

SENATE BILL 2155

By Tate

AN ACT to amend Tennessee Code Annotated, Title 36,
relative to child support.

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

SECTION 1. Tennessee Code Annotated, Section 36-5-101, is amended by deleting subdivision (e)(1)(D) and substituting instead the following:

(D) In cases in which the presumption of the application of the guidelines is rebutted by clear and convincing evidence, the court shall deviate from the child support guidelines to reduce, in whole or in part, any retroactive support. The court must make a written finding that application of the guidelines would be unjust or inappropriate, in order to provide for the best interests of the child or children or the equity between the parties.

The application of the child support guidelines shall be rebutted upon showing that:

- (i) The petitioning parent intentionally concealed the child's birth or parentage from the obligor parent for more than one (1) year;
- (ii) The petitioning parent knew or reasonably should have known that the obligor parent was the biological parent of the child and failed to notify or attempt to notify the obligor parent within one (1) year of the child's birth; or
- (iii) The period for which retroactive support is sought is more than five (5) years and the petitioning parent fails to present evidence that:

(a) The petitioning parent made attempts to contact the obligor parent and notify the parent of the child's existence and the other parent's obligation; or

(b) The petitioning parent did not attempt to contact the obligor parent due to any of the circumstances described in subdivision (e)(1)(E).

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring
it.