

Fifty-sixth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1029

Introduced by

Legislative Council

(Child Support Committee)

1 A BILL for an Act to amend and reenact subdivision a of subsection 1 of section 14-09-09.7 of
2 the North Dakota Century Code, relating to gross income under child support guidelines of the
3 department of human services.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Subdivision a of subsection 1 of section 14-09-09.7 of the
6 North Dakota Century Code is amended and reenacted as follows:

7 a. Include consideration of gross income, which must include all income from
8 overtime and a second job. Income from overtime may be deducted from
9 gross income if the deduction is not detrimental to the child; the obligor is
10 employed in excess of a forty-hour workweek; the overtime employment is
11 voluntary and not a condition of employment; the obligor's employment or
12 compensation structure has not been changed for the purpose of affecting a
13 support order; and the overtime employment is in the nature of employment
14 compensable by the hour or fraction of an hour. Income from a second job
15 may be deducted from gross income if the deduction is not detrimental to the
16 child; the obligor's total employment is in excess of a forty-hour workweek;
17 and the obligor's employment has not been changed for the purpose of
18 affecting a support order. A written finding must be made if the court excludes
19 all or a portion of the income from overtime or a second job.