

0224

Notice of Rulemaking Hearing  
The Tennessee Department of Human Services  
Child Support Services Division

There will be hearings before the Tennessee Department of Human Services to consider the promulgation of amendments to rules pursuant to Tennessee Code Annotated §§ 4-5-201 et seq. and 71-1-105(12). The hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated § 4-5-204, and will take place in the following locations: Washington County Department of Human Services Conference Room, 103 East Walnut Street, Johnson City, Tennessee, at 6:30 PM Eastern Time on Monday April 18, 2005; Knoxville State Office Building, 7th Floor Conference Room A, 531 Henley Street, Knoxville, Tennessee, at 6:30 PM Eastern Time on Tuesday, April 19, 2005; Chattanooga State Office Building Auditorium, 540 McCallie Avenue, Chattanooga, Tennessee, at 6:30 PM Eastern Time on Wednesday, April 20, 2005; Putnam County Department of Human Services Conference Room, 269-E South Willow Avenue, Cookeville, Tennessee, at 6:30 PM Central Time on Thursday April 21, 2005; Citizens Plaza State Office Building, Second Floor Boardroom, 400 Deaderick Street, Nashville, Tennessee, at 6:30 PM Central Time on Monday, April 25, 2005; Maury County Department of Human Services Conference Room, 1400 College Park Drive, Suite B, Columbia, Tennessee, at 6:30 PM Central Time on Tuesday April 26, 2005; Madison County Department of Human Services Conference Room, 1124 Whitehall Street, Suite E, Jackson, Tennessee, at 6:30 PM Central Time on Wednesday, April 27, 2005; Donnelley J. Hill State Office Building, Second Floor Auditorium, 170 North Main Street, Memphis, Tennessee, at 6:30 PM Central Time on Thursday, April 28, 2005; Obion County Department of Human Services Conference Room at 1416 Stad Avenue Union City, TN 38261 at 6:30 PM Central Time on Friday April 29, 2005.

Any individuals with disabilities who wish to participate in these proceedings or to review these filings should contact the Department of Human Services to discuss any auxiliary aids or services needed to facilitate such participation. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date or the date the party intends to review such filings, to allow time for the Department of Human Services to determine how it may reasonably provide such aid or service. Initial contact may be made with the Department of Human Services ADA Coordinator, Fran McKinney, Citizens Plaza Building, 400 Deaderick Street, 3rd Floor, Nashville, Tennessee 37248, telephone number (615) 313-5563, (TTY)- (800) 270-1349.

For a copy of this notice of rulemaking hearing, contact: Kim Beals, Assistant General Counsel, Citizen's Plaza Building, 400 Deaderick Street, Nashville, Tennessee, 37248-0006 and (615) 313-4731.

Substance of Proposed Rules  
of  
The Tennessee Department of Human Services  
Child Support Services Division

Chapter 1240-2-3  
Miscellaneous IV-D

Amendments

Rule 1240-2-3-.02 Federal Tax Refund Intercept Program is amended by deleting paragraphs (1) and (2) in their entireties and by substituting the following language, so that, as amended, paragraph (1) and (2) shall read as follows:

- (1) Definitions.
  - (a) "Support" — A legally enforceable obligation, determined under a court order or an order of an administrative process established under state law, against an individual for the support of a child, or for the support of a former spouse who is living with the child or children for whom the individual also owes support.
  - (b) "Past-due Support" — Support as defined in subparagraph (1)(a) above that has not been paid as ordered.
- (2) In order for a past-due support obligation to qualify for a federal tax refund intercept, the following requirements must be met:
  - (a) When past-due support is owed in a case in which there has been an assignment to the state making the request for offset of support rights under Tennessee Code Annotated § 71-3-124 or 42 U.S.C. § 671(a)(17);
    1. The amount of past-due support must be at least one hundred fifty dollars (\$150).
    2. For purposes of complying with part (a)1, the state may combine assigned support amounts from the same obligor in multiple cases to reach one hundred fifty dollars (\$150). Amounts under this subparagraph may not be combined with amounts that have accrued under subparagraph (b) in order to reach one hundred fifty dollars (\$150); or
  - (b) When past-due support is owed in a case in which an application for IV-D services has been filed with the IV-D Agency, but in which there has been no assignment of support rights pursuant to subparagraph (a);
    1. The amount of past-due support must be at least five hundred dollars (\$500); and
    2. The support must be owed to or on behalf of a qualified child, or a qualified child and the parent with whom the child is living if the same support order includes support for the child and the parent.
    3. For purposes of complying with part (b)1, the state may combine support amounts from the same obligor in multiple cases where the IV-D agency is providing IV-D services to reach five hundred dollars (\$500). Amounts under this subparagraph may not be combined with amounts that have accrued under subparagraph (a) in order to reach five hundred dollars (\$500); and

- (c) The Department has in its records:
1. A copy of the order and any modifications upon which the amount referred is based which specify the date of issuance and amount of support; and
  2. A copy of the payment record, or, if there is no payment record, an affidavit signed by the custodial parent attesting to the amount of support owed; and
  3. In non-title IV-A cases in which support rights have not been assigned under subparagraph (a), the obligee parent's current address; and
- (d) Before submittal to the federal Office of Child Support Enforcement, the Department has verified the accuracy of the name and social security number of the obligor and the accuracy of the amount of past-due support. If the Department has previously verified this information, it need not reverify it.

Authority: T.C.A. §§ 4-5-201 et seq., 8-21-403, 36-5-116; 42 U.S.C. §§ 654b, 666, and 671; and 45 C.F.R. § 303.72..

Legal Contact or Party who will approve final copy:

Kim Beals  
Assistant General Counsel  
Citizens Plaza Building, 15th Floor  
400 Deaderick Street  
Nashville, Tennessee 37248-0006  
(615) 313-4731

Contact for disk acquisition:

Darryl F. Wells  
Legal Assistant  
Citizens Plaza Building, 15th Floor  
400 Deaderick Street  
Nashville, Tennessee 37248-0006  
(615) 313-6673

I certify that this is an accurate and complete representation of the intent and scope of rulemaking proposed by the Department of Human Services.

Kim Beals  
Kim Beals  
Assistant General Counsel  
Tennessee Department of Human Services

Subscribed and sworn to before me this 28<sup>th</sup> day of February 2005

[Signature]  
Notary Public

My commission expires on the \_\_\_\_\_ day of \_\_\_\_\_  
My Commission Expires August 20, 2006

The notice of rulemaking set out herein was properly filed in the Department of State on the 28 day of Feb., 2005

Riley C. Darnell  
Riley C. Darnell  
Secretary of State

By: [Signature]

RECEIVED  
2005 FEB 28 AM 10: 56  
SECRETARY OF STATE  
PUBLICATIONS