

**FOURTH CIRCUIT COURT OF DAVIDSON COUNTY, TENNESSEE
PARENTING PLAN RULES**

GENERAL:

Beginning January 1, 2001, the provisions of T.C.A. § 36-6-401 through § 36-6-414 shall be applicable to all domestic relations cases wherein minor children are involved. The following rules shall apply to all such cases:

1. **TEMPORARY PARENTING PLAN:** All complaints for divorce, legal separation, annulment or separate maintenance, and all petitions for modification of an existing order or a decree, wherein minor children are involved, shall include as Exhibit A thereto, a proposed temporary parenting plan and a verified statement of income, unless the parties have agreed upon a temporary or permanent parenting plan, or unless the only issue is support modification. If the parties have agreed upon a temporary or permanent parenting plan, the complaint or petition must so state, and the original of the proposed agreed plan must be filed within twenty (20) days of the date of the filing of the original complaint or petition.

When the parties are not in agreement as to a temporary or permanent parenting plan, all responses, counter-complaints or answers shall include as Exhibit A thereto, a proposed temporary parenting plan and verified statement of income.

In the event that the parties cannot agree upon a temporary parenting plan within thirty (30) days from the date of the filing of responsive pleadings to the initial complaint

or petition, and unless restricted by the provisions of T.C.A. § 36-6-406, the parties, with or without their attorneys, must agree to mediate the parenting plan issue for a minimum period of at least an aggregate of two hours. The mediator shall be a Rule 31 family law mediator or a person approved by the Court as a qualified mediator. The costs of mediation shall normally be paid equally by the parties, unless otherwise directed by the Court. If directed by the Court, the cost of the mediator shall not exceed a total of One Hundred Dollars (\$100.00) per hour for the minimum two hour session, and may be waived in the Court's discretion.

Notwithstanding the provisions set out hereinabove, any party may request an expedited hearing to establish a temporary parenting plan. The Court, in its discretion, may schedule an expedited hearing under such terms and conditions as may be imposed by the Court, including an order of mediation or hearing before a Court appointed Special Master. In any event, and at least five (5) days prior to any scheduled hearing, each party must file a proposed temporary parenting plan and verified statement of income. Fees for mediation or Special Masters shall be paid as directed by the Court or taxed as court costs. Mediation shall be subject to the restrictions imposed by T.C.A. § 36-6-406.

A proposed temporary parenting plan shall comply with all provisions for a permanent parenting plan under T.C.A. § 36-6-404(a) that are applicable for the time frame, and shall include the minimum requirements for a temporary parenting plan promulgated by the Fourth Circuit Court of Davidson County, Tennessee.

2. **PERMANENT PARENTING PLAN:** Where minor children are involved, any final decree in an action for divorce, legal separation, annulment or separate maintenance, shall incorporate a permanent parenting plan. The permanent parenting plan must meet the minimum requirements of T.C.A. § 36-6-404, and T.C.A. § 36-6-405, and must include the format of minimum parenting plan requirements promulgated by the Fourth Circuit Court of Davidson County, Tennessee.

During the course of any contested litigation, if the parties cannot agree upon a permanent parenting plan, or if an existing temporary parenting plan is not acceptable to either party, then at any time prior to forty-five (45) days before the trial, either party may move the Court for Rule 31 mediation, and the Court may order mediation subject, to the restrictions imposed by T.C.A. § 36-6-406. In addition, at any time, the Court, in its discretion, may order mediation or appoint a Special Master to resolve the parenting plan issues. The cost of mediation or a Special Master shall be paid by the parties as directed by the Court, or shall be taxed as litigation costs. Before any hearing by a mediator or Special Master appointed by the Court, and at least forty-five (45) days prior to the trial date for final hearing by the Court, each party shall file a proposed permanent parenting plan, together with a verified statement of income and a verified statement that the proposed parenting plan is filed in good faith and is in the best interest of the minor child(ren) involved.

3. **MODIFICATION OF PERMANENT PARENTING PLAN, ORDER**

OR DECREE: A petition to modify an existing parenting plan, order or decree that seeks only to modify an existing child support provision need not include a proposed modified parenting plan. All other petitions seeking modification of a parenting plan, order or decree, and all responses and counter-petitions must include as Exhibit A thereto, a proposed modified parenting plan, together with a verified statement of income. In all applications for modification, the Court, in its discretion, may order the parties to mediate the issues involved, unless mediation is precluded by T.C.A. § 36-6-406, or the Court may appoint a Special Master to make findings and recommendations to the Court. The cost of mediation and/or a Special Master shall be assessed as previously set out in these rules. If the parties are in agreement as to a modification, the parties shall present the proposed amended parenting plan to the Court for the Court's consideration and approval. No modification of a permanent parenting plan, prior order or decree shall be permitted absent proof of an unanticipated, material change of circumstances.

4. **FAILURE TO FILE A PROPOSED PARENTING PLAN:** The failure of either party to file a proposed parenting plan as directed by these rules may result in the Court adopting the parenting plan filed by the opposite party or a plan formulated by the Court.

5. **EDUCATION SEMINAR:** In any action where a permanent parenting plan is or will be entered, each party shall attend a parent educational seminar as mandated by T.C.A. § 36-6-408. Proof of attendance must be filed with the Court before

the entry of a certificate of readiness for trial. Should one party fail to attend the seminar, the opposite party may file a motion to set for trial, together with a proposed certificate of readiness, citing the failure of the opposite party to attend the educational seminar. The failure of a party to attend the seminar shall not prevent the trial of the case, but may be taken into consideration by the Court in approving or formulating a permanent parenting plan.

Pursuant to T.C.A. § 36-6-408, the requirement for attendance at the educational seminar may be waived by motion of either party and for good cause shown to the Court.

6. **UNCONTESTED DIVORCE WITH MARITAL DISSOLUTION AGREEMENT OR AGREED ORDER MODIFYING PRIOR DECREE OR ORDER:**

Where minor children are involved, a permanent parenting plan must be incorporated into any final decree or order modifying a prior order or decree, unless the order of modification only addresses the issue of child support. In all uncontested cases, the original of the final decree or agreed order, marital dissolution agreement and permanent parenting plan shall be filed with the Court at least seven (7) days prior to the date of final hearing.

7. **MINIMUM REQUIREMENTS FOR PARENTING PLAN:** Attached as Exhibit A to these rules are minimum parenting plan requirements acceptable to the Fourth Circuit Court of Davidson County, Tennessee.

MURIEL ROBINSON, JUDGE