



SB-274 Family law: parentage: child custody and support. (2013-2014)

As Amends the Law Today

As Amends the Law on Nov 25, 2013

SECTION 1. *The Legislature finds and declares all of the following:*

(a) Most children have two parents, but in rare cases, children have more than two people who are that child's parent in every way. Separating a child from a parent has a devastating psychological and emotional impact on the child, and courts must have the power to protect children from this harm.

(b) The purpose of this bill is to abrogate In re M.C. (2011) 195 Cal.App.4th 197 insofar as it held that where there are more than two people who have a claim to parentage under the Uniform Parentage Act, courts are prohibited from recognizing more than two of these people as the parents of a child, regardless of the circumstances.

(c) This bill does not change any of the requirements for establishing a claim to parentage under the Uniform Parentage Act. It only clarifies that where more than two people have claims to parentage, the court may, if it would otherwise be detrimental to the child, recognize that the child has more than two parents.

(d) It is the intent of the Legislature that this bill will only apply in the rare case where a child truly has more than two parents, and a finding that a child has more than two parents is necessary to protect the child from the detriment of being separated from one of his or her parents.

SEC. 2. Section 3040 of the Family Code is amended to read:

3040. (a) Custody should be granted in the following order of preference according to the best interest of the child as provided in Sections 3011 and 3020:

(1) To both parents jointly pursuant to Chapter 4 (commencing with Section 3080) or to either parent. In making an order granting custody to either parent, the court shall consider, among other factors, which parent is more likely to allow the child frequent and continuing contact with the noncustodial parent, consistent with Sections 3011 and ~~3020-~~ 3020, and shall not prefer a parent as custodian because of that parent's sex. The court, in its discretion, may require the parents to submit to the court a plan for the implementation of the custody order.

(2) If to neither parent, to the person or persons in whose home the child has been living in a wholesome and stable environment.

(3) To any other person or persons deemed by the court to be suitable and able to provide adequate and proper care and guidance for the child.

(b) The immigration status of a parent, legal guardian, or relative shall not disqualify the parent, legal guardian, or relative from receiving custody under subdivision (a).

~~(c) The court shall not consider the sex, gender identity, gender expression, or sexual orientation of a parent, legal guardian, or relative in determining the best interest of the child under subdivision (a).~~

~~(d)~~ (c) This section establishes neither a preference nor a presumption for or against joint legal custody, joint physical custody, or sole custody, but allows the court and the family the widest discretion to choose a parenting plan that is in the best interest of the ~~child, consistent with this section:~~ child.

~~(e)~~ (d) In cases where a child has more than two parents, the court shall allocate custody and visitation among the parents based on the best interest of the child, including, but not limited to, addressing the child's need for

continuity and stability by preserving established patterns of care and emotional bonds. The court may order that not all parents share legal or physical custody of the child if the court finds that it would not be in the best interest of the child as provided in Sections 3011 and 3020.

SEC. 3. *Section 4052.5 is added to the Family Code, to read:*

4052.5. (a) The statewide uniform guideline, as required by federal regulations, shall apply in any case in which a child has more than two parents. The court shall apply the guideline by dividing child support obligations among the parents based on income and amount of time spent with the child by each parent, pursuant to Section 4053.

(b) Consistent with federal regulations, after calculating the amount of support owed by each parent under the guideline, the presumption that the guideline amount of support is correct may be rebutted if the court finds that the application of the guideline in that case would be unjust or inappropriate due to special circumstances, pursuant to Section 4057. If the court makes that finding, the court shall divide child support obligations among the parents in a manner that is just and appropriate based on income and amount of time spent with the child by each parent, applying the principles set forth in Section 4053 and this article.

(c) Nothing in this section shall be construed to require reprogramming of the California Child Support Automation System, established pursuant to Chapter 4 (commencing with Section 10080) of Part 1 of Division 9 of the Welfare and Institutions Code, a change to the statewide uniform guideline for determining child support set forth in Section 4055, or a revision by the Department of Child Support Services of its regulations, policies, procedures, forms, or training materials.

