

AN ACT

ENTITLED, An Act to revise certain provisions relating to child support.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 25-7-6.2 be amended to read as follows:

25-7-6.2. The child support obligation shall be established in accordance with the following schedule subject to the revisions or deviations as permitted by this chapter. Except as provided in this chapter, the combined monthly net incomes of both parents shall be used in determining the obligation which shall be divided proportionately between the parents based upon their respective net incomes. The noncustodial parent's proportionate share establishes the amount of the child support order.

If the obligation using only the noncustodial parent's monthly net income is an obligation within the emboldened areas of the schedule, that amount shall be compared to the noncustodial parent's proportionate share using both parents' monthly net incomes. The lesser amount establishes the noncustodial parent's child support order.

Monthly Net Income	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
0-1,100	216	279	312	335	357	379
1,150	256	319	352	375	397	419
1,200	296	359	392	415	437	459
1,250	319	399	432	455	477	499
1,300	332	439	472	495	517	539
1,350	344	479	512	535	557	579
1,400	357	519	552	575	597	619
1,450	369	539	592	615	637	659

1,500	381	557	632	655	677	699
1,550	393	574	672	695	717	739
1,600	405	590	700	735	757	779
1,650	416	607	719	775	797	819
1,700	428	624	738	815	837	859
1,750	440	640	757	846	877	899
1,800	451	657	777	868	917	939
1,850	463	674	796	889	957	979
1,900	475	690	815	911	997	1,019
1,950	487	707	835	932	1,025	1,059
2,000	498	723	854	954	1,049	1,099
2,050	510	740	873	975	1,073	1,139
2,100	522	757	892	997	1,096	1,179
2,150	533	773	912	1,018	1,120	1,218
2,200	545	790	931	1,040	1,144	1,243
2,250	557	807	950	1,061	1,167	1,269
2,300	568	823	969	1,083	1,191	1,295
2,350	580	840	989	1,104	1,215	1,321
2,400	592	857	1,008	1,126	1,239	1,347
2,450	603	873	1,028	1,148	1,263	1,373
2,500	615	890	1,047	1,170	1,287	1,399
2,550	627	907	1,067	1,191	1,311	1,425
2,600	638	923	1,086	1,213	1,334	1,450
2,650	650	940	1,105	1,235	1,358	1,476
2,700	662	957	1,125	1,257	1,382	1,502
2,750	673	973	1,144	1,278	1,406	1,528
2,800	685	990	1,164	1,300	1,430	1,554
2,850	696	1,007	1,183	1,322	1,454	1,580
2,900	708	1,023	1,203	1,343	1,478	1,606

2,950	720	1,040	1,222	1,365	1,502	1,632
3,000	731	1,056	1,242	1,387	1,526	1,658
3,050	743	1,073	1,261	1,409	1,549	1,684
3,100	755	1,090	1,281	1,430	1,573	1,710
3,150	766	1,106	1,300	1,452	1,597	1,736
3,200	776	1,120	1,316	1,470	1,617	1,757
3,250	779	1,125	1,321	1,476	1,623	1,765
3,300	782	1,129	1,327	1,482	1,630	1,772
3,350	786	1,134	1,332	1,488	1,637	1,779
3,400	789	1,139	1,337	1,494	1,643	1,786
3,450	792	1,144	1,343	1,500	1,650	1,793
3,500	796	1,148	1,348	1,506	1,657	1,801
3,550	799	1,153	1,354	1,512	1,663	1,808
3,600	802	1,158	1,359	1,518	1,670	1,815
3,650	810	1,169	1,371	1,532	1,685	1,832
3,700	819	1,181	1,386	1,548	1,703	1,851
3,750	828	1,194	1,401	1,565	1,721	1,871
3,800	836	1,206	1,416	1,581	1,739	1,891
3,850	845	1,219	1,430	1,598	1,758	1,911
3,900	854	1,232	1,445	1,614	1,776	1,930
3,950	863	1,244	1,460	1,631	1,794	1,950
4,000	872	1,257	1,475	1,647	1,812	1,970
4,050	879	1,267	1,487	1,661	1,827	1,986
4,100	882	1,272	1,491	1,665	1,832	1,991
4,150	886	1,276	1,495	1,670	1,837	1,997
4,200	889	1,280	1,499	1,675	1,842	2,003
4,250	893	1,285	1,504	1,680	1,848	2,008
4,300	896	1,289	1,508	1,684	1,853	2,014
4,350	900	1,293	1,512	1,689	1,858	2,020

4,400	903	1,297	1,517	1,694	1,863	2,025
4,450	907	1,302	1,521	1,699	1,869	2,031
4,500	910	1,306	1,525	1,703	1,874	2,037
4,550	914	1,310	1,529	1,708	1,879	2,043
4,600	917	1,315	1,534	1,713	1,884	2,048
4,650	921	1,319	1,538	1,718	1,890	2,054
4,700	924	1,324	1,543	1,723	1,896	2,061
4,750	928	1,329	1,548	1,730	1,903	2,068
4,800	932	1,334	1,554	1,736	1,909	2,076
4,850	936	1,339	1,560	1,742	1,916	2,083
4,900	940	1,344	1,565	1,748	1,923	2,091
4,950	943	1,349	1,571	1,755	1,930	2,098
5,000	947	1,354	1,577	1,761	1,937	2,106
5,050	951	1,360	1,582	1,767	1,944	2,113
5,100	955	1,365	1,588	1,774	1,951	2,121
5,150	958	1,370	1,593	1,780	1,958	2,128
5,200	962	1,375	1,599	1,786	1,965	2,136
5,250	966	1,380	1,605	1,792	1,972	2,143
5,300	970	1,385	1,610	1,799	1,979	2,151
5,350	973	1,390	1,616	1,805	1,985	2,158
5,400	977	1,395	1,622	1,811	1,992	2,166
5,450	981	1,400	1,627	1,818	1,999	2,173
5,500	985	1,406	1,633	1,824	2,006	2,181
5,550	988	1,411	1,638	1,830	2,013	2,188
5,600	992	1,416	1,644	1,836	2,020	2,196
5,650	996	1,421	1,650	1,843	2,027	2,203
5,700	1,000	1,426	1,655	1,849	2,034	2,211
5,750	1,004	1,432	1,662	1,856	2,042	2,219
5,800	1,009	1,439	1,670	1,865	2,051	2,230

