

Changing a Child Support Order in Your State

 The information below applies only to Tennessee

1. How can I find out if I have a “IV-D” child support case in this state?

Call the statewide Tennessee Child Support Division customer service line:

(615) 253-4394, in the Nashville calling area or if calling from a cell phone with free long distance calling, or 1-800-838-6911 (toll free) for long distance callers.

Tennessee Child Support Division Customer Service can direct a parent to the local child support office that handles the parent’s case in order to determine the amount of the order and when it was last modified.

2. How can a parent contact the child support agency? Please provide relevant mailing address, phone numbers and website.

Call the statewide Tennessee Child Support Division customer service line:

(615) 253-4394, in the Nashville calling area or if calling from a cell phone with free long distance calling, or 1-800-838-6911 (toll free) for long distance callers.

Contact information for the central office of the Tennessee Child Support Division:

Child Support Services
400 Deaderick St
Nashville, TN 37243

Phone: (615) 313-4880

An online directory that lists the address and phone number for each of the local child support offices is available at http://www.tn.gov/humanserv/st_map_cs.html.

Additional information about Tennessee’s child support program, including payment information, is available at http://www.tn.gov/humanserv/cs/cs_main.html. There is also a link to the child support website on the main State of Tennessee website, <http://tn.gov/>, under Family Assistance.

3. If I am incarcerated, are there any barriers to having my order changed?

Yes. Rule 1240-2-4-.04(3)(a)2. of the Child Support Guidelines, states in part:

“Criminal activity and/or incarceration shall not provide grounds for reduction of any child support obligation.” This is because “criminal activity and/or incarceration shall result in a finding of voluntary underemployment or unemployment”. Therefore modification must be based on circumstances other than incarceration. See the “Rules and Guidelines” section of the child support webpage at http://www.tn.gov/humanserv/cs/cs_main.html for the full text of this rule.

4. Do you provide any materials online that I can use to ask for a change to my child support order?

Yes, there is an informational link to the Tennessee Child Support Guidelines for setting child support and for modifying child support orders located here: <http://www.state.tn.us/sos/rules/1240/1240-02/1240-02.htm>, which includes information about the review and adjustment process, <http://www.state.tn.us/sos/rules/1240/1240-02/1240-02-06.pdf>.

There are also Pro Se modification forms available online at http://www.tn.gov/humanserv/cs/cs_forms.html. This link includes a link to the Petition for Modification, which is also attached here.

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5. Do you have any printed materials I could read to learn more about child support for parents who are incarcerated?

No, but there are several brochures about child support attached.

6. When can I ask to have my order changed?

Either party to a child support order can request a review and modification of the order at any time. To qualify for a modification, there must be a difference of at least 15% (7.5% for low income families) between the current order and the modified support amount.

When an individual is incarcerated, if the request is based upon a change in circumstances (such as a change in the number of children the parent is legally responsible for), the modification may be considered. If the request is solely based on incarceration, the modification is not considered.

7. How do I request the change?

Either party can request a modification in person, in writing, or by calling their local child support office. The child support office will send a document to each party asking them to provide the necessary information within 30 days. This information will be used for the Tennessee Child Support Division to determine whether a modification is allowed.

8. What is the process after I've asked to have my order changed, and how long does it take?

Certain conditions have to be met before a support order can be modified. Therefore, when the information is received from both parties, the Tennessee Child Support Division will review the information along with the current order to see whether the order qualifies for modification. If it qualifies, the child support office will try to modify the order using an administrative modification. At the end of the administrative review process, each party will be sent a notice describing the result. If the amount of the order is modified up or down, the notice will show the new amount. If the amount does not change, the notice will state this.

If an administrative modification is not possible (such as if all the necessary information was not received), the office will ask the court to modify the order. This is called a judicial modification.

More information about the modification of child support orders can be found in the Child Support Guidelines, Rule 1240-2-04-.05 titled Modification of Child Support Orders. Go to the Rules and Guidelines section of the child support website at http://www.tn.gov/humanserv/cs/cs_main.html.

The length of the process depends on how quickly the information is received and, if required, how quickly the party involved can be served. This could be between 30 - 180 days.

9. Is this process different if the other parent agrees to the change in advance?

If both parents agree, the process can either be done by administrative modification or by agreed order where both parties sign an order that is then filed with the court.

