

Department of Finance and Administration

Legislative Impact Statement

Bill: SB901

Bill Subtitle: CONCERNING CHILD CUSTODY PRESUMPTIONS IN DIVORCE CASES.

Basic Change :

Senators: J. Woods, J. English

Representatives: Lowery, Alexander, Neal

SB 901 would create a presumption that joint custody in divorce cases is in the best interest of the child. It would make the issuance of an order for child support under a joint custody arrangement, as defined by the bill, discretionary by the court. It would further require that support, if ordered, conform to Administrative Order No. 10 - Child Support Guidelines or follow requirements for the deviation from Administrative Order No. 10- Child Support Guidelines.

This bill will not affect the activities or operations of the Office of Child Support Enforcement.

Revenue Impact :

None

Taxpayer Impact :

None

Resources Required :

Currently, approximately 40,000 of the 130,000 open enforcement cases originated from divorce actions. With ordered child support in joint custody cases being discretionary with the Court, any quantification of the resulting increase or decrease of cases involving the Office of Child Support Enforcement is not possible.

Time Required :

None

Procedural Changes :

None

Other Comments :

Whether the court orders child support from both parents, neither parent, or an off-set amount, the Office of Child Support Enforcement will continue to enforcement child support obligations as required by the court order.

Legal Analysis :

SB 901 creates a presumption in favor of joint custody defined as, " an approximate and reasonable equal division of time with the child by both parents individually as determined by an agreement between the parents with supervision by the court or by the court alone". The issue of child support would be discretionary with the court and, if ordered, would comply with Administrative Order No. 10- Child Support Guidelines or the requirement for deviation from those guidelines.