

1.1 To: Senator Betzold, Chair
 1.2 Committee on Judiciary
 1.3 Senator Neuville,
 1.4 Chair of the Subcommittee on Family Law, to which was referred

1.5 **S.F. No. 2403:** A bill for an act relating to marriage; providing for the solemnization
 1.6 of Hmong marriages; imposing criminal penalties for knowingly facilitating the
 1.7 solemnization of a prohibited marriage; clarifying filing requirements for certain Quaker
 1.8 marriages; requiring the reporting of certain acts; amending Minnesota Statutes 2004,
 1.9 sections 517.05; 517.14; 517.18; Minnesota Statutes 2005 Supplement, section 626.556,
 1.10 subdivisions 2, 3.

1.11 Reports the same back with the recommendation that the bill be amended as follows:

1.12 Page 1, line 13, strike "court administrator of the district court" and insert "local
 1.13 registrar"

1.14 Page 1, lines 18 and 20, delete "court administrator" and insert "local registrar"

1.15 Page 1, line 21, delete "The"

1.16 Page 1, delete lines 22 and 23

1.17 Page 1, line 24, delete everything before the first "The"

1.18 Page 2, line 33, delete the comma

1.19 Page 2, line 34, delete everything before the period

1.20 Page 3, lines 3 and 7, delete "one month" and insert "five days"

1.21 Page 3, line 5, delete "district court" and insert "local registrar"

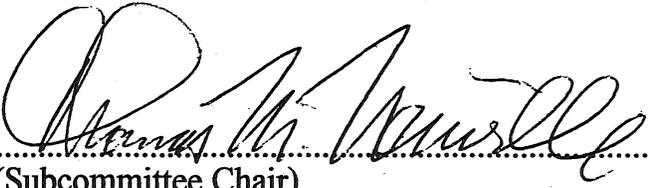
1.22 Page 3, line 9, delete "court administrator" and insert "local registrar"

1.23 Page 3, line 14, delete "section 517.02 or any other provision of"

1.24 Page 6, line 9, delete the second "allowing"

1.25 Page 6, line 10, delete "a child to enter into a marriage without the child's consent,"

1.26 And when so amended that the bill be recommended to pass and be referred to
 1.27 the full committee.

1.28 
 1.29 (Subcommittee Chair)

1.30 March 21, 2006
 1.31 (Date of Subcommittee action)

1.1 To: Senator Betzold, Chair

1.2 Committee on Judiciary

1.3 Senator Neuville,

1.4 Chair of the Subcommittee on Family Law, to which was referred

1.5 **S.F. No. 3199:** A bill for an act relating to family law; changing certain child
1.6 support and maintenance provisions; amending Minnesota Statutes 2004, section 518.551,
1.7 subdivision 6, by adding a subdivision; Laws 2005, chapter 164, sections 4; 5, subdivisions
1.8 4a, 8, 15, 18; 8; 10; 14; 15; 16; 18; 20; 21; 22, subdivisions 2, 4, 16, 17, 18; 24; 25; 31;
1.9 32; repealing Minnesota Statutes 2004, section 518.54, subdivision 2; Minnesota Statutes
1.10 2005 Supplement, section 518.54, subdivision 4a; Laws 2005, chapter 164, section 12.

1.11 Reports the same back with the recommendation that the bill be amended as follows:

1.12 Delete everything after the enacting clause and insert:

1.13 "Section 1. Minnesota Statutes 2004, section 518.175, subdivision 1, is amended to
1.14 read:

1.15 **Subdivision 1. General.** (a) In all proceedings for dissolution or legal separation,
1.16 subsequent to the commencement of the proceeding and continuing thereafter during
1.17 the minority of the child, the court shall, upon the request of either parent, grant such
1.18 parenting time on behalf of the child and a parent as will enable the child and the parent to
1.19 maintain a child to parent relationship that will be in the best interests of the child.

1.20 If the court finds, after a hearing, that parenting time with a parent is likely to
1.21 endanger the child's physical or emotional health or impair the child's emotional
1.22 development, the court shall restrict parenting time with that parent as to time, place,
1.23 duration, or supervision and may deny parenting time entirely, as the circumstances
1.24 warrant. The court shall consider the age of the child and the child's relationship with
1.25 the parent prior to the commencement of the proceeding.

1.26 A parent's failure to pay support because of the parent's inability to do so shall not
1.27 be sufficient cause for denial of parenting time.

1.28 (b) The court may provide that a law enforcement officer or other appropriate person
1.29 will accompany a party seeking to enforce or comply with parenting time.

1.30 (c) Upon request of either party, to the extent practicable an order for parenting
1.31 time must include a specific schedule for parenting time, including the frequency and
1.32 duration of visitation and visitation during holidays and vacations, unless parenting time
1.33 is restricted, denied, or reserved.

1.34 (d) The court administrator shall provide a form for a pro se motion regarding
1.35 parenting time disputes, which includes provisions for indicating the relief requested, an
1.36 affidavit in which the party may state the facts of the dispute, and a brief description of
1.37 the parenting time expeditor process under section 518.1751. The form may not include

1.38 a request for a change of custody. The court shall provide instructions on serving and
1.39 filing the motion.

2.1 (e) In the absence of other evidence, there is a rebuttable presumption that a parent is
2.2 entitled to receive at least 25 percent of the parenting time for the child. For purposes of
2.3 this paragraph, the percentage of parenting time may be determined by calculating the
2.4 number of overnights that a child spends with a parent or by using a method other than
2.5 overnights if the parent has significant time periods on separate days when the child is in
2.6 the parent's physical custody but does not stay overnight. The court may consider the age
2.7 of the child in determining whether a child is with a parent for a significant period of time.

2.8 Sec. 2. Minnesota Statutes 2004, section 518.551, is amended by adding a subdivision
2.9 to read:

2.10 Subd. 1a. Scope; payment to public authority. (a) This section applies to all
2.11 proceedings involving a support order, including, but not limited to, a support order
2.12 establishing an order for past support or reimbursement of public assistance.

