

West's Tennessee Code Annotated  
Title 36. Domestic Relations  
Chapter 6. Child Custody and Visitation  
Part 3. Visitation

T. C. A. § 36-6-302

§ 36-6-302. Grandparents rights

Currentness

- (a)(1)(A) If a child is removed from the custody of the child's parents, guardian or legal custodian; and
- (B) If a child is placed in a licensed foster home, a facility operated by a licensed child care agency, or other home or facility designated or operated by the court, whether such placement is by court order, voluntary placement agreement, surrender of parental rights, or otherwise;
- (2) Then, the grandparents of such child may be granted reasonable visitation rights to the child during such child's minority by the court of competent jurisdiction upon a finding that:
- (A) Such visitation rights would be in the best interest of the minor child;
- (B) The grandparents would adequately protect the child from further abuse or intimidation by the perpetrator or any other family member;
- (C) The grandparents were not implicated in the commission of any alleged act against such child or of their own children that under the law in effect prior to November 1, 1989, would constitute the criminal offense of:
- (i) Aggravated rape under § 39-2-603;
- (ii) Rape under § 39-2-604;
- (iii) Aggravated sexual battery under § 39-2-606;
- (iv) Sexual battery under § 39-2-607;
- (v) Assault with intent to commit rape or attempt to commit rape or sexual battery under § 39-2-608;

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(vi) Crimes against nature under § 39-2-612;

(vii) Incest under § 39-4-306;

(viii) Begetting child on wife's sister under § 39-4-307;

(ix) Use of minor of obscene purposes under § 39-6-1137; or

(x) Promotion of performance including sexual conduct by minor under § 39-6-1138; and

(D) The grandparents are not implicated in the commission of any alleged act against such child or of their own children that under the law in effect on or after November 1, 1989, would constitute the criminal offense of:

(i) Aggravated rape under § 39-13-502;

(ii) Rape under § 39-13-503;

(iii) Aggravated sexual battery under § 39-13-504;

(iv) Sexual battery under § 39-13-505;

(v) Criminal attempt for any of the offenses in subdivisions (a)(2)(D)(i)-(a)(2)(D)(iv) as provided in § 39-12-101;

(vi) Incest under § 39-15-302;

(vii) Sexual exploitation of a minor under § 39-17-1003;

(viii) Aggravated sexual exploitation of a minor under § 39-17-1004; or

(ix) Especially aggravated sexual exploitation of a minor under § 39-17-1005.

(b) This section shall not apply in any case in which the child has been adopted by any person other than a stepparent or other relative of the child.

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**Credits**

1971 Pub.Acts, c. 74, §§ 1, 2; 1975 Pub.Acts, c. 330, § 1; 1985 Pub.Acts, c. 341, § 1; 1985 Pub.Acts, c. 478, § 22; 1995 Pub.Acts, c. 428, § 3, eff. June 12, 1995; 1997 Pub.Acts, c. 503, § 1, eff. June 1, 1997; 2000 Pub.Acts, c. 981, § 51, eff. July 1, 2000.

**Formerly** §§ 36-1101, 36-1102; § 36-6-301.

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Current through the end of the 2020 Second Extraordinary Session of the 111th Tennessee General Assembly. Pursuant to §§ 1-1-110, 1-1-111, and 1-2-114, the Tennessee Code Commission certifies the final, official version of the Tennessee Code and, until then, may make editorial changes to the statutes. References to the updates made by the most recent legislative session should be to the Public Chapter and not to the T.C.A. until final revisions have been made to the text, numbering, and hierarchical headings on Westlaw to conform to the official text.

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West's Tennessee Code Annotated  
Title 36. Domestic Relations  
Chapter 6. Child Custody and Visitation  
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T. C. A. § 36-6-306

§ 36-6-306. Grandparent visitation rights; deceased, divorced or missing parents

Effective: April 18, 2018

[Currentness](#)

(a) Any of the following circumstances, when presented in a petition for grandparent visitation to the circuit, chancery, general sessions courts with domestic relations jurisdiction, other courts with domestic relations jurisdiction or juvenile court in matters involving children born out of wedlock of the county in which the petitioned child currently resides, necessitates a hearing if such grandparent visitation is opposed by the custodial parent or parents or custodian or if the grandparent visitation has been severely reduced by the custodial parent or parents or custodian:

- (1) The father or mother of an unmarried minor child is deceased;
- (2) The child's father or mother are divorced, legally separated, or were never married to each other;
- (3) The child's father or mother has been missing for not less than six (6) months;
- (4) The court of another state has ordered grandparent visitation;
- (5) The child resided in the home of the grandparent for a period of twelve (12) months or more and was subsequently removed from the home by the parent, parents, or custodian (this grandparent-grandchild relationship establishes a rebuttable presumption that denial of visitation may result in irreparable harm to the child); or
- (6) The child and the grandparent maintained a significant existing relationship for a period of twelve (12) months or more immediately preceding severance or severe reduction of the relationship, this relationship was severed or severely reduced by the parent, parents, or custodian for reasons other than abuse or presence of a danger of substantial harm to the child, and severance or severe reduction of this relationship is likely to occasion substantial emotional harm to the child.