5,850	1,014	1,446	1,678	1,874	2,061	2,241
5,900	1,019	1,453	1,686	1,883	2,071	2,251
5,950	1,024	1,460	1,694	1,892	2,081	2,262
6,000	1,029	1,467	1,702	1,901	2,091	2,273
6,050	1,034	1,474	1,710	1,910	2,101	2,284
6,100	1,039	1,481	1,718	1,919	2,111	2,294
6,150	1,043	1,488	1,726	1,928	2,121	2,305
6,200	1,048	1,495	1,734	1,937	2,130	2,316
6,250	1,053	1,502	1,742	1,946	2,140	2,327
6,300	1,058	1,509	1,750	1,955	2,150	2,337
6,350	1,063	1,516	1,758	1,964	2,160	2,348
6,400	1,068	1,523	1,766	1,973	2,170	2,359
6,450	1,073	1,530	1,774	1,982	2,180	2,370
6,500	1,078	1,537	1,782	1,991	2,190	2,380
6,550	1,083	1,544	1,790	2,000	2,200	2,391
6,600	1,088	1,551	1,798	2,009	2,210	2,402
6,650	1,093	1,558	1,806	2,018	2,219	2,413
6,700	1,098	1,565	1,814	2,027	2,229	2,423
6,750	1,103	1,572	1,822	2,036	2,239	2,434
6,800	1,108	1,579	1,830	2,045	2,249	2,445
6,850	1,113	1,586	1,839	2,054	2,259	2,456
6,900	1,118	1,593	1,847	2,063	2,269	2,466
6,950	1,123	1,600	1,855	2,072	2,279	2,477
7,000	1,128	1,607	1,863	2,081	2,289	2,488
7,050	1,133	1,614	1,871	2,090	2,299	2,498
7,100	1,138	1,620	1,879	2,099	2,308	2,509
7,150	1,142	1,627	1,887	2,108	2,318	2,520
7,200	1,147	1,634	1,895	2,117	2,328	2,531
7,250	1,152	1,641	1,903	2,125	2,338	2,541

7,300	1,157	1,648	1,911	2,134	2,348	2,552
7,350	1,162	1,655	1,919	2,143	2,358	2,563
7,400	1,167	1,662	1,927	2,152	2,368	2,574
7,450	1,172	1,669	1,934	2,161	2,377	2,583
7,500	1,175	1,673	1,939	2,166	2,383	2,590
7,550	1,178	1,678	1,944	2,172	2,389	2,597
7,600	1,181	1,682	1,949	2,177	2,395	2,603
7,650	1,185	1,687	1,954	2,183	2,401	2,610
7,700	1,188	1,691	1,959	2,188	2,407	2,616
7,750	1,191	1,695	1,964	2,194	2,413	2,623
7,800	1,194	1,700	1,969	2,199	2,419	2,630
7,850	1,197	1,704	1,974	2,205	2,425	2,636
7,900	1,201	1,709	1,979	2,210	2,431	2,643
7,950	1,204	1,713	1,984	2,216	2,438	2,650
8,000	1,207	1,718	1,989	2,222	2,444	2,656
8,050	1,210	1,722	1,994	2,227	2,450	2,663
8,100	1,214	1,726	1,999	2,233	2,456	2,670
8,150	1,217	1,731	2,004	2,238	2,462	2,676
8,200	1,220	1,735	2,009	2,244	2,468	2,683
8,250	1,223	1,740	2,014	2,249	2,474	2,689
8,300	1,227	1,744	2,019	2,255	2,480	2,696
8,350	1,230	1,749	2,024	2,260	2,486	2,703
8,400	1,233	1,753	2,029	2,266	2,493	2,709
8,450	1,236	1,758	2,034	2,271	2,499	2,716
8,500	1,239	1,762	2,039	2,277	2,505	2,723
8,550	1,243	1,766	2,043	2,283	2,511	2,729
8,600	1,246	1,771	2,048	2,288	2,517	2,736
8,650	1,249	1,775	2,053	2,294	2,523	2,743
8,700	1,252	1,780	2,058	2,299	2,529	2,749

8,750	1,256	1,784	2,063	2,305	2,535	2,756
8,800	1,259	1,789	2,068	2,310	2,541	2,762
8,850	1,262	1,793	2,073	2,316	2,547	2,769
8,900	1,265	1,797	2,078	2,321	2,554	2,776
8,950	1,268	1,802	2,083	2,327	2,560	2,782
9,000	1,272	1,806	2,088	2,332	2,566	2,789
9,050	1,275	1,811	2,093	2,338	2,572	2,796
9,100	1,278	1,815	2,098	2,344	2,578	2,802
9,150	1,281	1,820	2,103	2,349	2,584	2,809
9,200	1,285	1,824	2,108	2,355	2,590	2,815
9,250	1,288	1,829	2,113	2,360	2,596	2,822
9,300	1,291	1,833	2,118	2,366	2,602	2,829
9,350	1,294	1,837	2,123	2,371	2,608	2,835
9,400	1,297	1,842	2,128	2,377	2,615	2,842
9,450	1,301	1,846	2,133	2,382	2,621	2,849
9,500	1,304	1,851	2,138	2,388	2,627	2,855
9,550	1,307	1,855	2,143	2,394	2,633	2,862
9,600	1,309	1,857	2,145	2,396	2,635	2,865
9,650	1,310	1,859	2,146	2,397	2,637	2,866
9,700	1,312	1,860	2,147	2,398	2,638	2,867
9,750	1,313	1,861	2,148	2,399	2,639	2,869
9,800	1,314	1,863	2,149	2,401	2,641	2,870
9,850	1,315	1,864	2,150	2,402	2,642	2,872
9,900	1,317	1,866	2,151	2,403	2,643	2,873
9,950	1,318	1,867	2,152	2,404	2,645	2,875
10,000	1,319	1,868	2,154	2,406	2,646	2,876
10,050	1,321	1,870	2,155	2,407	2,647	2,878
10,100	1,322	1,871	2,156	2,408	2,649	2,879
10,150	1,323	1,873	2,157	2,409	2,650	2,881

