



NORTH DAKOTA HOUSE OF REPRESENTATIVES

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COMMITTEES:

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Good morning Mr. Chairman and committee,

My name is Matt Ruby from District 40 in Minot. HB 1423 seeks to address issues within our custody and child support program. This bill would make two major changes to the way the state handles custody proceedings.

The first change would set the amount of child support due to the custodial parent, in correlation with the amount of custody each parent has. If the custodial has the child 100% of the time, the noncustodial parent will pay the full amount as determined by the state. If both parties have the child half the time, the amount due to the custodial parent would be half of what the state determines in the previous scenario. All agreements between those marks would have the correlated amount. This change would better reflect the amount that the noncustodial often pays that isn't factored in.

The second change would require the judge to accept a predetermined agreement that was agreed upon by both parties' attorneys. Last session we discussed this issue and what we heard from the child support division was that sometimes when an agreement is brought to the court, it's often a product of intimidation. What we did here was uphold agreements when each party has an attorney. I think as much as we let judges make determinations about these things, we can trust attorneys to be able to determine if there were intimidation techniques to coerce a more favorable agreement.

Each session we have issues that arise dealing in this part of code and each session we hear from the division that we have the best program. However, even the division brings fixes here and there and I think it's time we make some real changes to make these scenarios more fair for both parties. If this isn't the fix you want to do, I have taken the liberty to draft a study resolution. You will probably hear that we studied this in recent interims, but it's been 12 years since we looked at the program holistically. Since that interim, we have 113 different legislators of a possible 141. I do believe it's time to look at fixes and I respectfully ask for your support.

Rep. Matt Ruby

District 40