

HOUSE BILL 33

By Hardaway

AN ACT to amend Tennessee Code Annotated, Title 36,  
Chapter 1, relative to parental rights.

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

SECTION 1. Tennessee Code Annotated, Section 36-1-102(1)(D), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(D) For purposes of this subdivision (1), "willfully failed to support" or "willfully failed to make reasonable payments toward such child's support" means the willful failure, for a period of four (4) consecutive months, to provide monetary support or the willful failure to provide more than token payments toward the support of the child, provided that a written court order or ratified permanency plan pursuant to § 37-2-403 from any court of competent jurisdiction has established an obligation to pay child support, and:

(i) A written court order provides notice to the parent or parents that the failure to pay child support for four (4) consecutive months constitutes abandonment and may result in termination of parental rights;  
or

(ii) A written notice that explains that willful failure to support for four (4) consecutive months is grounds for termination of parental rights has been provided to the parent or parents at least four (4) months preceding the filing of a petition to terminate parental rights, and a copy of this notice is attached to such petition;

SECTION 2. Tennessee Code Annotated, Section 36-1-102(1)(E), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(E) For purposes of this subdivision (1), "willfully failed to visit" means the willful failure, for a period of four (4) consecutive months, to visit or engage in more than token visitation, provided that in any court action involving paternity, custody, support or visitation, a:

(i) A written court order provides notice to the parent or parents that the failure to visit the child for four (4) consecutive months constitutes abandonment and may result in termination of parental rights; or

(ii) A written notice that explains willful failure to visit the child for four (4) consecutive months is grounds for termination of parental rights has been provided to the parent or parents at least four (4) months preceding the filing of a petition to terminate parental rights, and a copy of this notice is attached to such petition;

SECTION 3. Tennessee Code Annotated, Section 36-1-113(d)(3)(A), is amended by inserting the appropriately designated subdivisions:

( ) The child will be placed in the guardianship of other persons or agencies who shall have the right to adopt the child or to place the child up for adoption and to consent to such child's adoption; and

( ) The parent or guardian shall have no further right to notice of proceedings for the adoption of the child and the parent or guardian shall have no right to object to the child's adoption or thereafter to have any relationship, legal or otherwise, with the child.

SECTION 4. This act shall take effect July 1, 2009, the public welfare requiring it.