

403.2121 Establishment of adjustment to child support obligations based upon parenting time -- Authority to promulgate administrative regulations -- Children receiving public assistance. (Effective until March 31, 2023)

- (1) Except as provided in subsection (4) of this section or otherwise provided in this chapter, the child support obligation determined under KRS 403.212 shall be subject to further adjustment as follows:
 - (a) If the parents share equal parenting time, the child support obligation determined under KRS 403.212 shall be divided between the parents in proportion to their combined monthly adjusted parental gross income, and the parent with the greater proportional child support obligation shall pay the parent with the lesser proportional obligation the difference in the value of each parent's proportional obligation; and
 - (b) If the parents share unequal parenting time under either a court-ordered time-sharing schedule or a time-sharing schedule exercised by agreement of the parties, the court shall:
 1. Calculate the child support obligation set forth in the child support guidelines table in accordance with KRS 403.212;
 2. Determine the percentage of overnight stays the child spends with each parent on an annual basis based upon the time-sharing order or agreement;
 3. Multiply each parent's support obligation as calculated under KRS 403.212 by the percentage of the other parent's overnight stays as calculated in subparagraph 2. of this paragraph;
 4. Set the difference between the amounts calculated in subparagraph 3. of this paragraph as the monetary transfer or credit necessary between the parents for the care of the child; and
 5. Use its discretion in adjusting each parent's child support obligation under this paragraph in accordance with the factors under KRS 403.212, and the following:
 - a. The obligated parent's low income and ability to maintain the basic necessities of the home for the child;
 - b. The likelihood that either parent will actually exercise the time-sharing schedule set forth in the court-ordered time-sharing schedule or time-sharing agreement between the parents;
 - c. Whether all of the children are exercising the same time-sharing schedule; and
 - d. Whether the time-sharing plan results in fewer overnights due to a significant geographical distance between the parties that may affect the child support obligation.
- (2) As used in this section, unless the context requires otherwise, an "overnight stay" shall include the costs associated with feeding and transporting the child, entertainment, attending to school work, athletic events, extracurricular activities, or

other expenses that transfer with the child as they move from one parent to the other. Merely providing a child with a place to sleep in order to obtain an adjustment in a child support obligation shall not constitute an overnight stay under this section.

- (3) The child support calculations required under this section shall be on a worksheet prescribed by the Cabinet for Health and Family Services in administrative regulations promulgated under KRS Chapter 13A.
- (4) This section shall not apply if the child or children subject to the child support award receive public assistance, including KCHIP, K-TAP, food stamps, or Medicaid.

Effective: March 1, 2022

History: Created 2021 Ky. Acts ch. 47, sec. 3, effective March 1, 2022.