



OFFICE OF THE RAMSEY COUNTY ATTORNEY  
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**Child Support Legislative Proposal  
DE Amendment to HF 3563 (Moran)**

**Background:**

In 2016, the Minnesota Legislature passed legislation that created the Child Support Task Force to address maintaining effective and efficient child support guidelines in Minnesota Statute 518A.35 and make recommendations to the legislature. The legislature identified representation on the task force, consisting of 15 members.

<sup>1</sup>The legislature required the task force to review the following priority issues:

- The self-support reserve for custodial and noncustodial parents;
- Simultaneous child support orders;
- Obligor subject to child support orders in multiple counties;
- Parents with multiple families;
- Non-nuclear families, such as grandparents, relatives and foster parents who are caretakers of children;
- Standards to apply for modifications; and
- Updating Minnesota Statute section 518A.35, subd. 2, the guidelines for basic support.

The task force first met in September 2016 and worked on recommendations for over two years, with the final report being issued in October 2019. During this process, the task force reviewed research and data on child support, engaged experts and conducted outreach to the public on changes to child support laws. The task force spent substantial time and effort on reviewing how to revise the guidelines table. This legislation reflects the work of the task force as it relates to updating the child support guidelines table found in Minnesota Statutes § 518A.35.

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<sup>1</sup> The task force consisted of:

- Two members of the Minnesota House of Representatives, one appointed by the speaker and one appointed by the minority leader;
  - Two members of the Minnesota Senate, one appointed by the majority leader and one appointed by the minority leader;
  - One representative from the Minnesota County Attorneys Association;
  - One staff member from the department's Child Support Division;
  - One representative from a tribe with an approved Title IV-D program appointed by resolution of the Minnesota Indian Affairs Council;
  - One representative of the Minnesota Family Support Recovery Council;
  - One child support magistrate, family court referee, or one district court judge or retired judge with experience in child support matters, appointed by the chief justice of the Supreme Court;
  - Four parents, at least two of whom represent diverse cultural and social communities, appointed by DHS, with equal representation between custodial and non-custodial parents;
  - One representative from the Minnesota Legal Services Council; and
  - One representative from the Family Law Section of the Minnesota Bar Association.
- Members of the task force and the administrator of the task force consulted with the Cultural and Ethnic Communities Leadership Council annually (3 meetings).

The current guidelines table has been in effect since January 1, 2007, with the introduction of income shares. The income shares model is based on the idea that both parents share financial responsibility for children and accordingly the current table reflects the cost of raising children for both parties. Minnesota's table is based on the U.S. Department of Agriculture's (USDA) estimates for the costs of raising a child with certain Minnesota adjustments built in. However, at some income levels, the USDA model is not in line with the upper and lower ends of the income threshold. The task force examined this model and used additional methods to make the recommended revisions to the child support guidelines table.

### **Legislation:**

The DE-Amendment to HF 3563 includes the following as it relates to revisions to the child support guidelines table (Sections 1-4; Sections 7-8):

- Section 1: Changes the definition of gross income to equalize the treatment of any party's non-joint children whether the non-joint children live in the home or the parent has a court order to pay child support.
- Section 2: Addresses how and when to deduct from income for non-joint children to equalize the treatment of non-joint children.
- Section 3: Increases combined parental incomes for determining child support from \$15,000 to \$20,000 per month and addresses how to calculate child support when the child is not living with either parent.
- Section 4: Revises the child support guidelines table to reflect the research and work of the Child Support Task Force and requires the Commissioner of DHS to revise the table in concert with a current federal requirement to conduct a four-year quadrennial review of the child support table.
- Section 7: Requires the Courts to calculate the obligor's income available for support by subtracting a monthly self-support reserve equal to 120 percent of the federal poverty guidelines from the obligor's parental income for determining child support (PICS) instead of from the obligor's gross income as part of equalizing the treatment of non-joint children. It also changes the minimum basic support amounts.
- Section 8: Allows for a deviation when deviation the basic support increases and the parties' combined gross income is \$6,000 or less, or the obligor's income is \$2,000 or less and the only change in circumstance is an increase to the custodial parent's income.

### **Support:**

This legislation is supported by the task force based on its recommendations in the final report to the legislature dated October 31, 2019, by Ramsey County, the Minnesota Family Support and Recovery Council (MFSRC) and the Minnesota Association of County Social Services Administrators (MACSSA).