



March 9, 2023

SUMMARY OF BILL: Authorizes an individual, who has previously had their ability to apply for a voter registration card or their right to suffrage taken away due to unpaid child support, to have those rights restored if they enter into a payment plan to become current on unpaid child support. Permits a court to take away the individual's voting rights again if they willfully fail to adhere to payment terms. Requires that a court shall provide an individual with a court-appointed attorney in order to prove the individual's financial inability to pay.

FISCAL IMPACT:

Increase State Expenditures – Exceeds \$25,000/FY23-24

Assumptions:

- When individuals seek information on their status in regard to child support obligations and how it relates to their voting rights, they typically reach out to the Department of Children's Services (DCS), with these calls increasing in periods before elections. However, it is assumed that the proposed legislation will not create a significant increase in the volume of these calls to DCS or the manner with which they are handled, and can therefore be managed within existing resources and without an increase in expenditures.
- Pursuant to the proposed legislation, an individual is entitled to a court-appointed attorney in order to prove their financial inability to pay child support.
- Pursuant to Tennessee Supreme Court Rule 13, court-appointed attorneys are to be made available to indigent parties for certain court proceedings, and are to be paid through the Indigent Defense Fund.
- However, proving an individual's inability to pay child support is not currently one of the situations where these court-appointed attorneys are provided.
- In order to comply with the proposed legislation, Tennessee Supreme Court Rule 13 would need to be amended to create either a new claim type, or a new case type under the rule in which a court-appointed attorney may serve. However, it is not possible to know whether the Tennessee Supreme Court will create a new claim type or case type.
- According to information provided by the Administrative Offices of the Court (AOC), they currently contract with a vendor to provide support for their browser-based claims and payment system that allows court-appointed attorneys to enter their payment claims and cases. In order to upgrade the system to allow for a new claim type, it would require a one-time increase in expenditures of up to \$250,000 in FY23-24, but in order to

upgrade the system to allow for a new case type, it would require a one-time increase in expenditures of \$25,000 in FY23-24.

- Any increase in caseloads that result from the proposed legislation is assumed to be managed by existing court-appointed attorneys who will be paid through existing Indigent Defense Fund resources. Based on information provided by the AOC, it is assumed that instances in which the court will appoint counsel will be rare. Therefore, there will be no significant fiscal increase in state expenditures to this fund.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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