

# Mandatory Reporting Requirements: Children Tennessee

*Last Updated: December 2017*

Question	Answer
Who is required to report?	<ul style="list-style-type: none"> <li>• <b>General Note:</b> Tennessee’s mandatory reporting law imposes different reporting requirements depending on the type of abuse. Accordingly, the information presented distinguishes between reporting requirements for crimes of “abuse” and crimes of “sexual abuse” (as respectively defined).</li> <li>• <b>Abuse:</b> <ul style="list-style-type: none"> <li>• 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.</li> </ul> </li> <li>• <b>Sexual Abuse:</b> Any person, including, but not limited to, any:           <ul style="list-style-type: none"> <li>• Physician, osteopathic physician, medical examiner, chiropractor, nurse or hospital personnel engaged in the admission, examination, care or treatment of persons;</li> <li>• Any other health or mental health professional;</li> <li>• Practitioner who relies solely on spiritual means for healing;</li> <li>• School teacher or other school official or personnel;</li> <li>• Judge of any court of the state;</li> <li>• Social worker, day care center worker, or other professional child care, foster care, residential or institutional worker;</li> <li>• Law enforcement officer;</li> <li>• 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 at schools, the boy or girl scouts, the YMCA or YWCA, the boys and girls club or church or religious organizations; or</li> <li>• Neighbor, relative, friend or any other person.</li> </ul> </li> </ul>
When is a report required and where does it go?	<p><b>When is a report required?</b></p> <ul style="list-style-type: none"> <li>• Abuse: 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.</li> <li>• Sexual Abuse: Knowledge or reasonable cause to suspect that a child has been sexually abused, regardless of whether such person knows or believes that the child has sustained any apparent injury as a result of such abuse.</li> </ul> <p><b>Where does it go?</b></p> <ul style="list-style-type: none"> <li>• Abuse: Judge having juvenile jurisdiction over the child; the department of children’s services, in a manner specified by the department, either by contacting a local representative of the department or by utilizing</li> </ul>

