



State of Tennessee
PUBLIC CHAPTER NO. 119

SENATE BILL NO. 1172

By Berke

Substituted for: House Bill No. 714

By Harry Brooks, Hardaway

AN ACT to amend Tennessee Code Annotated, Title 29 and Title 36, relative to court proceedings.

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

SECTION 1. Tennessee Code Annotated, Section 36-4-121(c)(5), is amended by designating the existing language as subdivision (A) and adding the following new subdivision (B):

(B) For purposes of subdivision (c)(5), dissipation of assets means wasteful expenditures which reduce the marital property available for equitable distributions and which are made for a purpose contrary to the marriage either before or after a complaint for divorce or legal separation has been filed.

SECTION 2. Tennessee Code Annotated, Section 36-5-101(a), is amended by adding a new subdivision (9) thereto:

(9) Where the lump sum amount of retirement or pension benefits or of balances in an individual retirement account, §§ 401(k), 403(b), 457, compiled in 26 U.S.C. §§ 401(k), 403(b) and 457, respectively, or any other tax qualified account has been considered by the trial court, and determined to be marital property to be divided, the distributions of such lump sum amounts necessary to complete the division of property, whether distributed in a single payment or by periodic payments, shall not be considered income for the purpose of determining a spouse or ex-spouse's right to receive alimony or child support, but the income generated by the investment of such lump sum awards shall be considered income for such purpose.

SECTION 3. Tennessee Code Annotated, Section 36-5-121, is amended by inserting the following new subsection and re-designating subsequent subsections accordingly:

(j) Where the lump sum amount of retirement or pension benefits or of balances in an individual retirement account, §§ 401(k), 403(b), 457, compiled in 26 U.S.C. §§ 401(k), 403(b) and 457, respectively, or any other tax qualified account has been considered by the trial court, and determined to be marital property to be divided, the distributions of such lump sum amounts necessary to complete the division of property, whether distributed in a single payment or by periodic payments, shall not be considered income for the purpose of determining a spouse or ex-spouse's right to receive alimony or child support, but the income generated by the investment of such lump sum awards shall be considered income for such purpose.

SECTION 4. Tennessee Code Annotated, Section 36-6-110, is amended by deleting the section in its entirety and substituting instead the following:

36-6-110.


Except when the juvenile court or other appropriate court finds it not in the best interests of the affected child, upon petition by a non-custodial, biological parent whose parental rights have not been terminated, the court shall grant the rights set forth in § 36-6-101(a)(3)(A).

SECTION 5. Tennessee Code Annotated, Section 29-9-104(b), is amended by deleting the language "ordered by the court" and substituting instead the language "or pays the damages ordered by the court".

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.

SENATE BILL NO. 1172

PASSED: April 11, 2011



RON RAMSEY
SPEAKER OF THE SENATE



BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 25th day of April 2011



BILL HASLAM, GOVERNOR