

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

23/2

2001 SENATE JUDICIARY

SB 2312

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2312

Senate Judiciary Committee

Conference Committee

Hearing Date January 29th, 2001

Tape Number	Side A	Side B	Meter #
1		X	46.2-end
2	X		0-51.0
Committee Clerk Signature			

Minutes: **Senator Traynor** opened the hearing on SB 2312: A BILL FOR AN ACT TO AMEND AND REENACT SUBSECTION 2 OF SECTION 14-09-08.5, SECTION 14-09-08.6, SUBSECTION 2 OF SECTION 14-09-08.8, SUBSECTION 1 OF SECTION 14-09-09.7, AND SECTION 14-09-09.10 OF THE NORTH DAKOTA CENTURY CODE, RELATING TO CHILD SUPPORT GUIDELINES AND OBLIGEEES AND OBLIGORS.

Senator Kelsh, representing district 26. Bill has two issues. One has to do with how an income is used to determine child support. The other issue is how overtime pay is used to determine child support. This consideration should not be used because it is not a part of a permanent income.

Senator Traynor, all your asking for is the guidelines for overtime pay be considered?

Senator Kelsh, yes. The judge would not consider it.

Senator Traynor, this would look at both obligor and obligee.

Senator Watne, look at income. Are you including the question of income?

Senator Kelsch, yes.

Sue Beehler, representing R-Kids. (testimony attached) SB 2312.

Senator Traynor, amend to make create another commission to add 13 members. Are you suggesting a study resolution.

Sue Beehler, no I don't think a study resolution is needed the governor would appoint that. We are the only state that doesn't allow custodial parents income to be considered.

Margaret Kottre, (testimony attached) supports SB 2312.

Ellary Burkland, from Starkweather, not opposed to child support. Explains position of child custody and how process works from a layman's view.

Senator Traynor, do you think area is complicated and a study needs to be made?

Ellary Burkland, I think it needs to be addressed.

Senator Traynor, so Senator Kelsch's bill would be beneficial?

Ellary Burkland, the change needs to be made. I think right now everyone needs to go to court. We need to look at it wholeistically. I think the problem is simple, that could be my problem.

Senator Trenbeath, I understand your position. I don't understand how a yearly arbitrator would help. But their acting as another judge. Reasonable people won't be reasonable, they'll come to do battle.

Ellary Burkland, I disagree. Why don't you have a catch in there.

Senator Trenbeath, human nature will dictate methodology.

Ellary Burkland, I agree Senator. Talk about emotion when you get a letter from your ex-wife's lawyer.

Tape 2 side A

Karen Smith, mother testifies in support of SB 2312.

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Sherry Moore, appears on behalf of State Bar Association. (testimony attached)

Senator Trenbeath, is it the case in the 35 states that use this?

Senator Traynor, would the adoption of the income sharers model involve litigation's for present situations.

Sherry Moore, certainly they would.

Brad Davls, Administrator Southwest Area Child Support Enforcement Unit. (testimony attached)

Mike Schwindt, representing Child Support Enforcement Director for the Department of Human Services. Recommends a do not pass. (Testimony Attached)

Senator Traynor, Law already pertains to changing. What is the mechanism of increased/decreaded income?

Mike Schwindt, under contempt of court the judge can say circumstances have changed.

Senator Traynor, gives obligor opportunity to look at the situation.

Mellisa Hauer, Director of the Legal Advisory Unit for the Department of Human Services. (testimony attached)

Senator Traynor, this is useful. What is the impact on the counties.

Mike Schwindt, in 1997 it switched the administrative costs to the counties. The counties traded grants.

Senator Traynor, closed the hearing on SB 2312.

Discussion followed.

SENATOR TRENBEATH MOTIONED TO DO NOT PASS, SECONDED BY SENATOR

WATNE. VOTE INDICATED 7 YEAS, 0 NAYS AND 0 ABSENT AND NOT VOTING.

SENATOR TRENBEATH VOLUNTEERED TO CARRY THE BILL.

FISCAL NOTE

Requested by Legislative Council
01/23/2001

Bill/Resolution No.: SB 2312

Amendment to:

1A. State fiscal effect: *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$717,113		\$704,704
Expenditures				\$70,000		
Appropriations			(\$647,113)	\$70,000	(\$704,704)	

1B. County, city, and school district fiscal effect: *Identify the fiscal effect on the appropriate political subdivision.*

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
			\$1,016,535			\$1,067,733		

2. Narrative: *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

This bill would change the guidelines used to determine the expected contribution of child support by a parent to an income shares child support guidelines model, and would also include consideration of temporary periods of increased and decreased income. If this model is used, it is estimated the RCSEUs would incur costs for an additional 9 FTEs and operating costs (currently about 18% of salary costs), resulting in additional retained funds for the Department of Human Services. Costs would also be incurred by DHS to re-program FACSES.

The Supreme Court anticipates they would incur costs for the consideration of temporary changes in income, but were not able to determine the fiscal impact. These costs stem from the necessity of court involvement in proceedings to modify orders.

3. State fiscal effect detail: *For information shown under state fiscal effect in 1A, please:*

A. Revenues: *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

The RCSEUs increase in expenditures would cause the Department of Human Services to realize an increase in retained dollars based upon the SWAP legislation passed in the 1997 Legislative Session. The amount would be 66% of the increased county costs for the RCSEUs.

The Department of Human Services would also receive federal funds of \$46,200 which is 66% of the \$70,000 of expenditures they would incur.

B. Expenditures: *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

The Department of Human Services would incur \$70,000 in operating costs to re-program FACES to support the income shares child support guidelines model.

The Supreme Court anticipates they would incur costs for the consideration of temporary changes in income, but were not able to determine the fiscal impact. These costs stem from the necessity of court involvement in proceedings to modify orders.

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

The Department of Human Services would need an additional \$70,000 of appropriation authority in the 01-03 biennium for the expenditures in 3B. above.

The increase in retained dollars of \$647,113 for the 01-03 biennium and \$704,704 for the 03-05 biennium would replace General Funds.

Name:	Brenda M. Weisz	Agency:	Dept. of Human Services
Phone Number:	701-328-2397	Date Prepared:	01/26/2001

REPORT OF STANDING COMMITTEE (410)
January 30, 2001 11:28 a.m.

Module No: SR-16-1904
Carrier: Trenbeath
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2312: Judiciary Committee (Sen. Traynor, Chairman) recommends DO NOT PASS
(7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2312 was placed on the
Eleventh order on the calendar.

2001 TESTIMONY

SB 2312

gr stands for gross income, nt stands for net income
NA figures were not available

This chart shows child support comparisons at one specific income level. 35 (it was 33 in 1997) states now have income shares guidelines, Virginia changed to the income shares model recently, our state is the only state that absolutely does not allow the obligee's income to be looked at when determining child support. The other states that have the obligor method or the hybrid method do allow the obligee's income to be used when deciding child support. It is used when relevant to the case and to be sure child support is determined fairly. Our century code states each parent has a mutual duty to support their children. An income shares model is consistent with our century code. The obligor model is outdated and bias. The chart above shows that at the first and second rows that 23 states are lower than we are and 6 higher. The third row which a majority of women non-custodial parents could fall, shows that all 20 states looked at are lower. Everyone seems to know our state is one of the lowest paying states so why would our guidelines not reflect that reality. I contend our state is unfair in determining child support and it is time to make a change. South Dakota in 1997 updated their child support guidelines and are still lower than North Dakota. The department has not been willing to work with R-KIDS in listening and trying to work out more fair guidelines. Recently the legislature told the department to include a deviation for parents that have extended visitation. The department came up with a very complicated formula that in essence does not allow for any deviation from child support. I put the figure in of a parent having 212 days with their child, and there was less than a \$30 deduction in support. Give me a break the child would spend the majority of time there and yet no allowance. This has been typically what the department does, they complicate any issue that might add some equity to the guidelines. Other states have been more receptive to change. Our state has done little to remedy problems that we have had with the department. It seems they will make little change unless the legislators tell them to or the supreme court tells them to. R-KIDS had to get a attorney general ruling before we could even sit in on the child support commission that reviewed the guidelines, we could not give input until the public hearings and then little was done to acknowledge our complaints. I believe the only way child support laws and guidelines can be progressive is to form a commission much like South Dakota and

the guidelines no longer be decided by administrative rule. The guidelines effect too many children's lives to leave them in the hands of a department that is unwilling, unreceptive to the parents.

I chose the figures above because I believe they are realistic figures as to what a majority of North Dakotans make. The last column has a difference of about 70% which would be consistent with what a woman who is a non-custodial parent would make in comparison to a male custodial parent. Our guidelines were developed at time when the assumption was that moms get the children and dad pays the support. Times have changed there are moms who now pay support, but yet women have not closed the gap in pay differences, the last figure I heard for the majority North Dakotan women they earn only 68 cents to every dollar a man earns. Our guidelines besides not being fair to the non-custodial parent, they hurt women.

On page 2 lines 28 & 29 in place of the department we would prefer it to say :

The governor will establish a child support commission which will review the child support guidelines during the 2001 interim and make recommendations to the 2003 legislature. The commission will include 13 members consisting of one child support employee, 2 legislators, 3 people in the judicial field of family law, 4 parents either custodial or non-custodial or both, one representative of each parental group ACES and R-KIDS, two other interested citizens.