10,200	1,325	1,874	2,158	2,410	2,652	2,882
10,250	1,326	1,876	2,159	2,412	2,653	2,884
10,300	1,327	1,877	2,160	2,413	2,654	2,885
10,350	1,329	1,878	2,161	2,414	2,656	2,887
10,400	1,330	1,880	2,162	2,415	2,657	2,888
10,450	1,331	1,881	2,164	2,417	2,658	2,890
10,500	1,333	1,883	2,165	2,418	2,660	2,891
10,550	1,334	1,884	2,166	2,419	2,661	2,893
10,600	1,335	1,885	2,167	2,420	2,662	2,894
10,650	1,337	1,887	2,168	2,422	2,664	2,895
10,700	1,338	1,888	2,169	2,423	2,665	2,897
10,750	1,339	1,890	2,170	2,424	2,666	2,898
10,800	1,341	1,891	2,171	2,425	2,668	2,900
10,850	1,342	1,892	2,172	2,427	2,669	2,901
10,900	1,343	1,894	2,173	2,428	2,671	2,903
10,950	1,345	1,895	2,175	2,429	2,672	2,904
11,000	1,346	1,897	2,176	2,430	2,673	2,906
11,050	1,347	1,898	2,177	2,431	2,675	2,907
11,100	1,348	1,900	2,178	2,433	2,676	2,909
11,150	1,350	1,901	2,179	2,434	2,677	2,910
11,200	1,351	1,902	2,180	2,435	2,679	2,912
11,250	1,352	1,904	2,181	2,436	2,680	2,913
11,300	1,354	1,905	2,182	2,438	2,681	2,915
11,350	1,355	1,907	2,183	2,439	2,683	2,916
11,400	1,356	1,908	2,184	2,440	2,684	2,918
11,450	1,358	1,909	2,186	2,441	2,685	2,919
11,500	1,359	1,911	2,187	2,443	2,687	2,921
11,550	1,360	1,912	2,188	2,444	2,688	2,922
11,600	1,362	1,914	2,189	2,445	2,689	2,923

11,650	1,363	1,915	2,190	2,446	2,691	2,925
11,700	1,365	1,918	2,193	2,449	2,694	2,929
11,750	1,370	1,924	2,200	2,458	2,703	2,939
11,800	1,374	1,930	2,207	2,466	2,712	2,948
11,850	1,379	1,937	2,215	2,474	2,721	2,958
11,900	1,383	1,943	2,222	2,482	2,730	2,968
11,950	1,387	1,949	2,229	2,490	2,739	2,978
12,000	1,392	1,956	2,237	2,498	2,748	2,987
12,050	1,396	1,962	2,244	2,507	2,757	2,997
12,100	1,401	1,968	2,251	2,515	2,766	3,007
12,150	1,405	1,975	2,259	2,523	2,775	3,017
12,200	1,410	1,981	2,266	2,531	2,784	3,026
12,250	1,414	1,987	2,273	2,539	2,793	3,036
12,300	1,418	1,993	2,280	2,547	2,802	3,046
12,350	1,423	2,000	2,288	2,555	2,811	3,056
12,400	1,427	2,006	2,295	2,564	2,820	3,065
12,450	1,432	2,012	2,302	2,572	2,829	3,075
12,500	1,436	2,019	2,310	2,580	2,838	3,085
12,550	1,441	2,025	2,317	2,588	2,847	3,095
12,600	1,445	2,031	2,324	2,596	2,856	3,104
12,650	1,449	2,038	2,332	2,604	2,865	3,114
12,700	1,454	2,044	2,339	2,613	2,874	3,124
12,750	1,458	2,050	2,346	2,621	2,883	3,134
12,800	1,463	2,056	2,354	2,629	2,892	3,143
12,850	1,467	2,063	2,361	2,637	2,901	3,153
12,900	1,472	2,069	2,368	2,645	2,910	3,163
12,950	1,476	2,075	2,375	2,653	2,919	3,173
13,000	1,480	2,082	2,383	2,662	2,928	3,182
13,050	1,485	2,088	2,390	2,670	2,937	3,192

13,100	1,489	2,094	2,397	2,678	2,946	3,202
13,150	1,494	2,101	2,405	2,686	2,955	3,212
13,200	1,498	2,107	2,412	2,694	2,964	3,221
13,250	1,503	2,113	2,419	2,702	2,973	3,231
13,300	1,507	2,119	2,427	2,710	2,982	3,241
13,350	1,512	2,126	2,434	2,719	2,990	3,251
13,400	1,516	2,132	2,441	2,727	2,999	3,260
13,450	1,520	2,138	2,448	2,735	3,008	3,270
13,500	1,525	2,145	2,456	2,743	3,017	3,280
13,550	1,529	2,151	2,463	2,751	3,026	3,290
13,600	1,534	2,157	2,470	2,759	3,035	3,299
13,650	1,538	2,163	2,478	2,768	3,044	3,309
13,700	1,543	2,170	2,485	2,776	3,053	3,319
13,750	1,547	2,176	2,492	2,784	3,062	3,329
13,800	1,551	2,182	2,500	2,792	3,071	3,338
13,850	1,556	2,189	2,507	2,800	3,080	3,348
13,900	1,560	2,195	2,514	2,808	3,089	3,358
13,950	1,565	2,201	2,521	2,817	3,098	3,368
14,000	1,569	2,208	2,529	2,825	3,107	3,377
14,050	1,574	2,214	2,536	2,833	3,116	3,387
14,100	1,578	2,220	2,543	2,841	3,125	3,397
14,150	1,582	2,226	2,551	2,849	3,134	3,407
14,200	1,587	2,233	2,558	2,857	3,143	3,416
14,250	1,591	2,239	2,565	2,865	3,152	3,426
14,300	1,596	2,245	2,573	2,874	3,161	3,436
14,350	1,600	2,252	2,580	2,882	3,170	3,446
14,400	1,605	2,258	2,587	2,890	3,179	3,455
14,450	1,609	2,264	2,595	2,898	3,188	3,465
14,500	1,614	2,271	2,602	2,906	3,197	3,475

