

PUBLIC CHAPTER NO. 502

HOUSE BILL NO. 546

By Representative Hackworth

Substituted for: Senate Bill No. 809

By Senator Woodson

AN ACT to amend Tennessee Code Annotated, Section 36-5-101, relative to child support arrearages.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 36-5-101(a), is amended by adding a new subdivision thereto, as follows:

(8) When a court having jurisdiction determines child support pursuant to the Tennessee child support guidelines, based on either the actual income or the court's findings of an obligor's ability to earn income, the final child support order shall create an inference in any subsequent proceeding that the obligor has the ability to pay the ordered amount until such time as the obligor files an application with the court to modify the ordered amount.

SECTION 2. Tennessee Code Annotated, Section 36-5-104, is amended by adding a new subsection thereto, as follows:

(d) In any proceeding to enforce child support the court may apply an inference that the obligor had the ability to pay the ordered child support as set forth in § 36-5-101(a)(8).

SECTION 3. Tennessee Code Annotated, Section 36-5-101(c)(2)(B), is amended by adding a new subdivision thereto, as follows:

(v) In any subsequent proceeding to modify or enforce support there shall be a rebuttable presumption that the information provided by the parties, as required by this part, has not changed unless a party has complied with the provisions of this section by updating such information with the court and, if the case is a Title IV-D child support case, with the local Title IV-D child support office.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: June 12, 2007



JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 22nd day of June 2007



PHIL BREDEESEN, GOVERNOR