HB 1280 failed 1999 Income shares bill
 41 to 52
 The deviation is at the discretion of the state
 Multiple Family Calculation R-KIDS
 have never approved they are
 complicated really do not reflect
 the reality of family.
 All other states do address
 multiple family and ~~visit~~ visitation
 They just do it different than the obligor
 method

SB 231a

Income shares State	Child support at 2400gr /2000nt 1680gr /1600nt	Child support at 1680gr/1600nt 2400gr/2000nt	Child support at 1600gr/1500nt 2400gr/2000nt
ALABAMA	323	230	
ARIZONA			
CALIFORNIA	500	400	
COLORADO	329	230	
CONNECTICUT x	441	352	
FLORIDA x	421	336	
IDAHO	NA		
INDIANA	370	259	
IOWA x	440	352	
KANSAS	374	261	
KENTUCKY	341	239	215
LOUISIANA	351	245	219
MAINE	350	245	219
MARYLAND	335	234	209
MASS XX	217	217	217
MICHIGAN x			
MISSOURI	363	254	232
NEBRESKA x	469	376	329
NEW HAMP	NA		
NEW JERSEY x	458	366	325
NEW MEXICO	329	230	208
NEW YORK	NA		
NORTH CAROLINA	223	109	93
OHIO x	351	245	225
OKLAHOMA	345	241	221
OREGON	330	231	207
PENNSYLVANIA x	397	318	288
RHODE ISLAND	365	256	230
SOUTH CAROLINA	361	252	230
SOUTH DAKOTA x	372	298	265
Utah x			
VERMONT	NA		
VIRIGINIA	332	233	208
WASHINGTON x	396	316	292
WEST VIRGINIA new	338	236	215
North Dakota Obligor Model	411	346	330

Pennsylvania

1910.16-4 to this income and award the obligor's percentage share as additional support. Additional support, if any, may be more or less than the percentage share and must be determined, therefore, in accordance with the factors set forth in Melzer.

RULE 1910.16-3 SUPPORT GUIDELINES. [FORMULA] BASIC CHILD SUPPORT SCHEDULE AND CHART OF PROPORTIONAL EXPENDITURES

(a) Basic Child Support Schedule. The following schedule sets forth the amounts spent on children in intact families by combined income and number of children. Combined income is on the vertical axis of the schedule and number of children is on the horizontal axis of the schedule. This schedule is used to find the basic child support obligation. Unless otherwise provided in these Rules, the obligor's share of the basic support obligation shall be computed using the formula set forth in Part I of Rule 1910.16-4.

COMBINED NET MONTHLY INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
0-600	60	55	60	65	70	75
650	90	91	92	93	94	95
700	135	137	138	140	141	143
750	180	182	184	186	188	190
800	196	228	230	233	235	238
850	208	255	276	279	282	285
900	220	273	304	325	329	333
950	232	291	325	348	369	380
1000	244	308	346	371	394	414
1050	256	326	367	394	419	441
1100	268	391	463	511	554	593
1150	279	407	482	532	577	617
1200	291	423	501	553	600	642
1250	302	440	520	575	623	667
1300	313	456	539	596	646	691
1350	325	472	558	617	669	716
1400	336	489	578	638	692	740
1450	347	505	597	659	715	765
1500	359	521	616	681	738	789

1550	370	538	635	702	761	814
1600	381	554	654	723	784	839
1650	393	571	674	744	807	863
1700	404	587	693	766	830	888
COMBINED NET MONTHLY INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
1750	415	603	712	787	853	913
1800	427	620	731	808	876	937
1850	438	636	751	829	899	962
1900	449	652	770	851	922	987
1950	461	668	788	871	944	1010
2000	472	684	807	891	966	1034
2050	483	700	825	911	988	1057
2100	494	716	843	932	1010	1081
2150	505	732	862	952	1032	1104
2200	516	748	880	972	1054	1128
2250	528	763	898	993	1076	1151
2300	539	779	917	1013	1098	1175
2350	550	795	935	1033	1120	1198
2400	560	811	954	1054	1143	1223
2450	571	827	973	1075	1165	1247
2500	582	842	991	1095	1187	1271
2550	593	858	1010	1116	1210	1295
2600	603	874	1029	1137	1232	1319
2650	614	889	1048	1158	1255	1343
2700	625	905	1066	1178	1277	1367
2750	635	921	1085	1199	1300	1391
2800	641	929	1095	1209	1311	1403
2850	647	937	1104	1220	1322	1415
2900	653	945	1113	1230	1333	1427
2950	658	953	1122	1240	1345	1439
3000	664	961	1132	1251	1356	1451
3050	670	969	1141	1261	1367	1463
3100	676	977	1150	1271	1378	1474

3150	681	986	1160	1282	1389	1486
3200	686	993	1167	1289	1398	1496
3250	690	998	1172	1295	1404	1502
3300	693	1004	1177	1301	1410	1509
3350	697	1010	1182	1306	1416	1515
3400	700	1016	1187	1312	1422	1522
3450	704	1022	1192	1318	1428	1528
3500	708	1028	1197	1323	1434	1535
3550	711	1034	1203	1329	1440	1541
3600	715	1040	1208	1335	1447	1548
COMBINED NET MONTHLY INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
3650	724	1052	1223	1351	1465	1567
3700	733	1063	1238	1368	1483	1586
3750	742	1075	1252	1384	1500	1605
3800	750	1086	1267	1400	1518	1624
3850	759	1098	1282	1417	1536	1643
3900	768	1109	1297	1433	1553	1662
3950	777	1121	1311	1449	1571	1681
4000	786	1132	1326	1465	1588	1700
4050	794	1143	1339	1480	1604	1717
4100	801	1153	1351	1493	1619	1732
4150	808	1163	1363	1506	1633	1747
4200	815	1174	1375	1520	1647	1763
4250	822	1184	1387	1533	1662	1778
4300	829	1194	1399	1546	1676	1793
4350	836	1204	1411	1559	1690	1809
4400	843	1215	1423	1573	1705	1824
4450	850	1225	1435	1586	1719	1840
4500	857	1235	1447	1599	1734	1855
4550	864	1245	1459	1612	1748	1870
4600	872	1255	1471	1626	1762	1886
4650	879	1266	1483	1639	1777	1901
4700	886	1276	1495	1652	1790	1916

4750	892	1285	1506	1664	1804	1930
4800	899	1295	1518	1677	1818	1945
4850	906	1305	1529	1690	1832	1960
4900	913	1315	1541	1702	1845	1975
4950	920	1325	1552	1715	1859	1989
5000	927	1335	1564	1728	1873	2004
5050	934	1344	1575	1740	1887	2019
5100	941	1354	1586	1753	1900	2033
5150	948	1364	1598	1766	1914	2048
5200	954	1374	1609	1778	1928	2063
5250	961	1384	1621	1791	1941	2077
5300	968	1394	1632	1804	1955	2092
5350	975	1404	1644	1816	1969	2107
5400	982	1413	1655	1829	1983	2121
5450	989	1423	1667	1842	1996	2136
5500	996	1433	1678	1854	2010	2151
COMBINED NET MONTHLY INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
5550	1003	1443	1690	1867	2024	2166
5600	1010	1453	1701	1880	2038	2180
5650	1016	1463	1713	1893	2052	2195
5700	1023	1473	1724	1905	2065	2210
5750	1030	1483	1736	1918	2079	2225
5800	1037	1492	1747	1931	2093	2240
5850	1044	1502	1759	1944	2107	2254
5900	1051	1512	1771	1956	2121	2269
5950	1058	1522	1782	1969	2135	2284
6000	1065	1532	1794	1982	2148	2299
6050	1071	1542	1805	1995	2162	2314
6100	1078	1552	1817	2008	2176	2328
6150	1085	1561	1828	2020	2190	2343
6200	1092	1571	1840	2033	2204	2358
6250	1099	1581	1851	2046	2218	2373
6300	1106	1591	1863	2059	2232	2388

6350		1113	1601	1875	2071	2245	2403
6400		1120	1611	1887	2085	2260	2418
6450		1126	1621	1899	2099	2275	2434
6500		1133	1632	1912	2112	2290	2450
6550		1140	1642	1924	2126	2305	2466
6600		1147	1652	1937	2140	2320	2482
6650		1153	1662	1949	2154	2334	2498
6700		1160	1672	1961	2167	2349	2514
6750		1167	1682	1974	2181	2364	2530
6800		1174	1693	1986	2195	2379	2546
6850		1181	1703	1998	2208	2394	2561
6900		1187	1713	2011	2222	2409	2577
6950		1194	1723	2023	2236	2424	2593
7000		1201	1733	2036	2249	2438	2609
7050		1208	1744	2048	2263	2453	2625
7100		1215	1754	2060	2277	2468	2641
7150		1221	1764	2073	2290	2483	2657
7200		1228	1774	2085	2304	2497	2672
7250		1231	1779	2091	2311	2505	2680
7300		1235	1784	2098	2318	2513	2689
7350		1238	1790	2104	2325	2521	2697
7400		1242	1795	2111	2333	2529	2706
COMBINED NET MONTHLY INCOME		ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
7450		1245	1800	2117	2340	2536	2714
7500		1249	1806	2124	2347	2544	2722
7550		1252	1811	2131	2354	2552	2731
7600		1256	1816	2137	2362	2560	2739
7650		1260	1822	2144	2369	2568	2748
7700		1263	1827	2150	2376	2576	2756
7750		1267	1832	2157	2383	2584	2764
7800		1270	1838	2163	2391	2591	2773
7850		1274	1843	2170	2398	2599	2781
7900		1277	1848	2177	2405	2607	2790

7950	1281	1854	2183	2412	2615	2798
8000	1284	1859	2190	2420	2623	2806
8050	1288	1865	2197	2428	2632	2816
8100	1296	1877	2211	2443	2648	2834
8150	1304	1888	2224	2458	2664	2851
8200	1312	1900	2238	2473	2680	2868
8250	1320	1911	2251	2487	2696	2885
8300	1328	1923	2265	2502	2712	2902
8350	1336	1934	2278	2517	2729	2920
8400	1344	1945	2291	2532	2745	2937
8450	1352	1957	2305	2547	2761	2954
8500	1360	1968	2318	2562	2777	2971
8550	1368	1980	2332	2576	2793	2988
8600	1376	1991	2345	2591	2809	3006
8650	1384	2003	2358	2606	2825	3023
8700	1392	2014	2372	2621	2841	3040
8750	1400	2026	2385	2636	2857	3057
8800	1408	2037	2399	2651	2873	3074
8850	1416	2049	2412	2665	2889	3092
8900	1424	2060	2426	2680	2905	3109
8950	1432	2072	2439	2695	2921	3126
9000	1440	2083	2452	2710	2937	3143
9050	1448	2095	2466	2725	2954	3160
9100	1456	2106	2479	2739	2970	3177
9150	1464	2117	2493	2754	2986	3195
9200	1472	2129	2506	2769	3002	3212
9250	1480	2140	2519	2784	3018	3229
9300	1488	2152	2533	2799	3034	3246
COMBINED NET MONTHLY INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
9350	1496	2163	2546	2814	3050	3263
9400	1504	2175	2560	2828	3066	3281
9450	1512	2186	2573	2843	3082	3298
9500	1520	2198	2586	2858	3098	3315

