

- (1) Physician, osteopathic physical, medical examiner, chiropractor, nurse or hospital personnel engaged in the admission, examination, care or treatment of persons;
- (2) Health or mental health professional other than one listed in subdivision (1);
- (3) Practitioner who relies solely on spiritual means for healing;
- (4) School teacher or other school official or personnel;
- (5) Judge of any court of the state;
- (6) Social worker, day care center worker, or other professional child care, foster care, residential or institutional worker;
- (7) Law enforcement officer;
- (8) Authority figure at a community facility, including any facility used for recreation or social assemblies, for educational, religious, social, health, or welfare purposes, including, but not limited to, facilities operated by schools, the boy or girls scouts, the YMCA or YWCA, the boys and girls club, or church or religious organizations; or
- (9) Neighbor, relative, friend or any other person;

who knows or has reasonable cause to suspect that a child has been sexually abused shall report such knowledge or suspicion to the department in the manner prescribed in subsection (b).