

SENATE BILL 942

By Burks

AN ACT to amend Tennessee Code Annotated, Section 36-4-106(b)(1); Section 36-4-106(d); Section 36-5-101(c)(2); Section 36-5-101(e) and Section 36-6-108, relative to domestic relations.

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

SECTION 1. Tennessee Code Annotated, Section 36-4-106(b)(1), is amended by deleting the language “the social security numbers of the parties and all children born of the marriage,” and is further amended by inserting the following language at the end of that subdivision:

Notwithstanding the foregoing, the social security numbers of the parties and all children born of the marriage shall be provided separately under seal to the clerk of the court as well as to any other agency as may be required by law.

SECTION 2. Tennessee Code Annotated Section, 36-4-106(d), is amended by deleting the following language from the first sentence: “except on the sole ground of irreconcilable differences,”.

SECTION 3. Tennessee Code Annotated Section, 36-4-106(d), is further amended by inserting the following language as a new subdivision (4) thereto and by renumbering the remaining subdivisions accordingly:

(4) An injunction restraining and enjoining both parties from hiding, destroying or spoiling, in whole or in part, any documents or other information electronically stored or on computer hard drives or other memory storage devices.

SECTION 4. Tennessee Code Annotated Section, 36-5-101(c)(2)(B)(i)(b), is amended by deleting the current language and by substituting instead the following:

(b) Date and place of birth;

SECTION 5. Tennessee Code Annotated Section, 36-5-101(c)(2)(B)(i)(b), further is amended by inserting the following language at the end of that subdivision:

The social security numbers of the parties and all children born of the marriage shall be filed under seal with the court and, if the case is a Title IV-D child support case, with the local Title IV-D child support office, as well as to any other agency as may be required by law.

SECTION 6. Tennessee Code Annotated Section, 36-5-101(e)(1)(B), is amended by inserting the following language at the end of that subdivision:

In determining each party's income for the purpose of applying the child support guidelines, the court shall deduct each party's capital losses from that party's capital gains in each year.

SECTION 7. Tennessee Code Annotated. Section 36-6-108, is amended by adding the following new subsection:

(i) A parent who opposes or proposes said parental relocation may recover reasonable attorney fees and other litigation expenses from the other parent, and such fees may be fixed and allowed by the court in the discretion of such court.

SECTION 8. This act shall take effect July 1, 2007, the public welfare requiring it.

Amendment No. 1 to SB0942

Beavers
Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 942*

House Bill No. 2098

by deleting Section 3 of the bill in its entirety and by substituting instead the following:

SECTION 3. Tennessee Code Annotated, Section 36-4-106(d), is further amended by inserting the following language as a new subdivision (4) thereto and by renumbering the remaining subdivisions accordingly:

(4) An injunction restraining and enjoining both parties from hiding, destroying or spoiling, in whole or in part, any evidence electronically stored or on computer hard drives or other memory storage devices.

Amendment No. 4 to SB0942

Burks
Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 942*

House Bill No. 2098

by deleting Section 1 of the bill in its entirety and by substituting instead the following new language:

SECTION 1. Tennessee Code Annotated, Section 36-4-106(b), is amended by deleting the first sentence of subdivision (1) and substituting instead the following:

The complainant shall also allege the full name of the husband, the full maiden name of the wife, their mailing addresses, dates and places of their birth, race or color of each spouse, number of previous marriages of each spouse, date and place of the marriage of the parties, the number of their children who are minors at the time of the filing of the complaint, and any other litigation concerning the custody of such children in this or any other state in which either party has participated, as specified in § 36-6-210. Further, at the time a complaint or pleading is filed under this part, the filing party shall, simultaneously with the initial complaint or pleading filed by that party, file with the clerk a separate document that contains the full names and social security numbers, current mailing addresses and dates of birth of the husband, the wife, and those of all children born of the marriage. The filing party shall provide to the clerk one 8.5 x 11 inch envelope labeled with the names of the parties which shall be marked with the docket number. The clerk shall file stamp the document and the envelope, store the document in the envelope, which shall be sealed, and place the sealed envelope in the case file. The social security numbers and other information filed with the clerk shall be available to the clerk of court for processing of documents and legal actions such as, but not limited to, divorce certificates, garnishments, and income assignments. On request, the sealed information shall be made available to the department of human services and any other agency required by law to have access to said information, and to such other persons or agencies as ordered by the court.

AND FURTHER AMEND by deleting Section 5 of the printed bill in its entirety and by substituting instead the following new language:

SECTION 5. Tennessee Code Annotated, Section, 36-5-101(c)(2)(B)(i)(b) is amended by adding the following the language immediately following the language “Social security number and date and place of birth”:

This information shall be filed with the court as a separate document containing the parties and the child’s or children’s names, dates of birth and social security numbers. The document shall be placed in an 8.5 x 11 inch envelope containing the style of the case and docket number of the case and the document and envelope shall file stamped by the clerk, and filed under seal in the case file. The document shall also be provided by the parties to the Title IV-D child support office together with the other information required in subdivisions (a) through (h). The social security numbers and other information filed with the clerk shall be available to the clerk of court for processing of documents and legal actions such as, but not limited to, divorce certificates, garnishments, and income assignments. On request, the sealed information shall be made available to the department of human services and any other agency required by law to have access to the information and to such other persons or agencies as ordered by the court.