

**RULES
OF
TENNESSEE DEPARTMENT OF HUMAN SERVICES
CHILD SUPPORT SERVICES DIVISION**

**CHAPTER 1240-2-1
FORMS FOR ESTABLISHING AND MODIFYING SUPPORT ORDERS**

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1240-2-1-.01 PETITION FORM. The following form, or another form containing all of the information herein, may be used to commence an action to establish or modify a support order pursuant to *TCA §36-5-401* et seq.

IN THE _____ COURT OF _____ COUNTY, TENNESSEE

_____)	
Petitioner)	
_____)	
vs.)	No. _____
_____)	
Respondent)	

Petition ___ To set child support
(Check one) ___ To enforce child support
 ___ To modify child support

Petitioner, _____, under TCA Title 36, Chapter 5, states:

1. Petitioner is a resident of _____ County, Tennessee, and lives at _____
2. Respondent is a resident of _____, _____ and lives at _____
3. The child(ren) for whom support is sought is (are):
(name) _____ (birthdate) _____
(name) _____ (birthdate) _____
(name) _____ (birthdate) _____
4. This (these) child(ren) reside(s) at _____
5. Petitioner's relationship to the (these) child(ren) is:

6. Respondent is obligated to pay support for this (these) child(ren) because: (check appropriate section)
____ (a) respondent is legal part by virtue of birth during marriage to (ex-spouse name)

(Rule 1240-2-1-.01, continued)

_____, on (date of marriage) _____

____ (b) court order of _____ court on (date) _____, [copy attached (may be order of paternity, legitimation, divorce, adoption, nonsupport)].

____ (c) other (specify) _____

7. Petitioner seeks to: (check appropriate items a - e)

____ (a) have support set.

____ (b) enforce support.

____ (c) modify support:

____ (1) by increasing support;

____ (2) by decreasing support.

____ (d) recover arrearages due.

____ (e) other (specify) _____

8. Respondent has children under the age of 18 other than those listed above. Yes ____ No ____ If Yes:

(name) _____	(birthdate) _____
(name) _____	(birthdate) _____
(name) _____	(birthdate) _____

9. Respondent is under an order of support for any other children. Yes ____ No ____

10. Respondent was previously married. Yes ____ No ____

11. Respondent has subsequently married. Yes ____ No ____

SO THE PETITIONER REQUESTS:

1. That a hearing in this cause be set and notice of said hearing be served on Respondent, as provided in §36-5-405 (a).

2. That the Court order: [check the appropriate paragraph (a) through (d)]

____ (a) Respondent to pay a reasonable amount of child support in the manner deemed appropriate.

____ (b) Enforcement of the previously ordered child support by means the Court finds to be appropriate, including but not limited to income assignment, issuance of liens on real and/or personal property of Respondent, requiring a bond or other security to assure payment.

____ (c) An increase in child support.

____ (d) A decrease in child support.

(Rule 1240-2-1-.01, continued)

3. For general relief.

_____)
)
 STATE OF TENNESSEE)
)
 COUNTY OF _____)

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

_____)
)
 Sworn to and subscribed before me this _____ day of _____, 19/20 _____.

_____)
)
 My commission expires: _____

Authority: PC 477, Acts of 1985; TCA §36-5-406. Administrative History: New rule filed December 17, 1985; effective January 14, 1986.

1240-2-1-.02 AFFIDAVIT FORM. The following form, or another form containing all of the necessary information, may be used in conjunction with the form in 1240-2-1-.01 to commence an action to establish or modify a support order pursuant to TCA, §36-5-401 et seq.:

IN THE _____ CIRCUIT COURT OF _____ COUNTY, TENNESSEE

_____)
 Petitioner)
)
 vs.)
)
 _____)
 Respondent)

No. _____

AFFIDAVIT

Petitioner _____, the Petitioner herein, being duly sworn, says as follows:

- Q. What is your full name?
- A.
- Q. Where do you reside?
- A.
- Q. When and where were you married to the respondent? (date and place)
- A.
- Q. Are you still the spouse of the respondent? If not, give date and place of divorce.

(Rule 1240-2-1-.02, continued)

A.

Q. Were there any children born of this marriage?

A.

Q. What are their names, ages, and dates of birth?

A.

Q. Are the children living with you?

A.

Q. When did the respondent last live with you?

A.

Q. When and how much was his last contribution for support?

A.

Q. Is there a complaint or an order for support in any Court? If so, name the court, amount and docket number.

A.

Q. Are you employed? If so, what are your earnings?

A.

Q. Do you have any outstanding debts? (itemize balance due on charge accounts, etc.)

A.

Q. How much is spent each month for the support of yourself and/or the children?

A.

EXPENSES

Rent or Mortgage payment..... \$ _____

Groceries and household supplies..... _____

Entertainment..... _____

Transportation..... _____

(includes car payment, insurance payment,
gas, maintenance, or bus or car fare).