SEC. 4. Section 4057 of the Family Code is amended to read:

4057. (a) The amount of child support established by the formula provided in subdivision (a) of Section 4055 is presumed to be the correct amount of child support to be ordered.

(b) The presumption of subdivision (a) is a rebuttable presumption affecting the burden of proof and may be rebutted by admissible evidence showing that application of the formula would be unjust or inappropriate in the particular case, consistent with the principles set forth in Section 4053, because one or more of the following factors is found to be applicable by a preponderance of the evidence, and the court states in writing or on the record the information required in subdivision (a) of Section 4056:

(1) The parties have stipulated to a different amount of child support under subdivision (a) of Section 4065.

(2) The sale of the family residence is deferred pursuant to Chapter 8 (commencing with Section 3800) of Part 1 and the rental value of the family residence where the children reside exceeds the mortgage payments, homeowner's insurance, and property taxes. The amount of any adjustment pursuant to this paragraph shall not be greater than the excess amount.

(3) The parent being ordered to pay child support has an extraordinarily high income and the amount determined under the formula would exceed the needs of the children.

(4) A party is not contributing to the needs of the children at a level commensurate with that party's custodial time.

(5) Application of the formula would be unjust or inappropriate due to special circumstances in the particular case. These special circumstances include, but are not limited to, the following:

(A) Cases in which the parents have different time-sharing arrangements for different children.

(B) Cases in which both parents have substantially equal time-sharing of the children and one parent has a much lower or higher percentage of income used for housing than the other parent.

(C) Cases in which the children have special medical or other needs that could require child support that would be greater than the formula amount.

(D) Cases in which a child is found to have more than two parents.

SEC. 5. Section 7601 of the Family Code is amended to read:

7601. ~~(a) "Natural parent" as used in this code means a nonadoptive parent established under this part, whether biologically related to the child or not.~~

~~(b)~~ (a) "Parent and child relationship" as used in this part means the legal relationship existing between a child and the child's natural or adoptive parents incident to which the law confers or imposes rights, privileges, duties, and obligations. The term includes the mother and child relationship and the father and child relationship.

~~(c)~~ (b) This part does not preclude a finding that a child has a parent and child relationship with more than two parents.

~~(d)~~ (c) For purposes of state law, administrative regulations, court rules, government policies, common law, and any other provision or source of law governing the rights, protections, benefits, responsibilities, obligations, and duties of parents, any reference to two parents shall be interpreted to apply to every parent of a child where that child has been found to have more than two parents under this part.

SEC. 5.5. Section 7601 of the Family Code is amended to read:

7601. (a) "Natural parent" as used in this code means a nonadoptive parent established under this part, whether biologically related to the child or not.

(b) "Parent and child relationship" as used in this part means the legal relationship existing between a child and the child's natural or adoptive parents incident to which the law confers or imposes rights, privileges, duties, and obligations. The term includes the mother and child relationship and the father and child relationship.

(c) This part does not preclude a finding that a child has a parent and child relationship with more than two parents.

(d) For purposes of state law, administrative regulations, court rules, government policies, common law, and any other provision or source of law governing the rights, protections, benefits, responsibilities, obligations, and duties of parents, any reference to two parents shall be interpreted to apply to every parent of a child where that child has been found to have more than two parents under this part.

SEC. 6. Section 7612 of the Family Code is amended to read:

7612. (a) Except as provided in Chapter 1 (commencing with Section 7540) and Chapter 3 (commencing with Section 7570) of Part ~~2, 2~~ *or in Section 20102*, a presumption under Section 7611 is a rebuttable presumption affecting the burden of proof and may be rebutted in an appropriate action only by clear and convincing evidence.

