

◆ Child Support

When the court approves a stipulation or enters a judgment for child support in an action for an annulment, divorce, or legal separation, the court shall do all of the following:

1.
 1. Order either or both parents to pay an amount reasonable or necessary to fulfill a duty to support a child;
 2. Ensure that the parties have stipulated which party, if either is eligible, will claim each child as an exemption for federal income tax purposes, or as an exemption for state income tax purposes; and
 3. In addition to ordering child support for a child, assign as a support obligation responsibility for, and direct the manner of payment of the child's health care expenses.

In determining child support payments, the court may consider all relevant information or other information relevant to the parent's earning capacity, including information reported to the department or the county child support agency.

The court shall determine child support payments by using the percentage standard established by the department which uses a Flat Percentage of Income Model. The department shall promulgate rules that provide a standard for courts to use in determining a child support obligation based upon a percentage of the gross income and assets of either or both parents. The rules shall provide for consideration of the income of each parent and the amount of physical placement with each parent in determining a child support obligation in cases in which a child has substantial periods of physical placement with each parent.

The current percentages are as follows:

1.
 1. 17% for one child;
 2. 25% for two children;
 3. 29% for three children;
 4. 31% for four children; and
 5. 34% for five children or more children.

Upon request by a party, the court may modify the amount of child support payments determined under the percentage standard established by the department if the court finds by the greater weight of the credible evidence that use of the percentage standard is unfair to the child or to any parties.

In addition to ordering child support for a child, the court shall specifically assign responsibility for and direct the manner of payment of the child's health care expenses.

In assigning responsibility for a child's health care expenses, the court shall consider whether a child is covered under a parent's health insurance policy or plan at the time the court approves a stipulation for child support, or enters a judgment of annulment, divorce, or legal separation; the availability of health insurance to each parent through an employer or other organization; the extent of coverage available to a child; and the costs to the parent for the coverage of the child.