

HOUSE RESEARCH

Bill Summary

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Overview

H. F. 1321 recodifies and reforms current Minnesota laws relating child support, currently located in chapter 518. It adds factors to be considered when determining the best interest of the child. It also adds a presumption of joint legal and physical custody.

H. F. 1321 creates one new chapter of Minnesota Statutes, Chapter 517C: Child Support.

This new chapter reorganizes existing laws in a more logical manner and will help users of the law find relevant provisions more easily.

H. F. 1321 also divides, wherever possible, sections of the current law into shorter statutory sections and subdivisions. The benefit of this structural change is that each separate section and subdivision has its own headnote. These headnotes will help users find relevant provisions of the law more easily.

Stylistic changes. H. F. 1321 also contains a number of stylistic changes to make the laws easier to read and use. These changes rewrite provisions of current law, where necessary, to clarify and simplify confusing or ambiguous provisions.

Substantive changes. H. F. 1321 does make several substantive changes to current law. The substantive changes in article 1, are (1) a joint physical custody presumption, (2) the addition of language requiring a court to conduct a six-month review of child support and parenting time orders if the parties request the review, and (3) language implementing a marriage dissolution fee.

Article 2, which recodifies current laws relating to child support, contains the majority of the substantive changes in the bill. Although all of the text in Article 2 is "new" language, many of the provisions are derived from current provisions in chapter 518 relating to child support. These sections are reorganized in a more logical fashion and are categorized as follows:

- general provisions (title, definitions, child support orders, etc.)
- calculating child support;
- modifying a child support order;
- role of the public authority (the government agency responsible for child support enforcement);
- paying child support; and
- enforcing a child support order.

Article 2 also contains several substantive changes to current child support laws. Specifically, this article establishes a new methodology for calculating child support that uses an "income shares" model. This approach means that child support, including the basic needs, child care needs, and medical support of a child, is calculated using the parents' *combined* income. Under current law, only the obligor's income is considered when calculating child support. Article 3 also calculates child support using gross income. A derivation of net income is used under current law. Article 3 also includes a provision that allows a parent to deduct an amount from their income for a "legally dependent child" (that is, a child who lives with the parent but is not a subject of the current child support action and for whom the parent has a legal duty to support).

In addition, Article 2 requires the commissioner of human services to compute and publish a schedule for basic support based on 2001 data from the United States Department of Agriculture report on expenditures on children by families. Article 2 requires that the basic support of the parents be reduced by 20 percent, thus acknowledging the parents' additional costs relating to maintaining separate households. Article 2 also includes a provision that addresses how a court must order support when the parents' parenting time approximates joint physical custody. This provision codifies the judicially created standard known as the *Hortis/Valento* formula. Article 2 also includes a self-support adjustment to the amount of child support ordered that is designed to leave an obligor with sufficient income for self-support, and a minimum support amount for low-income obligors.

Article 2 reforms current law regarding child care support and medical support. Article 2 also provides that a court may order an obligee to account for the child support received and spent if an obligor establishes specific allegations of abuse or misapplication of the child support received, that the child's needs are not being met and that there is no record or history of domestic abuse, harassment, or violence between the parties. Finally, Article 2 requires the commissioner of human services to create and publish a worksheet to assist in calculating child support and make an interactive version of the worksheet available on the Department of Human Services' web site.

Summaries. The remainder of this bill summary consists of a summary of Articles 1 and 2. That of Article 2 is a detailed section-by-section summary. The summary of Article 2 includes a chart summarizing the changes to the child support laws, including the proposed new codification section, a short description of the provision, the statutory derivation in current law for the provision, if any, and an explanation of any changes made to current law, if any.

Article 3 contains a summary of changes to miscellaneous provisions contained in Chapter 518.

Article 1: Child Custody and Parenting Time

Overview

This article implements a marital dissolution fee, adds factors to the best interests standards, provides a presumption of joint physical and legal custody, defines parenting time, and implements a six-month review.

Section

1 1 **Marital dissolution fee.** Amends § 357.021, by adding subd. 8. Authorizes court administrators to collect a \$48 fee in each proceeding seeking dissolution of a marriage or legal separation. Requires the court administrator to forward the fee to the commissioner of finance for deposit in the general fund. Under Article 2, section 75, this funding is appropriated from the general fund to the commissioner of human services and state supreme court administrator for implementation costs of the Minnesota Child Support Act. Also provides that this subdivision is effective July 1, 2005.

2 2 **The best interests of the child.** Amends § 518.17, subd. 1. Adds language and factors determining the best interests of a child:

- The ability of a parent to ensure a good education and nurturing environment;
- Consideration of the child's linguistic and religious background;
- Consideration of any addiction to alcohol or other substances, incidents of physical or sexual abuse attributable to a parent or person living with a parent insofar as the acts may adversely affect the child; and
- Determination of whether a parent's false allegations against the other parent or any person living with the other parent were made to gain an unfair advantage in the custody determination.

