

SENATE BILL 797

By Kelsey

AN ACT to amend Tennessee Code Annotated, Section
36-4-103, relative to divorce and legal separation.

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 deleting the subsection in its entirety and substituting instead the following:

(b)

(1) No divorce shall be granted on the ground of irreconcilable differences nor shall any marital dissolution agreement, marital separation agreement, or agreed permanent parenting plan be approved by the court as part of a divorce or legal separation proceeding, unless the court affirmatively finds in its decree, based upon a hearing in open court when both parties appear or are excused for good cause shown, that the parties have made adequate and sufficient provision by written agreement for the custody and maintenance of any children of that marriage, for the equitable settlement of any property rights, and for apportionment of debts between the parties. If the court does not affirmatively find that the agreement is sufficient or equitable, the cause shall be continued by the court to allow further disposition by the petitioner. If both parties are present at the hearing, the parties may, at that time, ratify any amendments the court may have to the agreement. The amended agreement shall then become a part of the decree. The agreement shall be incorporated in the decree or incorporated by reference, and the decree may be modified as other decrees for divorce.

(2) The requirement in subdivision (b)(1) of approval of any marital dissolution agreement, marital separation agreement, or agreed permanent parenting plan also applies when the agreement is submitted to the court where a divorce or legal separation is sought on grounds other than irreconcilable differences or pursuant to § 36-4-129.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to complaints for divorce or legal separation filed on or after that date.