

HOUSE BILL 877

By Hensley

AN ACT to amend Tennessee Code Annotated, Title 36,
Chapter 5, Part 1, relative to child support.

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

SECTION 1. Tennessee Code Annotated, Section 36-5-101(e)(1), is amended by adding the following language as a new subdivision (l):

(l) Notwithstanding this section or any other law or rule to the contrary, if both parents have been awarded and are going to be exercising a substantially equal amount of parenting time with the child or children of the marriage pursuant to a order of joint custody, then neither parent shall be ordered to pay the other parent child support, regardless of the parents' respective incomes, and, in no event, may the primary residential parent be ordered by a court to pay child support to the noncustodial parent, regardless of the parents' respective incomes. However, either parent may be ordered to acquire or maintain health insurance covering each child of the marriage pursuant to subsection (h), or to designate the child or children of the marriage as beneficiaries under any policies insuring the life of either party pursuant to subsection (i), and either parent may be permitted to claim the child or children as a dependent for tax deduction purposes. If the court finds that both parents have been awarded and are going to be exercising a substantially equal amount of parenting time, such finding shall be made a part of the record. Nothing in this subdivision (e)(1)(l) shall be construed to prevent a voluntary agreement between the parties as to child support pursuant to subsection (j).

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