



2024 South Dakota Legislature

Senate Bill 176

Introduced by: **Senator Pischke**

1 **An Act to establish criteria for determining certain shared parenting plan provisions.**

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

3 **Section 1. That § 25-7-6.27 be AMENDED:**

4 **25-7-6.27.** If a custody order by the court~~,~~ contains a detailed shared parenting
 5 plan ~~which~~ that meets the criteria set forth in this section and provides that the ~~child will~~
 6 ~~reside no less than one hundred eighty nights per calendar year in each parent's home,~~
 7 ~~and that the~~ parents will share the duties and responsibilities of parenting the child~~,~~ and
 8 the expenses of the child~~,~~ in proportion to their incomes, the court may, if deemed
 9 appropriate under the circumstances, grant a cross credit on the amount of the child
 10 support obligation~~,~~ based on the number of nights the child resides with each parent. The
 11 shared parenting child support cross credit ~~shall be~~ is calculated as follows:

- 12 (1) Multiply the parents' combined child support obligation under the schedule by 1.5~~,~~
 13 to establish the parents' combined shared parenting child support obligation;
- 14 (2) Multiply the combined shared parenting child support obligation by each parent's
 15 percentage share of the parents' combined net incomes~~,~~ to establish each parent's
 16 shared parenting child support obligation;
- 17 (3) Multiply each parent's shared parenting child support obligation by the percentage
 18 of nights the child resides with each parent~~,~~ based on a three hundred sixty-five
 19 day calendar year~~,~~ to establish each parent's prorated shared parenting child
 20 support obligation;
- 21 (4) Offset the parents' prorated shared parenting child support obligations; and
- 22 (5) The parent with the larger prorated shared parenting child support obligation shall
 23 pay the difference between these amounts.

24 In deciding whether a shared parenting child support cross credit is appropriate,
 25 the court shall consider whether it would have a substantial negative effect on the child's
 26 standard of living.

1 It is presumed that the parenting time is exercised. If the parenting time exercised
2 substantially deviates from the parenting time ordered, either party may petition the court
3 for a modification of the support order without showing any other change in circumstances.

4 For purposes of this section, a shared parenting plan must specify the number of
5 nights that the child will reside in each parent's home. In determining the number of
6 nights, the court shall attempt to maximize each parent's time with the child, taking into
7 account relevant factors, including the child's age, temperament, and school and non-
8 school activities. Nothing in this section requires the court to award an equal number of
9 nights to each parent.