

403.2121 "Day" defined – Minimum requirement for shared parenting time credit -- Establishment of adjustment to child support obligations based upon parenting time -- Modification of child support -- Children receiving public assistance.

- (1) For purposes of this section, "day":
 - (a) 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; and
 - (b) Unless the context requires otherwise, includes housing, entertaining, feeding, and transporting the child, attending to school work, athletic events, extracurricular activities, or other activities that transfer with the child as he or she moves from one parent to the other.
- (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 seventy-three (73) days per year, as defined by this section.
 - (b) The shared parenting time credit shall only be applicable for parenting time that is court-ordered or approved and consistently exercised.
- (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 as follows:
 - (a) For parents who share 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.
 - 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, consider the parent with the higher gross monthly income the obligor;
 2. Determine the number of days for both parents on an annual basis based upon either a court-ordered time-sharing schedule or a time-sharing schedule exercised by agreement of the parties;
 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 paragraph in accordance with the factors proscribed in this section, and the following:
 - 1. The obligated parent's low income and ability to maintain the basic necessities of the home for the child;
 - 2. 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;
 - 3. Whether all of the children are subject to the same time-sharing 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; and
 - 5. The military deployment or extended service obligations of the parties; 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
73-87	10.5%
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) Failure by one (1) party to consistently comply with the parenting schedule shall be grounds for the other party to seek modification from the court. 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 circumstances.
- (6) This section shall not apply if the child or children subject to the child support award receive public assistance, including:
 - (a) Kentucky Children's Health Insurance Program (KCHIP);
 - (b) Kentucky Transitional Assistance Program (K-TAP);
 - (c) Supplemental Nutrition Assistance Program (SNAP); or
 - (d) Medicaid.

Effective: March 31, 2023

History: Repealed and reenacted 2022 Ky. Acts ch. 122, sec. 2, effective March 31, 2023. -- Created 2021 Ky. Acts ch. 47, sec. 3, effective March 1, 2022.