14,550	1,618	2,277	2,609	2,914	3,206	3,485
14,600	1,622	2,283	2,616	2,923	3,215	3,495
14,650	1,627	2,289	2,624	2,931	3,224	3,504
14,700	1,631	2,296	2,631	2,939	3,233	3,514
14,750	1,636	2,302	2,638	2,947	3,242	3,524
14,800	1,640	2,308	2,646	2,955	3,251	3,534
14,850	1,645	2,315	2,653	2,963	3,260	3,543
14,900	1,649	2,321	2,660	2,972	3,269	3,553
14,950	1,653	2,327	2,668	2,980	3,278	3,563
15,000	1,658	2,334	2,675	2,988	3,287	3,573
15,050	1,662	2,340	2,682	2,996	3,296	3,582
15,100	1,667	2,346	2,689	3,004	3,305	3,592
15,150	1,671	2,352	2,697	3,012	3,314	3,602
15,200	1,676	2,359	2,704	3,020	3,322	3,612
15,250	1,680	2,365	2,711	3,029	3,331	3,621
15,300	1,684	2,371	2,719	3,037	3,340	3,631
15,350	1,689	2,378	2,726	3,045	3,349	3,641
15,400	1,693	2,384	2,733	3,053	3,358	3,651
15,450	1,698	2,390	2,741	3,061	3,367	3,660
15,500	1,702	2,397	2,748	3,069	3,376	3,670
15,550	1,707	2,403	2,755	3,078	3,385	3,680
15,600	1,711	2,409	2,762	3,086	3,394	3,690
15,650	1,716	2,415	2,770	3,094	3,403	3,699
15,700	1,720	2,422	2,777	3,102	3,412	3,709
15,750	1,724	2,428	2,784	3,110	3,421	3,719
15,800	1,729	2,434	2,792	3,118	3,430	3,729
15,850	1,733	2,441	2,799	3,126	3,439	3,738
15,900	1,738	2,447	2,806	3,135	3,448	3,748
15,950	1,742	2,453	2,814	3,143	3,457	3,758

16,000	1,747	2,460	2,821	3,151	3,466	3,768
16,050	1,751	2,466	2,828	3,159	3,475	3,777
16,100	1,755	2,472	2,836	3,167	3,484	3,787
16,150	1,760	2,478	2,843	3,175	3,493	3,797
16,200	1,764	2,485	2,850	3,184	3,502	3,807
16,250	1,769	2,491	2,857	3,192	3,511	3,816
16,300	1,773	2,497	2,865	3,200	3,520	3,826
16,350	1,778	2,504	2,872	3,208	3,529	3,836
16,400	1,782	2,510	2,879	3,216	3,538	3,846
16,450	1,786	2,516	2,887	3,224	3,547	3,855
16,500	1,791	2,523	2,894	3,233	3,556	3,865
16,550	1,795	2,529	2,901	3,241	3,565	3,875
16,600	1,800	2,535	2,909	3,249	3,574	3,885
16,650	1,804	2,541	2,916	3,257	3,583	3,894
16,700	1,809	2,548	2,923	3,265	3,592	3,904
16,750	1,813	2,554	2,930	3,273	3,601	3,914
16,800	1,817	2,560	2,938	3,281	3,610	3,924
16,850	1,822	2,567	2,945	3,290	3,619	3,933
16,900	1,826	2,573	2,952	3,298	3,628	3,943
16,950	1,831	2,579	2,960	3,306	3,637	3,953
17,000	1,835	2,585	2,967	3,314	3,646	3,963
17,050	1,840	2,592	2,974	3,322	3,655	3,972
17,100	1,844	2,598	2,982	3,330	3,663	3,982
17,150	1,849	2,604	2,989	3,339	3,672	3,992
17,200	1,853	2,611	2,996	3,347	3,681	4,002
17,250	1,857	2,617	3,003	3,355	3,690	4,011
17,300	1,862	2,623	3,011	3,363	3,699	4,021
17,350	1,866	2,630	3,018	3,371	3,708	4,031
17,400	1,871	2,636	3,025	3,379	3,717	4,041

