

Amendment No. 1 to HB0804

DeBerry J
Signature of Sponsor

AMEND Senate Bill No. 1267

House Bill No. 804*

by deleting all the language following the enacting clause in its entirety and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 36, Chapter 6, Part 3, is amended by inserting the following as a new, appropriately designated section thereto:

(a) If a parent has been granted court-ordered visitation with that parent's minor child or children, and if that parent has been called to active duty military service and such active duty service requires the parent to be out of the state for a period of at least ninety (90) days, then that parent may petition the court with jurisdiction of the order granting visitation for a modification of that order for the temporary assignment of that parent's visitation rights to a legal or biological relative or relatives. The petition shall state the relative or relatives that the parent is requesting to maintain contact with the child during the parent's absence and shall include a proposed visitation schedule with such relative or relatives. The petitioner shall also provide the court with affidavits from such relative or relatives indicating their knowledge of the petition and their willingness to exercise all or a portion of the parent's visitation during the parent's absence.

(b) The court may grant the petitioner's request for assignment of visitation if the court finds that such visitation would be in the best interest of the child.

(c) The court shall deny the petitioner's request for assignment of visitation if the court finds that exposure of the child to the proposed assignee of visitation rights poses a danger of substantial harm to the child.

(d) An order granting an assignment of visitation rights pursuant to this section shall terminate immediately upon the termination of the petitioner's term of out of state active duty military service.

SECTION 2. This act shall take effect July 1, 2009, the public welfare requiring it.