9550	1528	2209	2600	2873	3114	3332
9600	1536	2221	2613	2888	3130	3349
9650	1544	2232	2627	2903	3146	3367
9700	1552	2244	2640	2917	3162	3384
9750	1560	2255	2654	2932	3179	3401
9800	1568	2267	2667	2947	3195	3418
9850	1576	2278	2680	2962	3211	3435
9900	1584	2289	2694	2977	3227	3453
9950	1592	2301	2707	2991	3243	3470
10000	1600	2312	2721	3006	3259	3487
10050	1608	2324	2734	3021	3275	3504
10100	1616	2335	2747	3036	3291	3521
10150	1624	2347	2761	3051	3307	3539
10200	1632	2358	2774	3066	3323	3556
10250	1640	2370	2788	3080	3339	3573
10300	1648	2381	2801	3095	3355	3590
10350	1656	2393	2815	3110	3371	3607
10400	1664	2404	2828	3125	3387	3625
10450	1672	2416	2841	3140	3403	3642
10500	1680	2427	2855	3155	3420	3659
10550	1688	2439	2868	3169	3436	3676
10600	1695	2448	2879	3181	3449	3690
10650	1698	2453	2886	3188	3456	3698
10700	1702	2459	2892	3196	3464	3707
10750	1706	2464	2899	3203	3472	3715
10800	1710	2470	2905	3210	3480	3723
10850	1713	2475	2912	3217	3487	3732
10900	1717	2481	2918	3224	3495	3740
10950	1721	2486	2925	3232	3503	3748
11000	1725	2492	2931	3239	3511	3757
11050	1728	2497	2938	3246	3519	3765
11100	1732	2503	2944	3253	3526	3773
11150	1736	2508	2951	3260	3534	3782
11200	1740	2513	2957	3268	3542	3790
COMBINED NET MONTHLY	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN

INCOME							
11250	1743	2519	2964	3275	3550	3798	
11300	1747	2524	2970	3282	3558	3807	
11350	1751	2530	2977	3289	3566	3815	
11400	1755	2535	2983	3296	3573	3823	
11450	1758	2541	2990	3303	3581	3832	
11500	1762	2546	2996	3311	3589	3840	
11550	1766	2552	3003	3318	3597	3848	
11600	1770	2557	3009	3325	3604	3857	
11650	1773	2563	3016	3332	3612	3865	
11700	1777	2568	3022	3339	3620	3873	
11750	1781	2574	3029	3347	3628	3882	
11800	1785	2579	3035	3354	3635	3890	
11850	1788	2585	3042	3361	3643	3898	
11900	1792	2590	3048	3368	3651	3907	
11950	1796	2596	3055	3375	3659	3915	
12000	1800	2601	3061	3382	3667	3923	
12050	1803	2607	3068	3390	3674	3932	
12100	1807	2612	3074	3397	3682	3940	
12150	1811	2618	3081	3404	3690	3948	
12200	1815	2623	3087	3411	3698	3957	
12250	1818	2628	3094	3418	3706	3965	
12300	1822	2634	3100	3426	3713	3973	
12350	1826	2639	3107	3433	3721	3982	
12400	1830	2645	3113	3440	3729	3990	
12450	1833	2650	3120	3447	3737	3998	
12500	1837	2656	3126	3454	3745	4007	
12550	1841	2661	3133	3462	3752	4015	
12600	1845	2667	3139	3469	3760	4023	
12650	1848	2672	3145	3475	3767	4031	
12700	1852	2678	3152	3483	3776	4040	
12750	1856	2684	3159	3491	3784	4049	
12800	1860	2689	3166	3499	3793	4058	
12850	1864	2695	3174	3507	3801	4067	
12900	1868	2701	3181	3515	3810	4077	
12950	1872	2707	3188	3523	3818	4086	

13000	1876	2713	3195	3530	3827	4095
13050	1880	2718	3202	3538	3835	4104
13100	1884	2724	3209	3546	3844	4113
COMBINED NET MONTHLY INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
13150	1888	2730	3216	3554	3853	4122
13200	1892	2736	3223	3562	3861	4131
13250	1896	2742	3231	3570	3870	4141
13300	1900	2747	3238	3578	3878	4150
13350	1904	2753	3245	3586	3887	4159
13400	1908	2759	3252	3593	3895	4168
13450	1912	2765	3259	3601	3904	4177
13500	1916	2771	3266	3609	3912	4186
13550	1920	2776	3273	3617	3921	4195
13600	1924	2782	3280	3625	3929	4205
13650	1928	2788	3288	3633	3938	4214
13700	1932	2794	3295	3641	3947	4223
13750	1936	2800	3302	3649	3955	4232
13800	1940	2805	3309	3656	3964	4241
13850	1944	2811	3316	3664	3972	4250
13900	1948	2817	3323	3672	3981	4259
13950	1952	2823	3330	3680	3989	4268
14000	1956	2829	3338	3688	3998	4278
14050	1960	2834	3345	3696	4006	4287
14100	1964	2840	3352	3704	4015	4296
14150	1968	2846	3359	3712	4023	4305
14200	1972	2852	3366	3719	4032	4314
14250	1976	2858	3373	3727	4040	4323
14300	1980	2863	3380	3735	4049	4332
14350	1984	2869	3387	3743	4058	4342
14400	1988	2875	3395	3751	4066	4351
14450	1992	2881	3402	3759	4075	4360
14500	1996	2887	3409	3767	4083	4369
14550	2000	2892	3416	3775	4092	4378

14600	2004	2898	3423	3783	4100	4387
14650	2008	2904	3430	3790	4109	4396
14700	2012	2910	3437	3798	4117	4406
14750	2016	2916	3444	3806	4126	4415
14800	2020	2921	3452	3814	4134	4424
14850	2024	2927	3459	3822	4143	4433
14900	2028	2933	3466	3830	4152	4442
14950	2032	2939	3473	3838	4160	4451
15000	2036	2945	3480	3846	4169	4460

(b) Chart of Proportional Expenditures. The following chart sets forth the proportion of combined monthly net income spent on children by income level. It is used to find the parties' basic child support obligation. Unless otherwise provided in these Rules, the obligor's share of the basic support obligation shall be computed using the formula set forth in Part I of Rule 1910.16-4.

**PROPORTION OF NET INCOME SPENT
ON CHILDREN BY COMBINED INCOME LEVEL**

Children	\$423- \$1,058	\$1,059- \$1,481	\$1,482- \$1,905	\$1,906- \$2,328	\$2,329- \$2,751	\$2,752- \$3,174
1	\$104, plus 24.32% above \$423	\$258, plus 22.67% above \$1,059	\$354, plus 22.72% above \$1,482	\$451, plus 22.32% above \$1,906	\$545, plus 21.39% above \$2,329	\$636, plus 11.47% above \$2,752
2	\$152, plus 35.44% above \$423	\$377, plus 32.68% above \$1,059	\$515, plus 32.77% above \$1,482	\$654, plus 31.70% above \$1,906	\$788, plus 31.41% above \$2,329	\$921, plus 16.16% above \$2,752
3	\$180, plus 41.73% above \$423	\$446, plus 38.34% above \$1,059	\$609, plus 38.47% above \$1,482	\$772, plus 36.69% above \$1,906	\$927, plus 37.49% above \$2,329	\$1,085, plus 18.62% above \$2,752
4	\$199, plus 46.33% above \$423	\$493, plus 42.37% above \$1,059	\$673, plus 42.50% above \$1,482	\$853, plus 40.54% above \$1,906	\$1,024, plus 41.42% above \$2,329	\$1,199, plus 20.58% above \$2,752
5	\$216, plus 50.22% above \$423	\$535, plus 45.92% above \$1,059	\$729, plus 46.08% above \$1,482	\$924, plus 43.94% above \$1,906	\$1,110, plus 44.90% above \$2,329	\$1,300, plus 22.30% above \$2,752

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\$231, plus 53.74% above \$423	\$572, plus 49.14% above \$1,059	\$780, plus 49.30% above \$1,482	\$989, plus 47.02% above \$1,906	\$1,188, plus 48.04% above \$2,329	\$1,391, plus 23.87% above \$2,752
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Children	\$3,175-\$3,598	\$3,599-\$4,021	\$4,022-\$4,656	\$4,657-\$5,502	\$5,503-\$6,349
1	\$684, plus 7.20% above \$3,175	\$715, plus 17.74% above \$3,599	\$790, plus 14.14% above \$4,022	\$879, plus 13.79% above \$4,657	\$996, plus 13.75% above \$5,503
2	\$989, plus 11.89% above \$3,175	\$1,040, plus 22.97% above \$3,599	\$1,137, plus 20.44% above \$4,022	\$1,267, plus 19.70% above \$4,657	\$1,434, plus 19.74% above \$5,503
3	\$1,164, plus 10.21% above \$3,175	\$1,207, plus 29.49% above \$3,599	\$1,332, plus 23.99% above \$4,022	\$1,485, plus 22.92% above \$4,657	\$1,679, plus 23.11% above \$5,503
4	\$1,286, plus 11.28% above \$3,175	\$1,334, plus 32.59% above \$3,599	\$1,472, plus 26.51% above \$4,022	\$1,640, plus 25.32% above \$4,657	\$1,855, plus 25.54% above \$5,503
5	\$1,395, plus 12.22% above \$3,175	\$1,446, plus 35.33% above \$3,599	\$1,596, plus 28.74% above \$4,022	\$1,778, plus 27.45% above \$4,657	\$2,011, plus 27.68% above \$5,503
6	\$1,492, plus 13.08% above \$3,175	\$1,548, plus 37.80% above \$3,599	\$1,708, plus 30.75% above \$4,022	\$1,903, plus 29.37% above \$4,657	\$2,151, plus 29.62% above \$5,503

