

**CHAPTER 75-02-04.1
CHILD SUPPORT GUIDELINES**

Section

75-02-04.1-01	Definitions
75-02-04.1-02	Determination of Support Amount - General Instructions
75-02-04.1-03	Determination of Child Support Obligation - Split Custody
75-02-04.1-04	Minimum Support Level
75-02-04.1-05	Determination of Net Income From Self-Employment
75-02-04.1-06	Determining the Cost of Supporting a Child Living With the Obligor
75-02-04.1-06.1	Determination of Support Amount in Multiple-Family Cases
75-02-04.1-07	Imputing Income Based on Earning Capacity
75-02-04.1-08	Income of Spouse
75-02-04.1-08.1	Adjustment for Extended visitation <u>Parenting Time</u>
75-02-04.1-08.2	Equal Physical Custody <u>Residential Responsibility</u> - Determination of Child Support Obligation
75-02-04.1-09	Criteria for Rebuttal of Guideline Amount
75-02-04.1-10	Child Support Amount
75-02-04.1-11	Parental Responsibility for Children in Foster Care or Guardianship Care
75-02-04.1-12	Uncontested Proceedings
75-02-04.1-13	Application

75-02-04.1-01. Definitions.

...

4. ~~"Custodial parent" means a parent who acts as the primary caregiver on a regular basis for a proportion of time greater than the obligor, regardless of custody descriptions such as "shared" or "joint" custody given in relevant judgments, decrees, or orders.~~

5. a. "Gross income" means income from any source, in any form, but does not mean:
 - (1) Benefits received from public assistance programs that are means tested such as the temporary assistance for needy families, supplemental security income, and ~~food stamps~~ supplemental nutrition assistance programs, or that are provided in the form of subsidy payments made to adoptive parents;
 - (2) Employee benefits over which the employee does not have significant influence or control over the nature or amount unless:
 - (a) That benefit may be liquidated; and

- (b) Liquidation of that benefit does not result in the employee incurring an income tax penalty;
 - (3) Child support payments; or
 - (4) Atypical overtime wages or nonrecurring bonuses over which the employee does not have significant influence or control.
- b. Examples of gross income include salaries, wages, overtime wages, commissions, bonuses, employee benefits, currently deferred income, dividends, severance pay, pensions, interest, trust income, annuities income, gains, social security benefits, workers' compensation benefits, unemployment insurance benefits, distributions of retirement benefits, receipt of previously deferred income to the extent not previously considered in determining a child support obligation for the child whose support is under consideration, veterans' benefits (including gratuitous benefits), gifts and prizes to the extent they annually exceed one thousand dollars in value, spousal support payments received, refundable tax credits, value of in-kind income received on a regular basis, children's benefits, income imputed based upon earning capacity, military subsistence payments, and net income from self-employment.
- c. For purposes of this subsection, income tax due or paid is not an income tax penalty.

6-5. "In-kind income" means the receipt from employment or income-producing activity of any valuable right, property or property interest, other than money or money's worth, including forgiveness of debt (other than through bankruptcy), use of property, including living quarters at no charge or less than the customary charge, and the use of consumable property or services at no charge or less than the customary charge.

7-6. "Net income" means total gross annual income less:

- a. A hypothetical federal income tax obligation based on the obligor's gross income, reduced by that part of the obligor's gross income that is not subject to federal income tax and reduced by deductions allowed in arriving at adjusted gross income under the Internal Revenue Code, and applying:
 - (1) The standard deduction for the tax filing status of single;
 - (2) One exemption for the obligor;

- (3) (a) One additional exemption for each child, as defined in this section, that the obligor is allowed to claim pursuant to a court order unless the obligor and obligee alternate claiming the exemption for the child pursuant to the court order, in which case, an amount equal to one-half of the exemption; ~~or~~ and
- (b) ~~If there is no court order allocating the exemption, or if it is unknown whether there is such a court order, then one additional~~ An amount equal to one-half of the exemption for each child, as defined in this section, actually claimed on a disclosed tax return or ~~one additional~~ an amount equal to one-half of the exemption for each child, as defined in this section, if a tax return is not disclosed; and
- (4) Tax tables for a single individual for the most recent year published by the internal revenue service, reduced by one child tax credit for each child's exemption considered under paragraph 3, provided such child is a qualifying child for purposes of the child tax credit;

- ...
h. Employee expenses for special equipment or clothing required as a condition of employment or for lodging expenses incurred when engaged in travel required as a condition of employment (limited to ~~fifty~~ sixty-three dollars per night ~~or actual documented costs, whichever is greater~~); and
...

8.7. "Obligee" includes, for purposes of this chapter, an obligee as defined in North Dakota Century Code section 14-09-09.10 and a person who is alleged to be owed a duty of support on behalf of a child.

9.8. "Obligor" includes, for purposes of this chapter, an obligor as defined in North Dakota Century Code section 14-09-09.10 and a person who is alleged to owe a duty of support.

9. "Parent with primary residential responsibility" means a parent who acts as the primary caregiver on a regular basis for a proportion of time greater than the obligor, regardless of descriptions such as "shared" or "joint" parental rights and responsibilities given in relevant judgments, decrees, or orders.

- ...
11. "~~Split custody~~ parental rights and responsibilities" means a situation where the parents have more than one child in common, and where each parent has ~~custody of~~ primary residential responsibility for at least one child.