Medical..... _____

(includes doctor bills, hospital bills,
insurance premiums, etc.)

Utilities..... _____

(includes phone bill, electric bill,
natural gas bill, water and sewer,
garbage pickup bills).

Child Care..... _____

(includes baby sitting care, day care,
nursery, kindergarten).

School..... _____

(includes school supplies, school lunches,
etc., and tuition when applicable).

Insurance..... _____

(other than medical or automobile).

Charge account payments..... _____

Loan payments..... _____

Incidentals..... _____

(includes gifts, donations, subscriptions,
hair cuts, etc.).

Laundry and cleaning expenses..... _____

Other (specify)..... _____

TOTAL..... \$ _____

Q. Where is the respondent now living?

(Rule 1240-2-1-.02, continued)

A.

Q. Describe the respondent:

A. Height: _____ Weight: _____ Date of Birth: _____

Hair: _____ Race: _____ Social Security No.: _____

Photograph attached: _____ Eyes: _____ Other: _____.

Q. What is the respondent's usual occupation?

A.

Q. Where is the respondent employed and what is his/her salary?

A.

Q. To your knowledge, does the respondent have additional income? (second job, Military reservist, etc.)

A.

Q. Does the respondent own any property? If so, describe it.

A.

Q. Does the respondent have children under the age of 18 other than those listed on this form?

A.

Q. Is the respondent under a court order of support for any other children?

A.

Q. Was the respondent previously married?

A.

Q. If so, did he have children by this previous marriage?

A.

Q. If so, are any of these children under the age of 18?

A.

Q. Has the respondent subsequently married?

A.

Q. If so, does he have any children under the age of 18 by this subsequent marriage?

A.

Q. Are you receiving financial assistance from the Department of Human Services? If so, in what amount?

A.

Q. If you do not receive support from the respondent, will it become necessary for you to apply to the Department of Human Services for financial assistance?

A.

Q. How much do you need from the respondent to support yourself and/or the children?

A.

PETITIONER

STATE OF _____)
COUNTY OF _____)

Sworn before me this _____ day of _____, 19/20 _____.

NOTARY PUBLIC OR CLERK

My commission expires: _____

Authority: PC 477 Acts of 1985, TCA §36-5-406. Administrative History: New rule filed December 17, 1985; effective January 14, 1986

1240-2-1-03 NOTICE OF HEARING FORM. The following form, or another form containing all of the information herein, may be used to notify respondent that a Petition to establish or modify a support order has been filed against him/her, pursuant to *TCA §36-5-401 et seq.*, and to notify the respondent of the time and date of the hearing thereon:

IN THE _____ COURT OF _____ COUNTY, TENNESSEE

_____)	
Petitioner)	
vs.)	
_____)	No. _____
Respondent)	

NOTICE

TO THE RESPONDENT, _____,
 Notice is hereby given to you, _____ that the petitioner will appear before the Honorable _____, Referee of the _____ Court for _____ County, Tennessee, on the _____ day of _____, 19/20 _____, requesting the Court: (check appropriate section)

- _____ (a) to order support and payments for the individuals listed in the attached Petition for Child Support.
- _____ (b) to enforce the order of support entered in the _____ Court on the _____ day of _____, 19/20 _____, as set out in the attached Petition for Child Support.
- _____ (c) to modify the prior support order entered in the _____ Court on the _____ day of _____, 19/20 _____, as set out in the attached Petition for Child Support.

The hearing is to be held at _____m. and you may be represented by a lawyer if you choose. This hearing will be held at the following place: _____

IF YOU WANT TO TELL YOUR SIDE TO THE REFEREE, YOU MUST BE AT THE HEARING ON _____, 19/20_____. IF YOU DO NOT COME TO THE HEARING, THE REFEREE WILL DECIDE BASED ONLY ON THE PETITIONER'S TESTIMONY AND MAY ISSUE AN ORDER: (check appropriate section)

- _____ (a) REQUIRING THAT YOU PAY THE SUPPORT SOUGHT IN THE ATTACHED PETITION.
- _____ (b) ENFORCING THE SUPPORT BY PAYROLL DEDUCTION OR ANOTHER MEANS THAT THE COURT FINDS REASONABLE.
- _____ (c) GRANTING THE MODIFICATION OF THE PREVIOUS SUPPORT ORDER WHICH IS SOUGHT IN THE ATTACHED PETITION.

 CLERK

(Rule 1240-2-1-.03, continued)

Certificate of Service

I certify that a copy of this Notice, Petition, and Testimony was given to the Petitioner and was served on Respondent by mailing Notice, Petition, and Testimony by certified mail return receipt requested on the _____ day of _____, 19/20_____.

CLERK

*Authority: PC 477, Acts of 1985; TCA §36-5-406. **Administrative History:** New rule filed December 17, 1985; effective January 14, 1986.*