Provides the court must consider all factors equally and must make detailed findings on each factor unless joint legal and physical custody is granted.

This section is effective July 1, 2007.

3 **Rebuttable presumptions in child custody disputes.** Amends § 518.17, subd. 2. Specifies a presumption of joint legal and physical custody. Lets the court establish rules for disagreements between parents who appear to have difficulty communicating or cooperating.

If both parents are fit but joint physical and legal custody is not feasible, creates a rebuttable presumption favoring legal and physical custody to the parent more favorable to giving the other parent contact with the child. Requires detailed findings to depart from the presumption.

Specifies that if the court follows the existing statutory presumption against joint custody,

Section

in cases of domestic abuse, the court must make findings why it followed the statute.

This section is effective July 1, 2007.

- 4 Parenting time.** Amends § 518.175, by adding subd. 1b. Provides that parenting time means the time a child is scheduled to spend with a parent according to court order. Under this definition, parenting time is time spent with the child regardless of how the time is labeled. Provides that the percentage of parenting time may be calculated by calculating the number of overnights a child spends with a parent, or by using a method other than overnights as the parent has significant time periods where the child is in the parent's physical custody.
- 5 Six-month review.** Adds § 518.1781. Requires a request for six-month review hearing form to be attached to a decree of dissolution or legal separation or an order initially establishing child custody, parenting time, or support rights. Requests the state court administrator to prepare the request for hearing form. If a parent requests a hearing within six months, requires a court to review whether child support is current and whether both parties are complying with the parenting time provisions of the order. Provides that the obligor has the burden to present evidence at the hearing to establish that child support payments are current. Also requires the commissioner of human services to develop a form to submit payment information to the parties and court.

**Article 2: Child Support
Overview**

This article recodifies and reforms Minnesota's laws in chapter 518 relating to child support.

Section	New Codification Section	Description	Derivation Section	Comments/Changes ¹
1 1	517C.01	Title	None	Adds title to act.
2 2	517C.02	Legislative intent	None	Provides that both parents have an equal duty to support the needs of the child or children in proportion to their respective incomes.
3 3	517C.03	Definitions	Various	Combines all child support definitions with general applicability into one section. Some special definitions with limited applicability are used later in the chapter. Omits definitions relating to maintenance and marital property (currently defined in section 518.54) that are included in Article 1 (chapter 517A).
	517C.03, subd. 1	Scope of definitions	518.54, subd. 1	Minor technical changes
	517C.03, subd. 2	Definition of arrears	518.54, subd. 13; 518.6111, subd. 1, para. (d)	Clarifies and updates language
	517C.03, subd. 3	Definition of basic	None	New term describing the dollar amount a court

¹This column is intentionally left blank if there are no changes to current law in the new codification section.

Section	New Codification Section	Description	Derivation Section	Comments/Changes ¹	
		support		orders for a child's housing, food, clothing, transportation, education costs, and other expenses relating to the child's care.	
	517C.03, subd. 4	Definition of business day	518.6111, subd. 1, para. (c)		
	517C.03, subd. 5	Definition of child	518.54, subd. 2		
	517C.03, subd. 6	Definition of child support	518.54, subd. 4	Omits reference in current law to support money. Clarifies that child support includes an amount for basic support, child care support, and medical support.	
	517C.03, subd. 7	Definition of deposit account	518.54, subd. 2a		
	517C.03, subd. 8	Definition of financial institution	518.54, subd. 2b		
	517C.03, subd. 9	Definition of obligee	518.54, subd. 7	Minor technical changes. Omits reference in current law to maintenance.	
	517C.03, subd. 10	Definition of obligor	518.54, subd. 8	Omits reference in current law to maintenance. Provides that a custodial parent may be an obligor for purposes of medical support.	
	517C.03, subd. 11	Definition of payment	518.5851, subd. 4	Minor technical changes. Omits reference in current law to maintenance.	
	517C.03, subd. 12	Definition of payor of funds	518.6111, subd. 1, para. (b)	Minor technical changes	
	517C.03, subd. 13	Definition of public authority	518.54, subd. 9	Clarifies language	
	517C.03, subd. 14	Definition of support order	518.54, subd. 4a	Minor technical changes. Clarifies language.	
	517C.03, subd. 15	Definition of tribunal	518.5851, subd. 5		
	517C.03, subd. 16	Definition of unclaimed support funds	518.5851, subd. 7		
	517C.03, subd. 17	Definition of IV-D case	518.54, subd. 14		
4	4	517C.04, subd. 1	Child support orders	518.57, subd. 1; 518.66	Clarifies and updates language
	517C.04, subd. 2	Provisions	None	Adds language clarifying current law that child support orders must provide for basic support, child care costs, and medical care.	
	517C.04, subd. 3	Agreements	518.551, subd. 5, para. (a) & para. (i)	Clarifies that a court must review the parties' stipulation or agreement relating to child support to ensure that it serves the best interests of the child.	
	517C.04, subd. 4	Specific dollar amount	518.551, subd. 5, para. (a)	Minor technical changes	
	517C.04, subd. 5	Preference for monthly payment	None	Provides preference for ordering child support payments in an amount that reflects an obligor's monthly obligation.	
	517C.04, subd. 6	Preference for static payment	518.57, subd. 2; 518.68, subd. 2, para. 4(f)	Provides preference for the same payment amounts throughout the year. (Current law provides that payment amounts may fluctuate during the year.)	

