

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

Chapter 1240-02-03
Miscellaneous IV-D

Amendments

Rule 1240-02-03-.02 Federal Tax Refund Intercept Program, is amended by deleting part 2 under subparagraph (b), paragraph (2), and by substituting the following language, so that, as amended, part 2 under subparagraph (b), paragraph (2) shall read:

2. In this part the term “past-due support” means the amount of a delinquency, determined under a court order, or an order of an administrative process established under State law, for support and maintenance of a child (whether or not a minor), or of a child (whether or not a minor) and the parent with whom the child (whether or not a minor) is living.

Authority: T.C.A. §§ 4-5-201 et seq., 8-21-403, 36-5-101(e), 36-5-116, 71-1-105 and 71-1-132; 42 U.S.C. §§ 654b, 664, 666, 667 and 671; and 45 C.F.R. §§ 301.1, 302.56, 303.72 and 303.72(a) (as amended by 50 FR 19651, 19652).

The Tennessee Department of Human Services
Child Support Services Division

Chapter 1240-2-6
Review and Adjustment of Child Support Orders

Amendments

Rule 1240-2-6-.03 Review, Adjustment Cycles; Evidence Standards, is amended by deleting paragraph (1) in its entirety, and by substituting the following language, so that, as amended, paragraph (1) shall read:

- (1) Every three (3) years, in any support order subject to enforcement under Title IV-D of the Social Security Act, the Department shall initiate a review upon request by the custodial or non-custodial parent, or any other caretaker of the child, or, if there is an assignment of support pursuant to T.C.A. § 71-3-101, et seq., the Department shall automatically initiate a review, and, in either case, if appropriate under the child support guidelines, the Department shall seek an adjustment of the support order in accordance with child support guidelines established pursuant to T.C.A. § 36-5-101(e) without a requirement for proof of or showing of any other change in circumstances. Evidence of a “significant variance,” as defined by the Department’s child support guidelines, between the current support order and the amount that would be ordered under the Department’s child support guidelines, must be demonstrated to permit an adjustment of the order. The provisions of Chapter 1240-2-4, Child Support Guidelines, must be referenced for further requirements and exceptions relative to application of the significant variance rule.

Authority: T.C.A. §§ 4-5-202, 36-5-101(e), 36-5-103(f), 71-1-105(1), (12), (15) and (16), 71-1-132; Acts 2004, Ch. 728; 42 U.S.C. §§ 664, 666(a)(10) and 667; and 45 C.F.R. §§ 302.56 and 303.8.

The rulemaking hearing rules set out herein were properly filed in the Department of State on the 10th day of September, 2007 and will become effective on the 24th day of November, 2007 (FS 09-03-07; DBID 2674-2675)