	<p>the department's centralized intake procedure, where applicable; sheriff of the county where the child resides; or chief law enforcement official of the municipality where the child resides.</p> <ul style="list-style-type: none"> <li>• Sexual Abuse: The local office of the department of children's services or to the judge having juvenile jurisdiction or to the office of the sheriff or the chief law enforcement official of the municipality where the child resides. Each report of known or suspected child sexual abuse occurring in a facility licensed by the department of mental health and substance abuse services, or any hospital, shall also be made to the local law enforcement agency in the jurisdiction where such offense occurred.</li> </ul>
<p>What definitions are important to know?</p>	<ul style="list-style-type: none"> <li>• <b>“Child”</b> means a person who is under 18 years of age or who is reasonably presumed to be under 18 years of age.</li> <li>• <b>“Child sexual abuse”</b> means: <ul style="list-style-type: none"> <li>• the commission of any act involving the unlawful sexual abuse, molestation, fondling or carnal knowledge of a child under 13 years of age that <b>prior to</b> November 1, 1989, constituted the criminal offense of: <ul style="list-style-type: none"> <li>• aggravated rape;</li> <li>• aggravated sexual battery;</li> <li>• assault with intent to commit rape or attempt to commit rape or sexual battery;</li> <li>• begetting child on wife's sister;</li> <li>• crimes against nature;</li> <li>• incest;</li> <li>• promotion of performance including sexual conduct by minor;</li> <li>• rape;</li> <li>• sexual battery; or</li> <li>• use of minor for obscene purposes; or</li> </ul> </li> <li>• <b>on or after</b> November 1, 1989, constituted the criminal offense of: <ul style="list-style-type: none"> <li>• aggravated rape;</li> <li>• aggravated sexual battery;</li> <li>• aggravated sexual exploitation of a minor;</li> <li>• criminal attempt for any of the offenses above;</li> <li>• especially aggravated sexual exploitation of a minor;</li> <li>• incest;</li> <li>• rape;</li> <li>• sexual battery; or</li> <li>• sexual exploitation of a minor; or</li> </ul> </li> <li>• one or more of the following acts: <ul style="list-style-type: none"> <li>• any penetration, however slight, of the vagina or anal opening of 1 person by the penis of another person, whether or not there is the emission of semen;</li> <li>• any contact between the genitals or anal opening of one person and the mouth or tongue of another person;</li> <li>• any intrusion by 1 person into the genitals or anal opening of another person, including the use of any object for this purpose, except that it shall not include acts intended for a valid medical purpose;</li> </ul> </li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>• the intentional touching of the genitals or intimate parts, including the breasts, genital area, groin, inner thighs, and buttocks, or the clothing covering them, of either the child or the perpetrator, except that it shall not include: (a) acts that may reasonably be construed to be normal caretaker responsibilities, interactions with, or affection for a child; or (b) acts intended for a valid medical purpose;</li> <li>• the intentional exposure of the perpetrator’s genitals in the presence of a child, or any other sexual act intentionally perpetrated in the presence of a child, if such exposure or sexual act is for the purpose of sexual arousal or gratification, aggression, degradation, or other similar purpose;</li> <li>• the sexual exploitation of a child, which includes allowing, encouraging, or forcing a child to: (a) solicit for or engage in prostitution; or (b) engage in actual or simulated sexual activity; or</li> <li>• the commission of any act specified above against a child 13 years of age through 17 years of age if such act is committed against the child by a parent, guardian, relative, person residing in the child’s home, or other person responsible for the care and custody of the child.</li> </ul>
<p>What timing and procedural requirements apply to reports?</p>	<ul style="list-style-type: none"> <li>• Reports must be made immediately. Reports may be made via telephone or otherwise, on the Department of Children’s Services Central Intake Division hotline at 1-877-237-0004 (1-877-54ABUSE) or online (at: <a href="https://apps.tn.gov/carat/referral/emergency.html">https://apps.tn.gov/carat/referral/emergency.html</a>).</li> </ul>
<p>What information must a report include?</p>	<p>To the extent known by the reporter:</p> <ul style="list-style-type: none"> <li>• The name, address, telephone number and age of the child;</li> <li>• The name, address and telephone number of the person responsible for the care of the child;</li> <li>• Facts requiring the report; and</li> <li>• Any other pertinent information.</li> </ul>
<p>Anything else I should know?</p>	<ul style="list-style-type: none"> <li>• Knowing failure to make a required report is a Class A misdemeanor, punishable by not greater than 11 months, 29 days imprisonment or a fine not to exceed \$2,500, or both.</li> <li>• Except as allowed by statute, disclosure or use of information contained in any report is unlawful and, in the case of sexual abuse, is a Class A misdemeanor, punishable by not greater than 11 months, 29 days imprisonment, or a fine not to exceed \$2,500, or both.</li> <li>• Any person who either verbally or by written or printed communication knowingly and maliciously reports, or causes, encourages, aids, counsels or procures another to report, a false accusation of child sexual abuse or false accusation that a child has sustained any wound, injury, disability or physical or mental condition caused by brutality, abuse or neglect commits a Class E felony, punishable by imprisonment for not less than one year, nor more than six years and a fine not to exceed \$3,000.</li> <li>• The duty to report continues as long as the alleged victim of abuse is a child under the age of 18. Tenn. Op. Atty. Gen. No. 88-142.</li> <li>• Any person required to report or investigate cases of suspected child abuse or child sexual abuse who has reasonable cause to suspect that a child died as a result of child abuse or child sexual abuse shall report</li> </ul>

such suspicion to the appropriate medical examiner. The medical examiner must accept the report for investigation and report the medical examiner's findings, in writing, to the local law enforcement agency, appropriate district attorney general and the Department of Children's Services.