History: Effective February 1, 1991; amended effective January 1, 1995; August 1, 1999; August 1, 2003; October 1, 2008; April 1, 2010; _____, 2011.

General Authority: NDCC 50-06-16, 50-09-25

Law Implemented: NDCC 14-09-09.7, 50-09-02(16); 42 USC 667

75-02-04.1-02. Determination of support amount - General instructions.

1. Except as provided in section 75-02-04.1-08.2, calculations of child support obligations provided for under this chapter consider and assume that one parent acts as a primary caregiver and the other parent contributes a payment of child support to the child's care. Calculation of a child support obligation under section 75-02-04.1-08.2 does not preclude a court from apportioning specific expenses related to the care of the child, such as child care expenses and school activity fees, between the parents.

...

10. Each child support order must include a statement of the net income of the obligor used to determine the child support obligation, and how that net income was determined. If a child support order includes an adjustment for extended parenting time under section 75-02-04.1-08.1, the order must specify the number of parenting nights.
11. A payment of children's benefits made to or on behalf of a child who is not living with the obligor must be credited as a payment toward the obligor's child support obligation in the month (or other period) the payment is intended to cover, but may not be credited as a payment toward the child support obligation for any other month or period. The court may order the obligee to reimburse the obligor for any overpayment that results from the credit provided in this subsection.

...

History: Effective February 1, 1991; amended effective January 1, 1995; August 1, 1999; August 1, 2003; October 1, 2008; _____, 2011.

General Authority: NDCC 50-06-16, 50-09-25

Law Implemented: NDCC 14-09-09.7, 50-09-02(16); 42 USC 667

75-02-04.1-03. Determination of child support obligation - Split

custody. A child support obligation must be determined and specifically ordered for the child or children ~~in~~ for whom each ~~parent's custody~~ parent has primary 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. 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.

History: Effective February 1, 1991; amended effective August 1, 2003; October 1, 2008; _____, 2011.

General Authority: NDCC 50-06-16, 50-09-25

Law Implemented: NDCC 14-09-09.7, 50-09-02(16); 42 USC 667

75-02-04.1-05. Determination of net income from self-employment.

- ...
6. When less than three years were averaged under subsection 4, a loss resulting from the averaging may be used to reduce income that is not related to self-employment only if the loss is not related to a hobby activity and monthly gross income, reduced by one-twelfth of the average annual self-employment loss, equals or exceeds the greatest of:
 - a. A monthly amount equal to one hundred sixty-seven times the hourly federal minimum wage;
 - b. An amount equal to six-tenths of ~~prevailing gross statewide average earnings of~~ prevailing gross statewide average earnings of ~~for~~ persons with similar work history and occupational qualifications ~~who work in any place within one hundred miles [160.93 kilometers] of the obligor's actual place of residence;~~ or
 - c. An amount equal to eighty percent of the obligor's greatest average gross monthly earnings, calculated without using self-employment losses, in any twelve consecutive months beginning on or after twenty-four months before commencement of the proceeding before the court.
 7. When three or more years were averaged under subsection 4, a loss resulting from the averaging may be used to reduce income that is not related to self-employment only if the loss is not related to a hobby activity, losses were calculated for no more than forty percent of the years averaged, and monthly gross income, reduced by one-twelfth of the average annual self-employment loss, equals or exceeds the greatest of:

- a. A monthly amount equal to one hundred sixty-seven times the hourly federal minimum wage;
- b. An amount equal to six-tenths of ~~prevailing gross statewide average~~ earnings ~~of for~~ persons with similar work history and occupational qualifications ~~who work in any place within one hundred miles [160.93 kilometers] of the obligor's actual place of residence;~~ or
- c. An amount equal to ninety percent of the obligor's greatest average gross monthly earnings, calculated without using self-employment losses, in any twelve consecutive months beginning on or after twenty-four months before commencement of the proceeding before the court.

...

- 9. Net income from self-employment is an example of gross income and is subject to the deductions from gross income set forth in subsection 7 6 of section 75-02-04.1-01, to the extent not already deducted when calculating net income from self-employment.

History: Effective February 1, 1991; amended effective January 1, 1995; August 1, 1999; August 1, 2003; October 1, 2008; _____, 2011.

General Authority: NDCC 50-06-16, 50-09-25

Law Implemented: NDCC 14-09-09.7, 50-09-02(16); 42 USC 667

75-02-04.1-06.1. Determination of support amount in multiple-family cases.

...

- 3. A hypothetical amount that reflects the cost of supporting children living with the obligor, as determined under section 75-02-04.1-06, and a hypothetical amount due to each obligee under this chapter must first be determined for the children living with the obligor and each obligee, whether or not the obligee is a party to the proceeding, assuming for purposes of that determination:
 - a. The obligor has no support obligations except to the obligee in question;
 - b. The guidelines amount is not rebutted; and
 - c. The obligor does not have extended ~~visitation~~ parenting time.

