

HOUSE BILL 422

By Sparks

AN ACT to amend Tennessee Code Annotated, Title 36, Chapter 2, Part 3 and Title 36, Chapter 5, Part 1, relative to determination of retroactive child support.

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

SECTION 1. Tennessee Code Annotated, Section 36-5-101(e)(1), is amended by adding the following new subdivision:

( ) When making retroactive support awards, the court shall use the average monthly income of both parents for each corresponding year for which retroactive child support is to be awarded, unless the court finds that there is clear and convincing evidence to support a different period of time for use in the calculation and makes such a finding in its order. If a parent fails to produce reliable evidence of income for prior years and the court has no reliable evidence of the parent's income for prior years, the court may use the average monthly income of the parent over the past two (2) years to determine retroactive child support obligations.

SECTION 2. Tennessee Code Annotated, Section 36-2-311(a)(11), is amended by adding the following new subdivision:

( ) When making retroactive support awards, the court shall use the average monthly income of both parents for each corresponding year for which retroactive child support is to be awarded, unless the court finds that there is clear and convincing evidence to support a different period of time for use in the calculation and makes such a finding in its order. If a parent fails to produce reliable evidence of income for prior years and the court has no reliable evidence of the parent's income for prior years, the court

may use the average monthly income of the parent over the past two (2) years to determine retroactive child support obligations.

SECTION 3. This act shall take effect July 1, 2017, the public welfare requiring it, and shall apply to any child support order entered on or after that date.