Children	\$6,350-\$7,195	\$7,196-\$8,042	\$8,043-\$10,581	\$10,582-\$12,697	\$12,698-\$15,000
1	\$1,113, plus 13.57% above \$6,350	\$1,227, plus 7.05% above \$7,196	\$1,287, plus 15.99% above \$8,043	\$1,693, plus 7.51% above \$10,582	\$1,852, plus 7.97% above \$12,698
2	\$1,601, plus 20.37% above \$6,350	\$1,773, plus 10.65% above \$7,196	\$1,863, plus 22.93% above \$8,043	\$2,446, plus 10.95% above \$10,582	\$2,677, plus 11.60% above \$12,698
3	\$1,874, plus 24.79% above	\$2,084, plus 13.13% above	\$2,195, plus 26.83% above	\$2,877, plus 13.01% above	\$3,152, plus 14.26% above

	\$6,350	\$7,196	\$8,043	\$10,582	\$12,698
4	\$2,071, plus 27.39% above \$6,350	\$2,303, plus 14.51% above \$7,196	\$2,426, plus 29.65% above \$8,043	\$3,179, plus 14.37% above \$10,582	\$3,483, plus 15.76% above \$12,698
5	\$2,245, plus 29.69% above \$6,350	\$2,496, plus 15.73% above \$7,196	\$2,629, plus 32.14% above \$8,043	\$3,446, plus 15.58% above \$10,582	\$3,775, plus 17.08% above \$12,698
6	\$2,402, plus 31.77% above \$6,350	\$2,671, plus 16.83% above \$7,196	\$2,813, plus 34.39% above \$8,043	\$3,687, plus 16.67% above \$10,582	\$4,039, plus 18.28% above \$12,698

RULE 1910.16-4 SUPPORT GUIDELINES. [DEVIATION] CALCULATION OF SUPPORT OBLIGATION.
FORMULA

(a) The following formula shall be used to calculate the obligor's share of the basic guideline child support, spousal support and/or alimony pendente lite obligation:

PART I. BASIC CHILD SUPPORT

	<u>OBLIGOR</u>	<u>OBLIGEE</u>
1. <u>Total Gross Income per pay period</u>	_____	_____

25-7-6.2. Support obligation schedule. The child support obligation shall be established in accordance with the combined monthly net income of both parents as provided in the following schedule subject to such revisions or deviations as may be permitted pursuant to §§ 25-7-6.1 to 25-7-6.17, inclusive.

Combined Net Monthly Income	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
0-1,000	50	50	50	50	50	50
1,050	74	75	76	77	78	78
1,100	119	121	122	123	125	126
1,150	164	166	168	170	172	173
1,200	209	212	214	216	219	221
1,250	254	257	260	263	266	268
1,300	299	303	306	309	313	316
1,350	322	348	352	356	360	363
1,400	333	394	398	402	407	411
1,450	344	439	444	449	454	458
1,500	355	485	490	495	501	506
1,550	366	530	536	542	548	553
1,600	378	547	582	588	595	601
1,650	389	563	628	635	642	648
1,700	400	579	674	681	689	696
1,750	411	595	701	728	736	743
1,800	422	611	719	774	783	791
1,850	434	627	737	815	830	838
1,900	443	641	754	833	877	886
1,950	452	654	769	849	921	933
2,000	460	666	783	866	938	981
2,050	469	678	798	882	956	1,023
2,100	477	691	813	898	974	1,042
2,150	485	703	828	914	991	1,061
2,200	494	715	842	931	1,009	1,079
2,250	502	728	857	947	1,026	1,098
2,300	510	739	870	962	1,043	1,116
2,350	515	745	878	970	1,051	1,125
2,400	520	752	885	978	1,060	1,134
2,450	524	758	892	986	1,068	1,143

2,500	529	765	899	993	1,077	1,152
2,550	534	771	906	1,001	1,085	1,161
2,600	538	778	913	1,009	1,094	1,171
2,650	543	784	921	1,017	1,103	1,180
2,700	548	791	928	1,025	1,111	1,189
2,750	555	800	938	1,037	1,124	1,203
2,800	562	810	950	1,050	1,138	1,217
2,850	569	820	961	1,062	1,151	1,232
2,900	576	830	973	1,075	1,165	1,247
2,950	583	840	984	1,088	1,179	1,262
3,000	590	850	996	1,100	1,193	1,276
3,050	598	860	1,007	1,113	1,207	1,291
3,100	605	870	1,019	1,126	1,220	1,306
3,150	611	880	1,030	1,138	1,234	1,320
3,200	618	889	1,041	1,150	1,247	1,334
3,250	624	898	1,052	1,163	1,260	1,348
3,300	630	907	1,063	1,175	1,273	1,363
3,350	637	917	1,074	1,187	1,287	1,377
3,400	643	926	1,085	1,199	1,300	1,391
3,450	649	935	1,096	1,211	1,313	1,405
3,500	656	944	1,107	1,233	1,326	1,419
3,550	662	954	1,118	1,236	1,340	1,433
3,600	670	965	1,131	1,249	1,354	1,449
3,650	677	975	1,143	1,263	1,369	1,465
3,700	685	986	1,155	1,276	1,384	1,480
3,750	692	997	1,167	1,290	1,398	1,496
3,800	700	1,007	1,180	1,303	1,413	1,512
3,850	707	1,018	1,192	1,317	1,428	1,527
3,900	715	1,028	1,204	1,330	1,442	1,543
3,950	723	1,039	1,216	1,344	1,457	1,559
4,000	729	1,049	1,227	1,356	1,470	1,573
4,050	736	1,058	1,238	1,369	1,483	1,587
4,100	742	1,067	1,249	1,381	1,497	1,601
4,150	749	1,077	1,261	1,393	1,510	1,616
4,200	755	1,086	1,272	1,405	1,523	1,630
4,250	762	1,096	1,283	1,417	1,536	1,644
4,300	768	1,105	1,294	1,429	1,549	1,658

4,350	775	1,114	1,305	1,442	1,563	1,672
4,400	781	1,124	1,316	1,454	1,576	1,686
4,450	788	1,133	1,327	1,466	1,589	1,700
4,500	794	1,143	1,338	1,478	1,602	1,714
4,550	801	1,152	1,349	1,490	1,615	1,729
4,600	807	1,161	1,359	1,502	1,628	1,742
4,600	812	1,168	1,368	1,512	1,639	1,754
4,700	817	1,176	1,377	1,522	1,650	1,765
4,750	822	1,183	1,386	1,532	1,661	1,777
4,800	826	1,190	1,396	1,542	1,672	1,789
4,850	831	1,198	1,405	1,552	1,683	1,800
4,900	836	1,205	1,414	1,562	1,694	1,812
4,950	841	1,213	1,423	1,572	1,705	1,824
5,000	846	1,220	1,432	1,583	1,716	1,836
5,050	851	1,228	1,441	1,593	1,727	1,847
5,100	856	1,235	1,451	1,603	1,737	1,859
5,150	861	1,243	1,460	1,613	1,748	1,871
5,200	866	1,250	1,469	1,623	1,759	1,883
5,250	871	1,257	1,478	1,633	1,770	1,894
5,300	876	1,265	1,487	1,643	1,781	1,906
5,350	880	1,272	1,496	1,653	1,792	1,918
5,400	885	1,280	1,505	1,663	1,803	1,929
5,450	891	1,288	1,516	1,675	1,816	1,943
5,500	898	1,298	1,527	1,687	1,829	1,957
5,550	904	1,307	1,538	1,699	1,842	1,971
5,600	911	1,316	1,549	1,711	1,855	1,985
5,650	917	1,326	1,560	1,723	1,868	1,999
5,700	923	1,335	1,571	1,735	1,881	2,013
5,750	930	1,344	1,582	1,748	1,894	2,027
5,800	936	1,353	1,592	1,760	1,907	2,041
5,850	943	1,363	1,603	1,772	1,921	2,055
5,900	949	1,372	1,614	1,784	1,934	2,069
5,950	955	1,381	1,625	1,796	1,947	2,083
6,000	962	1,390	1,636	1,808	1,960	2,097
6,050	968	1,400	1,647	1,820	1,973	2,111
6,100	975	1,409	1,658	1,832	1,986	2,125
6,150	981	1,418	1,669	1,844	1,999	2,139

6,200	987	1,427	1,680	1,856	2,012	2,153
6,250	994	1,437	1,691	1,869	2,026	2,167
6,300	1,000	1,446	1,702	1,881	2,039	2,181
6,350	1,007	1,455	1,713	1,893	2,052	2,195
6,400	1,013	1,465	1,724	1,905	2,065	2,209
6,450	1,019	1,474	1,735	1,917	2,078	2,223
6,500	1,026	1,483	1,746	1,929	2,091	2,238
6,550	1,032	1,492	1,757	1,941	2,104	2,252
6,600	1,039	1,502	1,768	1,953	2,117	2,266
6,650	1,045	1,511	1,779	1,965	2,130	2,280
6,700	1,051	1,520	1,790	1,977	2,144	2,294
6,750	1,058	1,529	1,801	1,990	2,157	2,308
6,800	1,064	1,539	1,811	2,002	2,170	2,322
6,850	1,071	1,548	1,822	2,014	2,183	2,336
6,900	1,077	1,557	1,833	2,026	2,196	2,350
6,950	1,083	1,567	1,844	2,038	2,209	2,364
7,000	1,090	1,576	1,855	2,050	2,222	2,378
7,050	1,096	1,585	1,866	2,062	2,235	2,392
7,100	1,102	1,594	1,877	2,074	2,248	2,405
7,150	1,108	1,602	1,886	2,084	2,259	2,417
7,200	1,113	1,610	1,895	2,094	2,270	2,429
7,250	1,118	1,617	1,904	2,104	2,281	2,441
7,300	1,124	1,625	1,914	2,115	2,292	2,453
7,350	1,129	1,633	1,923	2,125	2,303	2,465
7,400	1,135	1,641	1,932	2,135	2,315	2,477
7,450	1,140	1,649	1,942	2,146	2,326	2,489
7,500	1,145	1,657	1,951	2,156	2,337	2,500
7,550	1,151	1,664	1,960	2,166	2,348	2,512
7,600	1,156	1,672	1,970	2,176	2,359	2,524
7,650	1,161	1,680	1,979	2,187	2,370	2,536
7,700	1,167	1,688	1,988	2,197	2,381	2,548
7,750	1,172	1,696	1,997	2,207	2,393	2,560
7,800	1,178	1,704	2,007	2,217	2,404	2,572
7,850	1,183	1,712	2,016	2,228	2,415	2,584
7,900	1,188	1,719	2,025	2,238	2,426	2,596
7,950	1,194	1,727	2,035	2,248	2,437	2,608
8,000	1,199	1,735	2,044	2,258	2,448	2,620