2.13 (b) The court shall direct that all payments ordered for maintenance or support
2.14 be made to the public authority responsible for child support enforcement so long as
2.15 the obligee is receiving or has applied for public assistance, or has applied for child
2.16 support or maintenance collection services. Public authorities responsible for child
2.17 support enforcement may act on behalf of other public authorities responsible for child
2.18 support enforcement, including the authority to represent the legal interests of or execute
2.19 documents on behalf of the other public authority in connection with the establishment,
2.20 enforcement, and collection of child support, maintenance, or medical support, and
2.21 collection on judgments.

2.22 (c) Payments made to the public authority other than payments under section
2.23 518.6111 must be credited as of the date the payment is received by the central collections
2.24 unit.

2.25 (d) Monthly amounts received by the public agency responsible for child support
2.26 enforcement from the obligor that are greater than the monthly amount of public assistance
2.27 granted to the obligee must be remitted to the obligee.

2.28 Sec. 3. Minnesota Statutes 2004, section 518.551, subdivision 6, is amended to read:

2.29 Subd. 6. Failure of notice. If the court in a dissolution, legal separation or
2.30 determination of parentage proceeding, finds before issuing the order for judgment and
2.31 decree, that notification has not been given to the public authority, the court shall set child
2.32 support according to the guidelines in subdivision 5 as provided in Laws 2005, chapter
2.33 164, section 26. In those proceedings in which no notification has been made pursuant to

2.34 this section and in which the public authority determines that the judgment is lower than
2.35 the child support required by the guidelines in subdivision 5, it shall move the court for a
1 redetermination of the support payments ordered so that the support payments comply
3.2 with the guidelines.

3.3 Sec. 4. Minnesota Statutes 2004, section 518.5513, subdivision 3, is amended to read:

3.4 Subd. 3. **Contents of pleadings.** (a) In cases involving establishment or
3.5 modification of a child support order, the initiating party shall include the following
3.6 information, if known, in the pleadings:

3.7 (1) names, addresses, and dates of birth of the parties;

3.8 (2) Social Security numbers of the parties and the minor children of the parties,
3.9 which information shall be considered private information and shall be available only to
3.10 the parties, the court, and the public authority;

11 (3) other support obligations of the obligor;

3.12 (4) names and addresses of the parties' employers;

3.13 (5) net gross income of the parties as ~~defined~~ calculated in section ~~518.551,~~
3.14 ~~subdivision 5, with the authorized deductions itemized~~ 518.7123;

3.15 (6) amounts and sources of any other earnings and income of the parties;

3.16 (7) health insurance coverage of parties;

3.17 (8) types and amounts of public assistance received by the parties, including
3.18 Minnesota family investment plan, child care assistance, medical assistance,
3.19 MinnesotaCare, title IV-E foster care, or other form of assistance as defined in section
3.20 256.741, subdivision 1; and

21 (9) any other information relevant to the ~~determination~~ computation of the child or
3.22 medical support obligation under section ~~518.171 or 518.551, subdivision 5~~ 518.713.

3.23 (b) For all matters scheduled in the expedited process, whether or not initiated by
3.24 the public authority, the nonattorney employee of the public authority shall file with the
3.25 court and serve on the parties the following information:

3.26 (1) information pertaining to the income of the parties available to the public
3.27 authority from the Department of Employment and Economic Development;

3.28 (2) a statement of the monthly amount of child support, medical support, child care,
3.29 and arrears currently being charged the obligor on Minnesota IV-D cases;

3.30 (3) a statement of the types and amount of any public assistance, as defined in
3.31 section 256.741, subdivision 1, received by the parties; and

3.32 (4) any other information relevant to the determination of support that is known to
3.33 the public authority and that has not been otherwise provided by the parties.

3.34 The information must be filed with the court or child support magistrate at least
3.35 five days before any hearing involving child support, medical support, or child care
3.36 reimbursement issues.

4.1 **Sec. 5. [518.7124] POTENTIAL INCOME.**

4.2 **Subdivision 1. General. If a parent is voluntarily unemployed, underemployed, or**
4.3 **employed on a less than full-time basis, or there is no direct evidence of any income, child**
4.4 **support must be calculated based on a determination of potential income. For purposes of**
4.5 **this determination, it is rebuttably presumed that a parent can be gainfully employed on**
4.6 **a full-time basis. As used in this section, "full time" means 40 hours of work in a week**
4.7 **except in those industries, trades, or professions in which most employers, due to custom,**
4.8 **practice, or agreement, use a normal work week of more or less than 40 hours in a week.**

4.9 **Subd. 2. Methods. Determination of potential income must be made according**
4.10 **to one of three methods, as appropriate:**

4.11 **(1) the parent's probable earnings level based on employment potential, recent**
4.12 **work history, and occupational qualifications in light of prevailing job opportunities and**
4.13 **earnings levels in the community;**

4.14 **(2) if a parent is receiving unemployment compensation or workers' compensation,**
4.15 **that parent's income may be calculated using the actual amount of the unemployment**
4.16 **compensation or workers' compensation benefit received; or**

4.17 **(3) the amount of income a parent could earn working full time at 150 percent of the**
4.18 **current federal or state minimum wage, whichever is higher.**

4.19 **Subd. 3. Parent not considered voluntarily unemployed or underemployed.**

4.20 **A parent is not considered voluntarily unemployed or underemployed upon a showing**
4.21 **by the parent that:**

4.22 **(1) unemployment or underemployment is temporary and will ultimately lead to an**
4.23 **increase in income;**

4.24 **(2) the unemployment or underemployment represents a bona fide career change that**
4.25 **outweighs the adverse effect of that parent's diminished income on the child; or**

4.26 **(3) the parent is unable to work full time due to a verified disability or due to**
4.27 **incarceration.**

4.28 **Subd. 4. TANF recipient. If the parent of a joint child is a recipient of a temporary**
4.29 **assistance to a needy family (TANF) cash grant, no potential income is to be imputed**
4.30 **to that parent.**

4.31 **Subd. 5. Caretaker. If a parent stays at home to care for a child who is subject to**
4.32 **the child support order, the court may consider the following factors when determining**
4.33 **whether the parent is voluntarily unemployed or underemployed:**

- 4.34 (1) the parties' parenting and child care arrangements before the child support action;
5.1 (2) the stay-at-home parent's employment history, recency of employment, earnings,
2 and the availability of jobs within the community for an individual with the parent's
5.3 qualifications;
5.4 (3) the relationship between the employment-related expenses, including, but not
5.5 limited to, child care and transportation costs required for the parent to be employed,
5.6 and the income the stay-at-home parent could receive from available jobs within the
5.7 community for an individual with the parent's qualifications;
5.8 (4) the child's age and health, including whether the child is physically or mentally
5.9 disabled; and
5.10 (5) the availability of child care providers.

