

## Abatement

SDCL 25-7-6.14 was amended during the 1997 Legislative Session following the recommendation of the 1996 Commission on Child Support.

The 38-66% range was based on economic data on shared custody and visitation costs. Those costs were divided into three categories:

- Variable Costs – food and other costs directly associated with the presence of the child within the household;
- Duplicated Fixed Costs – housing and other expenditures incurred by both parents regardless of the child's presence in the household;
- Nonduplicated Costs – clothing and other expenditures incurred by one parent regardless of the child's presence.

The Commission was advised that 38% of visitation costs are variable, 28% are duplicated fixed costs and 34% are nonduplicated costs. The Commission recommended that the abatement range take into account actual costs incurred by the parent. The 1996 Child Support Commission Report states, "Because circumstances vary considerably in individual cases, the Commission recommends establishing parameters of between 38% to 66% for abatements. This range permits consideration of the variable and duplicated fixed costs associated with visitation."

The 38% minimum corresponds to the variable costs and the 66% maximum is the variable and duplicated fixed costs added together ( $38\%+28\%=66\%$ ).

## Shared Parenting Cross Credit

In 2001, the Legislature amended SDCL 25-7-6.14 to include a shared parenting cross credit upon recommendation of the 2000 Child Support Commission. Multiplying the parents' combined net income by 150% was included in the cross-credit calculation to account for the total increased costs of raising a child between two homes.

The 2000 Child Support Commission Report states, "The 1.5 multiplier recognizes the additional duplicative child rearing costs from shared custody arrangements. Studies suggest that the costs of rearing children in a shared custody situation may increase by as much as 50%."

That total funds necessary to support children will be substantially greater when custody is shared is a widely accepted premise among child support programs throughout the country.