(b)(1) In considering a petition for grandparent visitation, the court shall first determine the presence of a danger of substantial harm to the child. Such finding of substantial harm may be based upon cessation or severe reduction of the relationship between an unmarried minor child and the child's grandparent if the court determines, upon proper proof, that:

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- (A) The child had such a significant existing relationship with the grandparent that loss or severe reduction of the relationship is likely to occasion severe emotional harm to the child;
- (B) The grandparent functioned as a primary caregiver such that cessation or severe reduction of the relationship could interrupt provision of the daily needs of the child and thus occasion physical or emotional harm; or
- (C) The child had a significant existing relationship with the grandparent and loss or severe reduction of the relationship presents the danger of other direct and substantial harm to the child.
- (2) For purposes of this section, a grandparent shall be deemed to have a significant existing relationship with a grandchild if:
- (A) The child resided with the grandparent for at least six (6) consecutive months;
- (B) The grandparent was a full-time caretaker of the child for a period of not less than six (6) consecutive months; or
- (C) The grandparent had frequent visitation with the child who is the subject of the suit for a period of not less than one (1) year.
- (3) A grandparent is not required to present the testimony or affidavit of an expert witness in order to establish a significant existing relationship with a grandchild or that the loss or severe reduction of the relationship is likely to occasion severe emotional harm to the child. Instead, the court shall consider whether the facts of the particular case would lead a reasonable person to believe that there is a significant existing relationship between the grandparent and grandchild or that the loss or severe reduction of the relationship is likely to occasion severe emotional harm to the child.
- (4) For the purposes of this section, if the child's parent is deceased and the grandparent seeking visitation is the parent of that deceased parent, there shall be a rebuttable presumption of substantial harm to the child based upon the cessation or severe reduction of the relationship between the child and grandparent.
- (c) Upon an initial finding of danger of substantial harm to the child, the court shall then determine whether grandparent visitation would be in the best interests of the child based upon the factors in § 36-6-307. Upon such determination, reasonable visitation may be ordered.
- (d)(1) Notwithstanding § 36-1-121, if a relative or stepparent adopts a child, this section applies.
- (2) If a person other than a relative or a stepparent adopts a child, any visitation rights granted pursuant to this section before the adoption of the child shall automatically end upon such adoption.

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(e) Notwithstanding any law to the contrary, as used in this part, with regard to the petitioned child, the word “grandparent” includes, but is not limited to:

- (1) A biological grandparent;
- (2) The spouse of a biological grandparent;
- (3) A parent of an adoptive parent; or
- (4) A biological or adoptive great-grandparent or the spouse thereof.

(f) For purposes of this section, “severe reduction” or “severely reduced” means reduction to no contact or token visitation as defined in § 36-1-102.

**Credits**

1997 Pub.Acts, c. 503, § 2, eff. June 1, 1997; 2000 Pub.Acts, c. 891, § 1, eff. June 14, 2000; 2001 Pub.Acts, c. 440, § 1, eff. July 18, 2001; 2003 Pub.Acts, c. 79, § 1, eff. July 1, 2003; 2004 Pub.Acts, c. 452, § 1, eff. March 25, 2004; 2004 Pub.Acts, c. 691, § 1, eff. May 18, 2004; 2004 Pub.Acts, c. 874, § 1, eff. June 8, 2004; 2007 Pub.Acts, c. 22, § 1, eff. July 1, 2007; 2010 Pub.Acts, c. 957, § 1, eff. May 26, 2010; 2015 Pub.Acts, c. 247, §§ 1, 2, eff. April 24, 2015; 2016 Pub.Acts, c. 1076, §§ 1 to 4, eff. May 20, 2016; 2018 Pub.Acts, c. 734, § 1, eff. April 18, 2018.

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**IN THE JUVENILE COURT OF DAVIDSON COUNTY, TENNESSEE**

Docket No: \_\_\_\_\_

File No: \_\_\_\_\_

TCSES No: \_\_\_\_\_

\_\_\_\_\_  
**Petitioner,**  
vs.  
\_\_\_\_\_  
**Respondent.**

**Child(ren) who are the subject of this petition:** \_\_\_\_\_ **dob:** \_\_\_\_\_  
\_\_\_\_\_ **dob:** \_\_\_\_\_

**PETITION TO ESTABLISH GRANDPARENT VISITATION**

Comes now the Petitioner, pro se, and petitions this Honorable Court to establish visitation for the Petitioner with the minor child(ren) in this matter. In support of this petition the Petitioner would show the Court the following:

1. That the Petitioner is the:  
 a biological grandparent;     spouse of a biological grandparent;     parent of an adoptive parent;  
 a biological or adoptive great-grandparent or spouse of the great-grandparent.
2. That the Respondent is the:  
 custodial parent of said child(ren);     facility designated or operated by the court.
3. That the child(ren) reside in Davidson County, Tennessee.
4. That the child(ren) herein:  
 were born to parents who were not married to each other;  
 the father or mother of said child(ren) is deceased or has been missing for over six (6) months;  
 the court of another state has ordered grandparent visitation between the petitioner and said child(ren);  
 removed from the custody of the parents and placed in a licensed foster home or other facility designated or operated by the court;  
 resided in the home of the petitioner for a period of twelve (12) months or more and were removed by the Respondent;  
 maintained a significant relationship for a period of twelve (12) months or more immediately before the Respondent stopped or limited the relationship.

**WHEREFORE, PETITIONER PRAYS:**

1. That proper process issue and that this matter be set for an initial appearance before this Honorable Court.
2. That the Court determine that it is in the best interests of said child(ren) that the Petitioner be granted visitation with said child(ren).
3. That the costs of this cause be taxed to the Respondent.
4. For such other general relief as this cause may warrant.

Respectfully Submitted,

Sworn to and subscribed before me this \_\_\_\_\_ day  
of \_\_\_\_\_, 2\_\_\_\_.

\_\_\_\_\_  
Petitioner

\_\_\_\_\_  
Notary / Clerk