17,450	1,875	2,642	3,033	3,388	3,726	4,050
17,500	1,880	2,648	3,040	3,396	3,735	4,060
17,550	1,884	2,655	3,047	3,404	3,744	4,070
17,600	1,888	2,661	3,055	3,412	3,753	4,080
17,650	1,893	2,667	3,062	3,420	3,762	4,089
17,700	1,897	2,674	3,069	3,428	3,771	4,099
17,750	1,902	2,680	3,077	3,436	3,780	4,109
17,800	1,906	2,686	3,084	3,445	3,789	4,119
17,850	1,911	2,693	3,091	3,453	3,798	4,129
17,900	1,915	2,699	3,098	3,461	3,807	4,138
17,950	1,919	2,705	3,106	3,469	3,816	4,148
18,000	1,924	2,711	3,113	3,477	3,825	4,158
18,050	1,928	2,718	3,120	3,485	3,834	4,168
18,100	1,933	2,724	3,128	3,494	3,843	4,177
18,150	1,937	2,730	3,135	3,502	3,852	4,187
18,200	1,942	2,737	3,142	3,510	3,861	4,197
18,250	1,946	2,743	3,150	3,518	3,870	4,207
18,300	1,951	2,749	3,157	3,526	3,879	4,216
18,350	1,955	2,756	3,164	3,534	3,888	4,226
18,400	1,959	2,762	3,171	3,543	3,897	4,236
18,450	1,964	2,768	3,179	3,551	3,906	4,246
18,500	1,968	2,774	3,186	3,559	3,915	4,255
18,550	1,973	2,781	3,193	3,567	3,924	4,265
18,600	1,977	2,787	3,201	3,575	3,933	4,275
18,650	1,982	2,793	3,208	3,583	3,942	4,285
18,700	1,986	2,800	3,215	3,591	3,951	4,294
18,750	1,990	2,806	3,223	3,600	3,960	4,304
18,800	1,995	2,812	3,230	3,608	3,969	4,314
18,850	1,999	2,819	3,237	3,616	3,978	4,324

18,900	2,004	2,825	3,244	3,624	3,987	4,333
18,950	2,008	2,831	3,252	3,632	3,995	4,343
19,000	2,013	2,837	3,259	3,640	4,004	4,353
19,050	2,017	2,844	3,266	3,649	4,013	4,363
19,100	2,021	2,850	3,274	3,657	4,022	4,372
19,150	2,026	2,856	3,281	3,665	4,031	4,382
19,200	2,030	2,863	3,288	3,673	4,040	4,392
19,250	2,035	2,869	3,296	3,681	4,049	4,402
19,300	2,039	2,875	3,303	3,689	4,058	4,411
19,350	2,044	2,882	3,310	3,698	4,067	4,421
19,400	2,048	2,888	3,318	3,706	4,076	4,431
19,450	2,053	2,894	3,325	3,714	4,085	4,441
19,500	2,057	2,900	3,332	3,722	4,094	4,450
19,550	2,061	2,907	3,339	3,730	4,103	4,460
19,600	2,066	2,913	3,347	3,738	4,112	4,470
19,650	2,070	2,919	3,354	3,746	4,121	4,480
19,700	2,075	2,926	3,361	3,755	4,130	4,489
19,750	2,079	2,932	3,369	3,763	4,139	4,499
19,800	2,084	2,938	3,376	3,771	4,148	4,509
19,850	2,088	2,945	3,383	3,779	4,157	4,519
19,900	2,092	2,951	3,391	3,787	4,166	4,528
19,950	2,097	2,957	3,398	3,795	4,175	4,538
20,000	2,101	2,963	3,405	3,804	4,184	4,548

The share of the custodial parent is presumed to be spent directly for the benefit of the child.

Section 2. That § 25-7-6.3 be amended to read as follows:

25-7-6.3. The monthly net income of each parent shall be determined by the parent's gross income less allowable deductions, as set forth in this chapter. The monthly gross income of each parent includes amounts received from the following sources:

- (1) Compensation paid to an employee for personal services, whether salary, wages, commissions, bonus, or otherwise designated;
- (2) Self-employment income including gain, profit, or loss from a business, farm, or profession;
- (3) Periodic payments from pensions or retirement programs, including social security or veteran's benefits, disability payments, or insurance contracts;
- (4) Interest, dividends, rentals, royalties, or other gain derived from investment of capital assets;
- (5) Gain or loss from the sale, trade, or conversion of capital assets;
- (6) Unemployment insurance benefits;
- (7) Worker's compensation benefits; and
- (8) Benefits in lieu of compensation including military pay allowances.

Overtime wages, commissions, and bonuses may be excluded if the compensation is not a regular and recurring source of income for the parent. Income derived from seasonal employment shall be annualized to determine a monthly average income.

Section 3. That § 25-7-6.4 be amended to read as follows:

25-7-6.4. Except in cases of physical or mental disability, it is presumed for the purposes of determination of child support that a parent is capable of being employed at the minimum wage, including while incarcerated, and the parent's child support obligation shall be computed at a rate not less than full-time employment at the state minimum wage. Evidence to rebut this presumption may be presented by either parent.

Section 4. That § 25-7-6.10 be amended to read as follows:

25-7-6.10. Deviation from the schedule in § 25-7-6.2 shall be considered if raised by either party and made only upon the entry of specific findings based upon any of the following factors:

- (1) The income of a subsequent spouse or contribution of a third party to the income or expenses of that parent but only if the application of the schedule works a financial hardship on either parent;
- (2) Any financial condition of either parent which would make application of the schedule inequitable. If the total amount of the child support obligation, including any adjustments for health insurance and child care costs, exceeds fifty percent of the obligor's monthly net income, it is presumed that the amount of the obligation imposes a financial hardship on the obligor. This presumption may be rebutted based upon other factors set forth in this section;
- (3) Any necessary education or health care special needs of the child;
- (4) The effect of agreements between the parents regarding extra forms of support for the direct benefit of the child;
- (5) The obligation of either parent to provide for subsequent natural children, adopted children, or stepchildren. However, an existing support order may not be modified solely for this reason; or
- (6) The voluntary and unreasonable act of a parent which causes the parent to be unemployed or underemployed, unless the reduction of income is due to incarceration.

Section 5. That § 25-7-6.13 be amended to read as follows:

25-7-6.13. All orders for support entered and in effect prior to July 1, 2009, may be modified in accordance with this chapter without requiring a showing of a change in circumstances from the entry of the order.