5.11 This paragraph does not apply if the parent stays at home only to care for other
5.12 nonjoint children.

5.13 Subd. 6. Economic conditions. A self-employed parent is not considered to be
5.14 voluntarily unemployed or underemployed if that parent can show that the parent's net
5.15 self-employment income is lower because of economic conditions.

5.16 Sec. 6. Laws 2005, chapter 164, section 3, subdivision 6, is amended to read:

5.17 Subd. 6. **Filing fee.** The ~~initial pleading~~ first paper filed for a party in all
5.18 proceedings for dissolution of marriage, legal separation, or annulment or proceedings
5.19 to establish child support obligations shall be accompanied by a filing fee of \$50. The
5.20 fee is in addition to any other prescribed by law or rule.

5.21 **EFFECTIVE DATE.** This section is effective July 1, 2006.

5.22 Sec. 7. Laws 2005, chapter 164, section 4, is amended to read:

5.23 Sec. 4. **[518.1781] SIX-MONTH REVIEW.**

5.24 (a) A request for a six-month review hearing form must be attached to a decree of
5.25 dissolution or legal separation or an order that initially establishes child custody, parenting
5.26 time, or ~~support rights and obligations of parents~~ an amount of child support. The state
5.27 court administrator is requested to prepare the request for review hearing form. The form
5.28 must include information regarding the procedures for requesting a hearing, the purpose
5.29 of the hearing, and any other information regarding a hearing under this section that the
5.30 state court administrator deems necessary.

5.31 (b) The six-month review hearing shall be held if any party submits a written request
5.32 for a hearing within six months after entry of a decree of dissolution or legal separation or
5.33 order that establishes child custody, parenting time, or support.

5.34 (c) Upon receipt of a completed request for hearing form, the court administrator
5.35 shall provide notice of the hearing to all other parties and the public authority. The court
6.1 administrator shall schedule the six-month review hearing as soon as practicable following
6.2 the receipt of the hearing request form. If the hearing request raises parenting time issues,
6.3 the court administrator shall schedule the hearing before a district court judge.

6.4 (d) At the six-month hearing, the court must review:

6.5 (1) whether child support is current; and

6.6 (2) whether both parties are complying with the parenting time provisions of the
6.7 order.

6.8 The court must not modify custody or parenting time or child support orders at
6.9 the hearing.

6.10 (e) At the six-month hearing, the obligor has the burden to present evidence to
6.11 establish that child support payments are current. A party may request that the public
6.12 authority provide information to the parties and court regarding child support payments. A
6.13 party must request the information from the public authority at least 14 days before the
6.14 hearing. The commissioner of human services must develop a form to be used by the
6.15 public authority to submit child support payment information to the parties and court.

6.16 (f) Contempt of court and all statutory remedies for child support and parenting time
6.17 enforcement may be imposed by the court at the six-month hearing for noncompliance by
6.18 either party pursuant to ~~chapters 517C and~~ this chapter or chapter 588 and the Minnesota
6.19 Court Rules, except that contempt of court powers may only be used against a party who
6.20 appears at the hearing. If a party does not appear, the court shall issue an order to show
6.21 cause if the moving party has presented a sufficient factual basis to establish contempt.

6.22 ~~(g) A request for a six-month review hearing form must be attached to a decree or~~
6.23 ~~order that initially establishes child support rights and obligations according to section~~
6.24 ~~517A.29.~~ The court shall conduct the six-month hearing as an informal proceeding at
6.25 which the court may make appropriate inquiries to assure that the parties are complying
6.26 with child support and parenting time orders. The court may take testimony only for
6.27 purposes of a contempt of court finding.

6.28 Sec. 8. Laws 2005, chapter 164, section 5, is amended to read:

6.29 **518.54 DEFINITIONS.**

6.30 Subdivision 1. **Terms.** For the purposes of sections 518.54 to 518.773, the terms
6.31 defined in this section shall have the meanings respectively ascribed to them.

6.32 Subd. 2. **Child.** "Child" means an individual under 18 years of age, an individual
6.33 under age 20 who is still attending secondary school, or an individual who, by reason of
6.34 physical or mental condition, is incapable of self-support.

7.1 Subd. 2a. **Deposit account.** "Deposit account" means funds deposited with a
7.2 financial institution in the form of a savings account, checking account, NOW account, or
3 demand deposit account.

7.4 Subd. 2b. **Financial institution.** "Financial institution" means a savings association,
7.5 bank, trust company, credit union, industrial loan and thrift company, bank and trust
7.6 company, or savings association, and includes a branch or detached facility of a financial
7.7 institution.

7.8 Subd. 3. **Maintenance.** "Maintenance" means an award made in a dissolution or
7.9 legal separation proceeding of payments from the future income or earnings of one spouse
7.10 for the support and maintenance of the other.

7.11 Subd. 4. **Support money; child support.** "Support money" or "child support"
7.12 means an amount for basic support, child care support, and medical support pursuant to:

7.13 (1) an award in a dissolution, legal separation, annulment, or parentage proceeding
7.14 for the care, support and education of any child of the marriage or of the parties to the
7.15 proceeding;

7.16 (2) a contribution by parents ordered under section 256.87; or

7.17 (3) support ordered under chapter 518B or 518C.

