

AMENDMENT NO. _____

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Signature of Sponsor

AMEND Senate Bill No. 1586

House Bill No. 809

by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. Tennessee Code Annotated, Title 36, Chapter 6, Part 1, is amended by adding the following new section:

(a) If the court grants periods of physical placement to more than one (1) parent, it shall order the custodial parent to provide not less than thirty (30) days written notice to the other parent, with a copy to the court, of his or her intent to:

(1) Establish his or her legal residence outside the state and remove the child from this state for a period of time exceeding thirty (30) consecutive days; or

(2) Establish his or her legal residence within this state more than sixty (60) miles from the other parent, and remove the child.

(b) The parent shall send the notice under subsection (a) by certified mail. The notice shall state the parent's proposed action and that the other parent may object within thirty (30) days.

(c) Except as provided under subsection (d), if the custodial parent is proposing the move, the custodial parent shall, after filing the notice under subsection (a), file a petition to modify the custody order. The parent proposing the move shall show by a preponderance of the evidence that:

(1) The move is unrelated to the noncustodial parent's parenting rights;

and

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(2) The move would not be adverse to the child’s social, educational, psychological and health needs.

(d) If the parents have joint decision-making authority, and if the parents have substantially equal periods of physical placement with the child, either parent may file a petition to modify the residential provisions of the order. The parent proposing the move shall, after filing the notice under subsection (a), file a petition to modify the custody order. The parent proposing the move shall show by a preponderance of the evidence that:

(1) The move is unrelated to the other parent’s parenting rights;

(2) The move would not be adverse to the child’s social, educational, psychological and health needs; and

(3) Circumstances make it impractical for the parties to continue to have substantially equal periods of physical placement.

(e) If the parent proposing the move meets the standard required in subsection (c) or (d), as appropriate, the court shall permit the move unless the other parent establishes by a preponderance of the evidence that:

(1) The move was for reasons related to interfering with, defeating, or undermining the noncustodial parent’s parenting rights; or

(2) The move would pose a specific and serious threat of harm to the child.

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(f) In making its determination under this section, the court shall consider the availability of alternative arrangements to foster and continue the child's relationship with and access to the other parent.

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