- Every physician or other person who makes a diagnosis of, or treats, or prescribes for any sexually transmitted disease, or venereal herpes and chlamydia, in children 13 years of age or younger, and every superintendent or manager of a clinic, dispensary or charitable or penal institution, in which there is a case of any of the diseases, in children 13 years of age or younger shall report the case immediately, in writing on a form supplied by the department of health to that department.
- Every physician or other person who makes an initial diagnosis of pregnancy to an unemancipated minor, and every superintendent or manager of a clinic, dispensary or charitable or penal institution in which there is a case of an unemancipated minor who is determined to be pregnant, shall provide to the minor's parent, if the parent is present, and the minor consents, any readily available written information on how to report to the department of children's services an occurrence of sex abuse that may have resulted in the minor's pregnancy, unless disclosure to the parent would violate the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA).
- Any school official, personnel, employee or member of the board of education who is aware of a report or investigation of employee misconduct on the part of any employee of the school system that in any way involves known or alleged child abuse, including, but not limited to, child physical or sexual abuse or neglect, shall, immediately upon knowledge of such information, notify the department of children's services (or anyone listed above under the heading "Where does it go?") of the abuse or alleged abuse.
- If a school teacher, school official or any other school personnel has knowledge or reasonable cause to suspect that a child who attends such school may be a victim of child abuse or child sexual abuse sufficient to require reporting and that the abuse occurred on school grounds or while the child was under the supervision or care of the school, then the principal or other person designated by the school shall verbally notify the parent or legal guardian of the child that a report has been made and shall provide other information relevant to the future wellbeing of the child while under the supervision or care of the school. The verbal notice shall be made in coordination with the department of children's services to the parent or legal guardian within 24 hours from the time the school, school teacher, school official or other school personnel reports the abuse to the department of children's services; provided that in no event may the notice be later than 24 hours from the time the report was made. The notice shall not be given to any parent or legal guardian if there is reasonable cause to believe that the parent or legal guardian may be the perpetrator or in any way responsible for the abuse. Once notice is given, the principal or other designated person shall provide to the parent or legal guardian all school information and records relevant to the alleged abuse or sexual abuse, if requested by the parent or legal guardian; provided, that the information is edited to protect the confidentiality of the identity of the person who made the report, any other person whose life or safety may be endangered by the disclosure and any information made confidential pursuant to federal law or the state's confidentiality statutes with respect to public school student records. "School" means any public or privately operated child care agency, preschool, nursery school, kindergarten, elementary school or secondary school.
- If any hospital, clinic, school, or other organization responsible for the care of children develops a procedure for internally tracking, reporting, or otherwise monitoring a report pursuant to this section, the

identity of the person who made a report of harm shall be kept confidential.

- If a health care provider makes a report of harm, and if the report arises from an examination of the child performed by the health care provider in the course of rendering professional care or treatment of the child, or if the health care provider who is highly qualified by experience in the field of child abuse and neglect, as evidenced by special training or credentialing, renders a second opinion at the request of the department or any law enforcement agency, whether or not the health care provider has examined the child, rendered care or treatment, or made the report of harm, then the health care provider shall not be liable in any civil or criminal action that is based solely upon: (A) the health care provider's decision to report what the provider believed to be harm; (B) the health care provider's belief that reporting the harm was required by law; (C) the fact that a report of harm was made; or (D) the fact that an opinion was requested and provided. If absolute immunity is not conferred based on the provisions described above applicable to a health care provider, and if, acting in good faith, the person makes a report of harm as required, then the person shall not be liable in any civil or criminal action that is based solely upon: (i) the person's decision to report what the person believed to be harm; (ii) the person's belief that reporting the harm was required by law; or (iii) the fact that a report of harm was made. No such immunity shall attach if the person reporting the harm perpetrated or inflicted the abuse or caused the neglect.

Statutory  
citation(s):

T.C.A. §§ 37-1-401, 37-1-403, 37-1-410, 37-1-412, 37-1-413, 37-1-602, 37-1-605, 40-35-111.