

SENATE BILL 1651

By Stevens

AN ACT to amend Tennessee Code Annotated, Title 36,
Chapter 6, Part 1, relative to parental relocation.

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

SECTION 1. Tennessee Code Annotated, Section 36-6-108, is amended by deleting subsections (c)-(j) in their entireties and substituting instead the following:

(c)

(1) If the relocating parent seeks to move with the child, the other parent may, within thirty (30) days of receipt of notice, file a petition in opposition to removal of the child. If a petition in opposition is filed, the relocating parent has the burden of proving by clear and convincing evidence that the relocation is in the best interests of the child according to the factors found in § 36-6-106(a)(1)-(15).

(2) No presumption in favor of or against the request to relocate with the child shall arise. The sole issue before the court is whether to permit relocation of the child based upon the best interests of the child.

(d) The court shall consider the availability of alternative arrangements to foster and continue the child's relationship with and access to the other parent. The court shall assess the costs of transporting the child for visitation, and determine whether a deviation from the child support guidelines should be considered in light of all factors, including, but not limited to, additional costs incurred for transporting the child for visitation. For purposes of adjusting or altering child support, a relocation of the child of fifty (50) miles or more shall be considered as a matter of law a material change in circumstances.

(e) Nothing in this section shall prohibit either parent from petitioning the court at any time to address issues, such as, but not limited to, visitation, other than a change of custody related to the move. In the event no petition in opposition to a proposed relocation is filed within thirty (30) days of receipt of the notice, the parent proposing to relocate with the child shall be permitted to do so.

(f) It is the legislative intent that the sole issue in a proposed child relocation is if the relocation is in the best interests of the child. Therefore, the gender of the parent who seeks to relocate for the reason of career, educational, professional, or job opportunity, or otherwise, shall not be a factor in favor of or against the relocation of such parent with the child.

(g) Either parent in a parental relocation matter may recover reasonable attorney fees and other litigation expenses from the other parent in the discretion of the court.

(h) This section shall also apply to a parent who is subject to an injunction pursuant to § 36-6-116 or § 36-4-106(d)(5).

SECTION 2. This act shall take effect July 1, 2018, the public welfare requiring it.