7.18 Subd. 4a. **Support order.** (a) "Support order" means a judgment, decree, or order,
7.19 whether temporary, final, or subject to modification, issued by a court or administrative
7.20 agency of competent jurisdiction;

7.21 (1) for the support and maintenance of a child, including a child who has attained
7.22 the age of majority under the law of the issuing state, ~~or;~~

7.23 (2) for a child and the parent with whom the child is living, that provides for
7.24 monetary support, child care, medical support including expenses for confinement and
7.25 pregnancy, arrearages, or reimbursement, ~~and that;~~ or

7.26 (3) for the maintenance of a spouse or former spouse.

7.27 (b) The support order may include related costs and fees, interest and penalties,
7.28 income withholding, and other relief. This definition applies to orders issued under this
7.29 chapter and chapters 256, 257, and 518C.

7.30 Subd. 5. **Marital property; exceptions.** "Marital property" means property, real or
7.31 personal, including vested public or private pension plan benefits or rights, acquired by
7.32 the parties, or either of them, to a dissolution, legal separation, or annulment proceeding
7.33 at any time during the existence of the marriage relation between them, or at any time
7.34 during which the parties were living together as husband and wife under a purported
7.35 marriage relationship which is annulled in an annulment proceeding, but prior to the
7.36 date of valuation under section 518.58, subdivision 1. All property acquired by either

8.1 spouse subsequent to the marriage and before the valuation date is presumed to be marital
8.2 property regardless of whether title is held individually or by the spouses in a form
8.3 of co-ownership such as joint tenancy, tenancy in common, tenancy by the entirety, or
8.4 community property. Each spouse shall be deemed to have a common ownership in
8.5 marital property that vests not later than the time of the entry of the decree in a proceeding
8.6 for dissolution or annulment. The extent of the vested interest shall be determined and
8.7 made final by the court pursuant to section 518.58. If a title interest in real property is held
8.8 individually by only one spouse, the interest in the real property of the nontitled spouse is
8.9 not subject to claims of creditors or judgment or tax liens until the time of entry of the
8.10 decree awarding an interest to the nontitled spouse. The presumption of marital property
8.11 is overcome by a showing that the property is nonmarital property.

8.12 "Nonmarital property" means property real or personal, acquired by either spouse
8.13 before, during, or after the existence of their marriage, which

8.14 (a) is acquired as a gift, bequest, devise or inheritance made by a third party to
8.15 one but not to the other spouse;

8.16 (b) is acquired before the marriage;

8.17 (c) is acquired in exchange for or is the increase in value of property which is
8.18 described in clauses (a), (b), (d), and (e);

8.19 (d) is acquired by a spouse after the valuation date; or

8.20 (e) is excluded by a valid antenuptial contract.

8.21 Subd. 6. **Income.** "Income" means any form of periodic payment to an individual
8.22 including, but not limited to, wages, salaries, payments to an independent contractor,
8.23 workers' compensation, unemployment benefits, annuity, military and naval retirement,
8.24 pension and disability payments. Benefits received under Title IV-A of the Social Security
8.25 Act and chapter 256J are not income under this section.

8.26 Subd. 7. **Obligee.** "Obligee" means a person to whom payments for maintenance or
8.27 support are owed.

8.28 Subd. 8. **Obligor.** "Obligor" means a person obligated to pay maintenance or
8.29 support. A person who is ~~designated as the sole physical custodian~~ has primary physical
8.30 custody of a child is presumed not to be an obligor for purposes of ~~calculating current~~
8.31 a child support under section 518.551 order under section 518.713, unless section
8.32 518.722, subdivision 3, applies or the court makes specific written findings to overcome
8.33 this presumption. For purposes of ordering medical support under section 518.719, a
8.34 ~~custodial~~ parent who has primary physical custody of a child may be an obligor subject
8.35 to a ~~cost-of-living adjustment under section 518.641~~ and a payment agreement under
8.36 section 518.553.

9.1 Subd. 9. **Public authority.** "Public authority" means the local unit of government,
9.2 acting on behalf of the state, that is responsible for child support enforcement or the
3 Department of Human Services, Child Support Enforcement Division.

9.4 Subd. 10. **Pension plan benefits or rights.** "Pension plan benefits or rights" means
9.5 a benefit or right from a public or private pension plan accrued to the end of the month in
9.6 which marital assets are valued, as determined under the terms of the laws or other plan
9.7 document provisions governing the plan, including section 356.30.

9.8 Subd. 11. **Public pension plan.** "Public pension plan" means a pension plan or
9.9 fund specified in section 356.20, subdivision 2, or 356.30, subdivision 3, the deferred
9.10 compensation plan specified in section 352.96, or any retirement or pension plan or fund,
9.11 including a supplemental retirement plan or fund, established, maintained, or supported by
9.12 a governmental subdivision or public body whose revenues are derived from taxation,
9.13 fees, assessments, or from other public sources.

9.14 Subd. 12. **Private pension plan.** "Private pension plan" means a plan, fund, or
9.15 program maintained by an employer or employee organization that provides retirement
9.16 income to employees or results in a deferral of income by employees for a period
9.17 extending to the termination of covered employment or beyond.

9.18 Subd. 13. **Arrears.** Arrears are amounts that accrue pursuant to an obligor's failure
9.19 to comply with a support order. Past support and pregnancy and confinement expenses
9.20 contained in a support order are arrears if the court order does not contain repayment
9.21 terms. Arrears also arise by the obligor's failure to comply with the terms of a court order
9.22 for repayment of past support or pregnancy and confinement expenses. An obligor's
9.23 failure to comply with the terms for repayment of amounts owed for past support or
24 pregnancy and confinement turns the entire amount owed into arrears.

9.25 Subd. 14. **IV-D case.** "IV-D case" means a case where a party has assigned to the
9.26 state rights to child support because of the receipt of public assistance as defined in section
9.27 256.741 or has applied for child support services under title IV-D of the Social Security
9.28 Act, United States Code, title 42, section 654(4).