(b) If two or more presumptions arise under Section ~~7610 or~~ 7611 that conflict with each other, or if ~~one or more presumptions~~ *a presumption* under Section 7611 ~~conflict~~ *conflicts* with a claim ~~by a person identified as a genetic parent~~ pursuant to Section ~~7555, 7610~~, the presumption ~~that which~~ on the facts is founded on the weightier considerations of policy and logic controls. ~~If one of the presumed parents is also a presumed parent under Section 7540, the presumption arising under Section 7540 may only be rebutted pursuant to Section 7541.~~

(c) In an appropriate action, a court may find that more than two persons with a claim to parentage under this division are parents if the court finds that recognizing only two parents would be detrimental to the child. In determining detriment to the child, the court shall consider all relevant factors, including, but not limited to, the harm of removing the child from a stable placement with a parent who has fulfilled the child's physical needs and the child's psychological needs for care and affection, and who has assumed that role for a substantial period of time. A finding of detriment to the child does not require a finding of unfitness of any of the parents or persons with a claim to parentage.

(d) Unless a court orders otherwise after making the determination specified in subdivision (c), a presumption under Section 7611 is rebutted by a judgment establishing *parentage paternity* of the child by another ~~person~~ *man*.

(e) ~~A person's offer or refusal to sign~~ *Within two years of the execution of* a voluntary declaration of ~~parentage may be considered as a factor, but shall not be determinative, as to the issue of legal parentage in a proceeding regarding the establishment or termination of parental rights:~~ *paternity, a person who is presumed to be a parent under Section 7611 may file a petition pursuant to Section 7630 to set aside a voluntary declaration of paternity. The court's ruling on the petition to set aside the voluntary declaration of paternity shall be made taking into account the validity of the voluntary declaration of paternity, and the best interests of the child based upon the court's consideration of the factors set forth in subdivision (b) of Section 7575, as well as the best interests of the child based upon the nature, duration, and quality of the petitioning party's relationship with the*

child and the benefit or detriment to the child of continuing that relationship. In the event of any conflict between the presumption under Section 7611 and the voluntary declaration of paternity, the weightier considerations of policy and logic shall control.

~~(f) This section shall become operative on January 1, 2020. A voluntary declaration of paternity is invalid if, at the time the declaration was signed, any of the following conditions exist:~~

~~(1) The child already had a presumed parent under Section 7540.~~

~~(2) The child already had a presumed parent under subdivision (a), (b), or (c) of Section 7611.~~

~~(3) The man signing the declaration is a sperm donor, consistent with subdivision (b) of Section 7613.~~

SEC. 6.5. Section 7612 of the Family Code is amended to read:

7612. (a) Except as provided in Chapter 1 (commencing with Section 7540) and Chapter 3 (commencing with Section 7570) of Part ~~2, 2 or in Section 20102,~~ a presumption under Section 7611 is a rebuttable presumption affecting the burden of proof and may be rebutted in an appropriate action only by clear and convincing evidence.

(b) If two or more presumptions arise under Section ~~7610 or~~ 7611 that conflict with each other, or if ~~one or more presumptions a presumption~~ under Section 7611 ~~conflict conflicts~~ with a claim ~~by a person identified as a genetic parent~~ pursuant to Section ~~7555, 7610,~~ the presumption ~~that which~~ on the facts is founded on the weightier considerations of policy and logic controls. ~~If one of the presumed parents is also a presumed parent under Section 7540, the presumption arising under Section 7540 may only be rebutted pursuant to Section 7541.~~

(c) In an appropriate action, a court may find that more than two persons with a claim to parentage under this division are parents if the court finds that recognizing only two parents would be detrimental to the child. In determining detriment to the child, the court shall consider all relevant factors, including, but not limited to, the harm of removing the child from a stable placement with a parent who has fulfilled the child's physical needs and the child's psychological needs for care and affection, and who has assumed that role for a substantial period of time. A finding of detriment to the child does not require a finding of unfitness of any of the parents or persons with a claim to parentage.

(d) Unless a court orders otherwise after making the determination specified in subdivision (c), a presumption under Section 7611 is rebutted by a judgment establishing parentage of the child by another person.

