

PUBLIC CHAPTER NO. 793

SENATE BILL NO. 2547

By Norris, Woodson

Substituted for: House Bill No. 2884

By Gresham, Phillip Johnson, Dean, Niceley, Curtis Johnson, Montgomery, Mumpower, Casada, Rowland, Kelsey, Hill, West, DuBois, Campfield, Swafford, Kevin Brooks, Hensley, Watson, Vaughn, Jim Cobb, Eldridge, McManus, Hardaway, Baird, Ford, Lollar, Brown, Crider, Fincher, Maddox

AN ACT to amend Tennessee Code Annotated, Title 36, Chapter 6, relative to child custody modifications.

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

SECTION 1. Tennessee Code Annotated, Title 36, Chapter 6, Part 1, is amended by adding the following language as a new, appropriately designated section:

§ 36-6-1.

(a) As used in this section:

(1) "Armed forces" means the National Guard and the reserve components of the armed forces, the United States Army, the United States Navy, the United States Marine Corps, the United States Coast Guard, and the United States Air Force, and any other branch of the military and naval forces or auxiliaries of the United States or Tennessee; and

(2) "Mobilized parent" means a parent who:

(A) Is a member of the armed forces; and

(B) Is called to active duty or receives orders for duty that is outside the state or country.

(b) A court shall not permanently modify a decree for child custody or visitation solely on the basis that one (1) of the parents is a mobilized parent.

(c)(1) A court of competent jurisdiction shall determine whether a temporary modification to a decree for child custody or visitation is appropriate for a child or children of a mobilized parent.

(2) The determination under this subsection (c) includes consideration of any and all circumstances that are necessary to

maximize the mobilized parent's time and contact with his or her child that is consistent with the best interest of the child, including without limitation:

(A) The ordered length of the mobilized parent's call to active duty;

(B) The mobilized parent's duty station or stations;

(C) The opportunity that the mobilized parent will have for contact with the child through a leave, a pass, or other authorized absence from duty;

(D) The contact that the mobilized parent has had with the child before the call to active military duty;

(E) The nature of the military mission, if known; and

(F) Any other factor that the court deems appropriate under the circumstances.

(d) Any court-ordered modification of a child custody decree based on the active duty of a mobilized parent shall be temporary and shall revert back to the previous child custody decree at the end of the deployment, as appropriate.

(e) This section shall not limit the power of a court of competent jurisdiction to permanently modify a decree of child custody or visitation in the event that a parent volunteers for permanent military duty as a career choice regardless of whether the parent volunteered for permanent military duty while a member of the armed forces.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: April 10, 2008



RON RAMSEY
SPEAKER OF THE SENATE



JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 23rd day of April 2008



PHIL BREDESEN, GOVERNOR