8,050	1,205	1,743	2,053	2,269	2,459	2,632
8,100	1,210	1,751	2,62	2,279	2,471	2,643
8,150	1,215	1,759	2,072	2,289	2,482	2,655
8,200	1,221	1,767	2,081	2,300	2,493	2,667
8,250	1,226	1,774	2,090	2,310	2,504	2,679
8,300	1,231	1,782	2,100	2,320	2,515	2,691
8,350	1,237	1,790	2,109	2,330	2,526	2,703
8,400	1,242	1,798	2,118	2,341	2,537	2,715
8,450	1,248	1,806	2,128	2,351	2,548	2,727
8,500	1,253	1,814	2,137	2,361	2,560	2,739
8,550	1,258	1,821	2,146	2,371	2,571	2,751
8,600	1,264	1,829	2,155	2,382	2,582	2,763
8,650	1,269	2,837	2,165	2,392	2,593	2,775
8,700	1,275	1,845	2,174	2,402	2,604	2,786
8,750	1,280	1,853	2,183	2,413	2,615	2,798
8,800	1,285	1,861	2,193	2,423	2,626	2,810
8,850	1,291	1,869	2,202	2,433	2,638	2,822
8,900	1,296	1,876	2,211	2,443	2,649	2,834
8,950	1,301	1,884	2,221	2,454	2,660	2,846
9,000	1,307	1,892	2,230	2,464	2,671	2,858
9,050	1,312	1,900	2,239	2,474	2,682	2,870
9,100	1,318	1,908	2,248	2,484	2,693	2,882
9,150	1,323	1,916	2,258	2,495	2,704	2,894
9,200	1,328	1,924	2,267	2,505	2,715	2,906
9,250	1,334	1,931	2,276	2,515	2,727	2,918
9,300	1,339	1,939	2,286	2,526	2,738	2,929
9,350	1,345	1,947	2,295	2,536	2,749	2,941
9,400	1,350	1,955	2,304	2,546	2,760	2,953
9,450	1,355	1,963	2,313	2,556	2,771	2,965
9,500	1,361	1,971	2,323	2,567	2,782	2,977
9,550	1,366	1,978	2,332	2,577	2,793	2,989
9,600	1,371	1,986	2,341	2,587	2,805	3,001
9,650	1,377	1,994	2,351	2,597	2,816	3,013
9,700	1,382	2,002	2,360	2,608	2,827	3,025
9,750	1,388	2,010	2,369	2,618	2,838	3,037
9,800	1,393	2,018	2,379	2,628	2,849	3,049
9,850	1,398	2,026	2,388	2,638	2,860	3,060

9,900	1,404	2,033	2,397	2,649	2,871	3,072
9,950	1,409	2,041	2,406	2,659	2,883	3,084
10,000	1,415	2,049	2,416	2,669	2,894	3,096

The child support obligation from the schedule shall be divided proportionately between the parents, based upon their respective net incomes. The share of the custodial parent is presumed to be spent directly for the benefit of the child. The share of the noncustodial parent establishes the amount of the child support order.

SECTION 25-7-6 | CHILD SUPPORT

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Table 1. Base combined child support obligation table and low income table.

The following includes the Base Combined Child Support Obligation Table and the Low Income Table:

BASE COMBINED CHILD SUPPORT OBLIGATION TABLE

(Both Parents)

Monthly Combined Adj. Gross Income		Number of Children					
From	To	1	2	3	4	5	6
650 -	675	99	184	191	198	200	201
676 -	700	103	190	198	205	207	209
701 -	725	106	197	205	212	214	216
726 -	750	110	204	212	220	221	223
751 -	775	113	211	219	227	229	231
776 -	800	117	218	226	234	236	238
801 -	825	121	224	243	261	263	265
826 -	850	124	231	253	275	277	279
851 -	875	128	238	263	289	291	294
876 -	900	132	245	274	303	305	308
901 -	925	135	251	284	316	319	322
926 -	950	139	258	294	330	333	336
951 -	975	143	265	305	344	347	350
976 -	1,000	146	272	315	358	361	364
1,001 -	1,050	154	285	335	385	389	393
1,051 -	1,100	161	299	356	413	417	421
1,101 -	1,150	168	313	377	441	444	449
1,151 -	1,200	176	326	387	449	454	460
1,201 -	1,250	183	340	403	465	475	484
1,251 -	1,300	190	353	418	482	496	508
1,301 -	1,350	198	367	433	499	516	532
1,351 -	1,400	205	381	448	515	537	556
1,401 -	1,450	212	394	463	532	558	580
1,451 -	1,500	220	408	478	549	579	605
1,501 -	1,550	227	421	493	565	600	629
1,551 -	1,600	234	435	509	582	620	653
1,601 -	1,650	242	449	524	599	641	677
1,651 -	1,700	249	462	539	615	662	701
1,701 -	1,750	256	476	554	632	683	725
1,751 -	1,800	264	489	569	649	704	749
1,801 -	1,850	271	503	584	664	723	771
1,851 -	1,900	278	517	597	677	736	786
1,901 -	1,950	286	530	610	690	750	800
1,951 -	2,000	293	544	622	700	752	813
2,001 -	2,100	308	571	643	716	779	833
2,101 -	2,200	319	592	666	741	807	862

2,201 - 2,300	328	608	687	766	835891
2,301 - 2,400	336	625	708	791	862921
2,401 - 2,500	345	641	725	809	882942
2,501 - 2,600	354	658	746	834	909972
2,601 - 2,700	362	674	767	859	9371,001
2,701 - 2,800	371	691	788	885	9641,031
2,801 - 2,900	380	707	809	910	9921,060
2,901 - 3,000	388	724	830	936	1,0201,090
3,001 - 3,100	397	740	851	962	1,0481,120
3,101 - 3,200	406	756	872	987	1,0761,149
3,201 - 3,300	414	773	893	1,013	1,1031,179
3,301 - 3,400	423	789	914	1,039	1,1311,208
3,401 - 3,500	431	804	934	1,064	1,159 1,238
3,501 - 3,600	438	817	953	1,090	1,1871,268
3,601 - 3,700	444	830	973	1,116	1,2151,297
3,701 - 3,800	451	843	992	1,141	1,2431,327
3,801 - 3,900	458	856	1,012	1,167	1,2701,356
3,901 - 4,000	465	870	1,031	1,192	1,2971,386
4,001 - 4,100	472	883	1,050	1,217	1,3251,415
4,101 - 4,200	479	896	1,069	1,242	1,3521,444
4,201 - 4,300	486	909	1,088	1,267	1,3791,474
4,301 - 4,400	493	923	1,107	1,292	1,4071,503
4,401 - 4,500	499	936	1,131	1,326	1,4431,541
4,501 - 4,600	506	949	1,150	1,350	1,4701,570
4,601 - 4,700	513	962	1,169	1,375	1,4981,600
4,701 - 4,800	520	975	1,188	1,400	1,5251,629
4,801 - 4,900	527	989	1,207	1,425	1,5521,658
4,901 - 5,000	534	1,002	1,226	1,450	1,5801,687
5,001 - 5,100	541	1,015	1,245	1,475	1,6071,717
5,101 - 5,200	547	1,028	1,264	1,500	1,6341,746
5,201 - 5,300	554	1,042	1,282	1,522	1,6581,772
5,301 - 5,400	561	1,055	1,300	1,544	1,6821,797
5,401 - 5,500	568	1,068	1,317	1,566	1,7061,823
5,501 - 5,600	575	1,081	1,335	1,588	1,7301,848
5,601 - 5,700	582	1,093	1,351	1,610	1,7541,874
5,701 - 5,800	586	1,103	1,367	1,632	1,7781,899
5,801 - 5,900	591	1,112	1,383	1,653	1,8021,925
5,901 - 6,000	596	1,122	1,398	1,675	1,8261,950
6,001 - 6,100	601	1,131	1,414	1,697	1,8501,976
6,101 - 6,200	605	1,141	1,430	1,719	1,8742,001
6,201 - 6,300	610	1,150	1,445	1,740	1,8972,026
6,301 - 6,400	615	1,159	1,461	1,762	1,9212,052
6,401 - 6,500	620	1,169	1,480	1,791	1,9512,084
6,501 - 6,600	624	1,178	1,495	1,812	1,9752,109
6,601 - 6,700	629	1,188	1,511	1,834	1,9982,134
6,701 - 6,800	629	1,188	1,511	1,834	1,9982,134
6,801 - 6,900	673	1,188	1,511	1,834	1,9982,134
6,901 - 7,000	680	1,188	1,511	1,834	1,9982,134
7,001 - 7,100	687	1,188	1,511	1,834	1,9982,134
7,101 - 7,200	694	1,188	1,511	1,834	1,9982,134

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7,201 - 7,300	701	1,188	1,520	1,834	1,9982,134
7,301 - 7,400	706	1,189	1,531	1,834	1,9982,134
7,401 - 7,500	710	1,197	1,541	1,834	1,9982,134
7,501 - 7,600	715	1,205	1,551	1,834	1,9982,134
7,601 - 7,700	719	1,213	1,562	1,834	1,9982,134
7,701 - 7,800	723	1,220	1,572	1,834	1,9982,134
7,801 - 7,900	728	1,228	1,582	1,834	1,9982,137
7,901 - 8,000	732	1,236	1,592	1,834	2,0002,150
8,001 - 8,100	737	1,244	1,603	1,834	2,0132,164
8,101 - 8,200	741	1,252	1,613	1,841	2,0262,178
8,201 - 8,300	746	1,259	1,623	1,853	2,0392,192
8,301 - 8,400	750	1,267	1,633	1,864	2,0522,206
8,401 - 8,500	755	1,275	1,644	1,876	2,0642,220
8,501 - 8,600	759	1,283	1,654	1,887	2,0772,234
8,601 - 8,700	763	1,291	1,664	1,899	2,0902,247
8,701 - 8,800	768	1,298	1,675	1,911	2,1032,261
8,801 - 8,900	772	1,306	1,685	1,922	2,1162,275
8,901 - 9,000	777	1,314	1,695	1,934	2,1292,289
9,001 - 9,100	781	1,322	1,705	1,945	2,1412,303
9,101 - 9,200	786	1,330	1,716	1,957	2,1542,317
9,201 - 9,300	790	1,337	1,726	1,969	2,1672,330
9,301 - 9,400	795	1,345	1,736	1,980	2,1802,344
9,401 - 9,500	799	1,353	1,747	1,992	2,1932,358
9,501 - 9,600	803	1,361	1,757	2,003	2,2062,372
9,601 - 9,700	808	1,369	1,767	2,015	2,2182,386
9,701 - 9,800	812	1,376	1,777	2,027	2,2312,400
9,801 - 9,900	817	1,384	1,788	2,038	2,2442,414
9,901 - 10,000	821	1,392	1,798	2,050	2,2572,427
10,001 - 10,100	826	1,400	1,808	2,061	2,270 2,441