~~(e) A person's offer or refusal to sign Within two years of the execution of a voluntary declaration of parentage may be considered as a factor, but shall not be determinative, as to the issue of legal parentage in a proceeding regarding the establishment or termination of parental rights: paternity, a person who is presumed to be a parent under Section 7611 may file a petition pursuant to Section 7630 to set aside a voluntary declaration of paternity. The court's ruling on the petition to set aside the voluntary declaration of paternity shall be made taking into account the validity of the voluntary declaration of paternity, and the best interests of the child based upon the court's consideration of the factors set forth in subdivision (b) of Section 7575, as well as the best interests of the child based upon the nature, duration, and quality of the petitioning party's relationship with the child and the benefit or detriment to the child of continuing that relationship. In the event of any conflict between the presumption under Section 7611 and the voluntary declaration of paternity, the weightier considerations of policy and logic shall control.~~

~~(f) This section shall become operative on January 1, 2020. A voluntary declaration of paternity is invalid if, at the time the declaration was signed, any of the following conditions exist:~~

~~(1) The child already had a presumed parent under Section 7540.~~

~~(2) The child already had a presumed parent under subdivision (a), (b), or (c) of Section 7611.~~

~~(3) The man signing the declaration is a sperm donor, consistent with subdivision (b) of Section 7613.~~

SEC. 7. Section 8617 of the Family Code is amended to read:

8617. (a) Except as provided in subdivision (b), the existing parent or parents of an adopted child are, from the time of the adoption, relieved of all parental duties towards, and all responsibility for, the adopted child, and have no right over the child.

(b) The termination of the parental duties and responsibilities of the existing parent or parents under subdivision (a) may be waived if both the existing parent or parents and the prospective adoptive parent or parents sign a waiver at any time prior to the finalization of the adoption. The waiver shall be filed with the court.

~~(c) This section applies to all adoptions except intercountry adoptions governed by Chapter 4 (commencing with Section 8900);~~

SEC. 8. (a) *Section 5.5 of this bill incorporates amendments to Section 7601 of the Family Code proposed by both this bill and Assembly Bill 1403. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2014, (2) each bill amends Section 7601 of the Family Code, and (3) this bill is enacted after Assembly Bill 1403, in which case Section 5 of this bill shall not become operative.*

(b) *Section 6.5 of this bill incorporates amendments to Section 7612 of the Family Code proposed by both this bill and Assembly Bill 1403. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2014, (2) each bill amends Section 7612 of the Family Code, and (3) this bill is enacted after Assembly Bill 1403, in which case Section 6 of this bill shall not become operative.*

West's Annotated California Codes
Family Code (Refs & Annos)
Division 9. Support (Refs & Annos)
Part 2. Child Support (Refs & Annos)
Chapter 2. Court-Ordered Child Support (Refs & Annos)
Article 2. Statewide Uniform Guideline (Refs & Annos)

West's Ann.Cal.Fam.Code § 4052.5

§ 4052.5. Child with more than two parents; application of uniform guideline; amount of support adjusted if presumption rebutted; effect on existing guidelines, regulations, etc.

Effective: January 1, 2017

[Currentness](#)

(a) The statewide uniform guideline, as required by federal regulations, shall apply in any case in which a child has more than two parents. The court shall apply the guideline by dividing child support obligations among the parents based on income and amount of time spent with the child by each parent, pursuant to [Section 4053](#).

(b) Consistent with federal regulations, after calculating the amount of support owed by each parent under the guideline, the presumption that the guideline amount of support is correct may be rebutted if the court finds that the application of the guideline in that case would be unjust or inappropriate due to special circumstances, pursuant to [Section 4057](#). If the court makes that finding, the court shall divide child support obligations among the parents in a manner that is just and appropriate based on income and amount of time spent with the child by each parent, applying the principles set forth in [Section 4053](#) and this article.

