

SENATE BILL 1235
By Herron

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

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 as a new section:

Section____.

(a) Where the care, custody and control of a minor child or children has been awarded to one (1) of the parties to a suit for annulment, divorce or separate maintenance and subsequent to such decree the custodial parent intends to move out-of-state with such child or children, the custodial parent shall notify the court issuing the custody decree of such intention at least thirty (30) days prior to the date such child or children will be moved. Within seven (7) days of receiving such notice, the court shall notify the non-custodial parent of the custodial parent's intention to move the child or children out-of-state. Such notice shall inform the non-custodial parent that the custodial parent's intention to move such child or children out-of-state constitutes a material change of circumstance sufficient to entitle the non-custodial parent to petition the court for a hearing concerning such proposed move.

(b) The non-custodial parent shall have fourteen (14) days from receipt of such notice to petition the court for a hearing. If the non-custodial parent does

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not petition for a hearing within the required time, the court shall notify the custodial parent that such parent is authorized to move the child or children out-of-state.

(c) If the non-custodial parent does petition the court for a hearing, the court shall conduct one as soon as possible after notifying the parties. The court, in its discretion, may appoint a guardian ad litem to represent the interests of the child or children if the court does not believe they will be adequately represented by the parties. The sole issue at the hearing shall be whether the proposed move of the child or children out-of-state is in the best interests of such child or children. The custodial parent, the non-custodial parent and the guardian ad litem, if one is appointed, may offer proof on this issue.

(d) If the court determines that moving the child or children out-of-state is in their best interest, it shall issue an order authorizing the move. If the court determines that it is not in their best interest, it may issue an order prohibiting the move or it may modify or change its original award of custody.

SECTION 2. This act shall take effect July 1, 1997, the public welfare requiring it.

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