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Fifty-sixth
Legislative Assembly
of North Dakota

Introduced by

FIRST DRAFT:
Prepared by the Legislative Council staff for the
Child Support Committee
June 1998

1   A BILL for an Act to amend and reenact subsection 3 of section 14-09-09.7 of the North Dakota

2   Century Code, relating to the effective date of modifications of child support orders.

3   **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4   **SECTION 1. AMENDMENT.** Subsection 3 of section 14-09-09.7 of the North Dakota

5   Century Code is amended and reenacted as follows:

6   3.   There is a rebuttable presumption, which applies to any child support

7   determination or modification, that the amount of child support that ~~would result~~

8   results from ~~the application of~~ applying the child support guidelines is the correct

9   amount of child support. A child support order modification is effective the first day

10   of the month following the date the motion to modify is filed or the first day of the

11   month following the occurrence of an event upon which the modification is based,

12   whichever date is the latest. The presumption may be rebutted if a preponderance

13   of the evidence in a contested matter establishes, applying criteria established by

14   the public authority which take into consideration the best interests of the child, that

15   the child support amount established under the guidelines is not the correct

16   amount of child support. A written finding or a specific finding on the record must

17   be made if the court determines that the presumption has been rebutted. The

18   finding must:

19   a.   State the child support amount determined through application of the

20   guidelines;

21   b.   Identify the criteria that rebut the presumption of correctness of that amount;

22   and

23   c.   State the child support amount determined after application of the criteria that

24   rebut the presumption.

NOTE: Under current law, the effective date for a modification of child support depends upon the facts of the case. An order modifying child support may be effective on the date the motion was filed, any date the motion was pending, the date the court issued its order, or some later date.