4. A hypothetical amount due to each obligee under this chapter must next be determined for each obligee who is a party to the proceeding, assuming for purposes of that determination:
 - a. The obligor's net income is reduced by:
 - (1) The amount of child support due to all other obligees, as determined under subsection 3; and
 - (2) The cost of supporting a child living with the obligor, who is not also the child of that obligee, as determined under section 75-02-04.1-06;
 - b. The guidelines amount is not rebutted;
 - c. Any support amount otherwise determined to be less than one dollar is determined to be one dollar; and
 - d. The obligor does not have extended ~~visitation~~ parenting time.
5.
 - a. Except as provided in subdivision b, for each obligee before the court, the support obligation presumed to be the correct amount of child support is equal to one-half of the total of the two amounts determined, with respect to that obligee, under subsections 3 and 4.
 - b. Any necessary determination under this section must be made before an adjustment for extended ~~visitation~~ parenting time appropriate under section 75-02-04.1-08.1. The "amount otherwise due under this chapter", for purposes of section 75-02-04.1-08.1, is equal to one-half of the total of the two amounts determined, with respect to that obligation, under subsections 3 and 4.

History: Effective January 1, 1995; amended effective August 1, 1999; August 1, 2003; _____, 2011.

General Authority: NDCC 50-06-16, 50-09-25

Law Implemented: NDCC 14-09-09.7, 50-09-02(16); 42 USC 667

75-02-04.1-07. Imputing income based on earning capacity.

1. For purposes of this section:
 - a. "Earnings" includes in-kind income and amounts received in lieu of actual earnings, such as social security benefits, workers' compensation benefits, unemployment insurance benefits, veterans' benefits, and earned income tax credits; and

- b. An obligor is "underemployed" if the obligor's gross income from earnings is significantly less than the statewide average earnings for persons with similar work history and occupational qualifications.
2. An obligor is presumed to be underemployed if the obligor's gross income from earnings is less than:
 - a. Six-tenths of the statewide average earnings for persons with similar work history and occupational qualifications; or
 - b. A monthly amount equal to one hundred sixty-seven times the federal hourly minimum wage.
3. Except as provided in subsections 4, 5, 6, 7, 8 and 1011, gross income based on earning capacity equal to the greatest of subdivisions a through c, less actual gross earnings, must be imputed to an obligor who is unemployed or underemployed.
 - a. A monthly amount equal to one hundred sixty-seven times the hourly federal minimum wage.
 - b. An amount equal to six-tenths of the statewide average earnings for persons with similar work history and occupational qualifications.
 - c. An amount equal to ninety percent of the obligor's greatest average gross monthly earnings, in any twelve consecutive months beginning on or after twenty-four months before commencement of the proceeding before the court, for which reliable evidence is provided.
4. Monthly gross income based on earning capacity may be imputed in an amount less than would be imputed under subsection 3 if the obligor shows:
 - a. The reasonable cost of child care equals or exceeds seventy percent of the income which would otherwise be imputed where the care is for the obligor's child:
 - (1) ~~Who is in the physical custody of~~ For whom the obligor has primary residential responsibility;
 - (2) Who is under the age of fourteen; and

- (3) For whom there is no other adult caretaker in the parent's home available to meet the child's needs during absence due to employment.
 - b. The obligor suffers from a disability sufficient in severity to reasonably preclude the obligor from gainful employment that produces average monthly gross earnings equal to one hundred sixty-seven times the hourly federal minimum wage.
 - c. The unusual emotional or physical needs of a minor child of the obligor require the obligor's presence in the home for a proportion of the time so great as to preclude the obligor from gainful employment that produces average monthly gross earnings equal to one hundred sixty-seven times the hourly federal minimum wage.
5. Gross income based on earning capacity may not be imputed if the obligor shows that the obligor has average monthly gross earnings equal to or greater than one hundred sixty-seven times the hourly federal minimum wage and is not underemployed.
6. If an unemployed or underemployed obligor shows that employment opportunities, which would provide earnings at least equal to the lesser of the amounts determined under subdivision b or c of subsection 3, are unavailable within one hundred miles [160.93 kilometers] of the obligor's actual place of residence, income must be imputed based on earning capacity equal to the amount determined under subdivision a of subsection 3, less actual gross earnings.
7. Monthly gross income based on earning capacity may not be imputed under subsection 3 in an amount greater than one-half of one hundred sixty-seven times the federal hourly minimum wage, less actual gross earnings, if the obligor is under eighteen years of age or is under nineteen years of age and enrolled in and attending high school. Monthly gross income based on earning capacity may not be imputed under subsection 3 if the obligor is receiving:
 - a. Supplemental security income payments;
 - b. Social security disability benefits;
 - c. Workers' compensation benefits; or
 - d. Total and permanent disability benefits paid by the railroad retirement board.

8. If an obligor is incarcerated, monthly gross income based on earning capacity may not be imputed under subsection 3:
- a. In an amount greater than one hundred sixty-seven times the federal hourly minimum wage, less actual gross earnings, if the obligor has been incarcerated for less than one year;
 - b. In an amount greater than eighty percent of one hundred sixty-seven times the federal hourly minimum wage, less actual earnings, if the obligor has been incarcerated for at least one year but less than two years;
 - c. In an amount greater than sixty percent of one hundred sixty-seven times the federal hourly minimum wage, less actual earnings, if the obligor has been incarcerated for at least two years but less than three years;
 - d. In an amount greater than forty percent of one hundred sixty-seven times the federal hourly minimum wage, less actual earnings, if the obligor has been incarcerated for at least three years but less than four years;
 - e. In an amount greater than twenty percent of one hundred sixty-seven times the federal hourly minimum wage, less actual earnings, if the obligor has been incarcerated for at least four years but less than five years; or
 - f. In any amount if the obligor has been incarcerated for at least five years.
9. If the obligor fails, upon reasonable request made in any proceeding to establish a child support obligation, to furnish reliable information concerning the obligor's gross income from earnings, income based on earning capacity equal to the greatest of subdivisions a through c of subsection 3 must be imputed.
- 9-10. If the obligor fails, upon reasonable request made in any proceeding to review a child support obligation, to furnish reliable information concerning the obligor's gross income from earnings, and if that information cannot be reasonably obtained from sources other than the obligor, income must be imputed based on the greatest of:
- a. Subdivisions a through c of subsection 3; or

- b. The obligor's net income, at the time the child support order was entered or last modified, increased at the rate of ten percent per year.

