

SENATE BILL 402

By Stevens

AN ACT to amend Tennessee Code Annotated, Title 4 and
Title 36, relative to child custody.

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

SECTION 1. Tennessee Code Annotated, Section 36-6-402(5), is amended by deleting the subdivision and substituting instead the following:

"Residential schedule" is the schedule of when the child is in each parent's physical care, and the residential schedule must designate a primary residential parent when the child is scheduled to reside with one parent more than fifty percent (50%) of the time; in addition, the residential schedule must designate in which parent's home each minor child shall reside on given days of the year, including provisions for holidays, birthdays of family members, vacations, and other special occasions, consistent with the criteria of this part; provided, that nothing contained herein modifies any provision of § 36-6-108; and

SECTION 2. Tennessee Code Annotated, Section 36-6-410, is amended by deleting the section and substituting instead the following:

(a) Solely for the purpose of all other state and federal statutes and any applicable policies of insurance that require a designation or determination of custody, a parenting plan must designate the parent with whom the child is scheduled to reside a majority of the time as the primary residential parent of the child; provided, that this designation shall not affect either parent's rights and responsibilities under the parenting plan. In the absence of such a designation, the parent with whom the child is scheduled to reside a majority of the time is deemed to be the primary residential parent for the purposes of such federal and state statutes.

(b) Notwithstanding any law to the contrary, when the child is scheduled to reside an equal amount of time with both parents, the parents may agree to a designation as joint primary residential parents or to waive the designation of a primary residential parent. In the absence of an agreement between the parties, a single primary residential parent must be designated; provided, that this designation shall not affect either parent's rights and responsibilities under the parenting plan.

SECTION 3. Tennessee Code Annotated, Title 36, Chapter 6, Part 4, is amended by adding the following language as a new section:

When the child is scheduled to reside an equal amount of time with both parents, the address of either parent may be used to determine school zoning.

SECTION 4. This act shall take effect July 1, 2019, the public welfare requiring it.