9.29 Subd. 15. **Parental income for determining child support (PICS).** "Parental
9.30 income for determining child support," or "PICS," means gross income ~~under subdivision~~
9.31 ~~18~~ minus deductions for nonjoint children as allowed by under section 518.717.

9.32 Subd. 16. **Apportioned veterans' benefits.** "Apportioned veterans' benefits" means
9.33 the amount the Veterans Administration deducts from the veteran's award and disburses
34 to the child or the child's representative payee. The apportionment of veterans' benefits
9.35 shall be that determined by the Veterans Administration and governed by Code of Federal
9.36 Regulations, title 38, sections 3.450 to 3.458.

10.1 Subd. 17. **Basic support.** "Basic support" means the basic support obligation
10.2 ~~determined by applying the parent's parental income for child support, or if there are two~~
10.3 ~~parents, their combined parental income for child support, to the guideline in the manner~~
10.4 ~~set out in section 518.725~~ computed under section 518.713. Basic support includes the
10.5 dollar amount ordered for a child's housing, food, clothing, transportation, and education
10.6 costs, and other expenses relating to the child's care. Basic support does not include
10.7 monetary contributions for a child's child care expenses and medical and dental expenses.

10.8 Subd. 18. **Gross income.** "Gross income" means:

10.9 ~~(1) the gross income of the parent calculated under section 518.7123; plus~~

10.10 ~~(2) Social Security or veterans' benefit payments received on behalf of the child~~
10.11 ~~under section 518.718; plus~~

10.12 ~~(3) the potential income of the parent, if any, as determined in subdivision 23; minus~~

10.13 ~~(4) spousal maintenance that any party has been ordered to pay; minus~~

10.14 ~~(5) the amount of any existing child support order for other nonjoint children.~~

10.15 Subd. 19. **Joint child.** "Joint child" means the dependent child who is the ~~son or~~
10.16 ~~daughter~~ child of both parents in the support proceeding. In ~~those~~ cases where support is
10.17 sought from only one parent of a child, a joint child is the child for whom support is sought.

10.18 Subd. 20. **Nonjoint child.** "Nonjoint child" means the legal child of one, but not
10.19 both of the parents ~~subject to this determination. Specifically excluded from this definition~~
10.20 ~~are in the support proceeding.~~ Nonjoint child does not include stepchildren.

10.21 Subd. 21. ~~Parenting time.~~ "Parenting time" means ~~the amount of time a child is~~
10.22 ~~scheduled to spend with the parent according to a court order. Parenting time includes~~
10.23 ~~time with the child whether it is designated as visitation, physical custody, or parenting~~
10.24 ~~time. For purposes of section 518.722, the percentage of parenting time may be calculated~~
10.25 ~~by calculating the number of overnights that a child spends with a parent, or by using a~~
10.26 ~~method other than overnights if the parent has significant time periods where the child is~~
10.27 ~~in the parent's physical custody, but does not stay overnight.~~

10.28 Subd. 22. **Payor of funds.** "Payor of funds" means a person or entity that provides
10.29 funds to an obligor, including an employer as defined under chapter 24, section 3401(d),
10.30 of the Internal Revenue Code, an independent contractor, payor of workers' compensation
10.31 benefits or unemployment insurance benefits, or a financial institution as defined in
10.32 section 13B.06.

10.33 Subd. 23. ~~Potential income.~~ "Potential income" is ~~income determined under this~~
10.34 ~~subdivision.~~

10.35 ~~(a) If a parent is voluntarily unemployed, underemployed, or employed on a~~
10.36 ~~less than full-time basis, or there is no direct evidence of any income, child support~~

11.1 ~~shall be calculated based on a determination of potential income. For purposes of this~~
11.2 ~~determination, it is rebuttably presumed that a parent can be gainfully employed on a~~
11.3 ~~full-time basis.~~

11.4 ~~(b) Determination of potential income shall be made according to one of three~~
11.5 ~~methods, as appropriate:~~

11.6 ~~(1) the parent's probable earnings level based on employment potential, recent~~
11.7 ~~work history, and occupational qualifications in light of prevailing job opportunities and~~
11.8 ~~earnings levels in the community;~~

11.9 ~~(2) if a parent is receiving unemployment compensation or workers' compensation,~~
11.10 ~~that parent's income may be calculated using the actual amount of the unemployment~~
11.11 ~~compensation or workers' compensation benefit received; or~~

11.12 ~~(3) the amount of income a parent could earn working full time at 150 percent of the~~
11.13 ~~current federal or state minimum wage, whichever is higher.~~

11.14 ~~(c) A parent is not considered voluntarily unemployed or underemployed upon a~~
11.15 ~~showing by the parent that:~~

11.16 ~~(1) unemployment or underemployment is temporary and will ultimately lead to an~~
11.17 ~~increase in income;~~

11.18 ~~(2) the unemployment or underemployment represents a bona fide career change that~~
11.19 ~~outweighs the adverse effect of that parent's diminished income on the child; or~~

11.20 ~~(3) the parent is unable to work full time due to a verified disability or due to~~
11.21 ~~incarceration.~~

11.22 ~~(d) As used in this section, "full time" means 40 hours of work in a week except in~~
11.23 ~~those industries, trades, or professions in which most employers due to custom, practice,~~
11.24 ~~or agreement utilize a normal work week of more or less than 40 hours in a week.~~

11.25 ~~(e) If the parent of a joint child is a recipient of a temporary assistance to a needy~~
11.26 ~~family (TANF) cash grant, no potential income shall be imputed to that parent.~~

11.27 ~~(f) If a parent stays at home to care for a child who is subject to the child support~~
11.28 ~~order, the court may consider the following factors when determining whether the parent~~
11.29 ~~is voluntarily unemployed or underemployed:~~

11.30 ~~(1) the parties' parenting and child care arrangements before the child support action;~~

11.31 ~~(2) the stay-at-home parent's employment history, recency of employment, earnings,~~
11.32 ~~and the availability of jobs within the community for an individual with the parent's~~
11.33 ~~qualifications;~~

