



JUL 30 2018
Legal Advisory Unit

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Doug Burgum, Governor
Christopher Jones, Executive Director

July 30, 2018

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 Wednesday, September 5, 2018, 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 light blue circular stamp.

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 Wednesday, September 5, 2018, in Bismarck, N.D. in Room 210, 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 federal regulations (45 C.F.R. § 302.56(e)) and state law (N.D.C.C. § 14-09-09.7) that require child support guidelines be reviewed at least once every four years to ensure that their application results in the determination of appropriate child support award amounts.

The proposed changes are as follows:

Section 75-02-04.1-01 is amended to revise the calculation for the deduction for the hypothetical federal income tax obligation by removing reference to the personal and dependent exemptions and child tax credit; to revise the calculation for the hypothetical state income tax obligation to eleven percent of the hypothetical federal income tax obligation; and increase the deduction for lodging expenses for employment-related travel within the definition of "net income".

Section 75-02-04.1-02 is amended to remove language in the general instructions specifying that determination of a child support obligation is appropriate whenever the child and both parents do not reside together and to clarify language regarding parenting time overnights.

Section 75-02-04.1-08 is amended to clarify that income of the obligor's spouse may not be treated as income to the obligor for child support purposes.

Section 75-02-04.1-08.1 is amended to revise the threshold for the number of parenting time overnights at which the extended parenting time adjustment becomes applicable and to clarify language regarding parenting time overnights.

Section 75-02-04.1-09 is amended to create a rebuttal criterion to allow for equalizing the parents' respective obligations in certain situations when the parents have equal residential responsibility for their children.

Section 75-02-04.1-10 is amended to revise the schedule of amounts to increase the self-support reserve for low-income obligors as well as to reduce the amount due for obligors with net income slightly above the self-support reserve.

The fiscal impact of the proposed amendments cannot be precisely calculated but it may 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 Monday, September 17, 2018.

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 30th day of July, 2018.



Doug Burgum, Governor
Christopher Jones, Executive Director

July 30, 2018

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 Monday, September 17, 2018.

The department has scheduled an oral hearing for Wednesday, September 5, 2018. 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,

*Tom Salby, Deputy Director
for Christopher Jones*

Christopher Jones,
Executive Director

CDJ/jgl

Enclosures

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