LOW INCOME TABLE

(Obligor Parent Only)

Monthly Adj. Gross Income		Number of Children				
1	2	3	4	5	6	
From	To					
650 -	675	23	23	23	23	2424
676 -	700	45	46	46	47	4748
701 -	725	68	68	69	70	7171
726 -	750	90	91	92	93	9495
751 -	775	113	114	115	116	118119
776 -	800		137	138	140	141143
801 -	825		159	161	163	165166
826 -	850		182	184	186	188190
851 -	875		205	207	209	212214
876 -	900		228	230	233	235238
901 -	925		250	253	256	259261
926 -	950			276	279	282285
951 -	975			299	302	306309

976 - 1,000	326	329333
1,001 - 1,050	372	376380

Repealed and Re-enacted by Chapter 118, 1994 General Session

RCW 26 19.020 Child support economic table.

ECONOMIC TABLE
 MONTHLY BASIC SUPPORT OBLIGATION
 PER CHILD
 KEY: A = AGE 0-11 B = AGE 12-18

COMBINED MONTHLY NET INCOME	ONE CHILD FAMILY		TWO CHILDREN FAMILY	
	A	B	A	B
0				
100				
200				
300				
400				
500				
	For income less than \$600 the obligation is based upon the resources and living expenses of each household. Minimum support shall not be less than \$25 per child per month.			
600	133	164	103	127
700	155	191	120	146
800	177	218	137	170
900	199	246	154	191
1000	220	272	171	211
1100	242	299	188	232
1200	264	326	205	253
1300	285	352	221	274
1400	307	379	238	294
1500	327	404	254	313
1600	347	428	269	333
1700	367	453	285	352
1800	387	478	300	371
1900	407	503	316	390
2000	427	527	331	409
2100	447	552	347	429
2200	467	577	362	448
2300	487	601	378	467
2400	506	626	393	486
2500	526	650	408	505
2600	534	661	416	513
2700	542	670	421	520
2800	549	679	427	527
2900	556	686	431	533
3000	561	693	436	538
3100	566	699	439	543
3200	569	704	442	546
3300	573	708	445	549
3400	574	710	446	551
3500	575	711	447	552
3600	577	712	448	553
3700	578	713	449	554
3800	581	719	452	558
3900	596	736	463	572
4000	609	753	473	584
4100	623	770	484	598
4200	638	788	495	611
4300	651	805	506	625
4400	664	821	516	637
4500	677	836	525	649

2900	360	445	305	376	266	328
3000	364	449	308	380	268	331
3100	367	453	310	383	270	334
3200	369	457	312	386	272	336
3300	371	459	314	388	273	339
3400	372	460	315	389	274	340
3500	373	461	316	390	275	341
3600	374	462	317	391	276	342
3700	375	463	318	392	277	343
3800	377	466	319	394	278	344
3900	386	477	326	404	284	352
4000	395	488	334	413	291	360
4100	404	500	341	422	298	368
4200	413	511	350	431	305	377
4300	422	522	357	441	311	385
4400	431	532	364	449	317	392
4500	438	542	371	458	323	400
4600	446	552	377	467	329	407
4700	455	562	384	475	335	414
4800	463	572	391	483	341	422
4900	470	581	398	491	347	429
5000	479	592	404	500	353	437
5100	487	602	411	509	359	443
5200	494	611	418	517	365	451
5300	503	621	425	525	371	458
5400	511	632	432	533	377	466
5500	518	641	439	542	383	473
5600	527	651	446	551	389	480
5700	535	661	452	559	395	488
5800	543	671	459	567	401	495
5900	551	681	466	575	407	502
6000	559	691	473	583	413	509
6100	567	701	479	593	418	517
6200	575	710	486	601	424	524
6300	583	721	493	609	430	532
6400	591	731	500	617	436	539
6500	599	740	506	626	442	546
6600	607	750	513	635	448	554
6700	615	761	520	643	454	561
6800	623	770	527	651	460	568
6900	631	780	533	659	466	575
7000	639	790	540	668	472	583

The economic table is presumptive for combined monthly net incomes up to and including five thousand dollars. When combined monthly net income exceeds five thousand dollars, support shall not be set at an amount lower than the presumptive amount of support set for combined monthly net incomes of five thousand dollars unless the court finds a reason to deviate below that amount. The economic table is advisory but not presumptive for combined monthly net incomes that exceed five thousand dollars. When combined monthly net income exceeds seven thousand dollars, the court may set support at an advisory amount of support set for combined monthly net incomes between five thousand and seven thousand dollars or the court may exceed the advisory amount of support set for combined monthly net incomes of seven thousand dollars upon written findings of fact. [1991 c 367 § 25; 1990 1st ex.s. c 2 § 19; 1989 c 175 § 76; 1988 c 275 § 3.]

NOTES:

Severability--Effective date--Captions not law--1991 c 367:
See notes following RCW 26.09.015.

Senate Judiciary Committee

SB 2312

January 29, 2001

Chairman Traynor, members of the Senate Judiciary Committee, I am Mike Schwindt, Child Support Enforcement Director for the Department of Human Services. The Department asks that this committee recommend SB 2312 do not pass.

Background. In 1983, the Legislature first adopted N.D.C.C. 14-09-09.7 which required the Department to establish a scale of "suggested minimum contributions" of child support. The Department was to consider income, other parental resources, and hardship in establishing those standards. Those standards were available for consideration by the courts until 1987 when their use became mandatory.

In 1989, the Legislature, responding to federal requirements, amended the section to require the Department to develop child support guidelines that would be rebuttably presumed to be the correct amount of child support in all cases. That statute remains largely intact today. Prior to the 1999 session, it had been changed only to conform to another federal requirement that any deviation from the guideline be shown to be in the best interest of the child and to require periodic review of the guidelines to be undertaken through rulemaking. The 1999 session made two changes dealing with extended visitation and with employee benefits as part of gross income.

Since 1989, the Legislature has required the guidelines to consider income (both gross and net), other resources, and hardship factors. These three legislatively required factors were initially supplemented by consideration of the value of the custodial parent's services and of the child's needs.

When the guidelines were revised in 1995, one of the major changes was consideration of the obligor's responsibility for other children. Each of these six factors, the three identified by the Legislature and the three from the Department, is grounded in long-standing North Dakota law and practice.

The National Center for State Courts developed the income shares model with grant money from the federal government in 1988. This model uses the concept that the child should receive the same proportion of parental income that would have been received if the parents lived together. In an intact household, that generally means the income of both parents are pooled and spent for the benefit of all household members, including the children. Here, the basic obligation is computed using both incomes and then prorated in proportion to each parent's income and adjusted for items such as child care costs. The court order is entered for the noncustodial parent's share of the basic obligation and those other costs.

In 1990, the Department prepared proposed guidelines based on the income shares model. After review by the Juvenile Procedures Committee of the North Dakota Supreme Court, the Committee recommended an approach that more closely followed existing practices. We responded with another draft using a variable percentage of the obligor's income (the obligor model) and sought public comment on the two models.

Summarizing the information we received after four public hearings:

Of those expressing a preference, the primary criticism of the income shares model was its complexity. Most lawyers and judges who commented were particularly concerned. They typically spoke about the additional time which would be taken through the use of the income shares model. Others saw great difficulty in applying the income shares model in paternity actions and interstate proceedings.

The department ultimately was persuaded that the obligor model was superior because it is far less costly to administer. The greater costs would ultimately be borne by taxpayers (who support the judicial system) and by litigants, who must pay for the cost of gathering detailed financial information on two persons. In addition, the department had undertaken many comparisons of child support calculations done under the two models. In virtually all cases, the difference in outcome between the use of the two models was negligible. This supported a conclusion that the extra cost of implementing an income shares model would be wasted in most cases. At bottom, the only advantage that the income shares model appeared to provide was the appearance of greater fairness. That appearance arises because both parents' income is considered in determining the child support obligation. However, that is actually a false appearance of fairness. (Blaine Nordwall's testimony to the Interim Child Support Committee, September 30, 1997, pps. 8 and 9)

This treatise also provides further history and explanation of the differences between the two models.

Prior legislative actions. The income shares model has been considered and rejected by prior Legislatures. I am aware of bills to switch to some version of the income shares model in just about every session from 1993 forward.

Following the 1997 session, an interim committee considered a wide range of child support issues including a draft dealing with the income shares model. Before reaching its conclusion to forego a bill, the Committee received considerable testimony from obligors and the Department on the pros and cons of the obligor and income shares models.

The Committee also had five scenarios prepared, using the North Dakota obligor model and the Utah income shares model. Depending on the individual scenarios, using the same set of facts, the Utah obligor's total monthly responsibility ranged from \$624 to \$879 compared to \$554 using our model. (William Strate's testimony to the Interim Child Support Committee, February 9, 1998)

Subsequently, the Committee asked that we calculate child support obligations using both our guidelines and Washington's guidelines, which are based on the income shares model. Again, based on the same set of facts, the Washington obligation was \$283 per month while the North Dakota obligation was \$282. The North Dakota obligation did not include a deviation for visitation travel costs since that amount is discretionary with the court and cannot be estimated with accuracy. However, any deviation for visitation travel costs would result in a lower amount. (William Strate's testimony to the Interim Child Support Committee, June 22, 1998)

The Committee declined to recommend a bill; however, during the 1999 session, HB 1280 was introduced to require the income shares guidelines model. It failed in the House.

