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Tenn. Code Ann. § 36-4-130 (Copy w/ Cite)

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Tenn. Code Ann. § 36-4-130

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*** Current through the 2015 Regular Session and amendments approved at the November 4, 2014 General Election ***

Title 36 Domestic Relations
Chapter 4 Divorce and Annulment

Tenn. Code Ann. § 36-4-130 (2015)

36-4-130. Mediation -- Confidentiality of information and documents.

(a) When the parties to a divorce action mediate the dispute, the mediator shall not divulge information disclosed to the mediator by the parties or by others in the course of mediation. All records, reports, and other documents developed for the mediation are confidential and privileged.

(b) Communications made during a mediation may be disclosed only:

(1) When all parties to the mediation agree, in writing, to waive the confidentiality of the written information;

(2) In a subsequent action between the mediator and a party to the mediation for damages arising out of the mediation;

(3) When statements, memoranda, materials and other tangible evidence are otherwise subject to discovery and were not prepared specifically for use in and actually used in the mediation;

(4) When the parties to the mediation are engaged in litigation with a third party and the court determines that fairness to the third party requires that the fact or substance of an agreement resulting from mediation be disclosed; or

(5) When the disclosure reveals abuse or neglect of a child by one (1) of the parties.

(c) The mediator shall not be compelled to testify in any proceeding, unless all parties to the mediation and the mediator agree in writing.

HISTORY: Acts 1993, ch. 245, § 1; 2007, ch. 519, § 2.

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