

February 10th, 2025

House Judiciary Committee
600 East Boulevard Avenue
Bismarck, ND 58505

RE: Support for HB 1242 w/ Amendment

Chairman Klemin and Committee Members,

My name is Corey Johnson of Williston. I am a single father of two amazing children who reside with me full-time. I personally know the effects of growing up in a fractured home, both from my childhood and now raising my children. I write to you in support of HB 1242 and also ask you to strongly consider an amendment to improve the intent and effectiveness of this legislation.

Support

We must do everything we can to preserve the family unit. We know through sound research that the effects of a broken home damage children at a critical time in their lives. Every effort should be made to preserve families and promote strong values to prevent broken homes from occurring. Despite efforts, this situation is still a crisis in our society, and we must have sound laws to support the well-being of children when homes are fractured. Children's best interest is undoubtedly to have access to both parents and foster loving and nurturing homes.

The current system in place does not do this. This legislation will require each parent to share time and responsibilities for their children. It adds a burden of proof responsibility to limit a parent's right to care for and raise their children. Despite being in a situation where my children's mother is absent, I strongly support the baseline of always sharing responsibility and shared time.

Proposed Amendment

Equal responsibility and time with your child should be viewed as a right. However, this issue cannot be fully addressed without also addressing the issue of child support obligations. Under current Administrative Rules, regardless of shared parenting agreements, child support is required of the highest-earning parent in cases where time and responsibility are shared 50/50.

During my divorce, I was willing to enter into a "parenting plan" where no child support was required. As the highest-earning parent who was going to have a majority of residential and decision-making responsibilities, I was not easily able to waive a requirement for child support. We eventually did this under what my attorney called the "Bill Gates Clause" which permits such arrangements to be granted when the primary caregiver earns more than 3X the

noncustodial parents' salary. The exception was granted because she was unemployed at the time. Since then, a change in our situation developed, and child support has been enacted.

In the end, the purpose of this legislation is to preserve family structures and ensure equal parent access and ability. In this situation, if one of the parents is still obligated to provide child support and shared responsibility, they will be forced to submit to less parenting time. Consider if a father or mother is forced to pay the other parent a child support obligation and provide all support expenses, including childcare, for 50% of parenting time. This parent will be forced into a financial crisis where their parenting abilities will be compromised, or worse, they will be forced to work more and, in the end, not have the time to raise their child as intended by this legislation.

I ask that you consider an amendment to address the issue of child support as it relates to shared residential and decision-making responsibilities.

Administrative Code Reference

75-02-04.1-08.2. Equal residential responsibility - Determination of child support obligation.

A child support obligation must be determined as described in this section in all cases in which a court orders each parent to have equal residential responsibility for their child or children. Equal residential responsibility means each parent has residential responsibility for the child or children for an equal amount of time as determined by the court. If equal residential responsibility is ordered for all the children, a child support obligation for each parent must be calculated under this chapter, and specifically ordered, assuming the other parent has primary residential responsibility for the child or children subject to the equal residential responsibility order. If equal residential responsibility is not ordered for all the children, a child support obligation must be calculated and specifically ordered for each parent for the children for whom the other parent has primary residential responsibility plus the children for whom the parents have equal residential responsibility. The lesser obligation is then subtracted from the greater. The difference is the child support amount owed by the parent with the greater obligation. Each parent is an obligee to the extent of the other parent's calculated obligation. Each parent is an obligor to the extent of that parent's calculated obligation. The offset of child support obligations in this section is for payment purposes only and must be discontinued for any month in which the rights to support of a child for whom the obligation was determined are assigned to a government agency as a condition of receiving public assistance.

75-02-04.1-09. Criteria for rebuttal of guideline amount.

- p. The reduced needs of the child to support from the obligor in situations where the net income of the obligee is at least three times higher than the net income of the obligor;

Sincerely,

A handwritten signature in black ink that reads "Corey A. Johnson". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Corey A. Johnson,
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