

STATE OF TENNESSEE

PUBLIC CHAPTER NO. 549

HOUSE BILL NO. 2295

**By Representatives Sherry Jones, Mike Turner, McDonald, Hardaway, Yokley, Winningham, Montgomery, Fitzhugh, Coley, Hackworth, Bone, Shaw, Camper, Ferguson, Windle**

Substituted for: Senate Bill No. 2282

By Senators Kyle, Jackson, Berke, Ford, Burks

AN ACT to amend Tennessee Code Annotated, Section 37-1-128(e) and Section 37-1-150.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 37-1-128(e)(1), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(e)

(1) If, during the pendency of any proceeding under this chapter, there is reason to believe that the child may be suffering from mental illness, the court may order the child to be evaluated on an outpatient basis by a mental health agency or a licensed private practitioner designated by the commissioner of mental health and developmental disabilities to serve the court. If, during the pendency of any proceeding under this chapter, there is reason to believe that the child may be suffering from a developmental disability the court may order the child to be evaluated on an outpatient basis by a mental health agency, developmental center or a licensed private practitioner designated by the commissioner of mental health and developmental disabilities to serve the court. Any such outpatient evaluation shall be completed no more than thirty (30) days after receipt of the order by the examining professional. If and only if in either of the circumstances described above the outpatient evaluator concludes that further evaluation and treatment are needed, the court may order the child hospitalized. If the court orders the child to be hospitalized in a department of mental health and developmental disabilities facility, hospital or treatment resource, the child shall be placed into the custody of the commissioner of mental health and developmental disabilities at the expense of the county for not more than thirty (30) days at a facility, hospital or treatment resource with available, suitable accommodations. Prior to transporting a defendant for such evaluation and treatment in a department facility, the sheriff or other transportation agent shall determine that the receiving department facility has available suitable accommodations.

SECTION 2. Tennessee Code Annotated, Section 37-1-128(e), is amended by adding the following language as a new subdivision:

( ) If a child that is alleged to be delinquent or unruly is brought before the court, and if the court determines that there is reason to believe that the child is experiencing a behavioral health emergency, then the court may request the services of a crisis response provider designated by the commissioner of the department of mental health and developmental disabilities to perform such services under title 33. For purposes of this section, a behavioral health emergency shall be defined as an acute onset of a behavioral health condition that manifests itself by an immediate substantial likelihood of serious harm as defined in § 33-6-501. If the crisis provider is unable to respond within two (2) hours of contact by the court, the crisis provider shall immediately notify the court and provide instructions for examination of the child under title 33, chapter 6, part 1.

SECTION 3. Tennessee Code Annotated, Section 37-1-150(a)(1), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(1) The cost of medical and other examinations and treatment of a child that is ordered by the court; the cost of outpatient mental health evaluations under section 37-1-128(e)(1) shall be the responsibility of the state;

SECTION 4. Tennessee Code Annotated, Section 37-1-150(b), is amended by deleting the subsection in its entirety and substituting instead the following:

(b)

(1) The cost of transporting a child who has been committed to a state correctional institution on an offense that would be a felony if committed by an adult shall be paid by the state. The cost of transportation of a child for mental health examination or evaluation when such examination or evaluation has been ordered by the juvenile court judge for a child charged with commission of an offense that would be a felony if committed by an adult shall be paid by the county.

(2) The cost of an inpatient mental health examination or evaluation ordered by the juvenile court judge for a child charged with commission of an offense that would be a felony if committed by an adult, and the cost incidental to such an examination or evaluation, shall be paid by the city or county.

SECTION 5. Tennessee Code Annotated, Section 37-1-150(d), is amended by re-designating the current language as subdivision (d)(1) and adding the following language as a new subdivision:

(2) If, after due notice to the parents or other persons legally obligated to care for and support the child and after affording them an opportunity to be heard, the court finds that they are financially able to pay all or part of the costs and expenses of the mental evaluation or examination of the child, which have been paid by the city or county pursuant to subsection (b), the court may order

them to pay the costs and prescribe the manner of payment. Unless otherwise ordered, payment shall be made to the clerk of the juvenile court for remittance to the person to whom compensation is due, or if the costs and expenses have been paid by the state to the appropriate officer of the state.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.

**PASSED: June 16, 2009**

  
KENT WILLIAMS, SPEAKER  
HOUSE OF REPRESENTATIVES

  
RON RAMSEY  
SPEAKER OF THE SENATE

**APPROVED this 25th day of June 2009**

  
PHIL BREDEESEN, GOVERNOR