



Child Support Bulletin – September 2015

Revised Child Support Guidelines

On September 1, 2015, [revised child support guidelines](#) became effective. Child Support has also updated the on-line guidelines [calculator](#) to support the revisions.

Some of the revisions are based on consideration of court decisions and are highlighted below.

- The schedule of amounts (N.D. Admin Code § 75-02-04.1-10) has been expanded to cover net monthly incomes up to \$25,000. A conforming change has been made to the rebuttal criterion for high-income obligors (N.D. Admin Code § 75-02-04.1-09(2)(b)).

In addition, taking into consideration several Supreme Court decisions (*Nuveen v. Nuveen*, 2012 ND 260, 825 N.W.2d 863; *Hoverson v. Hoverson*, 2013 ND 48, 828 N.W.2d 510; and *Shae v. Shae*, 2014 ND 149, 849 N.W.2d 173), the rebuttal criterion for high-income obligors now specifies that its applicability must be based on “demonstrated needs” of the child.

- A new exclusion from gross income has been created for “nonrecurring capital gains” (N.D. Admin Code § 75-02-04.1-01(4)(a)(6)). The treatment of capital gains was an issue in *Shae* and in *Longtine v. Yeado*, 1997 ND 166, 567 N.W.2d 819. In those cases, the capital gains were correctly held to be includible in gross income. If those cases were to be decided under the revised guidelines, the outcome would likely be different.
- The definition of “equal residential responsibility” (N.D. Admin Code § 75-02-04.1-08.2) has been expanded to include situations where parents share equal residential responsibility for some, but not all, of their children. Previously, N.D. Admin Code § 75-02-04.1-08.2 was only intended to be applicable when parents with multiple children shared equal residential responsibility for all the children. This was perceived by several courts to create a gap in the guidelines and the courts attempted to address the situation in various ways. To eliminate this varied treatment, the revised guidelines also set out a single specific methodology for accounting for the children in the calculations.

The revised guidelines can be found on [Child Support's website](#), along with a [fact sheet](#) that summarizes all the changes and another document that shows all the [changes in ~~strikeout~~/underline format](#).

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