Case law. Since the guidelines have been in place for a number of years, the body of North Dakota case law has grown. Switching to an entirely new guidelines model would, to a significant extent, mean restarting the learning process for everyone involved. That would include the parents, the judiciary, the regional offices, the state office, and the private bar.

Fiscal note. Our fiscal note shows a projected cost for next biennium of over \$1 million. The bulk of the costs would be at the regional level which, under SWAP, is funded by county government. Included in the costs would be nine more regional office staff. Additionally, at the state level, we estimate we would need \$70,000 for changing FACSES, our computer system, which was programmed just last year to calculate child support under the current guidelines. The fiscal note excludes an inescapable effect caused by an increase in requests for modifications of court orders on the court system.

Modifying Guidelines. The guidelines now in place were developed over time, based on legislative action on specific items and on public comment, and were approved by the Administrative Rules Committee. You may recall that, under the law, we need to review the guidelines every four years. The next review will be in 2002. Makeup of the drafting advisory committee will include two members of the legislative assembly appointed by the chairman of the Legislative Council. (N.D.C.C. 14-09-09.7 (4)) As with all our administrative rules, the draft guidelines will be subjected to public hearings and need the approval of the Administrative Rules Committee.

Bill. The substance is in section 4 where two items are added. The first addition, page 3, lines 1 and 2, would require the guidelines, which the Department develops to help the courts determine what parents should be expected to contribute to the care of their child, must consider the income of both parents, using an income shares model. Implementation would require the accumulation and assessment of both parties' income and deductions to determine the monthly child support.

Our obligor model considers only the obligor's circumstances, not those of the other parent. We have also built into our current guidelines a means to reasonably recognize "multiple family" situations. These situations, which include cases in which the obligor has responsibility for a "new" family, or owes a duty of support to two or more families, are far from rare. Adoption of an income shares model would force us to abandon the "multiple family" concept. We are unaware of any state with the income shares model that has successfully addressed that area.

We are unsure how we would address the current state law requirement that the guidelines consider extended periods of time a minor child spends with the obligor. (N.D.C.C. 14-09-09.7(1)(e)) The guidelines, since August 1, 1999, permit a deduction for extended periods of visitation. (N.D. Admin.

Code 75-02-04.1-08.1) However, the extended visitation adjustment does not appear to be readily compatible with the income shares model in which the child support obligation is determined by considering the income of both parents. Under an income shares model, if the obligor were to continue to receive a deduction for the period of time spent with the child, fairness and logic would seem to require that the obligee receive a similar deduction to reflect the greater period of time spent with the child. Using such an approach, the deduction for the obligee would exceed the deduction for the obligor to a point that any extended visitation adjustment would be rendered essentially meaningless. Even if an extended visitation adjustment could be developed to be compatible with an income shares model, such an adjustment would almost certainly increase the complexity of the child support calculation.

Child care costs need to be taken into account in an income shares model. Under the current guidelines, child care costs are not part of the routine calculation. Rather, child care costs may be considered by the court, in certain situations, as a reason to deviate from the guideline amount. This would not be the case with an income shares model. With an income shares model, the child support obligation has two or more components. First, the "basic" child support obligation is calculated by combining the income of both parents and then prorating that combined income in proportion to each parent's income. Second, the basic child support obligation is adjusted upward to account for child care costs. A child support order is then entered with respect to the obligor's share of the basic child support obligation plus child care costs. This means that child care costs will need to be considered in each case in which child care costs are appropriate, rather than only in cases in which the court makes a decision to deviate. This is an example of the additional complexity associated with the income shares model. The bill fails to include any

means by which essential information on child care needs and expenses may be secured.

Similar considerations would apply to health-related costs, including health insurance and uninsured medical expenses. Under our current guidelines, the obligor who provides health insurance or pays certain actual medical expenses for the child is entitled to a deduction from gross income for some or all of those costs. (N.D. Admin. Code 75-02-04.1-01 (7)(d) and (e)) Under an income shares model, health-related costs would be apportioned between the parents; the obligor's share of such costs would be yet another component of the child support amount, along with the basic child support obligation and the child care component. Again, the bill includes no provision to secure this information.

The current guidelines consider the substantial monetary and nonmonetary contributions to the child's basic care and needs by the custodial parent. (N.D. Admin. Code 75-02-04.1-09(1)(b)) The income shares model, on the other hand, ignores the custodial parent's nonmonetary contributions. Custodial parents are directly involved in the time-consuming efforts of raising their children. Custodial parents are primarily responsible for making and following through on the day-to-day arrangements essential to raising children. They are usually the parent who takes time off from work when a child is sick, who arranges for child care as well as picks up and drops off the child, who takes the child to the dentist, the piano lessons, and basketball practices. Our state has a long history of considering the value of the custodial parent's services. Adoption of the income shares model would end that practice.

Section 4, page 3, lines 15 and 16, further adds that the guidelines must include consideration of temporary periods of increased or decreased income which occur due to circumstances beyond the control of the

obligor or obligee. We are not sure what would be required but this would at least mean that the court order for child support would need modification. That would result in an increased workload for the judiciary since they would need to amend the orders.

Any such language in the guidelines would be without effect until a court orders the child support amount changed. The time taken before the support order is amended would typically be longer than any truly "temporary" increase or decrease in income. North Dakota law already provides a mechanism for changing child support orders when a parent's income changes. The guidelines do not and cannot automatically or administratively change the court ordered amount. The amendments in section 4 would only serve to raise unrealistic expectations and add frustration to an already difficult situation.

The remaining sections of the bill would conform existing language to the new requirements.

Should the Committee choose to go forward with the bill, we believe a number of corrections would be necessary.

- Section 1 would have the obligor and obligee sent different notices. The initial effect would be that the obligee would not be compelled to furnish necessary information resulting in a delay.
- Section 5 adds the phrase 'or obligee' to definitions used in the income withholding function, with the potential effect of requiring actions from obligee's employers, even though neither the obligee nor the obligee's employer is required to send a child support payment.
- Omitted from the bill are changes needed to other relevant sections of law to secure information from the obligee. For example, N.D.C.C. 14-09-08.16 deals with obtaining information from only an obligor's

employer. A thorough review of the statutes would be needed to identify all those sections needing change.

Mr. Chairman, we believe we have a reasonably well understood set of guidelines that readily accommodate changes to provide equity to both parents and that can be operated at a reasonable cost. We see little to be gained by switching to income shares except the perception of greater fairness. The Department asks that the committee recommend SB 2312 do not pass.

TESTIMONY OF BRAD DAVIS
Administrator
Southwest Area Child Support Enforcement Unit
Dickinson, North Dakota

SENATE JUDICIARY COMMITTEE
SB 2312

January 29, 2001

Senate Bill No.: 2312

Chairman Traynor and members of the Committee, my name is Brad Davis. I am the Child Support Administrator of the Southwest Area Child Support Enforcement Unit in Dickinson. I urge this committee to recommend a DO NOT PASS of Senate Bill 2312.

As a regular part of my job, I spend considerable time using the child support guidelines to calculate child support obligations. In October 1997, I was invited to be part of a panel of presenters to present and discuss different models of child support guidelines at the Western States Child Support Enforcement Conference. As a result of this, I have had some experience studying various guidelines models, including income shares.

I've spent some time applying the outcome of various child support guidelines to given scenarios in order to determine child support obligations, both as a result of my participation on this panel and at the request of a legislative interim committee that studied this issue in depth during the 1997-1999 interim.

Chairman Traynor, as a member of that interim committee, I'm sure you recall that the Department was presented with several different child support scenarios and directed to calculate what the child support obligation would be using North Dakota child support guidelines and the income shares guidelines of various other states. After seeing the

comparisons and studying the differences, that committee elected not to propose a bill that would change the model for North Dakota's child support guidelines.

Proponents of income shares models of child support guidelines would like you to believe that non-custodial parents are being treated unfairly because they are required to pay child support for their children and the custodial parent isn't. They would like you to believe that this requires them to provide more than their fair share of support. In most cases, this is far from the truth.

There are two basic premises of North Dakota's child support guidelines.

1. That calculations of child support obligations consider and assume "that one parent acts as the primary caregiver and the other parent contributes a payment of child support to the child's care." N.D.A.C. 75-02-04.1-02(1)
2. That the child is entitled to the same lifestyle that he or she would have had if the family had remained intact.

The income shares model abandons the first premise in that it ignores the value of the in-kind support given to a child by the custodial parent and makes them both proportionately responsible for the financial support of the child. Thus the non-custodial parent is held liable for his or her portion of the financial support while the custodial parent is held liable for his or her portion of the financial support, as well as all or nearly all of the in-kind support.

It is difficult to put a value on in-kind support, things such as cooking meals, washing clothes, helping with homework and providing transportation, but those of you who have raised children in your home know the countless hours that you spent providing this type of support. Imagine the burden on a single parent. A guidelines model that does not recognize this cannot possibly be fair.

What I have learned from comparing North Dakota's guidelines to various income shares models is that it takes considerably more time and effort to obtain the required information and do the calculations for an income shares model than our current obligor model. I'm not afraid of the extra time and effort that this would require, and would gladly support this concept if I thought that the result would be a fairer support obligation. The fact is that in the vast majority of situations, the child support obligation calculated under an income shares model seldom varies appreciably from the obligation calculated under North Dakota's obligor model.

There are several things that I would urge you to consider when studying this bill.

1. A 1997-1999 interim committee completed a study which included consideration of an income shares guidelines and no bill was introduced.
2. Over time, case law has been developed to clear up many ambiguous areas in the guidelines. A new guidelines model would eliminate the value of that body of case law and require the process to begin all over again.

I would also ask you to review the child support guidelines and child custody and visitation background memorandum prepared by the Legislative Council for the Child Support Committee in July, 1997. This document gives the history of the child support guidelines in North Dakota, as well as various changes that were made or considered and abandoned.

I would also urge you to review the relevant parts of the 1996 report of the Supreme Court Commission on Gender Fairness in the Courts which said in part:

“Resentment created by increased levels and enforcement of child support often deflects into arguments about methods for calculating the amount of support. Both dominant models of child support guidelines, the obligor model and the income shares model, are based upon patterns of parental support in intact families. They attempt to approximate for children the support they would have received but for the divorce of their parents. On the basis of data generally regarded as conservative, they project the proportion of income intact families spend on their children.

