

SENATE BILL 3043
By Kurita

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

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

SECTION 1. Tennessee Code Annotated, Section 36-6-106, is amended by inserting the following as new subsection (c) thereto:

(c) Notwithstanding any provision of this section to the contrary, if a motion for change of custody is filed during the time a parent is in active duty military service out of state, then the court shall not enter an order modifying or amending a previous judgment or order, or issue a new order, that changes the child's placement that existed on the date the parent was called to active duty military service out of state, except that the court may enter a temporary custody order if there is clear and convincing evidence that it is in the best interest of the child.

(1) A parent's absence or failure to comply with custody or visitation orders due to active duty military service out of state shall not, by itself, be sufficient to permanently modify a custody or visitation order.

(2) In no event shall a parent's absence or failure to comply with custody or visitation orders due to active duty military service out of state be used against a parent who is petitioning for returned custody or visitation upon returning to the state.

(3) In no event shall a parent's absence or failure to comply with custody or visitation orders due to active duty military service out of state be considered when determining the best interest of the child.

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