

403.2122 Shared parenting time credit -- Determination – Adjustments.

- (1) (a) As used in this section, "day" means more than twelve (12) consecutive hours in a twenty-four (24) hour period under the care, control, or direct supervision of one (1) parent or caretaker, or as the court determines based on findings of substantially equivalent care or expense. Unless the context requires otherwise, "day" shall include housing, entertaining, feeding, transporting the child, attending to school work, athletic events, extracurricular activities, or other activities that transfer with the child as the child moves from one (1) parent to the other.
 - (b) The parenting time for either parent shall begin at the time of exchange of the child or children from one (1) parent to the other.
 - (c) Unless otherwise ordered, if the exchange occurs at school or with a care provider, the receiving parent's time shall begin and the other parent's time shall end at the time the child is picked up from school or from the care provider.
- (2) (a) In order to receive a shared parenting time credit, a parent shall maintain care, custody, and control over the child for a minimum of eighty-eight (88) days per year, as defined by this section, regardless of the age of the child.
 - (b) The shared parenting time credit shall only be applicable for parenting time that is court-ordered or parenting time that is exercised by consent of the parties.
- (3) Except as provided in subsection (6) of this section or otherwise provided in this chapter, the child support obligation determined under KRS 403.212 shall be subject to further adjustment upon motion of the parent seeking credit as follows:
 - (a) For parents who share parenting time under an order that is court-ordered or exercised by consent of the parties, the court shall:
 1. a. Calculate the child support obligation set forth in the child support guidelines table in accordance with KRS 403.212(5)(a) using the combined gross adjusted income of the parties.
 - b. If both parents exercise their equal shared parenting time, the parent with the higher gross monthly income shall be deemed the obligor;
 2. Determine the number of days for both parents on an annual basis based upon an order that is court-ordered or approved and exercised;
 3. Using the days a child spends with the obligated parent, determine the adjustment percentage using the shared parenting time credit chart in subsection (4) of this section;
 4. Determine the shared parenting time credit adjustment by multiplying the obligated parent's adjustment percentage by the total support obligation found on the child support obligation worksheet to establish the shared parenting expense adjustment for the obligated parent, as determined in subparagraph 1. of this paragraph; and
 5. Subtract the amount calculated in subparagraph 4. of this paragraph

from the obligated parent's monthly obligation, found on the child support obligation worksheet, as determined in subparagraph 1. of this paragraph;

- (b) The court may use its discretion in adjusting each parent's child support obligation under this subsection after consideration of the following:
 - 1. The obligated parent's income and ability to maintain the basic necessities of the home for the child;
 - 2. Whether either parent has consistently exercised, or is likely to consistently exercise, the court-ordered timesharing schedule or timesharing agreement between the parents;
 - 3. Whether all of the children are subject to the same timesharing schedule;
 - 4. 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;
 - 5. The military deployment or extended service obligations of the parties; and
 - 6. The health insurance or medical care provided by either parent; and
- (c) The self-support reserve, as calculated under KRS 403.212(5)(b), and the shared parenting time credit, as calculated under this subsection, shall not be applied together. The obligor shall be responsible for the lesser support amount as determined under KRS 403.212(5)(c).

(4) The shared parenting time credit chart is as follows:

Parenting Time Days	Adjustment Percentage
88-115	15%
116-129	20.5%
130-142	25%
143-152	30.5%
153-162	36%
163-172	42%
173-181	48.5%
182-182.5	50%

- (5)
 - (a) Failure by one (1) party to consistently exercise the court-ordered timesharing schedule or timesharing agreement between the parents shall be grounds for the other party to seek modification from the court.
 - (b) A party may seek modification following a fifteen percent (15%) change in the number of timesharing days and shall have the burden of proving a material change in timesharing circumstances.
 - (c) Nothing in this section shall affect or prevent the application of KRS 403.213(2).
- (6) The court shall have discretion in awarding a shared parenting time credit if the obligee receives:

- (a) Kentucky Children's Health Insurance Program (KCHIP);
- (b) Kentucky Transitional Assistance Program (KTAP);
- (c) Supplemental Nutrition Assistance Program (SNAP); or
- (d) Medicaid.

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History: Created 2024 Ky. Acts ch. 219, sec. 1, effective July 15, 2024.