~~40-11.~~ Notwithstanding subsections 4, 5, 6, and 7, if an obligor makes a voluntary change in employment resulting in reduction of income, monthly gross income equal to one hundred percent of the obligor's greatest average monthly earnings, in any twelve consecutive months beginning on or after twenty-four months before commencement of the proceeding before the court, for which reliable evidence is provided, less actual monthly gross earnings, may be imputed without a showing that the obligor is unemployed or underemployed. For purposes of this subsection, a voluntary change in employment is a change made for the purpose of reducing the obligor's child support obligation and may include becoming unemployed, taking into consideration the obligor's work history, education, health, age, stated reason for change in employment, likely employment status if the family before the court were intact, and any other relevant factors. The burden of proof is on the obligor to show that the change in employment was not made for the purpose of reducing the obligor's child support obligation.

~~41-12.~~ Imputed income based on earning capacity is an example of gross income and is subject to the deductions from gross income set forth in subsection ~~7 6~~ of section 75-02-04.1-01.

History: Effective February 1, 1991; amended effective January 1, 1995; August 1, 1999; August 1, 2003; October 1, 2008; _____, 2011.

General Authority: NDCC 50-06-16, 50-09-25

Law Implemented: NDCC 14-09-09.7, 50-09-02(16); 42 USC 667

75-02-04.1-08.1. Adjustment for extended visitation parenting time.

1. For purposes of this section, "extended visitation parenting time" means visitation parenting time between an obligor and a child living with an obligee scheduled by court order to exceed sixty of ninety consecutive nights or an annual total of one hundred sixty-four nights.
2. Notwithstanding any other provision of this chapter, if a court order provides for extended visitation parenting time between an obligor and a child living with an obligee, the support obligation presumed to be the correct child support amount due on behalf of all children of the obligor living with the obligee must be determined under this subsection.
 - a. Determine the amount otherwise due under this chapter from the obligor for those children.

- b. Divide the amount determined under subdivision a by the number of those children.
- c. For each child, multiply the number of that child's ~~visitation~~ parenting time nights times .32 and subtract the resulting amount from three hundred sixty-five.
- d. Divide the result determined under subdivision c by three hundred sixty-five.
- e. Multiply the amount determined under subdivision b times each decimal fraction determined under subdivision d.
- f. Total all amounts determined under subdivision e.

History: Effective August 1, 1999; amended effective _____, 2011.

General Authority: NDCC 50-06-16, 50-09-25

Law Implemented: NDCC 14-09-09.7, 50-09-02(12); 42 USC 667

75-02-04.1-08.2. Equal physical-custody 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 physical-custody of residential responsibility for their child or children. Equal ~~physical-custody of residential responsibility~~ means each parent has physical custody of residential responsibility for the child, or if there are multiple children, all of the children, exactly fifty percent of the time for an equal amount of time as determined by the court. A child support obligation for each parent must be calculated under this chapter, and specifically ordered, assuming the other parent ~~is the custodial parent of~~ has primary residential responsibility for the child or children subject to the equal physical-custody residential responsibility order. 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.

History: Effective August 1, 2003; amended effective October 1, 2008; _____, 2011.

General Authority: NDCC 50-06-16, 50-09-25

Law Implemented: NDCC 14-09-09.7, 50-09-02(16); 42 USC 667

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

1. The child support amount provided for under this chapter, except for subsection 2, is presumed to be the correct amount of child support. No rebuttal of the guidelines may be based upon evidence of factors described or applied in this chapter, except in subsection 2, or upon:
 - a. The subsistence needs, work expenses, and daily living expenses of the obligor; or
 - b. Except as provided for in subdivision m of subsection 2, the income of the obligee, which is reflected in a substantial monetary and nonmonetary contribution to the child's basic care and needs by virtue of being a custodial parent with primary residential responsibility.

2. The presumption that the amount of child support that would result from the application of this chapter, except for this subsection, is the correct amount of child support is rebutted only if a preponderance of the evidence establishes that a deviation from the guidelines is in the best interest of the supported children and:
 - g. The increased ability of an obligor, whose net income has been substantially reduced as a result of depreciation and to whom income has been imputed under section 75-02-04.1-07, to provide child support.
 - h. The increased ability of an obligor, who is able to secure additional income from assets, to provide child support;
 - h-i. The increased ability of an obligor, who has engaged in an asset transaction for the purpose of reducing the obligor's income available for payment of child support, to provide child support;
 - i-j. The reduced ability of ~~the~~ an obligor who is responsible for all parenting-time expenses to provide support due to travel expenses incurred predominantly for the purpose of visiting a child who is the subject of the order taking into consideration the amount of court-ordered ~~visitation~~ parenting time and, when such history is available, actual expenses and practices of the parties;
 - j-k. The reduced ability of the obligor to pay child support due to a situation, over which the obligor has little or no control, which requires the obligor to incur a continued or fixed expense for other than subsistence needs, work expenses, or daily living expenses, and which is not otherwise described in this subsection;

k.l. The reduced ability of the obligor to provide support due to the obligor's health care needs, to the extent that the costs of meeting those health care needs:

- (1) Exceed ten percent of the obligor's gross income;
- (2) Have been incurred and are reasonably certain to continue to be incurred by the obligor;
- (3) Are not subject to payment or reimbursement from any source except the obligor's income; and
- (4) Are necessary to prevent or delay the death of the obligor or to avoid a significant loss of income to the obligor; or

l.m. 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.

