



Oklahoma  
State  
Senate

# Legislative Brief

August 2000

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## Child Support Guidelines

### Issue Background

The Oklahoma Legislature enacted its child support guidelines in 1988. Aside from modest amendments, the guidelines have remained primarily unchanged until recently.

In 1999 the Oklahoma Legislature enacted the most comprehensive changes to the Oklahoma Child Support Guidelines since they became law. The changes included adjustments for “shared parenting time”, as well as earned income tax credit, child care expenses, and allocation of health insurance costs.

Since 1999, two measures, House Bill 2190 and Senate Bill 6x, containing “shared parenting time” provisions have been passed by the Legislature. Shared parenting time acknowledges the role of both the custodial and the noncustodial parent in the lives of their children. The premise is if children are spending more time with the noncustodial parent, then the noncustodial parent’s child-rearing expenses will increase, while certain expenses to the custodial parent will decrease.

Current law provides for an adjustment in the base monthly child support obligation of a noncustodial parent when shared parenting time has been ordered by a district court or agreed to by the parents. “Shared parenting time” means that each parent has physical custody of the child or children overnight for more than one hundred twenty (120) nights each year.

The amount of the reduction in child support is determined by a formula that accounts for the number of overnight stays a child has with the noncustodial parent. For example, if a noncustodial parent’s income is \$2,080 and a custodial parent’s income is \$1,040 per month, the noncustodial parent’s base monthly child support obligation for one child will be \$321. If the noncustodial parent has physical custody of the child overnight for 125 nights (1/3 of the year), the shared parenting time adjustment will decrease the noncustodial parent’s base monthly child support obligation by \$65.

Standard visitation in sole custody cases usually includes alternating weekends, approximately two weeks in the summer, and some holidays—approximately 20 percent of the year. To receive a shared parenting time adjustment the visitation threshold is approximately 33 percent of the year.

Lawmakers want to make sure that child support and custody laws are fair to families—both the parents and the children. Shared parenting time may result in fairer support awards and may lead to increased parental involvement.

### Summary of Actions

#### **Oklahoma Child Support Guidelines**

HB 2190 (Benson/Taylor) This measure primarily simplifies the methods of computing equitable child support obligations by:

- Modifying the method for computing “gross income”;
- Deleting language relating to earned income credit;
- Modifying the definition of “shared parenting time” by increasing the number of overnights stays per year by the child with the noncustodial parent from more than ninety two (92) nights to more than one hundred twenty (120) nights;
- Modifying calculations for child care expenses;
- Deleting language authorizing the addition of monthly contributions for medical, transportation, or other costs to the based monthly child support obligation; and
- Clarifying language relating to the schedule of child support guidelines.

SB 6x (Taylor/Benson) Corrected the computation provisions for shared parenting time adjustments by striking an unintended additional step in the calculation.

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