

HOUSE BILL 420

By Hardaway

AN ACT to amend Tennessee Code Annotated, Title 17;
Title 20 and Title 36, Chapter 4, relative to recusal
in divorce cases.

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

SECTION 1. Tennessee Code Annotated, Section 36-4-110, is amended by designating the existing language as subsection (a) and by adding the following language as a new subsection (b):

(b) If the defendant elects to appear and answer the complaint pursuant to subsection (a), the defendant may request an automatic recusal from the judge hearing the case without assigning any cause. Upon a proper request for automatic recusal, the judge hearing the case shall grant the request. The defendant shall only be entitled to one (1) request for automatic recusal pursuant to this subsection (b) during the course of the defendant's divorce proceedings. If a defendant elects to request an automatic recusal pursuant to this subsection (b), the presiding judge for the judicial district shall assign the case to another judge.

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