(c) Nothing in this section shall be construed to require reprogramming of the California Child Support Enforcement System, a change to the statewide uniform guideline for determining child support set forth in [Section 4055](#), or a revision by the Department of Child Support Services of its regulations, policies, procedures, forms, or training materials.

Credits

(Added by [Stats.2013, c. 564 \(S.B.274\)](#), § 3. Amended by [Stats.2016, c. 474 \(A.B.2882\)](#), § 9, eff. Jan. 1, 2017.)

West's Ann. Cal. Fam. Code § 4052.5, CA FAM § 4052.5

Current with urgency legislation through Ch. 18 of 2022 Reg.Sess. Some statute sections may be more current, see credits for details.

West's Annotated California Codes
Family Code (Refs & Annos)
Division 9. Support (Refs & Annos)
Part 2. Child Support (Refs & Annos)
Chapter 2. Court-Ordered Child Support (Refs & Annos)
Article 2. Statewide Uniform Guideline (Refs & Annos)

West's Ann.Cal.Fam.Code § 4057

§ 4057. Amount of child support established by formula; rebuttable presumption

Effective: January 1, 2014

[Currentness](#)

(a) The amount of child support established by the formula provided in [subdivision \(a\) of Section 4055](#) is presumed to be the correct amount of child support to be ordered.

(b) The presumption of subdivision (a) is a rebuttable presumption affecting the burden of proof and may be rebutted by admissible evidence showing that application of the formula would be unjust or inappropriate in the particular case, consistent with the principles set forth in [Section 4053](#), because one or more of the following factors is found to be applicable by a preponderance of the evidence, and the court states in writing or on the record the information required in [subdivision \(a\) of Section 4056](#):

(1) The parties have stipulated to a different amount of child support under [subdivision \(a\) of Section 4065](#).

(2) The sale of the family residence is deferred pursuant to Chapter 8 (commencing with [Section 3800](#)) of Part 1 and the rental value of the family residence where the children reside exceeds the mortgage payments, homeowner's insurance, and property taxes. The amount of any adjustment pursuant to this paragraph shall not be greater than the excess amount.

(3) The parent being ordered to pay child support has an extraordinarily high income and the amount determined under the formula would exceed the needs of the children.

(4) A party is not contributing to the needs of the children at a level commensurate with that party's custodial time.

(5) Application of the formula would be unjust or inappropriate due to special circumstances in the particular case. These special circumstances include, but are not limited to, the following:

(A) Cases in which the parents have different time-sharing arrangements for different children.

(B) Cases in which both parents have substantially equal time-sharing of the children and one parent has a much lower or higher percentage of income used for housing than the other parent.

(C) Cases in which the children have special medical or other needs that could require child support that would be greater than the formula amount.

(D) Cases in which a child is found to have more than two parents.

Credits

(Added by Stats.1993, c. 219 (A.B.1500), § 138. Amended by Stats.1993, c. 935 (S.B.145), § 1; Stats.1993, c. 1156 (S.B.541), § 3.5; Stats.2013, c. 564 (S.B.274), § 4.)

West's Ann. Cal. Fam. Code § 4057, CA FAM § 4057

Current with urgency legislation through Ch. 18 of 2022 Reg.Sess. Some statute sections may be more current, see credits for details.

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Connecticut General Statutes Annotated

Title 46b. Family Law (Refs & Annos)

Chapter 818. Connecticut Parentage Act

Part II. Proceeding to Adjudicate Parentage

C.G.S.A. § 46b-475

§ 46b-475. Adjudicating competing claims of parentage

Effective: January 1, 2022

[Currentness](#)

(a) Except as provided in public act 21-15,¹ in a proceeding to adjudicate competing claims of parentage of a child by two or more persons, the court shall adjudicate parentage in the best interest of the child, based on:

- (1) The age of the child;
- (2) The length of time during which each person assumed the role of parent of the child;
- (3) The nature of the relationship between the child and each person;
- (4) The harm to the child if the relationship between the child and each person is not recognized;
- (5) The basis for each person's claim to parentage of the child;
- (6) Other equitable factors arising from the disruption of the relationship between the child and each person, or the likelihood of other harm to the child; and
- (7) Any other factor the court deems relevant to the child's best interests.