Section	New Codification Section	Description	Derivation Section	Comments/Changes ¹	
	517C.04, subd. 7	Departure	None	Provides the circumstances in which a court may depart from the preferences in subdivisions 5 and 6.	
	517C.04, subd. 8	Accounting for child support by obligee	None	Provides that a court may order an obligee to account for child support received if, upon a motion, an obligor establishes specific allegations of abuse or misapplication of the child support received, that a child's needs are not being met, and that there is no record or history of domestic abuse, harassment, or violence between the parties. Provides for possible remedies if the obligee does not make the court-ordered accounting or does not spend child support payments on behalf of the child. Also provides that a court may award attorney fees to the obligee if the court determines that an obligor's motion is brought in bad faith.	
	517C.04, subd. 9	Child support to be distinguished from maintenance	518.55, subd. 1	Clarifies and updates language. Omits provisions in current law relating to maintenance awards that are included in Article 1 (chapter 517A).	
	517C.04, subd. 10	Other custodians	518.57, subd. 4		
	517C.04, subd. 11	Either parent liable; marital misconduct	518.551, subd. 5, para. (a)		
5	5	517C.05, subd. 1	Temporary orders; motion; scope	518.131, subd. 1	Clarifies and updates language relating to the process a party may use to bring a motion for a temporary order during a child support proceeding. Omits references in current law to process used in marriage dissolution, maintenance, and custody proceedings. This language is reproduced, if applicable, in articles 1 and 2 for those proceedings.
	517C.05, subd. 2	Duration	518.131, subd. 5	Clarifies and updates language	
	517C.05, subd. 3	Factors	518.131, subd. 7	Clarifies and updates language	
	517C.05, subd. 4	Evidence	518.131, subd. 8	Clarifies and updates language	
	517C.05, subd. 5	Limited effect	518.131, subd. 9, para. (a)	Clarifies and updates language	
	517C.05, subd. 6	Revocation; modification	518.131, subd. 9, para. (b)	Clarifies and updates language	
6	6	517C.06	Determination of controlling order	518.55, subd. 4	Provides that the public authority or a party may request a court to determine a controlling order when more than one order exists. (Current law vests this authority in the district court. This language would also permit child support magistrates to determine a controlling order.)
7	7	517C.07	Attorney fees; costs and disbursements	518.14, subd. 1	Clarifies and updates language
8	8	517C.10, subd. 1	Exchange of information; documentation	518.551, subd. 5b, para. (a)	Clarifies and updates language
	517C.10, subd. 2	Exchange of tax returns	518.551, subd. 5b, para. (b)	Clarifies and updates language	

Section	New Codification Section	Description	Derivation Section	Comments/Changes ¹
	517C.10, subd. 3	Notice of address or residence change	518.55, subd. 3	Clarifies and updates language
	517C.10, subd. 4	Notice to public authority; public assistance	518.551, subd. 5, para. (a)	
	517C.10, subd. 5	Failure of notice	518.551, subd. 6	Minor technical changes. Corrects cross references.
9 9	517C.11, subd. 1	Privacy protection; personal protection; social security numbers; tax returns	518.146	Corrects cross reference
	517C.11, subd. 2	Modification of certain requirements	518.55, subd. 3	Clarifies and updates language
	517C.11, subd. 3	Access to address for service of process	518.255, subd. 2	Minor technical changes
10 10	517C.12, subd. 1	Income; gross income	None	Provides that income means gross income for purposes of calculating child support. (Under current law, a derivation of an obligor's net income is used to calculate child support.)
	517C.12, subd. 2	Sources	518.54, subd. 6; 518.551, subd. 5, para. (b), cl. (1)	Clarifies language.
	517C.12, subd. 3	Commissions; bonuses	None	Provides that a court may include reliable and predictable commissions or bonuses in income calculations. (Under current law, a court may order that a percentage share of commissions or bonuses be paid to an obligee.)
	517C.12, subd. 4	Self-employment; independent contractors	518.551, subd. 5b, para. (f)	Minor technical changes
	517C.12, subd. 5	Public assistance exclusions	518.54, subd. 6	
	517C.12, subd. 6	Overtime	518.551, subd. 5, para. (b), cl. (2); 518.64, subd. 2, para. (c), cl. (2)	Provides that certain overtime employment not be considered when setting support. Clarifies and updates language.
	517C.12, subd. 7	Income of a spouse or other household member	518.551, subd. 5, para. (b), cl. (1); 518.64, subd. 2, para. (c), cl. (1)	Provides that income of spouse or other household member may not be considered when setting child support. Provides for discovery of a spouse's or household member's financial information if there is probable cause to believe that income is being improperly shielded from a party.
	517C.12, subd. 8	Prior child support or maintenance orders	518.551, subd. 5, para. (b)	Clarifies and updates language
	517C.12, subd. 9	Legally dependent child	None	Provides for a deduction from a party's income for a legally dependent child. Specifies the methodology for determining the deduction amount. Also requires the Commissioner of Human Services to publish a table annually that lists the amount of the deduction for each legally dependent child by family size.