3. Assets may not be considered under subdivisions g h and h i of subsection 2, to the extent they:

- a. Are exempt under North Dakota Century Code section 47-18-01;
- b. Consist of necessary household goods and furnishings; or
- c. Include one motor vehicle in which the obligor owns an equity not in excess of twenty thousand dollars.

4. For purposes of subdivision h i of subsection 2, a transaction is presumed to have been made for the purpose of reducing the obligor's income available for the payment of child support if:

- a. The transaction occurred after the birth of a child entitled to support;
- b. The transaction occurred no more than twenty-four months before the commencement of the proceeding that initially established the support order; and
- c. The obligor's income is less than it likely would have been if the transaction had not taken place.

5. For purposes of subdivision j k of subsection 2, a situation over which the obligor has little or no control does not exist if the situation arises out of spousal support payments, discretionary purchases, or illegal activity.
- ...
7. For purposes of subdivisions g through k l of subsection 2, any adjustment shall be made to the obligor's net income.
8. For purposes of subdivision l m of subsection 2, any adjustment shall be made to the child support amount resulting from application of this chapter after taking into consideration the proportion by which the obligee's net income exceeds the obligor's net income.

History: Effective February 1, 1991; amended effective January 1, 1995; August 1, 1999; August 1, 2003; July 1, 2008; April 1, 2010; _____, 2011.

General Authority: NDCC 50-06-16, 50-09-25

Law Implemented: NDCC 14-09-09.7, 50-09-02(16); 42 USC 667

75-02-04.1-10. Child support amount. The amount of child support payable by the obligor is determined by the application of the following schedule to the obligor's monthly net income and the number of children for whom support is being sought in the matter before the court.

Obligor's Monthly Net Income	One Child	Two Children	Three Children	Four Children	Five Children	Six or More Children
100 or less	14	17	20	22	24	26
200	28	34	40	44	48	52
300	42	51	60	66	72	78
400	56	68	80	88	96	104
500	75 <u>82</u>	90 <u>100</u>	105 <u>117</u>	120 <u>130</u>	130 <u>143</u>	140 <u>155</u>
600	102 <u>108</u>	126 <u>131</u>	144 <u>155</u>	162 <u>172</u>	174 <u>189</u>	192 <u>207</u>
700	133 <u>134</u>	161 <u>163</u>	189 <u>192</u>	210 <u>214</u>	231 <u>236</u>	252 <u>258</u>
800	168 <u>160</u>	200 <u>195</u>	232 <u>229</u>	264 <u>256</u>	288 <u>283</u>	320 <u>309</u>
900	207 <u>186</u>	252 <u>226</u>	288 <u>267</u>	324 <u>298</u>	360 <u>329</u>	387 <u>361</u>
1000	250 <u>212</u>	300 <u>258</u>	350 <u>304</u>	390 <u>340</u>	430 <u>376</u>	470 <u>412</u>
1100	266 <u>238</u>	328 <u>290</u>	384 <u>341</u>	428 <u>382</u>	470 <u>423</u>	511 <u>463</u>
1200	282 <u>264</u>	356 <u>321</u>	418 <u>379</u>	465 <u>424</u>	510 <u>469</u>	553 <u>515</u>

