



There are changes taking place in the State of Tennessee. Big Changes. If you're filing for [Divorce in Memphis](#), or looking for a Divorce Lawyer in Memphis, you may want to discuss your significant other with your attorney. On June 8th, 2010 the Court of Appeals of Tennessee at Jackson released a decision in the case of [Barker v. Chandler](#) that could have major implications on both future and past divorce cases.

Before we get into the case, I would like to define a word for you and give you some background.

Paramour:

Main Entry: par·amour

Pronunciation: ˌpa-rə-ˈmʊr

Function: noun

Etymology: Middle English, from par amour for the sake of love, willingly, from Anglo-French par amur

Date: 14th century

: *an illicit lover*

Let me explain first what has long been the norm in our fine State and for [Divorce](#) cases in Memphis. In the parenting plan under section J. there is a space entitled "Other". Most practitioners place a provision in this area that says "Neither party shall have paramours or persons not related by blood nor marriage overnight (or for the more stringent: in the presence) of the minor child(ren)."

It sounds like common sense, especially after you read the definition of the word. Who wants an illicit lover around their child? Opponents of the language have long argued that the inclusion of such a provision is asking the Court to act as a moral compass, which is clearly not the job of the Court, but rather the parties. It would seem that the tides are turning and the winds of change are blowing. The Court has acted again as a moral compass, but the needle is now pointing in the opposite direction.

Barker v. Chandler dealt with a couple that divorced with two minor children. Dad remarried, Mom took a paramour. To be more direct, Mom took a female paramour. The Court included the standard paramour language and the battle began. Mom moved in with her girlfriend and the clause in effect kept her children from having overnight visitations. On appeal, the Father failed to offer any proof that the paramour was harmful to the children and a Doctors evaluation was of the opinion that the paramour and the children had a good relationship. Despite these offerings, the Trial Court felt compelled to include the standard language and refused to deviate from it.

On appeal, Judge J. Steven Stafford stated in relevant part "...The Trial Court was directed by this Court to determine whether a paramour provision was in the best interest of the children. After a hearing, the trial Court determined that it was in the best interest of the children to have a paramour provision in effect. Mother appealed. After reviewing the record, we find that the trial court abused its discretion by requiring a paramour provision as the record is devoid of any evidence to support a finding that the paramour provision is in the best interest of the children."

So what does this mean to you? It means that unless you consent to a paramour provision, you will need to fight to have one put in place. This means an expert, which means a doctor or teacher or priest or pastor, that will testify that being around the illicit lover of your soon to be ex spouse, is not in you child(ren)'s best interest.

If your on the opposite side of the fence and you want to ensure that your significant other can be around your children, I would suggest having them stay out of the picture until the divorce is final. And when they do show up, don't poke the angry dog in the cage with a stick. Be discreet. Don't let them stay over night, or make them sleep in a closet. After all, most relationships right after a divorce end up failing in the first year. You will not be the only person damaged by the introduction and removal. If you put yourself in the child's stride rights, you'll note that you've had enough changes with the divorce (a new house, a new parenting schedule, possibly a new school or church) the last thing we need to do is throw another unnecessary loss just for good measure.

So enjoy your you illicit lover, or plot against your spouses', but either way, in the word's of [Mrs . Hellen Lovejoy](#)
"please remember the children!"