

***Child Support Guidelines
Fact Sheet – Changes
January 1, 2019***

The child support amount a person is required to pay in North Dakota is set by a court using child support guidelines. The guidelines are adopted by the Department of Human Services through administrative rule. State and federal laws require the Department to review the guidelines every four years to ensure that their application results in appropriate child support amounts being ordered.

As part of the review process, the Department convened a drafting advisory committee. The members of the committee included two legislators, a district court judge, a judicial referee, two attorneys in private practice, a tax preparer, several staff from the Child Support division, and a parent.

Based on the recommendations of the advisory committee, the Department proposed several changes to the guidelines. A public hearing on the proposed changes was held on September 5, 2018. Written comments were accepted until September 17, 2018. Comments were received from individual. The comments were considered carefully but did not result in any further changes. The proposed amendments have been adopted as final and will take effect on January 1, 2019.

The changes are summarized below and can also be found on the Department's website, along with other information from the review.

The changes include substantive changes as well as some clarifications. Several significant areas of the guidelines are left unchanged.

Summary of Changes

Substantive changes – generally in the order in which they appear in the guidelines

- The calculation for the hypothetical federal income tax deduction is simplified by removing consideration of a personal exemption for the obligor, dependency exemptions for the children, and the child tax credit.
- The calculation for the hypothetical state income tax obligation is changed to equal eleven (instead of fourteen) percent of the hypothetical federal income tax obligation.
- The deduction for lodging expenses incurred as a condition of employment is increased from \$83 to \$93 per night.

- In the general instructions, the provision expressing that a determination of child support is appropriate in any matter where the child and both parents don't reside together is removed.
- The definition for "extended parenting time" is changed to an annual total of 100 overnights (instead of 60 of 90 consecutive nights or an annual total of 164 nights).
- A new rebuttal reason is created to effectively allow for equalizing the parents' respective support obligations in certain situations where equal residential responsibility has been ordered.
- The schedule of amounts is revised to:
 - Increase the self-support reserve (i.e., the monthly net income level at or below which the obligation is zero) from \$700 to \$800.
 - Reduce the obligation when the monthly net income is in the range from \$900 to \$1,200.

Clarifications – generally in the order in which they appear in the guidelines

- Language is changed to clarify that the income of an obligor's spouse generally may not (instead of should not) be considered as income for child support purposes.
- Regarding the adjustment for extended parenting time, language is changed to clarify that it must be based on a specified number of overnights (instead of nights). A conforming change is also made in the general instructions.

Areas Where No Changes Are Proposed

- Split residential responsibility
- Self-employment
- Multiple-families
- Imputed income
- Equal residential responsibility
- Foster care or guardianship care

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