1300	<u>298 290</u>	<u>385 353</u>	<u>452 416</u>	<u>503 466</u>	<u>550 516</u>	<u>594 566</u>
1400	<u>314 316</u>	<u>412 385</u>	<u>486 453</u>	<u>540 508</u>	<u>590 563</u>	<u>635 617</u>
1500	<u>330 342</u>	<u>441 416</u>	<u>520 491</u>	<u>578 550</u>	<u>630 609</u>	<u>677 669</u>
1600	<u>346 368</u>	<u>469 448</u>	<u>554 528</u>	<u>616 592</u>	<u>669 656</u>	<u>718 720</u>
1700	<u>362 384</u>	<u>497 476</u>	<u>588 562</u>	<u>653 630</u>	<u>709 696</u>	<u>759 761</u>
1800	<u>378 400</u>	<u>526 505</u>	<u>622 596</u>	<u>694 668</u>	<u>749 736</u>	<u>800 803</u>
1900	<u>394 416</u>	<u>554 533</u>	<u>656 631</u>	<u>728 706</u>	<u>789 776</u>	<u>842 844</u>
2000	<u>414 431</u>	<u>582 562</u>	<u>690 665</u>	<u>766 744</u>	<u>829 816</u>	<u>883 885</u>
2100	<u>427 447</u>	<u>610 590</u>	<u>724 699</u>	<u>804 781</u>	<u>869 856</u>	<u>924 926</u>
2200	<u>443 463</u>	<u>638 619</u>	<u>758 733</u>	<u>841 819</u>	<u>909 896</u>	<u>966 968</u>
2300	<u>459 479</u>	<u>667 647</u>	<u>792 767</u>	<u>879 857</u>	<u>949 936</u>	<u>1007 1009</u>
2400	<u>475 495</u>	<u>695 676</u>	<u>826 802</u>	<u>916 895</u>	<u>989 976</u>	<u>1048 1050</u>
2500	<u>492 511</u>	<u>723 704</u>	<u>860 836</u>	<u>954 933</u>	<u>1029 1017</u>	<u>1090 1091</u>
2600	<u>508 527</u>	<u>751 733</u>	<u>893 870</u>	<u>992 971</u>	<u>1068 1057</u>	<u>1131 1133</u>
2700	<u>524 542</u>	<u>779 761</u>	<u>927 904</u>	<u>1029 1009</u>	<u>1108 1097</u>	<u>1172 1174</u>
2800	<u>540 558</u>	<u>808 789</u>	<u>964 939</u>	<u>1067 1047</u>	<u>1148 1137</u>	<u>1213 1215</u>
2900	<u>556 574</u>	<u>836 818</u>	<u>995 973</u>	<u>1104 1084</u>	<u>1188 1177</u>	<u>1255 1257</u>
3000	<u>572 590</u>	<u>864 846</u>	<u>1029 1007</u>	<u>1142 1122</u>	<u>1228 1217</u>	<u>1296 1298</u>
3100	<u>588 606</u>	<u>892 875</u>	<u>1063 1041</u>	<u>1180 1160</u>	<u>1268 1257</u>	<u>1337 1339</u>
3200	<u>604 622</u>	<u>920 903</u>	<u>1097 1075</u>	<u>1217 1198</u>	<u>1308 1297</u>	<u>1379 1380</u>
3300	<u>620 637</u>	<u>949 932</u>	<u>1134 1110</u>	<u>1255 1236</u>	<u>1348 1337</u>	<u>1420 1422</u>
3400	<u>636 653</u>	<u>977 960</u>	<u>1165 1144</u>	<u>1292 1274</u>	<u>1388 1377</u>	<u>1461 1463</u>
3500	<u>653 669</u>	<u>1005 989</u>	<u>1199 1178</u>	<u>1330 1312</u>	<u>1428 1417</u>	<u>1503 1504</u>
3600	<u>669 685</u>	<u>1033 1017</u>	<u>1232 1212</u>	<u>1368 1350</u>	<u>1467 1457</u>	<u>1544 1545</u>
3700	<u>685 701</u>	<u>1061 1045</u>	<u>1266 1246</u>	<u>1405 1387</u>	<u>1507 1497</u>	<u>1585 1587</u>
3800	<u>701 717</u>	<u>1090 1074</u>	<u>1300 1281</u>	<u>1443 1425</u>	<u>1547 1537</u>	<u>1626 1628</u>
3900	<u>717 733</u>	<u>1118 1102</u>	<u>1334 1315</u>	<u>1480 1463</u>	<u>1587 1577</u>	<u>1668 1669</u>
4000	<u>733 748</u>	<u>1146 1131</u>	<u>1368 1349</u>	<u>1518 1501</u>	<u>1627 1617</u>	<u>1709 1710</u>
4100	<u>749 764</u>	<u>1174 1159</u>	<u>1402 1383</u>	<u>1556 1539</u>	<u>1667 1658</u>	<u>1750 1752</u>
4200	<u>765 780</u>	<u>1202 1188</u>	<u>1436 1417</u>	<u>1593 1577</u>	<u>1707 1698</u>	<u>1792 1793</u>
4300	<u>781 796</u>	<u>1231 1216</u>	<u>1470 1452</u>	<u>1631 1615</u>	<u>1747 1738</u>	<u>1833 1834</u>
4400	<u>797 812</u>	<u>1259 1245</u>	<u>1504 1486</u>	<u>1668 1653</u>	<u>1787 1778</u>	<u>1874 1876</u>
4500	<u>814 828</u>	<u>1287 1273</u>	<u>1538 1520</u>	<u>1706 1691</u>	<u>1827 1818</u>	<u>1916 1917</u>