Section	New Codification Section	Description	Derivation Section	Comments/Changes ¹
11 11	517C.13, subd. 1	Imputed income; nonappearance of a parent	518.551, subd. 5b, para. (c)	Corrects cross reference
	517C.13, subd. 2	Voluntary unemployment or under-employment	518.551, subd. 5b, para. (d) and (e)	Clarifies and updates language. Provides that income imputation applies equally to both parents.
	517C.13, subd. 3	Insufficient information	518.551, subd. 5b, para. (e)	Corrects cross reference
	517C.13, subd. 4	Parent providing at-home child care	None	Specifies factors a court must consider when determining whether a parent who stays at home to care for a child is voluntarily unemployed or underemployed.
12 12	517C.14, subd. 1	Presumptive child support order; rebuttable presumption	518.551, subd. 5, para (i)	Corrects cross reference
	517C.14, subd. 2	Child's insurance benefit	518.551, subd. 5, para. (l)	Minor technical changes
13 13	517C.15, subd. 1	Basic support; schedule	None	Requires the court to order basic support divided between the parents based on their proportionate share of the parents' combined monthly income (an income shares approach). Includes a basic support schedule constructed from 2001 United States Department of Agriculture (USDA) data on expenditures on children by families. Also requires the Commissioner of Human Services to compute and publish a basic support schedule
	517C.15, subd. 2	Separate household adjustment	None	After determining each parent's basic support obligation, requires that the court reduce by 20 percent the basic support of both parents.
	517C.15, subd. 3	Joint physical custody	None	Codifies the <i>Hortis/Valento</i> formula, which evolved from a series of court cases interpreting the current child support guidelines in cases where parents have joint physical custody of a child.
	517C.15, subd. 4	Income cap on determining basic support	518.551, subd. 5, para. (b); 518.551, subd. 5, para. (k)	Provides for an income limit for application of the basic support schedule. Adds language permitting a court to order support in excess of the income limit if the child has a disability or other substantial, demonstrated need.
	517C.15, subd. 5	More than six children	None	Provides that a court need not specifically follow the guidelines in cases involving more than six children.
	517C.15, subd. 6	Report to legislature	None	Requires the Commissioner of Human services to report annually to the legislature on the basic support schedule. The report must include information on any changes to the USDA expenditure data used in constructing the basic support schedule and information on any new sources of economic data that could be used to construct a basic support schedule.
14 14	517C.16, subd. 1	Child care support;	None	Requires the court to order child care costs