10. Does it cost anything to try to have my order changed?

No.

11. If I am incarcerated, do I need to do anything else to have my order changed?

No.

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12. If I am incarcerated, does my state have any programs to help me with child support?

The child support program provides direct service at the Morgan County Correctional Facility. Child Support employees provide education and information about child support and also about parenting skills.

13. Can I get help with child support questions from other sources?

The Tennessee Bar Association has a list of available services across the State of Tennessee on their website at: <http://www.tba.org/info/legal-aid/legal-services-in-tennessee>.

14. Is there anything else I should know about trying to change my order?

As stated above, either party to a child support order can request a review and modification of the order at any time. To qualify for a modification, there must be a difference of at least 15% (7.5% for low income families) between the current order and the modified support amount. When a person is incarcerated, a modification can be granted for a change in circumstances, however not solely due to the incarceration itself. Once released, an individual can request a modification based on their current income.



The federal Office of Child Support Enforcement prepared this guide; however, your local child support agency can provide the most current information. This guide does not have any binding legal authority and does not constitute legal advice. You may wish to consult a lawyer before using the forms or information provided.



IN THE _____ COURT OF _____ COUNTY, TENNESSEE

STATE OF TENNESSEE ex. rel.,

Petitioner

v.

Respondent

Docket No. _____

IV-D No. _____

PETITION FOR MODIFICATION

Comes the Petitioner, and would respectfully show this Honorable Court that an order was entered herein whereby the Respondent was ordered to pay support for the minor children:

_____, DOB _____

_____, DOB _____

_____, DOB _____

_____, DOB _____

Petitioner alleges that it is appropriate to modify child support for the following reason(s):

_____ ,

which results in a significant variance according to the child support guidelines.

WHEREFORE, PETITIONER PRAYS:

1. That this petition be filed and proper process issue.
2. That this Court modify the child support for said children in accordance with the State guidelines by income assignment, including medical support for said children.
3. That the Respondent be ordered to pay the costs of this cause.
4. For such other and further relief as this cause may require.

Respectfully submitted,

Petitioner, Pro se

Petitioner's Address and Phone

STATE OF TENNESSEE

COUNTY OF _____

_____, petitioner, being first duly sworn, affirms that the petitioner has read the foregoing petition, knows the contents of the petition, and that the petition is true and correct to the best of petitioner's knowledge, information and belief.

Petitioner

Sworn to and subscribed before me this ____ day of _____, 20__.

NOTARY PUBLIC / CLERK

My commission expires: _____

TPOPS

The purpose of TPOPS is to inform you about your rights and responsibilities as a parent while you are incarcerated. Our coordinators can provide:

1. Basic information about your child support case status.
2. A review of your case(s) and the terms of the order, such as monthly child support payments, monthly arrears payments, and total arrears owed.
3. A review of your case(s) to see if you are eligible for a child support modification (upon your request).
4. Information on how to establish paternity for your child if you weren't married to the other parent when the child was born.
5. The State of Tennessee Child Support Guidelines (how the child support due is calculated by state law).

Our coordinators will not:

1. Change custody or enforce the visitation provisions of your child support order.
2. File a Termination of Parental Rights petition.
3. Provide you with the address(es) of your children or other parent.
4. Perform DNA testing if you have signed an Acknowledgment of Paternity or if there is an existing child support order.
5. Answer questions other than child support inquiries.
6. Provide legal advice or an attorney.