(b) If a person challenges parentage based on the results of genetic testing, in addition to the factors listed in subsection (a) of this section, the court shall consider:

(1) The facts surrounding the discovery that the person might not be a genetic parent of the child; and

(2) The length of time between the time that the person was placed on notice that the person might not be a genetic parent and the commencement of the proceeding.

(c) The court may adjudicate a child to have more than two parents under [sections 46b-450 to 46b-553](#), inclusive, if the court finds that failure to recognize more than two parents would be detrimental to the child. A finding of detriment to the child shall not require a finding of unfitness of any parent or person seeking an adjudication of parentage. In determining detriment to the child, the court shall consider all relevant factors, including the harm if the child is removed from a stable placement with a person who has fulfilled the child's physical needs and psychological needs for care and affection and has assumed the role for a substantial period.

(d) If a court has adjudicated a child to have more than two parents under [sections 46b-450 to 46b-553](#), inclusive, of public act 21-15, the law of this state other than this act applies to determinations of legal and physical custody of, or visitation with, such child, and to obligations to support such child. The child support guidelines established pursuant to [section 46b-215](#) shall not apply until such guidelines have been revised to address the circumstances when a child has more than two parents, and until such revision is effective, a court of competent jurisdiction shall consider the child support guidelines and the criteria for such awards established in [sections 17b-179, 17b-745, 46b-84, 46b-86, 46b-130, 46b-171, 46b-172 and 46b-215](#), in making or modifying orders of support of the child.

Credits

(2021, P.A. 21-15, § 23, eff. Jan. 1, 2022.)

Footnotes

1


Public Act 21-15 is entitled "An Act Concerning Adoption and Implementation of the Connecticut Parentage Act."

C. G. S. A. § 46b-475, CT ST § 46b-475

The statutes and Constitution are current with all enactments of the 2022 Regular Session enrolled and approved by the Governor on or before May 17, 2022 and effective on or before May 17, 2022.

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 KeyCite Yellow Flag - Negative Treatment
Proposed Regulation

Code of Federal Regulations

Title 45. Public Welfare

Subtitle B. Regulations Relating to Public Welfare

Chapter III. Office of Child Support Enforcement (Child Support Enforcement Program), Administration for Children and Families, Department of Health and Human Services (Refs & Annos)

Part 302. State Plan Requirements (Refs & Annos)

45 C.F.R. § 302.56

§ 302.56 Guidelines for setting child support orders.

Effective: January 19, 2017

[Currentness](#)

(a) Within 1 year after completion of the State's next quadrennial review of its child support guidelines, that commences more than 1 year after publication of the final rule, in accordance with § 302.56(e), as a condition of approval of its State plan, the State must establish one set of child support guidelines by law or by judicial or administrative action for setting and modifying child support order amounts within the State that meet the requirements in this section.

(b) The State must have procedures for making the guidelines available to all persons in the State.

(c) The child support guidelines established under paragraph (a) of this section must at a minimum:

(1) Provide that the child support order is based on the noncustodial parent's earnings, income, and other evidence of ability to pay that:

(i) Takes into consideration all earnings and income of the noncustodial parent (and at the State's discretion, the custodial parent);

(ii) Takes into consideration the basic subsistence needs of the noncustodial parent (and at the State's discretion, the custodial parent and children) who has a limited ability to pay by incorporating a low-income adjustment, such as a self-support reserve or some other method determined by the State; and

(iii) If imputation of income is authorized, takes into consideration the specific circumstances of the noncustodial parent (and at the State's discretion, the custodial parent) to the extent known, including such factors as the noncustodial parent's assets, residence, employment and earnings history, job skills, educational attainment, literacy, age, health, criminal record and other employment barriers, and record of seeking work, as well as the local job market, the availability of employers willing to hire the noncustodial parent, prevailing earnings level in the local community, and other relevant background factors in the case.