4600	830 <u>844</u>	1315 <u>1302</u>	1571 <u>1554</u>	1744 <u>1728</u>	1866 <u>1858</u>	1957 <u>1958</u>
4700	846 <u>859</u>	1343 <u>1330</u>	1605 <u>1589</u>	1781 <u>1766</u>	1906 <u>1898</u>	1998 <u>1999</u>
4800	862 <u>875</u>	1372 <u>1358</u>	1639 <u>1623</u>	1819 <u>1804</u>	1946 <u>1938</u>	2039 <u>2041</u>
4900	878 <u>891</u>	1400 <u>1387</u>	1673 <u>1657</u>	1856 <u>1842</u>	1986 <u>1978</u>	2081 <u>2082</u>
5000	894 <u>907</u>	1428 <u>1415</u>	1707 <u>1691</u>	1894 <u>1880</u>	2026 <u>2018</u>	2122 <u>2123</u>
5100	910 <u>923</u>	1456 <u>1444</u>	1741 <u>1725</u>	1932 <u>1918</u>	2066 <u>2058</u>	2163 <u>2164</u>
5200	926 <u>939</u>	1484 <u>1472</u>	1775 <u>1760</u>	1969 <u>1956</u>	2106 <u>2098</u>	2205 <u>2206</u>
5300	942 <u>954</u>	1513 <u>1501</u>	1809 <u>1794</u>	2007 <u>1994</u>	2146 <u>2138</u>	2246 <u>2247</u>
5400	958 <u>970</u>	1541 <u>1529</u>	1843 <u>1828</u>	2044 <u>2031</u>	2186 <u>2178</u>	2287 <u>2288</u>
5500	975 <u>986</u>	1569 <u>1558</u>	1877 <u>1862</u>	2082 <u>2069</u>	2226 <u>2218</u>	2329 <u>2330</u>
5600	991 <u>1002</u>	1597 <u>1586</u>	1910 <u>1896</u>	2120 <u>2107</u>	2265 <u>2258</u>	2370 <u>2371</u>
5700	1007 <u>1018</u>	1625 <u>1614</u>	1944 <u>1931</u>	2157 <u>2145</u>	2305 <u>2298</u>	2411 <u>2412</u>
5800	1023 <u>1034</u>	1654 <u>1643</u>	1978 <u>1965</u>	2195 <u>2183</u>	2345 <u>2339</u>	2453
5900	1039 <u>1050</u>	1682 <u>1671</u>	2012 <u>1999</u>	2232 <u>2221</u>	2385 <u>2379</u>	2494 <u>2495</u>
6000	1055 <u>1065</u>	1710 <u>1700</u>	2046 <u>2033</u>	2270 <u>2259</u>	2425 <u>2419</u>	2535 <u>2536</u>
6100	1071 <u>1081</u>	1738 <u>1728</u>	2080 <u>2067</u>	2308 <u>2297</u>	2465 <u>2459</u>	2576 <u>2577</u>
6200	1087 <u>1097</u>	1766 <u>1757</u>	2114 <u>2102</u>	2345 <u>2334</u>	2505 <u>2499</u>	2618 <u>2618</u>
6300	1103 <u>1113</u>	1795 <u>1785</u>	2148 <u>2136</u>	2383 <u>2372</u>	2545 <u>2539</u>	2659 <u>2660</u>
6400	1119 <u>1129</u>	1823 <u>1814</u>	2182 <u>2170</u>	2420 <u>2410</u>	2585 <u>2579</u>	2700 <u>2701</u>
6500	1136 <u>1145</u>	1851 <u>1842</u>	2216 <u>2204</u>	2458 <u>2448</u>	2625 <u>2619</u>	2742
6600	1152 <u>1161</u>	1879 <u>1871</u>	2249 <u>2239</u>	2496 <u>2486</u>	2664 <u>2659</u>	2783 <u>2784</u>
6700	1168 <u>1176</u>	1907 <u>1899</u>	2283 <u>2273</u>	2533 <u>2524</u>	2704 <u>2699</u>	2824 <u>2825</u>
6800	1184 <u>1192</u>	1936 <u>1927</u>	2317 <u>2307</u>	2571 <u>2562</u>	2744 <u>2739</u>	2865 <u>2866</u>
6900	1200 <u>1208</u>	1964 <u>1956</u>	2351 <u>2341</u>	2608 <u>2600</u>	2784 <u>2779</u>	2907
7000	1216 <u>1224</u>	1992 <u>1984</u>	2385 <u>2375</u>	2646 <u>2638</u>	2824 <u>2819</u>	2948 <u>2949</u>
7100	1232 <u>1240</u>	2020 <u>2013</u>	2419 <u>2410</u>	2684 <u>2675</u>	2864 <u>2859</u>	2989 <u>2990</u>
7200	1248 <u>1256</u>	2048 <u>2041</u>	2453 <u>2444</u>	2721 <u>2713</u>	2904 <u>2899</u>	3031
7300	1264 <u>1271</u>	2077 <u>2070</u>	2487 <u>2478</u>	2759 <u>2751</u>	2944 <u>2939</u>	3072
7400	1280 <u>1287</u>	2105 <u>2098</u>	2521 <u>2512</u>	2796 <u>2789</u>	2984 <u>2979</u>	3113 <u>3114</u>
7500	1297 <u>1303</u>	2133 <u>2127</u>	2555 <u>2546</u>	2834 <u>2827</u>	3024 <u>3020</u>	3155
7600	1313 <u>1319</u>	2161 <u>2155</u>	2588 <u>2581</u>	2872 <u>2865</u>	3063 <u>3060</u>	3196
7700	1329 <u>1335</u>	2189 <u>2183</u>	2622 <u>2615</u>	2909 <u>2903</u>	3103 <u>3100</u>	3237
7800	1345 <u>1351</u>	2218 <u>2212</u>	2656 <u>2649</u>	2947 <u>2941</u>	3143 <u>3140</u>	3278 <u>3279</u>

