north dakota
department of
human services

Child Support Division
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Jack Dalrymple, Governor
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NOTICE OF INTENT TO AMEND ADMINISTRATIVE RULES RELATING TO N.D.A.C. CHAPTER 75-02-04.1 CHILD SUPPORT GUIDELINES

TAKE NOTICE that the North Dakota Department of Human Services will hold a public hearing to address proposed amendments to N.D. Admin. Code chapter 75-02-04.1 at 10:00 a.m. on Thursday, September 18, 2014, in Bismarck, N.D. in Room 210, located on the second floor of the Judicial Wing of the State Capitol.

The proposed amendments to N.D. Admin. Code chapter 75-02-04.1, Child Support Guidelines, are part of the guidelines review required under N.D. Century Code section 14-09-09.7(5).

The proposed changes are as follows:

Section 75-02-04.1-01 is amended to add certain military housing allowances and nonrecurring capital gains as exclusions from gross income, to account for a one-half child tax credit in calculating net income, to clarify that health insurance policies or health service contracts include coverage for dental and vision care, to increase the deduction for lodging expense, and to allow a deduction from gross income for personal mileage between work locations that is not reimbursed by the employer.

Section 75-02-04.1-05 is amended to set forth conditions under which an obligor can offset self-employment income with self-employment losses from another business, as long as the self-employment activity is legitimate and not deliberately run at a loss or as a hobby.

Section 75-02-04.1-07 is amended to extend the "look-back" period from 24 months to the current partial calendar year and the previous two full calendar years when imputing income based on prior earnings rather than actual income, to establish a methodology for imputing income when an obligor is both a minor and has a disability or is both incarcerated and has a disability, and to change the imputation provisions for an obligor who fails to provide income information in a proceeding to establish a child support obligation.

Section 75-02-04.1-08.1 is amended to clarify adjustments for extended parenting time are not authorized when the parents have equal residential responsibility.

Section 75-02-04.1-08.2 is amended to expand the current rule regarding equal physical custody to include those cases where some, but not all, of the siblings are shared equally.

Section 75-02-04.1-09 is amended to specify that a deviation for a high-income obligor must be based on demonstrated needs of the child, to address an obligor's reduced ability to provide support when the obligor is maintaining two households because the obligor is in the military on a temporary duty assignment, and to clarify how a deviation must be applied in cases involving split or equal residential responsibility.

Section 75-02-04.1-10 is amended to increase the table of presumptively correct child support amounts to include monthly increments of up to $25,000.

The proposed amendments are anticipated to have an impact on the regulated community in excess of $50,000. No taking of real property is involved in this rulemaking action.

Copies of the proposed rules are available for review at county social services offices and at human service centers. Copies of the proposed rules and the regulatory analysis relating to these rules may be requested by telephoning (701) 328-2311. Written or oral data, views, or arguments may be entered at the hearing or sent to: Rules Administrator, North Dakota Department of Human Services, State Capitol - Judicial Wing, 600 E. Boulevard Ave., Dept. 325, Bismarck, ND 58505-0250. Written data, views, or arguments on the proposed rules must be received no later than 5:00 p.m. on Monday, September 29, 2014.

ATTENTION PERSONS WITH DISABILITIES: If you plan to attend the hearing and will need special facilities or assistance relating to a disability, please contact the Department of Human Services at the above telephone number or address at least two weeks prior to the hearing.

Dated this 30th day of July, 2014.