

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

400N0360

SENATE BILL NO. 61

Introduced by: The Committee on Judiciary at the request of the Department of Social Services

1 FOR AN ACT ENTITLED, An Act to include adopted children within certain child support
2 deviations.

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

4 Section 1. That § 25-7-6.10 be amended to read as follows:

5 25-7-6.10. Deviation from the schedule in § 25-7-6.2 shall be considered if raised by either
6 party and made only upon the entry of specific findings based upon any of the following factors:

7 (1) The income of a subsequent spouse or contribution of a third party to the income or
8 expenses of that parent but only if the application of the schedule works a financial
9 hardship on either parent;

10 (2) Any financial condition of either parent which would make application of the
11 schedule inequitable. If the total amount of the child support obligation, including
12 any adjustments for health insurance and child care costs, exceeds fifty percent of the
13 obligor's monthly net income, it shall be presumed that the amount of the obligation
14 imposes a financial hardship on the obligor. This presumption may be rebutted based
15 upon other factors set forth in this section;



- 1 (3) Any necessary education or health care special needs of the child;
- 2 (4) The effect of agreements between the parents regarding extra forms of support for the
3 direct benefit of the child;
- 4 (5) The obligation of either parent to provide for subsequent natural children, adopted
5 children, or stepchildren. However, an existing support order may not be modified
6 solely for this reason; or
- 7 (6) The voluntary act of either parent which reduces that parent's income.