11.34 ~~(3) the relationship between the employment-related expenses, including, but not~~
11.35 ~~limited to, child care and transportation costs required for the parent to be employed;~~

12.1 ~~and the income the stay-at-home parent could receive from available jobs within the~~
 12.2 ~~community for an individual with the parent's qualifications;~~

12.3 ~~(4) the child's age and health, including whether the child is physically or mentally~~
 12.4 ~~disabled; and~~

12.5 ~~(5) the availability of child care providers.~~

12.6 ~~(g) Paragraph (f) does not apply if the parent stays at home to care for other nonjoint~~
 12.7 ~~children, only.~~

12.8 ~~(h) A self-employed parent shall not be considered to be voluntarily unemployed~~
 12.9 ~~or underemployed if that parent can show that the parent's net self-employment income~~
 12.10 ~~is lower because of economic conditions.~~

12.11 ~~Subd. 24. Subd. 22. Primary physical custody.~~ The parent having "primary
 12.12 physical custody" means the parent who provides the primary residence for a child and is
 12.13 responsible for the majority of the day-to-day decisions concerning a child.

12.14 ~~Subd. 25. Subd. 23. Social Security benefits.~~ "Social Security benefits" means
 12.15 the monthly ~~amount~~ retirement, survivors, or disability insurance benefits that the Social
 12.16 Security Administration pays to provides to a parent for that parent's own benefit or for
 12.17 the benefit of a joint child or the child's representative payee due solely to the disability
 12.18 or retirement of either parent. Benefits paid. Social Security benefits do not include
 12.19 Supplemental Security Income benefits that the Social Security Administration provides
 12.20 to a parent for the parent's own benefit or to a parent due to the disability of a child are
 12.21 excluded from this definition.

12.22 ~~Subd. 26. Split custody.~~ "Split custody" means that each parent in a two-parent
 12.23 calculation has primary physical custody of at least one of the joint children.

12.24 ~~Subd. 27. Subd. 24. Survivors' and dependents' educational assistance.~~
 12.25 "Survivors' and dependents' educational assistance" are funds disbursed by the Veterans
 12.26 Administration under United States Code, title 38, chapter 35, to the child or the child's
 12.27 representative payee.

12.28 Sec. 9. Laws 2005, chapter 164, section 8, is amended to read:

12.29 Sec. 8. Minnesota Statutes 2004, section 518.551, subdivision 5b, is amended to
 12.30 read:

12.31

12.32 Subd. 5b. **Providing income information.** (a) In any case where the parties have
 12.33 joint children for which a child support order must be determined, the parties shall serve
 12.34 and file with their initial pleadings or motion documents, a financial affidavit, disclosing
 12.35 all sources of gross income for purposes of section 518.7123. The financial affidavit shall
 12.36 include relevant supporting documentation necessary to calculate the parental income for

13.1 child support under section 518.54, subdivision 15, including, but not limited to, pay stubs
13.2 for the most recent three months, employer statements, or statements of receipts and
13.3 expenses if self-employed. Documentation of earnings and income also include relevant
13.4 copies of each parent's most recent federal tax returns, including W-2 forms, 1099 forms,
13.5 unemployment benefit statements, workers' compensation statements, and all other
13.6 documents evidencing earnings or income as received that provide verification for the
13.7 financial affidavit. The commissioner of human services shall prepare a financial affidavit
13.8 form that must be used by the parties for disclosing information under this subdivision.

13.9 (b) In addition to the requirements of paragraph (a), at any time after an action
13.10 seeking child support has been commenced or when a child support order is in effect, a
13.11 party or the public authority may require the other party to give them a copy of the party's
13.12 most recent federal tax returns that were filed with the Internal Revenue Service. The
13.13 party shall provide a copy of the tax returns within 30 days of receipt of the request unless
13.14 the request is not made in good faith. A request under this paragraph may not be made
13.15 more than once every two years, in the absence of good cause.

13.16
13.17 (c) If a parent under the jurisdiction of the court does not serve and file the financial
13.18 affidavit with the parent's initial pleading or motion documents, the court shall set income
13.19 for that parent based on credible evidence before the court or in accordance with section
13.20 ~~518.54, subdivision 23~~ 518.7124. Credible evidence may include documentation of
13.21 current or recent income, testimony of the other parent concerning recent earnings and
13.22 income levels, and the parent's wage reports filed with the Minnesota Department of
13.23 Employment and Economic Development under section 268.044.

13.24

13.25 Sec. 10. Laws 2005, chapter 164, section 10, subdivision 2, is amended to read:

13.26 **Subd. 2. Modification.** (a) The terms of an order respecting maintenance or support
13.27 may be modified upon a showing of one or more of the following, any of which makes the
13.28 terms unreasonable and unfair: (1) substantially increased or decreased gross income of an
13.29 obligor or obligee; (2) substantially increased or decreased need of an obligor or obligee
13.30 or the child or children that are the subject of these proceedings; (3) receipt of assistance
13.31 under the AFDC program formerly codified under sections 256.72 to 256.87 or 256B.01
13.32 to 256B.40, or chapter 256J or 256K; (4) a change in the cost of living for either party
13.33 as measured by the Federal Bureau of Labor Statistics, ~~any of which makes the terms~~
13.34 ~~unreasonable and unfair~~; (5) extraordinary medical expenses of the child not provided for
13.35 under section 518.171; (6) the addition of work-related or education-related child care
13.36 expenses of the obligee or a substantial increase or decrease in existing work-related

14.1 or education-related child care expenses; or (7) upon the emancipation of the child, as
14.2 provided in section 518.64, subdivision 4a.

