

State of South Dakota

NINETY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2019

459B0110

HOUSE BILL NO. 1106

Introduced by: Representatives Pischke, Brunner, Dennert, and Frye-Mueller and Senators Nelson and Jensen (Phil)

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding support obligations.

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

3 Section 1. That § 25-7-6.10 be amended to read:

4 25-7-6.10. Deviation from the schedule in § 25-7-6.2 shall be considered if raised by either
5 party and made only upon the entry of specific findings based upon any of the following factors:

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

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

15 (3) Any necessary education or health care special needs of the child;



- 1 (4) The effect of agreements between the parents regarding extra forms of support for the
2 direct benefit of the child;
- 3 (5) The obligation of either parent to provide for subsequent natural children, adopted
4 children, or stepchildren. However, an existing support order may not be modified
5 solely for this reason; or
- 6 (6) The voluntary and unreasonable act of a parent which causes the parent to be
7 unemployed or underemployed, unless the reduction of income is due to
8 incarceration.