

HOUSE BILL 542

By Litz

AN ACT to amend Tennessee Code Annotated, Title 36
and Title 37, relative to notification in child custody
proceedings.

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

SECTION 1. Tennessee Code Annotated, Title 36, Chapter 6, Part 1, is amended by
adding the following new section thereto:

§ 36-6-114.

(a) In a suit for annulment, divorce, separate maintenance, or in any
other proceeding requiring the court to make a custody determination regarding a
minor child, every order required by its terms to be served, every pleading, every
paper relating to discovery required to be served on a party by the rules of
procedure, every amendment, every written motion, and every written notice,
appearance, demand, offer of judgment, designation of record on appeal, and
similar papers shall be sent to the parties by registered mail, return receipt
requested, postage prepaid.

(b) Subsection (a) shall not apply when:

(1) The required mailing referred to in subsection (a) concerns an
ex parte motion;

(2) A party is adjudged in default for failure to appear;

(3) A party has waived the requirements of subsection (a) by
completing a waiver of registered mailings at any time during the
pendency of the proceeding requiring the court to make a custody
determination regarding the minor child; or

(4) A court waives the requirements of subsection (a) for any cause found sufficient by the court.

(c) The requirements of subsection (a) are in addition to any other rule or law requiring service or delivery to any party or any party's attorney by means other than registered mail.

SECTION 2. The administrative office of the courts shall develop a "Waiver of Registered Mailings" form that shall be used consistently by each court within the state that hears proceedings requiring the court to make a custody determination regarding a minor child. The administrative office of the courts shall be responsible for distributing the form no later than January 1, 2010. The administrative office of the courts shall be responsible for updating the form as it deems necessary.

SECTION 3. For the purpose of the administrative office of the courts developing a "Waiver of Registered Mailings" form, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, it shall take effect on January 1, 2010, the public welfare requiring it.