

CHAPTER NO. 859

HOUSE BILL NO. 2476

**By Representatives Patton, Fraley, Odom, John DeBerry, Bowers, West, Kernell, Bunch**

**Substituted for: Senate Bill No. 2427**

**By Senators Haun, Henry, Miller**

AN ACT to amend Tennessee Code Annotated, Title 36, Chapter 6, Part 1, relative to children of non-cohabitating parents.

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

SECTION 1. Tennessee Code Annotated, Section 36-6-101(a)(2), is amended by designating the existing language as item (A) and adding the following paragraphs to the end of subdivision (2) as a new item (B):

(B) If the issue before the court is a modification of the court's prior decree pertaining to custody or a residential parenting arrangement, the petitioner must prove by a preponderance of the evidence a material change in circumstance. A material change of circumstance does not require a showing of a substantial risk of harm to the child. A material change of circumstance may include, but is not limited to, failures to adhere to the parenting plan or circumstances which make the parenting plan no longer in the best interest of the child.

In each contested case, the court shall make such a finding as to the reason and the facts that constitute the basis for the custody determination.

Nothing contained within the provisions of this subdivision shall interfere with the requirement that parties to an action for legal separation, annulment, absolute divorce or separate maintenance incorporate a parenting plan into the final decree or decree modifying an existing custody order.

Nothing in this subsection shall imply a mandatory modification to the child support order.

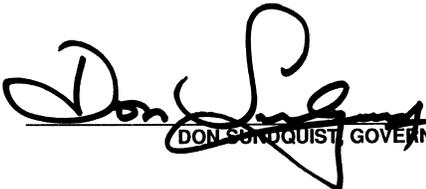
SECTION 2. This act shall take effect upon becoming the law, the public welfare requiring it.

PASSED: June 30, 2002

  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

APPROVED this 15<sup>th</sup> day of July 2002

  
DON SPANG, GOVERNOR