

# State of South Dakota

SEVENTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 1999

943C0824

## HOUSE BILL NO. 1290

Introduced by: Representatives Chicoine and Volesky and Senator Reedy

1 FOR AN ACT ENTITLED, An Act to provide for an exception from the rebuttable presumption  
2 of minimum wage employment in certain child support cases.

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

4 Section 1. That § 25-7-6.4 be amended to read as follows:

5 25-7-6.4. Except in cases of physical or mental disability and as provided in section 2 of this  
6 Act, it shall be presumed for the purposes of determination of child support that a parent is  
7 capable of being employed at the minimum wage and ~~his~~ that parent's child support obligation  
8 shall be computed at a rate not less than full-time employment at the state minimum wage.  
9 Evidence to rebut this presumption may be presented by either parent.

10 Section 2. That chapter 25-7 be amended by adding thereto a NEW SECTION to read as  
11 follows:

12 If an obligor parent is attending either a postsecondary educational institute or a vocational  
13 training institute, as a full-time student, the provisions of § 25-7-6.4 do not apply, and the obligor  
14 parent's child support obligation shall be based on actual earnings pursuant to § 25-7-6.3 or  
15 fifteen hours per week at minimum wage, whichever is greater. The provisions of this section do  
16 not apply if:

17 (1) The student has completed eight semesters or four years of postsecondary or

1           vocational education;

2       (2)    The student is not maintaining a cumulative grade point average of 2.0 on a 4.0 scale  
3           or the equivalent; and

4       (3)    The student's course of study is not reasonably necessary for employment or earnings  
5           enhancement.

6       Section 3. That chapter 25-7 be amended by adding thereto a NEW SECTION to read as  
7 follows:

8       The provisions of section 2 of this Act do not apply to the obligor parent's obligation with  
9 regard to day care and health care costs which shall be calculated at a rate not less than full-time  
10 employment at state minimum wage or actual wages, whichever is greater.