7900	1361 <u>1367</u>	2246 <u>2240</u>	2690 <u>2683</u>	2984 <u>2978</u>	3183 <u>3180</u>	3320
8000	1377 <u>1382</u>	2274 <u>2269</u>	2724 <u>2717</u>	3022 <u>3016</u>	3223 <u>3220</u>	3361
8100	1393 <u>1398</u>	2302 <u>2297</u>	2758 <u>2752</u>	3060 <u>3054</u>	3263 <u>3260</u>	3402 <u>3403</u>
8200	1409 <u>1414</u>	2330 <u>2326</u>	2792 <u>2786</u>	3097 <u>3092</u>	3303 <u>3300</u>	3444
8300	1425 <u>1430</u>	2359 <u>2354</u>	2826 <u>2820</u>	3135 <u>3130</u>	3343 <u>3340</u>	3485
8400	1441 <u>1446</u>	2387 <u>2383</u>	2860 <u>2854</u>	3172 <u>3168</u>	3383 <u>3380</u>	3526
8500	1458 <u>1462</u>	2415 <u>2411</u>	2894 <u>2888</u>	3210 <u>3206</u>	3423 <u>3420</u>	3568
8600	1474 <u>1478</u>	2443 <u>2440</u>	2927 <u>2923</u>	3248 <u>3244</u>	3462 <u>3460</u>	3609
8700	1490 <u>1493</u>	2471 <u>2468</u>	2964 <u>2957</u>	3285 <u>3281</u>	3502 <u>3500</u>	3650
8800	1506 <u>1509</u>	2500 <u>2496</u>	2995 <u>2991</u>	3323 <u>3319</u>	3542 <u>3540</u>	3691
8900	1522 <u>1525</u>	2528 <u>2525</u>	3029 <u>3025</u>	3360 <u>3357</u>	3582 <u>3580</u>	3733
9000	1538 <u>1541</u>	2556 <u>2553</u>	3063 <u>3060</u>	3398 <u>3395</u>	3622 <u>3620</u>	3774
9100	1554 <u>1557</u>	2584 <u>2582</u>	3097 <u>3094</u>	3436 <u>3433</u>	3662 <u>3661</u>	3815
9200	1570 <u>1573</u>	2612 <u>2610</u>	3131 <u>3128</u>	3473 <u>3471</u>	3702 <u>3701</u>	3857
9300	1586 <u>1588</u>	2641 <u>2639</u>	3165 <u>3162</u>	3511 <u>3509</u>	3742 <u>3741</u>	3898
9400	1602 <u>1604</u>	2669 <u>2667</u>	3199 <u>3196</u>	3548 <u>3547</u>	3782 <u>3781</u>	3939
9500	1619 <u>1620</u>	2697 <u>2696</u>	3233 <u>3231</u>	3586 <u>3585</u>	3822 <u>3821</u>	3981 <u>3980</u>
9600	1635 <u>1636</u>	2725 <u>2724</u>	3266 <u>3265</u>	3624 <u>3622</u>	3861	4022
9700	1651 <u>1652</u>	2753 <u>2752</u>	3300 <u>3299</u>	3661 <u>3660</u>	3901	4063
9800	1667 <u>1668</u>	2782 <u>2781</u>	3334 <u>3333</u>	3699 <u>3698</u>	3941	4104
9900	1683 <u>1684</u>	2809	3368 <u>3367</u>	3736	3981	4146 <u>4145</u>
10000	1699	2838	3402	3774	4021	4187
10100	1715	2866	3436	3812	4061	4228
10200	1731	2894	3470	3849	4101	4270
10300	1747	2923	3504	3887	4141	4311
10400	1763	2951	3538	3924	4181	4352
10500	1780	2979	3572	3962	4221	4394
10600	1796	3007	3605	4000	4260	4435
10700	1812	3035	3639	4037	4300	4476
10800	1828	3064	3673	4075	4340	4517
10900	1844	3092	3707	4112	4380	4559
11000	1860	3120	3741	4150	4420	4600
11100	1876	3148	3775	4188	4460	4641

11200	1892	3176	3809	4225	4500	4683
11300	1908	3205	3843	4263	4540	4724
11400	1924	3233	3877	4300	4580	4765
11500	1941	3261	3911	4338	4620	4807
11600	1957	3289	3945	4376	4659	4848
11700	1973	3317	3978	4413	4699	4889
11800	1989	3346	4012	4451	4739	4930
11900	2005	3374	4046	4488	4779	4972
12000	2021	3402	4080	4526	4819	5013
12100	2037	3430	4114	4564	4859	5054
12200	2053	3458	4148	4601	4899	5096
12300	2069	3487	4182	4639	4939	5137
12400	2085	3515	4216	4676	4979	5178
12500	2102	3543	4250	4714	5019	5220
or more						

History: Effective February 1, 1991; amended effective January 1, 1995; August 1, 2003; _____, 2011.

General Authority: NDCC 50-06-16, 50-09-25

Law Implemented: NDCC 14-09-09.7, 50-09-02(16); 42 USC 667

75-02-04.1-11. Parental responsibility for children in foster care or guardianship care. It is important that parents maintain a tie to and responsibility for their child when that child is in foster care. Financial responsibility for the support of that child is one component of the maintenance of the relationship of parent and child. Parents of a child subject to a guardianship order under North Dakota Century Code chapter 27-20 or 30.1-27 remain financially responsible for the support of that child.

1. In order to determine monthly net income, it is first necessary to identify the parent or parents who have financial responsibility for any child entering foster care or guardianship care, and to determine the net income of those financially responsible parents. If the parents of a child in foster care or guardianship care reside together, and neither parent has a duty to support any child who ~~does not either reside with the parents or receive foster care or guardianship care~~ is not also a child of the other parent, the income of the parents must be combined and treated as the income of the obligor. In all other cases, each parent is treated as an obligor, and each parent's support obligation must be separately determined.

...

History: Effective February 1, 1991; amended effective January 1, 1995; August 1, 1999; August 1, 2003; _____, 2011.

General Authority: NDCC 50-06-16, 50-09-25

Law Implemented: NDCC 14-09-09.7, 50-09-02(16); 42 USC 667