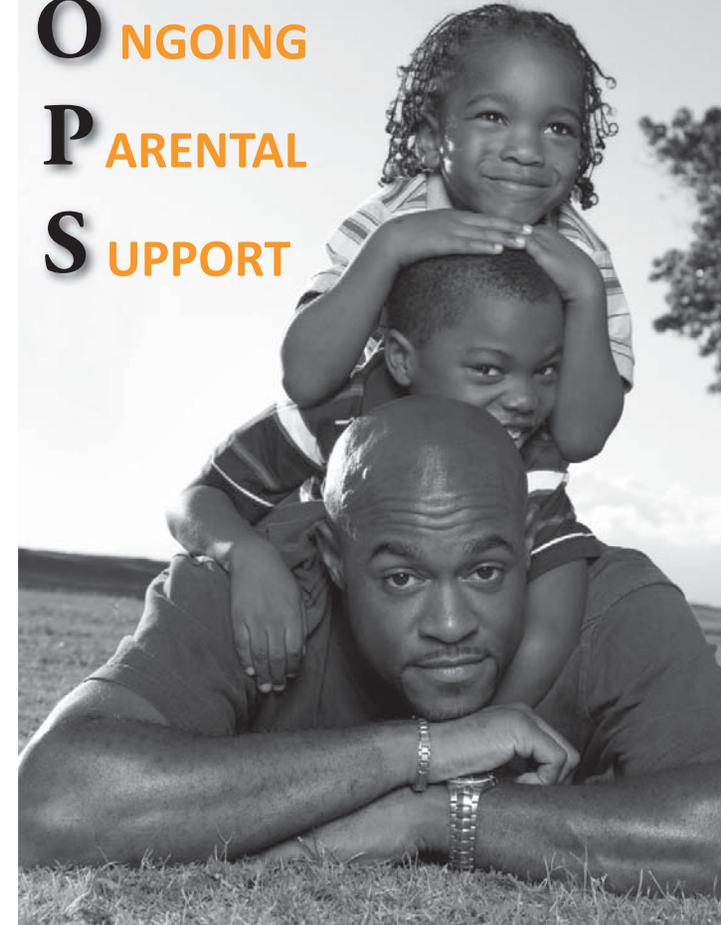
**Your role
as a father is an
important one,
and we want to
help you become
involved in your
child's life.**

**If you are interested in learning
more about TPOPS, please
contact us:**

**507 S. Gay Street, Suite 400
Knoxville, Tennessee 37902
(865) 964-9190 or
(865) 385-9582**

PAN # R01-4018-282-004-09; Project # 09129

TENNESSEE
PARTNERSHIP for
ONGOING
PARENTAL
SUPPORT



Information for Parents

TPOPS is a program created through federal grant funding in partnership with the Tennessee Department of Human Services, the Tennessee Department of Corrections, and

THE UNIVERSITY of TENNESSEE 



Frequently Asked Questions

1. I'm in prison and cannot work. Why doesn't my child support order change?

Your child's needs don't change because you are in prison. If you have any ability to pay child support while you are in prison, it is in your best interest—and your child's best interest—to do so. You can work with the Child Support Coordinators to request a modification review of your child support case(s).

2. What should I do while I am in prison?

Do everything you can to let your children know you care for and are committed to them. You can work with the Child Support Coordinators to ensure the information on your child support case(s) is current and to gain a better understanding of your responsibilities.

3. I don't have a child support case, so I don't have anything to worry about, right?

You may not have a child support case when you went to prison, but that doesn't mean a new case can't be established while you are in prison. You can work with the Child Support Coordinators to review any cases in which you may have been named as a possible father. We

will update the case(s) and work with the local Child Support office to request DNA testing to be able to establish paternity.

4. What are the legal benefits for an incarcerated father when paternity is established?

The most important benefit for children is knowing that they have a father who wants to be in their life. Once paternity has been established, you become the legal father of that child, with all the rights and responsibilities of a father who was married to the mother. There is no guarantee of the right to custody or visitation, but you have a right to raise the issue of custody and visitation in court.

5. The mother of my children and I are together, why do I have a child support case?

In the eyes of the law, you are incarcerated and the other parent and your children are living separately from you. If the custodial parent needs assistance from the State and applies for Temporary Assistance for Needy Families, the State may proceed with a child support order whether the custodial parent requests it or not.

How can we help you meet your obligation?

If you have an order to pay child support, this is an obligation that you must be aware of. It does not go away while you are in prison.

Because of the importance of both parents providing financial security for their children, the federal government has set up many automated systems that will affect you if you are not cooperating with your local Child Support office.

Our goal is to assist you in knowing what your rights and responsibilities are as a non-custodial parent, understanding your court orders, paying your child support, and offering support to you upon your release from prison.



TPOPS helps non-custodial incarcerated fathers know their rights and responsibilities as a parent and become a part of their children's lives.