The obligor model, adopted by North Dakota, Minnesota, and thirteen other states, does not use the custodial parent's income in its computation, but rather determines the level of child support by a percentage of the noncustodial parent's income. The model assumes that the custodial parent does in fact provide “substantial monetary and nonmonetary contribution to the child's

basic care and needs." The principal drawback of the obligor model is an appearance of unfairness in the atypical case in which the custodial parent's income is equivalent to or more than the income of the noncustodial parent. Thirty-two states have adopted the income shares model, which computes the income of both parents and determines the contributions of each by the proportion of that parent's income to the combined total. The principal drawback of the income shares model is the complexity of its administration, not just in setting the initial level of support, but also in monitoring for reviews and modifications.

It is generally agreed that using one model rather than the other does not in itself change outcomes. The decision about which model to adopt is largely a matter of weighing the appearance of greater fairness against the public and private costs of administering a more complex system. Resentment created by an increased child support obligation should not cause exchange of an in-place, workable system for a more complex one. Unfortunately, some public hearing testimony reflects serious lack of understanding as well as resentment of child support obligations. Judges and attorneys should counter impressions of unfairness or gender bias by explaining the rationale of the percentage model to divorcing parents." (A difference in perceptions: the Final Report of the North Dakota commission on Gender Fairness in the Courts, as published in the North Dakota Law Review, volume 72, Number 4)

Lastly, if you are truly going to consider an income shares guidelines, I urge you to look at comparisons between the two, then decide if the outcome is what you desire.

STATE BAR ASSOCIATION OF NORTH DAKOTA
SENATE JUDICIARY COMMITTEE
Senate Bill 2312
SHERRY MILLS MOORE

I am Sherry Mills Moore, a volunteer lobbyist for the State Bar Association of North Dakota. The Association wants to point out the concerns this bill creates.

Before doing so, however, I think it would be helpful for you to know that I am and have been an attorney in private practice in Bismarck for the last 21 years. While my practice is varied, the vast majority of my time is spent handling family law cases, and I do so by preference. Family law is an extremely important area of the law that allows me the opportunity to work with all kinds of people, with all kinds of problems, and to influence a branch of the law that deals with that which is most dear to us all -- our families. I am also the Past President of the Family Law Section of the Bar Association, chair of the Family Law Task Force and served with Senator Traynor and Representative Glassheim on the child support guideline advisory committee to the Department of Human Services resulting in the most recent proposed changes to the guidelines, as well as on the advisory committee in 1995.

My primary concern with this bill is the requirement that the child support guidelines be based upon an income shares model. Perhaps some more background will better illuminate this concern. As a part of my practice I represent mothers and fathers and grandparents in every configuration, that is, custodial parents, noncustodial parents, obligors, obligees, those who are undergoing a divorce, a separation, a modification of child support, and support outside the marital arena. Most of the people I represent would be subject to this bill and its provisions because they are dual income families. It is not mere theory to them. They will need to live with it. As I make my remarks, should you concur, you may wish to consider that I may well again have reason to wish I had not spoken and you had not listened to me. I have and will have clients who might benefit from an income shares system, as well as be hurt by them.

The basic concept behind income shares is commendable -- to create the most equitable system of child support possible. Sometimes the most laudable goal has to be subrogated to practicality. The income shares model increases the opportunities for dispute. Family litigation, perhaps more than any other litigation, is absolutely prone to fractious, nitpicking, dispute over minutiae. People embroiled in divorce need more certainty and less expense; more avenues for resolution and fewer arenas for dispute. If you pass this bill you may be sacrificing peace of mind for the appearance of equity.

Simplicity and Consistency

We have had an obligor system firmly in place for about nine and one-half years. I am concerned that by scrapping it we will be left with less not more. Under our current guidelines, when someone comes in to see me, whether they look to be the obligor or the obligee, I need some basic information after which I can give a ballpark figure on support. Better yet, I know that the other parent will be getting very similar information. We are all reading from the same playbook. This time of year, before the 2000 tax returns are in, I ask for pay stubs that show year-to-date totals, for prior tax returns, and whether they have any abnormal expenses or revenues. Generally, I can then tell them about what they are going to have to pay or going to receive. When they see a chart, they are enormously comforted by its uniformity. When they see the number, they plan accordingly. Often with that information, the parents themselves are able to work out the other details and a relatively peaceable divorce results.

Income shares models magnify the opportunities for honest differences of opinions, let alone the less commendable sort. Perhaps an example would illustrate this. I represented a mother in a divorce. The parties agreed on everything. He acknowledged his salary and would pay according to the chart. Because his salary exceeded that of the IRS deduction tables we could not simply turn to their chart and we could not agree on the computation. His attorney was someone for whom I have great respect and a good working relationship, but we had an honest difference of opinion that was only resolved by hiring a CPA. Granted it didn't take the CPA a great deal of time but the point is even under the best and most congenial of circumstances under our very simplified current guidelines we have problems.

Court Clogging

At the present time, support can be adjusted after a year if it is not being paid in conformance with the guidelines and all support has the opportunity to be reviewed every three years. If it is based upon the income shares model, even if just on income alone without any adjustments for child care costs and other factors commonly considered in income shares models, the review will be triggered twice as often -- that is by changes in either party's income. If other equalizing factors, such as child care costs, are included, the opportunities grow again. The courts are crowded with child support, with everything for that matter. This will make it worse. There are twice as many reasons for a review, and the change will engender many more requests for review.

I thank you for the opportunity to speak to this bill. If you have any questions, I would be happy to try to answer them. If any arise in the future you may contact our Executive Director, Christine Hogan, at 255-1404, or myself by telephone at 222-4777 or e-mail address of esther@btigate.com. Thank you.

SB 0312 Scott Lincoln Pearn
10/30/Am

Sen. Chairman Wagner and Judiciary Committee members

My name is Margaret Kotta I am a sister of a non-
custodial parent, step mother of one and mother of three. I
am here today to ask you to support and vote in favor
of SB 0312. ^{SB 0313} Changing to an income shares model will
have such a positive impact. It will make such a great
stride in decreasing animosity between custodial and
non-custodial parents. It will bring a tremendous sense
of equality and fairness, a sense that both parents
are equally financially responsible for their children.
Currently only the obligor must disclose their income,
which gives a sense of only one person being financially
responsible - the obligor, whereas the accountability of the
obligee financial responsibility. I think or maybe I should say
I would hope that everybody in this room can agree with
me that both parents, no matter which one the child primarily
lives with are equally financially responsible for their
children and nothing will show that shared responsibility
as much as having an income shares model. By decreasing the
animosity, giving that sense of shared responsibility we can
improve relationships between custodial and non-custodial parents
which will only benefit the child.

It is worth that long ago where spouses of obligors were
legged to disclose their income to show the obligors
responsibility of children they now have living with them.
They wanted me to disclose my income to determine my
share of child support when the principle actually

responsible wife my husband and his expense - the
obligor and obligee, but the obligee's income is never
requested, and I ask you why it is this way. I
testified to get that changed, now I am asking
you for one more important change - Income
Shares model - please vote in favor of SB 2312

**TESTIMONY BEFORE THE
SENATE JUDICIARY COMMITTEE
REGARDING
SENATE BILL NO. 2312
JANUARY 29, 2001**

Chairman Traynor and members of the Committee, my name is Melissa Hauer. I am the Director of the Legal Advisory Unit for the Department of Human Services and I appear before you today to testify regarding Senate Bill 2312.

This bill would require the use of an "income shares" model of calculating child support. This model uses the income of both the custodial and noncustodial parents to determine the total child support obligation. Currently, North Dakota bases a child support obligation on the income of the noncustodial parent. A varying percentage of the net income of the noncustodial parent is used in our guidelines to determine how much is owed. This is known as a "varying percentage" or "obligor" model of calculating child support.

I have had experience in private practice with both the income shares and the obligor models. I practiced in Washington state which uses an income shares model to calculate child support. When I began practicing in North Dakota, it seemed to me at first that the obligor model was not as fair as the income shares model. However, after becoming familiar with the North Dakota model, I came to believe that it is a superior system for several reasons:

- Our system requires less paperwork. The income shares model requires twice the paperwork because the income tax returns and other financial

information of not only the obligor but the obligee must be gathered and reviewed.

- The calculation itself under our system is easier and quicker because it involves only one person's income and deductions. It is easier to explain, easier to computerize, and less prone to error. If a system is understood by parties and attorneys and applied easily, it results in more certainty regarding the amount of support that will be paid which ultimately results in more settlements and less litigation.
- The most serious drawback I saw with the income shares model used in Washington was the number of modifications it spurred. Under that system, any time the income of either parent goes up or down, a modification of the child support obligation may be sought. Modifications require a court order so this results in a great deal more litigation or, at the least, more time spent by courts signing orders. Washington created a special family law court employing court commissioners to hear child support modifications. Modifications, in my experience, almost always involved the parties arguing for additional deviations beyond what the change in income dictated. This was because parties knew they had to go back to court for a modification on the change in income, so there was an incentive to throw in every other argument they could since they had to pay an attorney anyway.

Proponents of the income shares model argue it is more fair because it takes into account the income of both parents. Our obligor model acknowledges that both parents are assumed to contribute to the child's upbringing. The custodial parent is making the contribution in the manner he or she would have made had the parties not divorced. Thus, there is no need to adopt a more complex formula. Several national studies and our own 1997-1999 Interim study have shown that where the

parents' combined income is in the middle range, the resulting support order is almost exactly the same regardless of the model used.¹

Although the income shares model has the perception of fairness, it is just that, a perception. Our current system incorporates the important feature of the income shares model in that the actual amount of the obligation is fairly based on income (the amount awarded being very similar to the amount that would be owed under an income shares model) while our system also incorporates the important features of reducing paperwork, eliminating complex calculations and avoiding unnecessary litigation.

I would be happy to try to answer any questions the Committee members may have.

Presented by:

Melissa Hauer, Director
Legal Advisory Unit
ND Dept. Of Human Services

¹L. Wish Morgan, *Child Support Guidelines: Interpretation and Application*, (Aspen Law & Business, 1996 & Supps.)