14.3 (b) It is presumed that there has been a substantial change in circumstances under
14.4 paragraph (a) and the terms of a current support order shall be rebuttably presumed to be
14.5 unreasonable and unfair if:

14.6
14.7 (1) the application of the child support guidelines in section ~~518.551, subdivision 5~~
14.8 518.725, to the current circumstances of the parties results in a calculated court order that
14.9 is at least 20 percent and at least \$75 per month higher or lower than the current support
14.10 order or, if the current support order is less than \$75, it results in a calculated court order
14.11 that is at least 20 percent per month higher or lower;

14.12
14.13 (2) the medical support provisions of the order established under section 518.719
14.14 are not enforceable by the public authority or the obligee;

14.15
14.16 (3) health coverage ordered under section 518.719 is not available to the child for
14.17 whom the order is established by the parent ordered to provide;

14.18
14.19 (4) the existing support obligation is in the form of a statement of percentage and
14.20 not a specific dollar amount; or

14.21
14.22 (5) the gross income of an obligor or obligee has decreased by at least 20 percent
14.23 through no fault or choice of the party.

14.24
14.25 (c) A child support order is not presumptively modifiable solely because an obligor
14.26 or obligee becomes responsible for the support of an additional nonjoint child, which is
14.27 born after an existing order. Section 518.717 shall be considered if other grounds are
14.28 alleged which allow a modification of support.

14.29
14.30 (d) On a motion for modification of maintenance, including a motion for the
14.31 extension of the duration of a maintenance award, the court shall apply, in addition to all
14.32 other relevant factors, the factors for an award of maintenance under section 518.552 that
14.33 exist at the time of the motion. On a motion for modification of support, the court:

14.34
14.35 (1) shall apply section 518.725, and shall not consider the financial circumstances of
14.36 each party's spouse, if any; and

15.1

15.2 (2) shall not consider compensation received by a party for employment in excess of
15.3 a 40-hour work week, provided that the party demonstrates, and the court finds, that:

15.4

15.5 (i) the excess employment began after entry of the existing support order;

15.6

15.7 (ii) the excess employment is voluntary and not a condition of employment;

15.8

15.9 (iii) the excess employment is in the nature of additional, part-time employment, or
15.10 overtime employment compensable by the hour or fractions of an hour;

15.11

15.12 (iv) the party's compensation structure has not been changed for the purpose of
15.13 affecting a support or maintenance obligation;

15.14

15.15 (v) in the case of an obligor, current child support payments are at least equal to the
15.16 guidelines amount based on income not excluded under this clause; and

15.17

15.18 (vi) in the case of an obligor who is in arrears in child support payments to the
15.19 obligee, any net income from excess employment must be used to pay the arrearages
15.20 until the arrearages are paid in full.

15.21

15.22 (e) A modification of support or maintenance, including interest that accrued
15.23 pursuant to section 548.091, may be made retroactive only with respect to any period
15.24 during which the petitioning party has pending a motion for modification but only from the
15.25 date of service of notice of the motion on the responding party and on the public authority
15.26 if public assistance is being furnished or the county attorney is the attorney of record.

15.27

15.28 (f) Except for an award of the right of occupancy of the homestead, provided in
15.29 section 518.63, all divisions of real and personal property provided by section 518.58
15.30 shall be final, and may be revoked or modified only where the court finds the existence
15.31 of conditions that justify reopening a judgment under the laws of this state, including
15.32 motions under section 518.145, subdivision 2. The court may impose a lien or charge on
15.33 the divided property at any time while the property, or subsequently acquired property, is
15.34 owned by the parties or either of them, for the payment of maintenance or support money,
15.35 or may sequester the property as is provided by section 518.24.

15.36

16.1 (g) The court need not hold an evidentiary hearing on a motion for modification of
16.2 maintenance or support.

16.3
16.4 (h) Section 518.14 shall govern the award of attorney fees for motions brought
16.5 under this subdivision.

16.6
16.7 (i) Except as expressly provided, an enactment, amendment, or repeal of law does
16.8 not constitute a substantial change in the circumstances for purposes of modifying a
16.9 child support order.

16.10
16.11 (j) There may be no modification of an existing child support order during the first
16.12 year following the effective date of sections 518.7123 to 518.729 except as follows:

16.13
16.14 (1) there is at least a 20 percent change in the gross income of the obligor;

16.15
16.16 (2) there is a change in the number of joint children for whom the obligor is legally
16.17 responsible and actually supporting;

16.18
16.19 (3) a parent or another caregiver of the child who is supported by the existing support
16.20 order begins to receive public assistance, as defined in section 256.741;

16.21 (4) there are additional work-related or education-related child care expenses of the
16.22 obligee or a substantial increase or decrease in existing work-related or education-related
16.23 child care expenses;

16.24 (5) there is a change in the availability of health care coverage, as defined in section
16.25 518.719, subdivision 1, paragraph (a), or a substantial increase or decrease in the cost
16.26 of existing health care coverage;

16.27 (6) the child supported by the existing child support order becomes disabled; or

16.28
16.29 ~~(4)~~ (7) both parents consent to modification of the existing order ~~in compliance with~~
16.30 ~~the new income shares guidelines~~ under section 518.713.

16.31 A modification under clause (4) may be granted only with respect to child care
16.32 support. A modification under clause (5) may be granted only with respect to medical
16.33 support. This paragraph expires January 1, 2008.

16.34
16.35 (k) On the first modification ~~under the income shares method of calculation,~~ of a
16.36 support order that was calculated under the statutory guidelines in effect before January

17.1 1, 2007, the court may phase in the modification of basic support ~~may be limited~~ if the
17.2 ~~amount of the full variance~~ amount of the modification would create an undue hardship for
17.3 ~~either~~ the obligor or the obligee.

17.4

17.5 Paragraph (j) expires January 1, 2008.

17.6

17.7 Sec. 11. Laws 2005, chapter 164, section 11, subdivision 7, is amended to read:

17.8 Subd. 7. **Child care exception.** Child care support must be based on the actual child
17.9 care expenses. The court may provide that a ~~reduction~~ decrease in the amount ~~allocated~~
17.10 ~~for of the~~ child care expenses based on a ~~substantial~~ decrease in the actual child care
17.11 expenses is effective as of the date the expense is decreased.