Section	New Codification Section	Description	Derivation Section	Comments/Changes ¹
		child care costs		divided between the obligor and obligee based on their proportionate share of the parties' combined monthly income (an income shares approach). Omits formula from current law for allocating child care costs.
	517C.16, subd. 2	Low-income obligor	None	Specifies the child care support obligation for an obligor who meets the income eligibility requirements for child care assistance.
	517C.16, subd. 3	Determining costs	518.551, subd. 5, para. (b)	Minor technical changes. Corrects cross references.
	517C.16, subd. 4	Change in child care	518.551, subd. 5, para. (b)	Clarifies the procedure for collecting child care support when child care expenses end or resume.
15 15	517C.17, subd. 1	Medical support; definitions	518.171, subd. 1, para. (a); subd. 3, para. (a)	Defines health care coverage, health carrier, health plan, medical support, national medical support notice, public coverage, uninsured medical expenses, and unreimbursed medical expenses.
	517C.17, subd. 2	Order	518.171, subd. 1, para. (a)	Clarifies and updates language. Specifies information regarding medical support that a court must address when ordering child support.
	517C.17, subd. 3	Determining appropriate health care coverage	None	Provides criteria a court must consider in determining whether a party has appropriate health care coverage for a child. The criteria are whether coverage is accessible, comprehensive, and affordable, and the child's special medical needs, if any. Also provides that, if both parties have health care coverage available and the coverage is comparable with regard to accessibility and comprehensiveness, the least costly coverage is the appropriate coverage.
	517C.17, subd. 4	Ordering health care coverage	None	Adds provisions that a court must consider when determining whether to order an obligor or obligee to carry health care coverage for a child. Also specifies what a court must order when one or both parties have appropriate coverage, or neither party has appropriate coverage for a child.
	517C.17, subd. 5	Medical support costs; unreimbursed and uninsured medical expenses	518.171, subd. 1, paras. (c) & (d)	Provides that a court divide the costs of health care coverage and unreimbursed medical expenses between the parties based on each party's proportionate share of the parties' combined gross income (an income shares approach).
	517C.17, subd. 6	Health plan requirements	518.171, subd. 4a; subd. 5, para. (b); subd. 6	Clarifies and updates language. Requires a health plan administrator to provide the public authority and parties with certain information about the health care coverage.
	517C.17, subd. 7	Employer or union liability	518.171, subd. 4, para. (d)	Clarifies and updates language.
	517C.17, subd. 8	Disenrollment; continuation of coverage; coverage	518.171, subd. 5, para. (a)	Clarifies and updates language. Provides that a child enrolled in health care coverage pursuant to an order is entitled to the opportunity to elect

Section	New Codification Section	Description	Derivation Section	Comments/Changes ¹
		options		continued coverage upon expiration of the order.
	517C.17, subd. 9	Disclosure of information	518.171, subd. 2a; 518.171, subd. 7	Clarifies and updates language. Adds provisions regarding when the parties, employer, union, or plan administrator must give certain information relating to the health care coverage to the public authority. Also clarifies when the public authority is authorized to release information to a party's employer, union, or health plan.
	517C.17, subd. 10	Income withholding; offset	None	Adds provisions specifying procedures for income withholding and offsets to income.
	517C.17, subd. 11	Collecting unreimbursed and uninsured medical expenses	None	Adds provisions specifying the procedures for collecting unreimbursed and uninsured medical expenses.
	517C.17, subd. 12	Enforcing an order for medical support arrears	None	Adds provisions regarding the procedures to enforce and collect medical support arrears.
16 16	517C.18	Self-support adjustment; minimum basic support amount	None	Specifies the amount a court must order when the sum of an obligor's basic support, child care support, and medical support obligation leaves the obligor with less than 120 percent of the federal poverty guidelines amount for one person. Also requires a minimum basic support amount of \$50 per month for one or two children or \$75 per month for three or more children.
17 17	517C.19	Worksheet	None	Requires the Commissioner of Human Services to create and publish a worksheet to assist in calculating child support. Also requires the Commissioner to make an interactive version of the worksheet available on the DHS web site.
18 18	517C.20, subd. 1	Deviations; general factors	518.551, subd. 5, para. (c)	Minor technical changes. Corrects cross references. Also provides that a court may consider whether a child spends between 33 and 45 percent of overnights with an obligor pursuant to court order or with the consent of the obligee, which results in an increased financial burden to the obligor, when setting or modifying child support or in determining when to deviate from the guidelines.
	517C.20, subd. 2	Debt owed to private creditors	518.551, subd. 5, para. (d) to (g)	Minor technical changes. Corrects cross references.
	517C.20, subd. 3	Evidence	518.551, subd. 5, para. (h)	Minor technical changes
	517C.20, subd. 4	No deviation when payments are made to the public authority except for extreme hardship	518.551, subd. 5, para. (j)	Minor technical changes
	517C.20, subd. 5	No departure based on joint legal custody	518.17, subd. 6	Minor technical changes