Section 6. That § 25-7-6.14 be amended to read as follows:

25-7-6.14. If the child resides with the obligor ten or more nights in a month pursuant to a custody order, the court may, if deemed appropriate under the circumstances, grant an abatement of

not less than thirty-eight percent nor more than sixty-six percent of the basic child support obligation for the nights the child resides with the obligor. The order granting the abatement shall specify the number of nights for which the abatement is allowed and the amount of the abatement. In deciding whether an abatement is appropriate, the court shall consider whether it would have a substantial negative effect on the child's standard of living. The court shall allow the abatement to the obligor in the month in which the parenting time is ordered or apportion the abatement over a period of twelve months. It shall be presumed that the parenting time is exercised. If the parenting time exercised substantially deviates from the parenting time ordered, either party may petition the court for modification of the support order without showing any other change in circumstances.

Section 7. That § 25-7-6.16 be amended to read as follows:

25-7-6.16. The court shall enter an order addressing how the child's health care needs will be met by medical support to be provided by one or both of the parents. The medical support order shall include a provision for medical insurance if the insurance is accessible for the child and available to a parent at reasonable cost. Medical insurance is considered accessible if a medical insurance benefit plan is available and provides coverage for the child residing within the geographic area covered by the insurance policy. Medical insurance is considered reasonable in cost if the cost attributable to the child is equal to or less than eight percent of the parent's net income as determined under this chapter, and the amount shall be specified in the order for support.

The cost of the insurance attributable to the child is the cost of adding the child to existing coverage, the difference between self-only coverage and family coverage, or the cost of private medical insurance for the child. The cost attributable to the child under family coverage is the difference between self-only coverage and family coverage divided by the number of individuals, excluding the parent, enrolled in the family coverage. The cost so computed shall be apportioned between the parents on the basis of income or income imputed as provided in this chapter. If one

parent pays the entire amount, that parent shall either be reimbursed by the other parent for that parent's portion of the payment or shall receive a credit against his or her support obligation, whichever is appropriate. Any additional, reasonable health care costs, including medical, optometric, dental or orthodontic, or counseling costs for each minor child which exceed two hundred fifty dollars in any year and are not covered by insurance, shall be apportioned between the parents in proportion to the support obligation of each parent. The parent that has primary physical custody of the child is responsible for the first two hundred fifty dollars of health care costs each calendar year.

Section 8. That § 25-7-6.22 be amended to read as follows:

25-7-6.22. If a parent is employed full-time at a rate of pay that equals or exceeds the state's minimum wage, it is presumed that a parent's second job income is not to be considered in establishing a support obligation. This presumption may be rebutted by evidence that the income source was available to pay expenses related to the child when the parent initially became obligated for the support of the child pursuant to § 25-7-6.1.

Section 9. That chapter 25-7 be amended by adding thereto a NEW SECTION to read as follows:

If a parent in a child support establishment or modification proceeding fails to furnish income or other financial information, the parent is in default, and that parent's income for purposes of determining child support shall be computed at a rate not less than the most recent annual pay standard as reported by the Department of Labor.

Section 10. That chapter 25-7 be amended by adding thereto a NEW SECTION to read as follows:

If the parents have agreed in writing to a detailed shared parenting plan which provides that the child will reside no less than one hundred eighty nights per calendar year in each parent's home, and that the parents will share the duties and responsibilities of parenting the child and the expenses of

the child in proportion to their incomes, and the shared parenting plan has been incorporated in the custody order, the court may, if deemed appropriate under the circumstances, grant a cross credit on the amount of the child support obligation based on the number of nights the child resides with each parent. The shared parenting child support cross credit shall be calculated as follows:

- (1) Multiply the parents' combined child support obligation under the schedule by 1.5 to establish the parents' combined shared parenting child support obligation;
- (2) Multiply the combined shared parenting child support obligation by each parent's percentage share of the parents' combined net incomes to establish each parent's shared parenting child support obligation;
- (3) Multiply each parent's shared parenting child support obligation by the percentage of nights the child resides with each parent based on a three hundred sixty-five day calendar year to establish each parent's prorated shared parenting child support obligation;
- (4) Offset the parents' prorated shared parenting child support obligations; and
- (5) The parent with the larger prorated shared parenting child support obligation shall pay the difference between these amounts.

In deciding whether a shared parenting child support cross credit is appropriate, the court shall consider whether it would have a substantial negative effect on the child's standard of living.

It is presumed that the parenting time is exercised. If the parenting time exercised substantially deviates from the parenting time ordered, either party may petition the court for a modification of the support order without showing any other change in circumstances.

Section 11. That chapter 25-7 be amended by adding thereto a NEW SECTION to read as follows:

For the purposes of § 25-7-6.14 and section 10 of this Act, a child resides with a parent for a night if the child sleeps:

- (1) At the residence of that parent at night, whether or not the parent is present; or
- (2) In the company of the parent, if the child does not sleep at a parent's residence.

If, in a calendar year, due to a parent's nighttime work schedule, a child resides with a parent for days, but not nights, the court may condition the abatement on the required days rather than nights. In those instances, on a school day, the child is treated as residing at the primary residence registered with the school.

Section 12. That § 25-7A-1 be amended to read as follows:

25-7A-1. Terms used in this chapter mean:

- (1) "Administrative order," a judgment or order of an agency of the executive branch of state government, or an agency of comparable jurisdiction of another state, ordering payment of a set or determinable amount of support money, or ordering withholding of income;
- (2) "Arrearage," the total amount of unpaid support obligations;
- (3) "Assistance," money payments made by the Department of Social Services which are paid to, or for the benefit of, any dependent child, including payments made so that food, shelter, medical care, clothing, transportation, education, or other necessary goods, services, or items may be provided, and payments made to compensate for the provision of those necessities;
- (4) "Court order," a judgment or order of a circuit court of this state or a court of comparable jurisdiction of another state ordering payment of a set or determinable amount of support money;
- (5) "Delinquency," any payment under an order for support which becomes due and remains unpaid;
- (6) "Department," the Department of Social Services;
- (7) "Dependent child," a needy child under the age of eighteen or under the age of nineteen

and a full-time student in a secondary school if, before the child attains the age of nineteen, it is determined that the child may reasonably be expected to complete the program at the secondary school, who has been deprived of support or care by a natural parent, an adoptive parent, or a stepparent, by reason of the death, continued absence from the home, or physical or mental incapacity of a parent, or who is a child of an unemployed parent and who is living with a person in a place of residence maintained by such person as his home;

