

JUL 12 2017



Legal Advisory Unit

(701) 328-2311
Fax (701) 328-2173
Toll Free (800) 472-2622
Relay ND TTY (800) 366-6888

Doug Burgum, Governor
Christopher Jones, Executive Director

July 12, 2017

Vonette Richter, Code Revisor
North Dakota Legislative Council
State Capitol
Bismarck, ND 58505

RE: Proposed Amendments to N.D. Admin. Code Chapter 75-02-04.1
Child Support Guidelines

Dear Ms. Richter:

Enclosed for filing in the office of the Legislative Council is the Notice of Intent to Amend Administrative Rules concerning the above proposed rules as required by N.D.C.C. section 28-32-10. Also enclosed is a copy of the proposed rules.

We have requested publication of an abbreviated newspaper publication notice once in each official county newspaper which will notify the public that an oral hearing on these rules will be held on August 21, 2017, beginning at 1:30 p.m. and continuing until 3:00 p.m. or until no further testimony is offered, whichever occurs first.

If you have any questions or concerns, please contact me at 328-2311. Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jonathan Alm", is written over a horizontal line.

Jonathan Alm
Legal Advisory Unit

JA/jgl

cc: Paulette Oberst, Child Support

Enclosures

Doug Burgum, Governor
Christopher Jones, Executive Director

NOTICE OF INTENT TO AMEND
ADMINISTRATIVE RULES RELATING TO
N.D.A.C. CHAPTER 75-02-04.1
CHILD SUPPORT GUIDELINES

TAKE NOTICE that the North Dakota Department of Human Services will hold a public hearing to address proposed amendments to N.D. Admin. Code chapter 75-02-04.1 at 1:30 p.m. on Monday, August 21, 2017, in Bismarck, N.D. in Room 212, located on the second floor of the Judicial Wing of the State Capitol.

The proposed amendments to N.D. Admin. Code chapter 75-02-04.1, Child Support Guidelines, are necessary to comply with 2017 Senate Bill No. 2277, relating to child support obligations of incarcerated parents and 45 CFR 302.56(c)(1)(ii) and (iii), relating to states imputing income and to taking into consideration the basic subsistence needs of obligors who have a limited ability to pay.

The proposed changes are as follows:

Section 75-02-04.1-04 is repealed to comply with the revised federal regulations requiring states to consider the basic subsistence needs of obligors who have a limited ability to pay.

Subsections 6 and 7 of section 75-02-04.1-05 are amended to reduce the lookback period when the obligor is self-employed and has losses that may potentially be used to offset other income.

Section 75-02-04.1-07 is amended to remove the definition of underemployed; to identify situations in accordance with revised federal regulations that, when present, will preclude imputing income to the obligor; to remove the formula for imputing income to an incarcerated obligor in accordance with 2017 Senate Bill No. 2277; to reduce the lookback period when imputing income based on an unemployed or underemployed obligor's prior earnings or when the obligor has changed jobs for the purpose of reducing his or her income; to clarify language; to update citations; and to remove redundant language.

Section 75-02-04.1-10 is amended to comply with the revised federal regulations requiring states to consider the basic subsistence needs of obligors who have a limited ability to pay.

The proposed amendments are not anticipated to have an impact on the regulated community in excess of \$50,000. No taking of real property is involved in this rulemaking action.

Copies of the proposed rules are available for review at county social services offices and at human service centers. Copies of the proposed rules and the regulatory analysis relating to these rules may be requested by telephoning (701) 328-2311. Written or oral data, views, or arguments may be entered at the hearing or sent to: Rules Administrator, North Dakota Department of Human Services, State Capitol - Judicial Wing, 600 E. Boulevard Ave., Dept. 325, Bismarck, ND 58505-0250. Written data, views, or arguments on the proposed rules must be received no later than 5:00 p.m. on Thursday, August 31, 2017.

ATTENTION PERSONS WITH DISABILITIES: If you plan to attend the hearing and will need special facilities or assistance relating to a disability, please contact the Department of Human Services at the above telephone number or address at least two weeks prior to the hearing.

Dated this 12th day of July, 2017.



Doug Burgum, Governor
Christopher Jones, Executive Director

July 12, 2017

RE: Proposed Amendments to N.D. Admin. Code Chapter 75-02-04.1
Child Support Guidelines

TO WHOM IT MAY CONCERN:

The Department of Human Services is proposing amendments to N.D. Admin. Code chapter 75-02-04.1, Child Support Guidelines. The department has adopted procedures to assure public input into the formulation of the rules prior to adoption.

In conformity with those procedures, we are providing you with a copy of the proposed rules and are requesting that you provide any written data, views, or arguments no later than 5:00 p.m. on August 31, 2017.

The department has scheduled an oral hearing for August 21, 2017. Further information concerning the public hearing is included in the attached notice of proposed rulemaking and public hearing.

Your participation is welcomed, as are your suggestions. Please send all written data, views, or arguments to: Rules Administrator, Department of Human Services, State Capitol - Judicial Wing, 600 E. Boulevard Ave., Bismarck, ND 58505-0250.

Sincerely,

Christopher Jones,
Executive Director

CDJ/jgl

Enclosures

cc: Vonette Richter, Legislative Council
Paulette Oberst, Child Support