

SENATE BILL 1267

By Bunch

AN ACT to amend Tennessee Code Annotated, Title 36,  
Chapter 6, Part 3, relative to visitation rights.

WHEREAS, the Tennessee Supreme Court has found that parental rights are superior to the rights of others and continue without interruption unless a biological parent consents to relinquish them, abandons his or her child, or forfeits his or her parental rights by some conduct that substantially harms the child; and

WHEREAS, Tennesseans who are serving on active duty in the military are entitled to the same constitutional protection of their right to parent their children without interruption and have not relinquished such right by virtue of their service in the military; and

WHEREAS, noncustodial parents who have been granted court ordered visitation with their children have the right to expose their children to the parent's friends, spouse, parents and other family members during that visitation time without the consent of the other parent, so long as such exposure does not harm the child; and

WHEREAS, Tennesseans who are serving on active duty in the military should have the right to continue to expose their children to their extended friends and family, and their children should not be deprived of the importance of those relationships during the time of their noncustodial parent's military service; now, therefore,

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

SECTION 1. Tennessee Code Annotated, Title 36, Chapter 6, Part 3, is amended by inserting the following as a new, appropriately designated section thereto:

(a) If a parent has been granted court-ordered visitation with that parent's minor child or children, and if that parent has been called to active duty military service and such active duty service requires the parent to be out of the state for a period of at least

ninety (90) days, then that parent may petition the court with jurisdiction of the order granting visitation for a modification of that order for the temporary assignment of that parent's visitation rights. The petition shall state the person or persons that the parent is requesting to maintain contact with the child during the parent's absence and shall include a proposed visitation schedule with such person or persons. The petitioner shall also provide the court with affidavits from such persons indicating their knowledge of the petition and their willingness to exercise all or a portion of the parent's visitation during the parent's absence.

(b) The court may grant the petitioner's request for assignment of visitation if the court finds that such visitation would be in the best interest of the child.

(c) The court shall deny the petitioner's request for assignment of visitation if the court finds that exposure of the child to the proposed assignee of visitation rights poses a danger of substantial harm to the child.

(d) An order granting an assignment of visitation rights pursuant to this section shall terminate immediately upon the termination of the petitioner's term of active duty military service.

SECTION 2. This act shall take effect July 1, 2009, the public welfare requiring it.