Section	New Codification Section	Description	Derivation Section	Comments/Changes ¹	
19	19	517C.21, subd. 1	Written findings; no deviation	518.551, subd. 5, para (i)	Minor technical changes
		517C.21, subd. 2	Deviation	518.551, subd. 5, para (i)	Corrects cross references
		517C.21, subd. 3	Written findings required in every case	518.551, subd. 5, para (i)	Minor technical changes. Corrects cross references.
20	20	517C.22	Guidelines review	518.551, subd. 5c	Requires review of child support guidelines no later than 2008. Omits obsolete date in current law.
21	21	517C.23	Education trust fund	518.551, subd. 5d	
22	22	517C.25, subd. 1	Modification; general; authority	518.64, subd. 1	Clarifies and updates language.
		517C.25, subd. 2	Guidelines remain applicable	None	Provides that the guidelines remain applicable when a court modifies a child support order.
		517C.25, subd. 3	Evidentiary hearing not required	518.64, subd. 2, para. (f)	Minor technical change. Omits reference in current law to maintenance.
		517C.25, subd. 4	Form	518.64, subd. 5	Minor technical changes. Omits reference in current law to maintenance.
		517C.25, subd. 5.	Substantial change in circumstances	None	Adds that a change in law does not constitute a substantial change in circumstances for purposes of modifying a child support order.
		517C.25, subd. 6.	Modification of order	None	Adds that a child support order may not be modified during the first year following the effective date of this chapter except in specified circumstances.
		517C.25, subd. 7.	Basic support; limitation	None	Adds that modification of basic support may be limited on the first modification under the income shares model if the amount of the full variance would create undue hardship.
23	23	517C.26	Reopening an order	518.145, subd. 2	Minor technical changes
24	24	517C.27, subd. 1	Change in custody or parenting time; official change in custody; child support suspended	518.18, para (f)	Minor technical changes
		517C.27, subd. 2	Unofficial change in custody; child support obligation satisfied	518.57, subd. 3	Minor technical changes
		517C.27, subd. 3	30-day change; child support reduced	518.551, subd. 5e	Corrects cross reference
25	25	517C.28, subd. 1	Substantial change in circumstances, earnings or needs; factors	518.64, subd. 2, para. (a); 518.64, subd. 4a	Minor technical changes. Corrects cross references. Also provides that implementation of this chapter is not a basis for modification unless the requirements under this section are met.
		517C.28, subd. 2	Presumptions	518.64, subd. 2, para. (b)	Minor technical changes. Corrects cross references.
26	26	517C.29	Modification effective date; retroactive	518.64, subd. 2, para. (d)	Clarifies and updates language

Section	New Codification Section	Description	Derivation Section	Comments/Changes ¹	
		modification permitted only in limited circumstances; child care exception			
27	27	517C.30, subd. 1	Termination of child support; death of obligor	518.64, subd 4	
		517C.30, subd. 2	Automatic termination	518.64, subd 4a	Minor technical changes
28	28	517C.31, subd. 1	Cost-of-living adjustments; general	518.641, subd. 1	Minor technical change. Omits reference in current law to maintenance.
		517C.31, subd. 2	Waiver	518.641, subd. 1	
		517C.31, subd. 3	Index; amount	518.641, subd. 1	Clarifies and updates language
		517C.31, subd. 4	Effective date	518.641, subd. 1	Clarifies and updates language
		517C.31, subd. 5	Notice	518.641, subd. 2	Clarifies and updates language
		517C.31, subd. 6	Procedure for contesting adjustment	518.641, subd. 2a	Clarifies and updates language
		517C.31, subd. 7	Hearing	518.641, subd. 3	
		517C.31, subd. 8	Form	518.641, subd. 2a	Minor technical changes
		517C.31, subd. 9	Rules	518.641, subd. 1, para. (b)	
29	29	517C.35, subd. 1	Assignment; general	518.551, subd. 1, paras. (b) & (d)	Clarifies and updates language
		517C.35, subd. 2	Judgments	518.551, subd. 9, para. (a)	Clarifies and updates language
		517C.35, subd. 3	Property lien	518.57, subd. 1	
30	30	517C.36, subd. 1	Party status; obligee receives public assistance; public authority is a party	518.551, subd. 9, paras. (a) & (b)	Clarifies and updates language
		517C.36, subd. 2	No public assistance; application for services	518.551, subd. 9, para. (b)	Clarifies and updates language. Corrects cross reference.
31	31	517C.37, subd. 1	Role of the public authority; public authority does not represent obligor or obligee	518.255, subd. 1, para. (a)	
		517C.37, subd. 2	Written notice	518.255, subd. 1, para. (b)	Clarifies and updates language
		517C.37, subd. 3	Power to represent other public authorities	518.551, subd. 1, para. (b)	Clarifies and updates language
32	32	517C.38	Service fees	518.551, subd. 7	Clarifies and updates language
33	33	517C.39	Public authority procedures for child support and parentage orders	518.5513, subd. 1	Clarifies and updates language. Corrects cross reference.

