

SENATE BILL 445

By Gresham

AN ACT to amend Tennessee Code Annotated, Title 8;
Title 36, Chapter 5 and Title 71, Chapter 1, relative
to child support fees.

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

SECTION 1. Tennessee Code Annotated, Section 36-5-114, is amended by adding the following new subsection:

(c)

(1) The child support enforcement fee shall be collected from the noncustodial parent and shall not be retained from any of the child support payments due to the custodial parent; provided, that the noncustodial parent is not an individual required to cooperate with the Title IV-D program as a condition of temporary assistance for needy families (TANF) eligibility. If the noncustodial parent is an individual required to cooperate with the Title IV-D program as a condition of TANF eligibility, then the child support enforcement fee shall be paid by the state. In no case shall the child support enforcement fee be retained from child support payments owed to a custodial parent.

(2)

(A) When a noncustodial parent is delinquent in payment of child support, any amount collected from the noncustodial parent shall be applied first to pay delinquent child support, then any remaining amount may be collected as the fee.

(B) If the fee is due to the United States department of health and human services pursuant to 42 U.S.C. § 654 and has not been collected

from the noncustodial parent, the fee is to be paid by the state; provided, however, the payment of the fee by the state shall not relieve the noncustodial parent of the obligation to reimburse the state for the amount of the fee paid to the United States department of health and human services.

(C) Any notification sent by the department to the custodial or noncustodial parent reflecting an amount owed in child support shall itemize the amount of the fee owed by the noncustodial parent as an amount separate from any child support owed.

(3) For purposes of this section, “fee” or “child support enforcement fee” means the twenty-five-dollar (\$25.00) child support enforcement fee collected by the department of human services pursuant to 42 U.S.C. § 654.

SECTION 2. The department of human services shall ensure that all federal notice requirements regarding the collection of the child support enforcement fee collected pursuant to 42 U.S.C. § 654 are satisfied.

SECTION 3. For purposes of promulgating rules and providing the necessary notice, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2015, the public welfare requiring it. This act shall apply to all child support enforcement fees collected pursuant to 42 U.S.C. § 654 that are collected on or after July 1, 2015.