

**PUBLIC CHAPTER NO. 994****HOUSE BILL NO. 2538****By Representatives Fincher, Harry Brooks****Substituted for: Senate Bill No. 2662****By Senator Burks**

AN ACT to amend Tennessee Code Annotated, Section 36-4-131, relative to domestic relations.

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

SECTION 1. Tennessee Code Annotated, Section 36-4-131, is amended by deleting subsection (a) in its entirety and substituting instead the following subsections and redesignating present subsection (b) as subsection (d):

(a) Except as provided in subsections (b), (c) and (d), in any proceeding for divorce or separate maintenance, the court shall order the parties to participate in mediation.

(b) The court may waive or extend mediation pursuant to subsection (a) for reasons including, but not limited to:

(1) Any factor codified in § 36-6-409(4);

(2) Either party is unable to afford the cost of the mediation, unless such cost is waived or subsidized by the state or if the cost of mediation would be an unreasonable burden on either or both of the parties;

(3) The parties have entered into a written marital dissolution agreement or an agreed order resolving all of the pending issues in the divorce, except as provided in subsection (c) of this section;

(4) The parties have participated in a settlement conference presided over by the court or a special master;

(5) The court finds a substantial likelihood that mediation will result in an impasse; or

(6) For other cause found sufficient by the court.

(c) If the ground for the divorce is irreconcilable differences and the parties have filed with the court a properly executed marital dissolution agreement, and if there are minor children of the marriage, a properly executed parenting plan, the court shall not require the parties to attend mediation.

SECTION 2. This act shall take effect July 1, 2008, the public welfare requiring it and shall apply to any proceeding for divorce or separate maintenance where mediation has not been ordered by a court pursuant to § 36-4-131 prior to the effective date of this act.

**PASSED: May 7, 2008**

  
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JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

  
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RON RAMSEY, SPEAKER  
SENATE OF THE SENATE

**APPROVED this 21st day of May 2008**

  
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PHIL BREDESEN, GOVERNOR