Section	New Codification Section	Description	Derivation Section	Comments/Changes ¹	
34	34	517C.40	Nonattorney employee duties	518.5513, subd. 2, para. (a) to (d)	Minor technical changes
35	35	517C.41	Pleadings; case information sheet; filing information	518.5513, subd. 3	Minor technical changes
36	36	517C.42	Noncontested matters	518.5513, subd. 4	
37	37	517C.43	Administrative authority; parentage support	518.5513, subd. 5	Corrects cross references
38	38	517C.44, subd. 1	Sharing of information; data; general	518.5513, subd. 6	Minor technical change. Corrects cross reference.
		517C.44, subd. 2	Data disclosed to an attorney of the public authority	518.255, subd. 1, para. (c) and (d)	Corrects cross reference
		517C.44, subd. 3	Prohibited disclosure	518.005, subd. 5	
39	39	517C.45	Sufficiency of notice	518.111	
40	40	517C.50, subd. 1	Child support payment center; central collection unit; creation	518.5852	Minor technical changes. Clarifies and updates language.
		517C.50, subd. 2	Creditor collections	518.5851, subd. 6	Minor technical change
		517C.50, subd. 3	Credit for payment	518.551, subd. 1, para. (c)	
41	41	517C.51	Mandatory payment of obligations to central collections unit	518.5853	Minor technical changes. Corrects cross references.
42	42	517C.52; subd 1	Income withholding; general; application	518.6111, subd. 2	Corrects cross references
		517C.52, subd. 2	Order	518.6111, subd. 3	Corrects cross references
		517C.52, subd. 3	Notice; income withholding and collection services	518.6111, subd. 4	Minor technical changes
		517C.52, subd. 4	Contract for service	518.6111, subd. 15	Clarifies and updates language
		517C.52, subd. 5	Electronic transmission	518.6111, subd. 18	Minor technical changes
		517C.52, subd. 6	Timing of automated enforcement remedies	518.6111, subd. 19	Minor technical changes. Corrects cross reference.
43	43	517C.53	Waiver of income withholding	518.6111, subd. 16	Clarifies and updates language. Corrects cross reference
44	44	517C.54, subd. 1	Payor of funds responsibilities; activation	518.6111, subd. 5, para. (a)	
		517C.54, subd. 2	Procedure	518.6111, subd. 5, para. (b)	Minor technical changes. Corrects cross references.
		517C.54, subd. 3	Retaliation prohibited	518.6111, subd. 5, para. (c)	Minor technical change. Corrects cross reference.

Section	New Codification Section	Description	Derivation Section	Comments/Changes ¹
	517C.54, subd. 4	Updated orders	518.6111, subd. 9, para. (b)	Minor technical changes
	517C.54, subd. 5	Notification of termination	518.6111, subd. 5, para. (e)	Minor technical changes
	517C.54, subd. 6	Expenses	518.6111, subd. 5, para. (f)	Corrects cross reference
45 45	517C.55	Lump-sum payments	518.6111, subd. 11	Clarifies and updates language
46 46	517C.56, subd. 1	Payor of funds liability; liability to obligee	518.6111, subd. 5, para. (c)	Minor technical changes. Corrects cross references.
	517C.56, subd. 2	Nonliability for compliance	518.6111, subd. 17	Clarifies and updates language. Corrects cross reference.
47 47	517C.57	Employer contempt	518.615	Clarifies and updates language. Corrects cross references.
48 48	517C.58, subd. 1	Priority of income withholding orders; maximum withholding; priority	518.6111, subd. 9, para. (a)	Clarifies and updates language. Corrects cross reference.
	517C.58, subd. 2	Multiple orders	518.6111, subd. 5, para. (d)	Minor technical changes
49 49	517C.59, subd. 1	Subsequent income withholding; application	518.6111, subd. 7, para. (a)	Minor technical change
	517C.59, subd. 2	Public authority provides child support enforcement services	518.6111, subd. 7, para. (b)	Clarifies and updates language. Corrects cross references.
	517C.59, subd. 3	Public authority does not provide child support enforcement services	518.6111, subd. 7, para. (c)	Clarifies and updates language.
	517C.59, subd. 4	Notice	518.6111, subd. 7, para. (d)	Minor technical changes.
	517C.59, subd. 5	Contest	518.6111, subd. 8	Minor technical changes.
50 50	517C.60	Income withholding; arrears order	518.6111, subd. 10	Clarifies and updates language. Corrects cross reference.
51 51	517C.61	Interstate income withholding	518.6111, subd. 12	Minor technical changes
52 52	517C.62, subd. 1	Order terminating income withholding; general procedure	518.6111, subd. 13	Clarifies and updates language
	517C.62, subd. 2	Termination by the public authority	518.6111, subd. 14	Clarifies and updates language
53 53	517C.63	Child support deposit account; financial institutions	518.6111, subd. 6	Minor technical changes
54 54	517C.64	Escrow account	518.614	Clarifies and updates language. Corrects cross references.
55 55	517C.65	Trustee	518.61	Clarifies and updates language. Omits provision in current law permitting the public authority to