(2) Address how the parents will provide for the child's health care needs through private or public health care coverage and/or through cash medical support;

(3) Provide that incarceration may not be treated as voluntary unemployment in establishing or modifying support orders; and

(4) Be based on specific descriptive and numeric criteria and result in a computation of the child support obligation.

(d) The State must include a copy of the child support guidelines in its State plan.

(e) The State must review, and revise, if appropriate, the child support guidelines established under paragraph (a) of this section at least once every four years to ensure that their application results in the determination of appropriate child support order amounts. The State shall publish on the internet and make accessible to the public all reports of the guidelines reviewing body, the membership of the reviewing body, the effective date of the guidelines, and the date of the next quadrennial review.

(f) The State must provide that there will be a rebuttable presumption, in any judicial or administrative proceeding for the establishment and modification of a child support order, that the amount of the order which would result from the application of the child support guidelines established under paragraph (a) of this section is the correct amount of child support to be ordered.

(g) A written finding or specific finding on the record of a judicial or administrative proceeding for the establishment or modification of a child support order that the application of the child support guidelines established under paragraph (a) of this section would be unjust or inappropriate in a particular case will be sufficient to rebut the presumption in that case, as determined under criteria established by the State. Such criteria must take into consideration the best interests of the child. Findings that rebut the child support guidelines shall state the amount of support that would have been required under the guidelines and include a justification of why the order varies from the guidelines.

(h) As part of the review of a State's child support guidelines required under paragraph (e) of this section, a State must:

(1) Consider economic data on the cost of raising children, labor market data (such as unemployment rates, employment rates, hours worked, and earnings) by occupation and skill-level for the State and local job markets, the impact of guidelines policies and amounts on custodial and noncustodial parents who have family incomes below 200 percent of the Federal poverty level, and factors that influence employment rates among noncustodial parents and compliance with child support orders;

(2) Analyze case data, gathered through sampling or other methods, on the application of and deviations from the child support guidelines, as well as the rates of default and imputed child support orders and orders determined using the low-income adjustment required under paragraph (c)(1)(ii) of this section. The analysis must also include a comparison of payments on child support orders by case characteristics, including whether the order was entered by default, based on imputed income, or determined using the low-income adjustment required under paragraph (c)(1)(ii). The analysis of the data must be used in the State's review of the child support guidelines to ensure that deviations from the guidelines are limited and guideline amounts are appropriate based on criteria established by the State under paragraph (g); and

(3) Provide a meaningful opportunity for public input, including input from low-income custodial and noncustodial parents and their representatives. The State must also obtain the views and advice of the State child support agency funded under title IV–D of the Act.

Credits

[[50 FR 19649](#), May 9, 1985; [50 FR 23958](#), June 7, 1985; [51 FR 37731](#), Oct. 24, 1986; [56 FR 22354](#), May 15, 1991; [73 FR 42441](#), July 21, 2008; [81 FR 93562](#), Dec. 20, 2016]

SOURCE: [40 FR 27159](#), June 26, 1975; [50 FR 19647](#), May 9, 1985; [50 FR 41894](#), Oct. 16, 1985; [65 FR 82208](#), Dec. 27, 2000; [68 FR 25303](#), May 12, 2003; [73 FR 56443](#), Sept. 26, 2008; [74 FR 11880](#), March 20, 2009; [75 FR 38641](#), July 2, 2010, unless otherwise noted.

AUTHORITY: [42 U.S.C. 651](#) through [658](#), [659a](#), [660](#), [664](#), [666](#), [667](#), [1302](#), [1396a\(a\)\(25\)](#), [1396b\(d\)\(2\)](#), [1396b\(o\)](#), [1396b\(p\)](#), and [1396\(k\)](#).

Notes of Decisions (50)

Current through April 21, [87 FR 24024](#), except for Title 36, which is current through April 14, 2022; [87 FR 22428](#). Some sections may be more current. See credits for details.

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