- (8) "Income," any form of payment to a person, regardless of source, including wages, salary, commission, bonuses, compensation as an independent contractor, workers' compensation, unemployment compensation, disability, annuity and retirement benefits, gift or inheritance, all gain derived from capital or labor, profit gained through the sale or conversion of capital assets, and any other payments, including personal property, money and credits on deposit with or in the possession of, or made by any person, private entity, federal or state government, any unit of local government, school district or any entity created by public act. However, for the purposes of income withholding, income excludes:
- (a) Any amount required by law or as a condition of employment to be withheld, other than creditor claims, including federal, state, and local taxes, social security, and other retirement contributions;
 - (b) Any amount exempted by federal law; and
 - (c) Public assistance payments;
- (9) "Need," the necessary costs of food, clothing, shelter, education, and medical care for the support of a dependent child;
- (10) "Obligee," any person or entity to whom a duty of support is owed;

- (11) "Obligor," any person who owes a duty to make payments under an order for support;
- (12) "Order for support," a judgment, decree, or order, whether temporary, final, or subject to modification, issued by a court or an administrative agency of competent jurisdiction, which provides for the support and maintenance of a child, including a child who has attained the age of majority under the law of the issuing state, or of the parent with whom the child is living, which provides for monetary support, health care, medical support, arrearages, or reimbursement, and which may include costs and fees, interest, and penalties, income withholding, attorney's fees, and other relief;
- (13) "Parent," the natural parent, adoptive parent, or stepparent of a dependent child;
- (14) "Payor," any person or other entity owing income or having personal property or money and credits belonging to an obligor;
- (15) "Person," a natural person, firm, limited liability company, corporation, association, political subdivision, or agency of government;
- (16) "Secretary," the secretary of social services;
- (17) "Spouse," any parent who has legal custody of a child in accordance with a court or administrative order;
- (18) "Standard of need," the need established by the Department of Social Services;
- (19) "Support enforcement services," establishing and enforcing support obligations, locating support obligors, and establishing paternity under the Title IV-D state plan;
- (20) "Title IV-D agency," the agency established by Part D of Title IV of the Social Security Act (42 U.S.C. §§ 651 to 667) for the purpose of administering the state's plan for establishing and enforcing support obligations, locating support obligors, and establishing paternity;
- (21) "Medical support," the provision of a health insurance benefit plan or cash medical

support payment, including any employer sponsored group health plan or self-insured plan, or any individual health insurance policy, to meet the medical needs of a dependent child including the cost of any premium required by such a health insurance benefit plan, an amount ordered to be paid toward the cost of health insurance provided by a public entity or by another parent through employment or otherwise, or for other medical costs not covered by insurance;

- (22) "Business day," a day on which state offices are open for regular business;
- (23) "Employee," any person who is an employee within the meaning of chapter 24 of the Internal Revenue Code of 1986, 26 U.S.C. § 3401-3406, as of January 1, 1997;
- (24) "Employer," any person or entity who is an employer as defined in section 3401(d) of the Internal Revenue Code of 1986, 26 U.S.C. § 3401-3406, as of January 1, 1997, and includes any governmental entity and any labor organization;
- (25) "Labor organization," the meaning given the term in section 2(5) of the National Labor Relations Act, 29 U.S.C. § 151 et seq., as of January 1, 1997, and includes any entity or hiring hall which is used by the organization and an employer to carry out the requirements described in section 8(f)(3) of the act;
- (26) "Date of hire," the date a person is added to an employer's payroll to provide services to the employer, or the date a person actually provides services for an employer, whichever occurs earlier;
- (27) "Newly hired employee" or "new hire," any person hired to provide services for an employer and required to provide an Internal Revenue Service W-4 form to the employer, including a person who is rehired, reemployed, or reinstated following thirty consecutive days of termination or layoff even if the person does not provide a new or revised W-4 form to the employer;

(28) "Recreational or sporting license," any state issued hunting or fishing license.

Section 13. That § 25-7A-5 be amended to read as follows:

25-7A-5. The secretary of social services may initiate an action for support by issuing a notice of a support debt, which shall be served without summons or other pleadings on the alleged responsible parent in the manner provided for service of a summons in a civil action or by certified mail, return receipt requested. The notice, whether based on subrogation power of attorney, assignment of a support obligation established by a court, administrative order, or judgment, or based on the furnishing of assistance by the Department of Social Services for any dependent child or spouse, or based on the obligation fixed by chapter 25-7, or support due to an obligee or another state who has applied for support enforcement services, shall contain the following statements:

- (1) The name of the dependent child or spouse for whom support is owed;
- (2) The monthly support for which the parent is responsible, including a statement of the debt accrued and accruing, and the monthly payment to be made on the state debt accrued, or due to an obligee or another state who has applied for support enforcement services, as established by:
 - (a) Subrogation to or assignment of a court or administrative order, judgment or decree establishing a set or determinable amount of child or spousal support; or
 - (b) Payment of assistance by the department for a dependent child or spouse where there is no court or administrative order, judgment or decree;
- (3) A statement that if the parent does not request a hearing within ten days from the day of service, the secretary:
 - (a) Shall request the court enter an order establishing the amount of child support, accrued and accruing, which the parent is responsible for and the amount of the total monthly payment due on the accrued debt to the state, or to an obligee or

another state who has applied for support enforcement services, and on the monthly support obligation;

- (b) Shall request that the court enter an order for medical support;
 - (c) May request that the court enter an order for genetic testing costs; and
 - (d) May request that the court enter an order adjudicating paternity and custody of the child;
- (4) A statement that the parent served with a notice of support debt may, within ten days of the day of service of the notice of support debt, submit a written response to the notice objecting to all or any part of the notice and requesting a hearing;
- (5) A statement that an order entered under subdivision (3) of this section, establishing the payment obligation of the parent is subject to collection action, including an order for income withholding under this chapter, levy and execution under the laws of this state or any other collection actions authorized by law;
- (6) A reference to this chapter;
- (7) A statement that an order for support entered under this chapter is filed with the appropriate clerk of courts and is a lien as provided by law;
- (8) A statement that if the parent has any questions the parent may telephone or visit the nearest department office or consult an attorney;
- (9) A statement that the parent has an obligation to report any change of address or employment to the department; and
- (10) Any other information the secretary finds appropriate.

