

CHAPTER NO. 854

SENATE BILL NO. 899

By Harper, Fowler, Haynes, Trail

Substituted for: House Bill No. 1334

By Patton, Walker, Black, Boyer, Dunn, Clem, Odom, Kernell, Michael Turner, Bowers, Buck, Brenda Turner, Overbey, Arriola, Hood, Sherry Jones, Caldwell, Bone, Hagood

AN ACT To amend Tennessee Code Annotated, Title 36, Chapter 6, Part 4, relative to funding parenting plans.

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

SECTION 1. Tennessee Code Annotated, Section 36-6-413, is amended by deleting subsection (b) in its entirety and substituting instead the following:

(b)(1) The court may direct that all or part of the cost of court-ordered mediation, education and any related services to resolve family conflict in divorce and post-divorce matters shall be paid from all available federal, state, and local funds. Eligibility for receipt of such funds will be based on a sliding scale based on a person's ability to pay.

(2) There is hereby imposed an additional fee of sixty-two dollars and fifty cents (\$62.50) on the issuance of a marriage license; provided, however, that when both applicants provide the county clerk with an affidavit or valid driver's license establishing that they are not Tennessee residents or when both applicants provide the county clerk with a valid and timely certificate of completion of a premarital preparation course as provided in subdivision (b)(3), the applicants shall be exempt from payment of sixty dollars (\$60.00) of this fee. For each application for marriage, including an application from persons exempt from the sixty dollar (\$60.00) fee, a fee of two dollars and fifty cents (\$2.50) shall be paid to the county clerk for the services provided under this section. The county clerk shall pay the sixty dollar (\$60.00) fee to the State Treasurer, which fee shall be allocated as follows:

(A) seven dollars (\$7.00) to the Administrative Office of the Courts for the specific purpose of funding the parenting plan requirements pursuant to this part, through the divorcing parent education and mediation fund, which funding includes the costs of court-ordered mediation, parenting education programs and any related services to resolve family conflict in divorce and post-divorce matters;

(B) fifteen dollars (\$15.00) to the Department of Children's Services for child abuse prevention services;

(C) seven dollars and fifty cents (\$7.50) to the Office of Criminal Justice programs for domestic violence services, which shall be in addition to the privilege tax on marriage licenses under Section 67-4-505;

(D) twenty dollars and fifty cents (\$20.50) to the Tennessee Disability Coalition to build the capacity of the statewide disability community to offer services to families and children with disabilities;

(E) one dollar and twenty-five cents (\$1.25) to the Tennessee Court Appointed Special Advocates Association (CASA);

(F) four dollars (\$4.00) to the Department of Education for the sole purpose of making grants to Tennessee Alliance of Boys and Girls Clubs in each grand division as selected by the Commissioner of Education for the purpose of defraying the expenses of such clubs implementing the "Project Learn" after-school program in the areas served by each club;

(G) three dollars (\$3.00) to the Tennessee Chapter of the National Association of the Social Workers for education, information, publications and capacity building efforts focused on strengthening services and referral networks to families and children; and

(H) one dollar and seventy-five cents (\$1.75) to the Weems Academy for foster care children.

(3) Funds in the divorcing parent education and mediation fund shall be used to fund the parenting plan requirements of this part, including the creation of a grant process to serve local courts with divorce jurisdiction, costs of court-ordered mediation, parenting education programs and any related services to resolve family conflict in divorce and post-divorce matters.

(4) The clerks of court with divorce jurisdiction, or two (2) or more clerks within a county or judicial district acting jointly, may apply to the Administrative Office of the Courts for funding to serve such court or courts.

(5) A man and a woman who, together or separately, complete a premarital preparation course in compliance with this section shall be exempt from the sixty dollar (\$60.00) fee otherwise imposed by this section. Such course shall be not less than four (4) hours each, and shall be completed no more than one (1) year prior to the date of application for a marriage license. Each individual shall verify completion of the course by filing with the application a valid certificate of completion from the course provider, on a form developed by the Administrative Office of the Courts, which certificate shall comply with the requirements of this subdivision.

(A) The premarital preparation course may include instruction regarding:

(i) Conflict management.

(ii) Communication skills.

(iii) Financial responsibilities.

(iv) Children and parenting responsibilities.

(v) Data compiled from available information relating to problems reported by married couples that seek marital or individual counseling.

(B) All individuals who participate in a premarital preparation course shall choose from the following list of qualified instructors:

(i) A psychologist as defined under § 63-11-203;

(ii) A clinical social worker as defined in Tennessee Code Annotated, Title 63, Chapter 23, Part 1;

(iii) A licensed marital and family therapist as defined in § 63-22-115;

(iv) A clinical pastoral therapist as defined in Tennessee Code Annotated, Title 63, Chapter 22, Part 2;

(v) A professional counselor as defined in Tennessee Code Annotated, Section 63-22-104;

(vi) A psychological examiner as defined in Section 63-11-202;

(vii) An official representative of a religious institution, which is recognized under § 63-22-204; or

(viii) Any other approved instructor. Each judicial district may establish a roster of area course providers, including those who offer the course on a sliding scale fee scale or for free.

(C) The Administrative Office of the Courts shall develop a certificate of completion form to be completed by providers, which shall include:

(i) an attestation of the provider's compliance with the premarital preparation course requirements as set forth in this section;

(ii) the course instructor's name, address, qualifications, and license number, if any, or, if an official representative of a religious institution, a statement as to relevant training;

(iii) the name of the participant or participants; and

(iv) the hours completed and the date of completion.

Each premarital preparation course provider shall furnish each participant who completes the course with a certificate of completion as required by this subdivision.

(6) Any moneys collected under this section during the pilot program and not expended shall remain in the divorcing parent and mediation fund established by the State Treasurer within the general fund for use by the Administrative Office of the Courts, consistent with subdivision (b)(2)(A). No moneys collected under this section shall revert to the general fund of the state, but shall remain available exclusively as specified in this section.

(7) In addition to other fees authorized by this section, court clerks shall be entitled to normal copying fees, not to exceed fifty cents (\$.50) per page, for providing copies of documents necessary for parenting plans.

SECTION 2. The Administrative Office of the Courts shall not be obligated to make grants to judicial districts except with funds specifically appropriated for such purpose.

SECTION 3. The provisions of this act shall not be construed to be an appropriation of funds and no funds shall be obligated or expended pursuant to this act unless such funds are specifically appropriated by the General Appropriations Act.

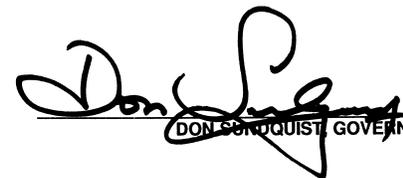
SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

**PASSED: June 29, 2002**

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

**APPROVED this 4th day of July 2002**

  
DON SPANG, GOVERNOR