

HOUSE BILL 1647

By Carter

AN ACT to amend Tennessee Code Annotated, Title 36, Chapter 4 and 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 36-4-103(b), is amended by adding the following language at the end of the subsection:

Approval of the agreement by the court satisfies the requirements of Rule 52.01 of the Tennessee rules of civil procedure, and the court is not required to make written findings of fact and conclusions of law as to whether the parties' agreed amendment makes adequate and sufficient provisions for the custody and maintenance of any children of that marriage or whether the agreement is in the best interest of the parties' children.

SECTION 2. Tennessee Code Annotated, Section 36-6-101(a), is amended by adding the following as a new subdivision:

( ) If the issue before the court is modification of a prior decree pertaining to custody pursuant to § 36-6-101(a)(2)(B) or a residential parenting schedule pursuant to § 36-6-101(a)(2)(C), and the parties either announce to the court and place on the record an agreement specifying the terms of the modification, or execute a permanent parenting plan modifying a prior order of the court with respect to custody or a residential parenting schedule which is approved through entry of an agreed order, then the court is not required to inquire further and make an independent determination as to whether the modification is in the best interest of the child. An order of the court approving the agreement and stating that the modification is made by agreement of the parties satisfies the requirements of Rule 52.01 of the Tennessee rules of civil procedure. The

court is not required to accept an agreement of the parties modifying a permanent parenting plan, and this subdivision (a)( ) does not diminish the authority of the court to make inquiry and ensure that the modification of the permanent parenting plan is in the best interest of the child, is entered into freely and voluntarily by both parents, and is not the product of duress, coercion, or undue influence.

SECTION 3. Tennessee Code Annotated, Section 36-6-405(a), is amended by deleting the language "The process" and substituting instead the language "If the parties cannot agree to a modification of a permanent parenting plan, the process".

SECTION 4. Tennessee Code Annotated, Section 36-6-405, is amended by adding the following as a new subsection:

( ) If the parties agree to a modification of an existing permanent parenting plan, and the parties announce to the court and place on the record an agreement specifying the terms of modification, or if the parties execute a permanent parenting plan which modifies a prior order of the court with respect to either custody or residential parenting schedule which is approved through entry of an agreed order, then the court is not required to inquire further and make an independent determination as to whether the modification is in the best interest of the child. An order of the court approving the agreement and stating that the modification is made by agreement of the parties satisfies the requirements of Rule 52.01 of the Tennessee rules of civil procedure. The court is not required to accept an agreement of the parties modifying a permanent parenting plan, and this subsection ( ) does not diminish the authority of the court to make inquiry and ensure that the modification of the permanent parenting plan is in the best interest of the child, is entered into freely and voluntarily by both parents, and is not the product of duress, coercion, or undue influence.

SECTION 5. Tennessee Code Annotated, Section 36-6-407, is amended by adding the following as a new subsection:

( ) Notwithstanding any provision to the contrary, the requirements of subsection (a) and Rule 52.01 of the Tennessee rules of civil procedure are conclusively satisfied

upon the court's approval of the parties' agreement allocating parenting responsibilities, or specifying rules, and written findings of fact and conclusions of law by the court are not required.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.