

Reporting of Child Abuse in Tennessee

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(This article is intended to be a brief, but informative overview of the responsibility of churches in reporting suspected abuse of minors.)

Tennessee law at TCA Section 37-1-403 mandates that "Any person...having knowledge of or called upon to render aid to any child who is suffering from or has sustained any wound, injury, disability, or physical or mental condition which is of such a nature as to reasonably indicate that it has been caused by brutality, abuse or neglect or which on the basis of available information reasonably appears to have been caused by brutality, abuse or neglect, shall report such harm immediately, by telephone or otherwise,....".

The report and the person making the report are kept confidential. Failure to make the required report constitutes a Class A misdemeanor. If prosecuted and you plead guilty and waive rights, the judge will impose a \$50 fine. If you plead not guilty, then you will be bound over to the grand jury. Anyone who discloses information contained within the report commits a Class B misdemeanor.

Anyone reporting in compliance with the statute is presumed to be acting in good faith and shall thereby be immune from any liability, civil or criminal, that might otherwise be incurred or imposed for such action.

A person knowingly and maliciously reporting, or causing, encouraging, aiding, counseling or procuring another to report, a false accusation of child sexual abuse commits a Class E felony.

In 2005, the Tennessee law was modified to no longer allow an individual working within an organization caring for minors to satisfy the reporting requirement by fulfilling his or her organization's reporting requirement. While the organization may have an investigative process and the employee or volunteer follows through on that process, the individual suspecting the abuse must still ensure that a report is made to the proper authorities in a timely manner.

As to when, where and how investigations are to be conducted, the department of the State has autonomous control over such. The sole and primary concern is the welfare of the child. If the facts warrant such, then the investigation, or at least a portion thereof, could be conducted on the church property. Please note that the statute actually states that the state prefers that the investigation be performed on a neutral site (e.g., the church).

What should a church do?

Every church should have policies and procedures in place which are designed first to protect minors that are in their custody at any time for any reason. The policy should cover the selection and supervision of both employees and volunteers. Furthermore, it should detail a process for the employee or volunteer to report suspected abuse and then a requirement that their suspicions be reported. The church may designate a person in the church to be the one that makes all formal reports on behalf of the church. However, the person who originally suspected the abuse must make sure the report is made and ideally be involved in the report.

In addition to the Department of Children's Services, individuals may report suspected child abuse/neglect to the Juvenile Court Judge having jurisdiction over the child, the Sheriff of the county where the child resides, or the Chief law enforcement officer of the municipality where the child resides. Persons reporting to the Department should call the Department of Children's Services statewide hotline. There are two toll-free numbers, and they are operational 24 hours a day, 7 days a week. 1-877-54ABUSE (1-877-542-2873) and 1-877-237-0004.