

SENATE BILL 1339

By Campfield

AN ACT to amend Tennessee Code Annotated, Title 36,
Chapter 3, Part 6, relative to counseling for
domestic violence.

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

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

(a) Any domestic violence victim who petitions for an order of protection and the respondent to such order shall attend one (1) hour of domestic violence counseling prior to any hearing on the order of protection. Such counseling shall be provided at agencies that provide domestic violence assistance or by the department of mental health. Failure to attend such counseling shall not postpone any scheduled hearing on the order of protection.

(b) Under no circumstances shall the victim and respondent be required to attend domestic counseling sessions together or in the same location at the same time.

(c) Notwithstanding any other law to the contrary, no victim shall be required to bear the costs of the counseling sessions. When an order of protection is entered, the cost of the counseling sessions shall be assessed against the respondent. In the case of a temporary order of protection, the costs shall be assessed against the respondent if the court finds at a subsequent hearing by a preponderance of evidence that the temporary order was justified.

SECTION 2. This act shall take effect July 1, 2011, the public welfare requiring it.