Section 14. That § 25-7A-6 be amended to read as follows:

25-7A-6. If a parent served with a notice of support debt under § 25-7A-5 makes a timely request for a hearing, the secretary of social services shall file the notice of support debt, proof of service

thereof, and response thereto in the office of the clerk of the circuit court in the county of residence of that parent. The matter shall be set for hearing before a referee who is a member in good standing of the State Bar Association and is appointed by the court, pursuant to statute, and after due notice to all parties by first class mail. The referee shall make a report to the court, recommending the amount of the debt due to the state, if any, and the monthly support obligation of the parent and the arrearage debt due to the obligee or another state who has applied for support enforcement services, the provision of medical support, or genetic testing costs.

The referee shall file the report with the court and cause copies thereof to be served by mailing to the parties and the secretary. Any party shall have ten days from the date of service of the report in which to file objections to the report. If a party files an objection, the other party shall have an additional five days from the date of service of the objections to file additional objections. If no objection is filed, the circuit court may thereafter, and without further notice, enter its order. If any objection is filed, the circuit court shall fix a date for hearing on the report, the hearing to be solely on the record established before the referee. The circuit court may thereafter adopt the referee's report, or may modify it, or may reject and remand it with instructions or for further hearing. The secretary shall serve the parent the court's order by certified mail, return receipt requested, at the parent's last known address, and shall file proof of service.

If the circuit court's order modifies the referee's report and no hearing was held before the court before entry of its order, any party has ten days from the date of service of the order in which to file an objection to that modification. If an objection is filed, the circuit court shall fix a date for hearing on the objection and after the hearing shall enter its order. The secretary shall serve the order by certified mail, return receipt requested, at the parent's last known address, and shall file proof of service.

Section 15. That § 25-7A-7 be amended to read as follows:

25-7A-7. If a parent is served with a notice of support debt under § 25-7A-5 and does not request a hearing within ten days, the secretary of social services shall file, in the office of the appropriate clerk of the circuit court, the notice of support debt, proof of service thereof, and an application for an order for support. The court shall enter an order for support in accordance with the child support guidelines set by statute, establishing the amount of child support, accrued and accruing, for which the parent is responsible and the amount of the total monthly payment due on the accrued debt to the state, or to an obligee or another state who has applied for support enforcement services, and on the monthly support obligation. The court shall enter an order for medical support, and may enter an order for genetic testing costs, adjudicating the paternity of the child, or establishing custody of the child. The secretary shall serve the parent an order by certified mail, return receipt requested, at the parent's last known address, and shall file proof of service.

Section 16. That § 25-7A-22 be amended to read as follows:

25-7A-22. If the support order was entered in this state and this state maintains continuing exclusive jurisdiction over the support order in accordance with chapter 25-9B, or if the support order was registered in this state and the requirements of § 25-9B-611 or 25-9B-613 are satisfied, an obligor, an obligee, or the assignee may file a petition, on forms prescribed by the department, to increase or decrease child support. For any support order entered or modified after July 1, 1997:

- (1) The order may be modified upon showing a substantial change in circumstances if the petition is filed within three years of the date of the order; or
- (2) The order may be modified without showing any change in circumstances if the petition is filed after three years of the date of the order.

If a petition is filed, the secretary of social services shall file the petition in the office of the clerk of the circuit court where the original order for support is filed. Any response shall also be provided to the petitioning party. The matter shall be set for hearing before a referee who is a member in good

standing of the State Bar Association and is appointed by the court, pursuant to statute, and after due notice to all parties by first class mail. The referee shall make a report to the court, recommending the amount of the monthly support obligation of the parent and for medical support.

The referee shall file the report with the court and cause copies thereof to be served by mailing to the parties and the secretary. Any party shall have ten days from the date of service of the report in which to file objections to the report. If a party files an objection, the other party shall have an additional five days from the date of service of the objections to file additional objections. If no objection is filed, the circuit court may thereafter, and without further notice, enter its order. If any objection is filed, the circuit court shall fix a date for hearing on the report, the hearing to be solely on the record established before the referee. The circuit court may thereafter adopt the referee's report, or may modify it, or may reject and remand it with instructions or for further hearing. The secretary shall serve the parent the court's order by certified mail, return receipt requested, at the parent's last known address, and shall file proof of service.

If the circuit court's order modifies the referee's report and no hearing was held before the circuit court before entry of its order, any party has ten days from the date of service of the order in which to file an objection to that modification. If an objection is filed, the circuit court shall fix a date for hearing on the objection and after the hearing shall enter its order. The secretary shall serve the order by certified mail, return receipt requested, at the parent's last known address, and shall file proof of service.

An Act to revise certain provisions relating to child support.

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I certify that the attached Act
originated in the
SENATE as Bill No. 65

Secretary of the Senate

President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 65
File No. _____
Chapter No. _____

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Received at this Executive Office
this ____ day of _____,
20__ at _____ M.

By _____
for the Governor

=====
The attached Act is hereby
approved this _____ day of
_____, A.D., 20__

Governor

=====
STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 20__
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State