

DRAFT “VIRTUAL VISITATION” BILL

Amends the Title 36, Chapter 6 of the Tennessee Family Code:

AN ACT to amend Tennessee Code Annotated, Title 36,

Chapter 6, relative to child custody and visitation.

WHEREAS, the courts of Tennessee and of the United States have consistently

recognized the fundamental right of a parent to raise a child as that parent sees fit, within limitations intended to protect the child from harm; and WHEREAS, in raising a child as a parent sees fit, that parent has a genuine interest in promoting the development of relationships between the child and the other people who are important in the life of the parent, including the child’s grandparents and stepparent, if any; and WHEREAS, Electronic Communication become an automatic option for any party requesting its use.

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

SECTION 1. Tennessee Code Annotated, Section 36-5-405, is amended by adding

(L) The amount of time Electronic Communication is used shall not be a factor in the calculation of Child Support.

SECTION 2. Tennessee Code Annotated, Section 36-6-108, is amended by adding

(i) The court may not use the availability of Electronic Communication as a factor to justify or in support of a relocation by the custodial parent out of the immediate area or state.

SECTION 3. Tennessee Code Annotated, Section 36-6-110, is amended by designating

(a)(1)The right to unimpeded ~~telephone conversations~~ *Electronic Communication* with the child at least twice a week at reasonable times and for reasonable durations;

SECTION 4. Tennessee Code Annotated, Section 36-6-301, is amended by designating

After making an award of custody, the court shall, upon request of the non-custodial parent, grant such rights of visitation *as defined in 36-6-501* as will enable the child and the non-custodial parent to maintain a parent-child relationship unless the court finds, after a hearing, that visitation is likely to endanger the child's physical or emotional health. In granting any such rights of visitation, the court shall designate in which parent's home each minor child shall reside on given days of the year, including provisions for holidays, birthdays of family members, vacations and other special occasions. If the court finds that the non-custodial parent has physically or emotionally abused the child, the court may require that visitation *or any electronic communication* be supervised or prohibited until such abuse has ceased or until there is no reasonable likelihood that such abuse will recur. The court may not order the department of children's services to provide supervision of visitation pursuant to this section except in cases where the department is the petitioner or intervening petitioner in a case in which the custody or guardianship of a child is at issue.

SECTION 5. Tennessee Code Annotated, Section 36-6-302, is amended by designating

(2) Then, the grandparents of such child may be granted reasonable visitation *and any electronic communication* rights to the child during such child's minority by the court of competent jurisdiction upon a finding that:

SECTION 6. Tennessee Code Annotated, Section 36-6-303, is amended by designating

(a) In a suit for annulment, divorce or separate maintenance where one (1) party is a stepparent to a minor child born to the other party, such stepparent may be granted reasonable visitation *and any electronic communication* rights to such child during the child's minority by the court of competent jurisdiction upon a finding that such visitation rights would be in the best interests of the minor child and that such stepparent is actually providing or contributing towards the support of such child.

SECTION 7. Tennessee Code Annotated, Section 36-6-501, is amended by amending and adding

(5) "Order of visitation" means any order granting a non-custodial parent the right to visit *in-person or by electronic communication* with such parent's child on days and times determined by the court.

(6) "*Electronic communication*" means time during which a parent and his or her child communicate by using communication tools such as the telephone, electronic mail, instant messaging, video conferencing or other wired or wireless technologies via the Internet, or another medium of communication.

(7) The court may grant a reasonable amount of Electronic Communication at reasonable hours to either or both parents when the child is not in the parent's physical custody if the equipment is reasonably available. If the parties cannot agree on whether the equipment is reasonably available, the court shall decide the reasonableness of its availability

(8) Electronic Communication with the child may be used only to supplement a parent's periods of visitation with the child. Electronic Communication may not be used as a replacement or as a substitute for custody or a parent's periods of visitation with the child.

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