Section	New Codification Section	Description	Derivation Section	Comments/Changes ¹
				represent a person entitled to receive support or maintenance because the provision contradicts current law and policy. Also omits provision in current law permitting a county attorney to institute a proceeding against a person who is beyond the jurisdiction of the court because the provision is superfluous and unnecessary.
56	56 517C.66	Overpayments	518.642	Minor technical changes. Omits references in current law to maintenance.
57	57 517C.67	Alternate notice of court order	518.646	Clarifies and updates language
58	58 517C.70	Child support and parenting time are independent	518.612	Clarifies and updates language
59	59 517C.705	Six-month review	None	Adds language providing that a request for six-month review hearing form must be attached to an order or decree initially establishing child support. This language is consistent with the six-month review requirements in section 517A.29.
60	60 517C.71, subd. 1	Payment agreements; general requirements	None	Adds language clarifying the requirements for payment agreements in cases where an obligor has child support arrears.
	517C.71, subd. 2	Considerations	518.553	Minor technical changes
61	61 517C.72	Seek employment orders	518.616	Clarifies and updates language. Corrects cross reference.
62	62 517C.73	Order for community services	518.551, subd. 5a	Minor technical changes. Corrects cross reference.
63	63 517C.74	Contempt proceedings for nonpayment of support	518.617	Clarifies and updates language. Corrects cross references. Omits references in current law to maintenance.
64	64 517C.745	Security; sequestration; contempt	518.24	Corrects cross reference. Omits references in current law to maintenance.
65	65 517C.75	Driver's license suspension	518.551, subd. 13	Reorganizes current law. Clarifies and updates language.
66	66 517C.76	Occupational license suspension	518.551, subd. 12	Reorganizes current law. Clarifies and updates language.
67	67 517C.77	Data on suspensions for support arrears	518.551, subd. 13a	Corrects cross references
68	68 517C.78	Recreational license suspension	518.551, subd. 15	Clarifies and updates language
69	69 517C.79	Motor vehicle lien	518.551, subd.14	Reorganizes current law. Clarifies and updates language.
70	70 517C.80	Publication of names of delinquent child support obligors	518.575	Minor technical changes
71	71 517C.81	Collection; arrears	518.6195	Clarifies and updates language. Corrects cross references.
72	517C.82	Collection; revenue	518.6196	

Section	New Codification Section	Description	Derivation Section	Comments/Changes ¹
		re-capture		
73	517C.83	Case reviewer	518.618	Minor technical change
74	517C.84	Attorney fees; collection costs	518.14, subd. 2	Clarifies and updates language
75	517C.99	Required notices	518.68	Clarifies and updates language. Corrects cross references.
76		Appropriations		Appropriates \$2,601,000 in fiscal year 2006 from the general fund to the commissioner of human services and \$1,087,000 to the supreme court administrator in fiscal year 2007 to fund implementation costs of the Minnesota Child Support Act. Makes this section effective July 1, 2005.
77		Revisor's instruction		Instructs the revisor to make necessary cross-reference changes in statutes and rules.
78		Repealer		Repeals child support laws from chapter 518 that are recodified in, or omitted from, article 2.
79		Effective date		Unless otherwise specified, makes the Minnesota Child Support Act effective July 1, 2007.

Article 3: Miscellaneous

Overview

This article amends miscellaneous provisions of chapter 518 relating to moving a child to another state, modification of custody orders, pension plans and military services.

- 1-2 Move to another state.** Amends the parenting time statute provision on a custodial parent moving a child out of state when the other parent has been granted parenting time. Requires a court to consider the best interests of the child when hearing a custodial parent's request to move a child out of state. Lists factors the court must consider: (1) the child's relationship to both parents, siblings, and other significant persons; (2) the child's needs and likely impact of relocation on the child's development; (3) the feasibility of preserving the child's relationship to the parent who remains in this state; (4) the child's preference; (5) whether there is an established pattern by the parent seeking relocation of thwarting the child's relationship with the other parent; (6) whether relocation will enhance the quality of life of the moving parent and the child; (7) each person's reasons for seeking or opposing relocation; (8) the effect on the child or the parent asking to move, if there has been domestic abuse between the parents or a parent and anyone else; (9) other factors affecting the child's best interests.

The parent seeking to move has the burden of proof.

- 3 3 Modification of order.** Amends the statute on modification of custody orders and parenting plans. Adds a new factor that will justify a change in custody: that the custodial parent has relocated to another state after the court denied permission for such a move.

- 4 Pension plans.** Amends the statute dealing with treatment of pensions when dividing property in marriage dissolutions. Prohibits lump sum payments to a spouse from defined benefit pension plan assets. Current law prohibits all lump sum payments from pension

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assets (for example, from defined contribution plans).

Amends current law on the timing for dividing public pension benefits or rights. Provides that in the case of a defined benefit plan, division may not commence until the covered spouse submits a valid application and a benefit becomes payable. Current law applies this timing restriction to all public pensions, both defined benefit and defined contribution plans.

5 **Military service.** Makes an income change due to beginning or ending active military service grounds for child support modification. If the obligor is unable to appear at a hearing, proceedings can be stayed until active duty ends. Lets the matter proceed in the obligor's absence, if he or she so chooses. Requires an obligor to notify the support enforcement authority within 30 days after returning from military service, if the authority provides support enforcement services on the case.

6 **Effective date. Section 5 is effective immediately.**