TPOPS

PROGRAM GOALS

- ◆ Reconnect parent and child whenever it is in the child's best interest
- ◆ Help break the cycle of children of incarcerated parents entering prison
- ◆ Ensure that the incarcerated parent has knowledge of the responsibilities for their children's financial well-being
- ◆ Connect re-entering parent with community resources and family advocacy services
- ◆ Help re-entering parents maintain employment
- ◆ Establish steady and long-term child support payments
- ◆ Help prevent recidivism



*With your help,
we can make a
difference in the
lives of parents
and children in
Tennessee.*

If you are interested in learning more about TPOPS, please contact us:

507 S. Gay Street, Suite 400
Knoxville, Tennessee 37902
(865) 964-9190 or
(865) 385-9582

TENNESSEE DEPARTMENT OF
HUMAN SERVICES

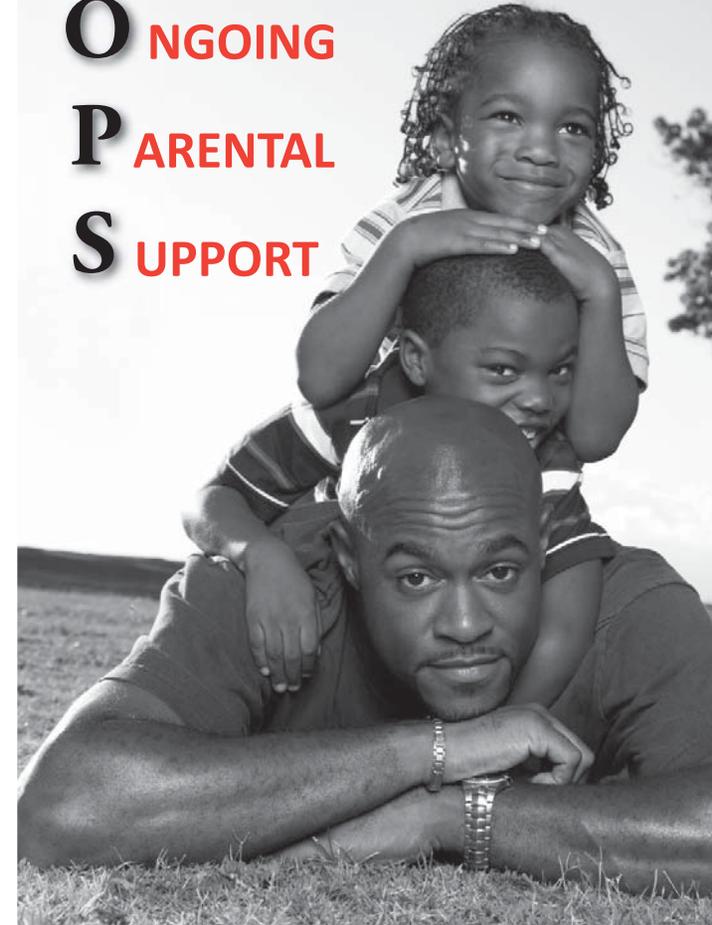


Helping shape Tennessee lives.



PAN # R01-4018-350-008-10; Project # 09129

TENNESSEE
PARTNERSHIP for
ONGOING
PARENTAL
SUPPORT



Information for the Community

TPOPS is a program created through federal grant funding in partnership with the Tennessee Department of Human Services, the Tennessee Department of Corrections, and

THE UNIVERSITY of TENNESSEE 



Community Partnership

TPOPS is a partnership effort designed to reduce recidivism. Our goal is to assist former prisoners who are parents to reconnect with their lives by offering support and referral services to agencies in their community.

The sooner these parents find stability in jobs and housing, the sooner they can be involved in their children's lives physically and emotionally and can provide for their financial needs.

We are creating a network of strong community relationships. Our belief is that with the proper amount of support, each person can live a life full of potential.

