

SENATE BILL 1852

By Crowe

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

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

SECTION 1. Tennessee Code Annotated, Section 36-6-307, is amended by deleting such section in its entirety and by substituting instead the following:

36-6-307.

(a) In determining the best interests of the child under § 36-6-306, the court shall consider all pertinent matters, including, but not necessarily limited to, the following:

(1) The child's parents or guardians are unreasonably depriving the grandparent of the opportunity to visit with the child, including denying visitation of the minor child to the grandparent for a period exceeding ninety (90) days;

(2) The grandparent maintained a relationship similar to a parent-child relationship with the minor child;

(3) That awarding grandparent visitation would not interfere with the parent-child relationship; and

(4)

(A) The court finds by clear and convincing evidence that the child's parents or guardians are unfit; or

(B) The court finds by clear and convincing evidence that there are compelling circumstances to overcome the presumption that the objection of the custodial parent or parents is in the child's best interest.

(b) The judge presiding over this matter may award attorney's fees and costs to the prevailing party.

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