

HOUSE BILL 1106

By Johnson C

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

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

SECTION 1. Tennessee Code Annotated, Section 36-6-113(c), is amended by deleting the subsection in its entirety and substituting instead the following:

(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 and, if appropriate, hold an expedited hearing if the exigencies of the mobilized parent's out-of-state assignment require immediate attention.

(2) The determination under subdivision (c)(1) includes consideration of any and all circumstances that are necessary to maximize the mobilized parent's time and contact with the parent's child that are consistent with the best interest of the child, including, but not limited to:

(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.

(3) The court shall allow for testimony to be given to the court by electronic means while the military parent is absent from the state if necessary.

SECTION 2. Tennessee Code Annotated, Section 36-6-113(e), is amended by deleting the subsection in its entirety and substituting instead the following:

(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 successive or frequent duties that remove the parent from the state and that make the parent unavailable to effectively supervise and care for a child.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.