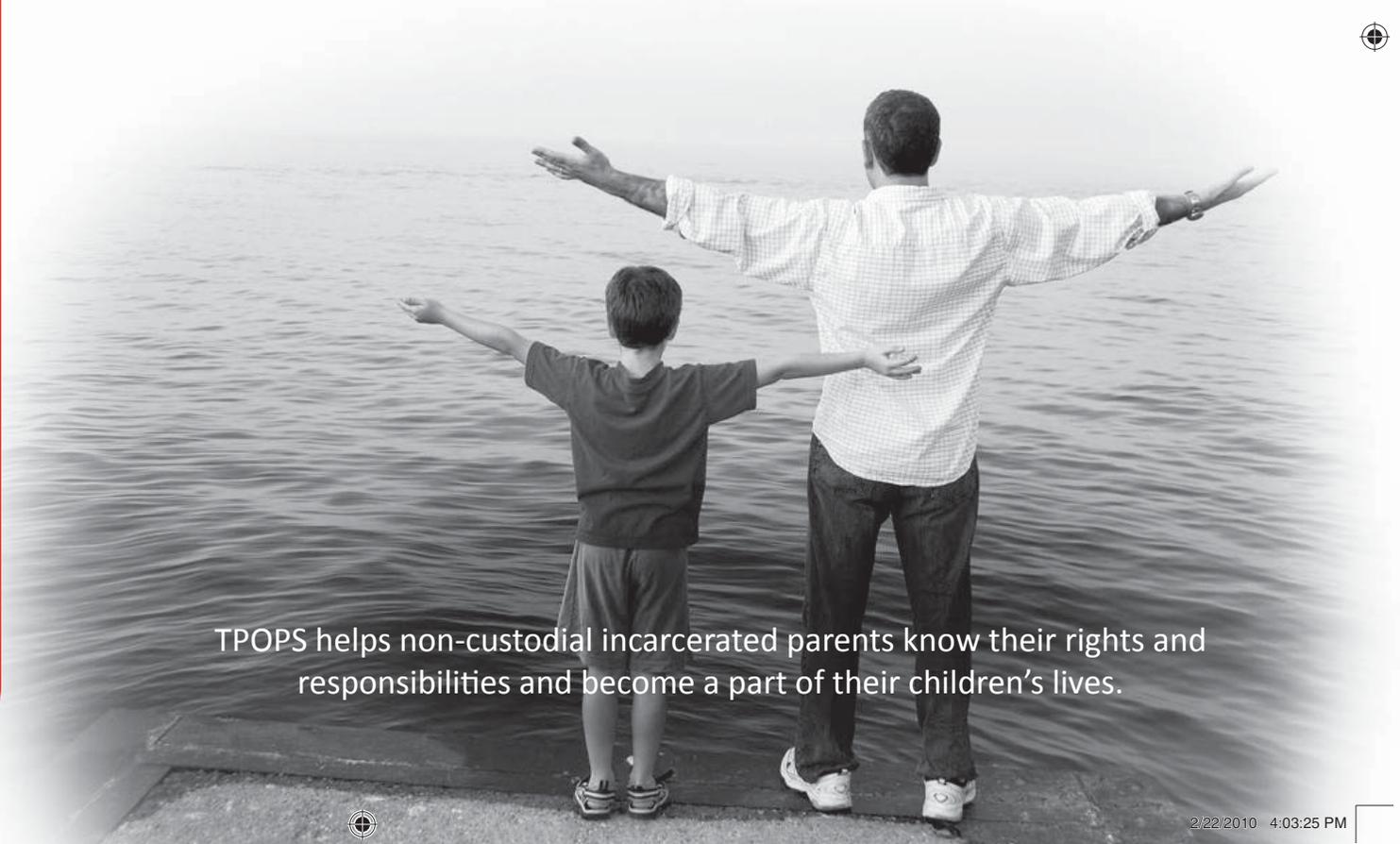
TPOPS, in partnership with community resources, can be the key to providing former incarcerated parents the tools and resources to become productive members of the community and provide loving and stable homes for their children.



Families of Prisoners Facts*

- ◆ About 1.5 million children nationwide have parents behind bars on any one day.
- ◆ This represents two percent of all children in the United States.
- ◆ Over fifty percent of current inmates come from single-headed families or were raised by other family members and in foster homes.
- ◆ Sixty-four percent of men are fathers when entering prison.
- ◆ Half of incarcerated parents are never visited by their children.
- ◆ Children of offenders are five times more likely than their peers to end up in prison themselves.
- ◆ One in 10 children will have been incarcerated before reaching adulthood.
- ◆ Children who experience a parent's arrest and are separated from them suffer a wide array of psychological problems including trauma, anxiety, guilt, shame, and fear.
- ◆ Children sometimes manifest these problems through poor academic achievement, truancy, dropping out of school, gang involvement, early pregnancy, drug abuse, and delinquency.

**Family to Family — Collaboration for Change*



TPOPS helps non-custodial incarcerated parents know their rights and responsibilities and become a part of their children's lives.