17.12 Sec. 12. Laws 2005, chapter 164, section 14, is amended to read:

17.13 Sec. 14. **[518.7123] CALCULATION OF GROSS INCOME.**

17.14 (a) ~~Except as excluded below~~ Subject to the exclusions and deductions in this
17.15 section, gross income includes income from any source any form of periodic payment
17.16 to an individual, including, but not limited to, salaries, wages, commissions, advances,
17.17 bonuses, dividends, severance pay, pensions, interest, honoraria, trust income, annuities,
17.18 return on capital, Social Security benefits, workers' compensation benefits, unemployment
17.19 insurance benefits, disability insurance benefits, gifts, prizes, including lottery winnings,
17.20 alimony, spousal maintenance payments, income from self-employment or operation of
17.21 a business, as determined self-employment income under section 518.7125, workers'
17.22 compensation, unemployment benefits, annuity payments, military and naval retirement,
17.23 pension and disability payments, spousal maintenance received under a previous order
17.24 or the current proceeding, Social Security or veterans benefits provided for a joint child
17.25 under section 518.718, and potential income under section 518.7124. ~~All salary~~ Salaries,
17.26 wages, commissions, or other compensation paid by third parties shall be based upon
17.27 Medicare gross income. No deductions shall be allowed for contributions to pensions,
17.28 401-K, IRA, or other retirement benefits.

17.29 (b) ~~Excluded and not counted in~~ Gross income is does not include compensation
17.30 received by a party for employment in excess of a 40-hour work week, provided that:

17.31 (1) child support is ~~nonetheless~~ ordered in an amount at least equal to the guideline
17.32 amount based on gross income not excluded under this clause; and

17.33 (2) the party demonstrates, and the court finds, that:

17.34 (i) the excess employment began after the filing of the petition for dissolution or
17.35 legal separation or a petition or motion related to custody, parenting time, or support;

18.1 (ii) the excess employment reflects an increase in the work schedule or hours worked
18.2 over that of the two years immediately preceding the filing of the petition;

18.3 (iii) the excess employment is voluntary and not a condition of employment;

18.4 (iv) the excess employment is in the nature of additional, part-time or overtime
18.5 employment compensable by the hour or fraction of an hour; and

18.6 (v) the party's compensation structure has not been changed for the purpose of
18.7 affecting a support or maintenance obligation.

18.8 (c) Expense reimbursements or in-kind payments received by a parent in the course
18.9 of employment, self-employment, or operation of a business shall be counted as income
18.10 if they reduce personal living expenses.

18.11 (d) Gross income may be calculated on either an annual or monthly basis. Weekly
18.12 income shall be translated to monthly income by multiplying the weekly income by 4.33.

18.13 (e) ~~Excluded and not counted as~~ Gross income is any does not include a child
18.14 support payment received by a party. It is a rebuttable presumption that adoption
18.15 assistance payments, guardianship assistance payments, and foster care subsidies are
18.16 excluded and not counted as gross income.

18.17 (f) ~~Excluded and not counted as~~ Gross income is does not include the income of the
18.18 obligor's spouse and the obligee's spouse.

18.19 (g) Child support or spousal maintenance payments ordered by a court for a nonjoint
18.20 child or former spouse or ordered payable to the other party as part of the current
18.21 proceeding are deducted from other periodic payments received by a party for purposes of
18.22 determining gross income.

18.23 Sec. 13. Laws 2005, chapter 164, section 15, is amended to read:

18.24 Sec. 15. **[518.7125] INCOME FROM SELF-EMPLOYMENT OR**
18.25 **OPERATION OF A BUSINESS.**

18.26
18.27 For purposes of section 518.7123, ~~income from self-employment, rent, royalties,~~
18.28 ~~proprietorship~~ or operation of a business, or including joint ownership of a partnership or
18.29 closely held corporation, gross income is defined as gross receipts minus costs of goods
18.30 sold minus ordinary and necessary expenses required for self-employment or business
18.31 operation. Specifically excluded from ordinary and necessary expenses are amounts
18.32 allowable by the Internal Revenue Service for the accelerated component of depreciation
18.33 expenses, investment tax credits, or any other business expenses determined by the court
18.34 to be inappropriate or excessive for determining gross income for purposes of calculating
18.35 child support. The person seeking to deduct an expense, including depreciation, has the
18.36 burden of proving, if challenged, that the expense is ordinary and necessary.

19.1 Sec. 14. Laws 2005, chapter 164, section 16, is amended to read:

19.2 Sec. 16. **[518.713] COMPUTATION OF CHILD SUPPORT OBLIGATIONS.**

19.3 (a) To determine the presumptive amount of child support owed by obligation of a
 19.4 parent, the court shall follow the procedure set forth in this section:

19.5 (b) To determine the obligor's basic support obligation, the court shall:

19.6 (1) determine the gross income of each parent ~~using the definition in section 518.54,~~
 19.7 ~~subdivision 18~~ under section 518.7123;

19.8 (2) calculate the parental income for determining child support (PICS) of each parent
 19.9 ~~under section 518.54, subdivision 15~~, by subtracting from the gross income the credit, if
 19.10 any, for each parent's nonjoint children under section 518.717;

19.11 (3) determine the percentage contribution of each parent to the combined PICS by
 19.12 dividing the combined PICS into each parent's PICS;

19.13 (4) determine the combined basic support obligation by application of the ~~schedule~~
 19.14 guidelines in section 518.725;

19.15 (5) determine ~~each parent's~~ the obligor's share of the basic support obligation
 19.16 by multiplying the percentage figure from clause (3) by the combined basic support
 19.17 obligation in clause (4); and

19.18 (6) determine the parenting expense adjustment, if any, as provided in section
 19.19 518.722, and adjust ~~that parent's~~ the obligor's basic support obligation accordingly;
 19.20 If the parenting time of the parties is presumed equal, section 518.722, subdivision 3,
 19.21 applies to the calculation of the basic support obligation and a determination of which
 19.22 parent is the obligor.

19.23 ~~(7)~~ (c) The court shall determine the child care support obligation for each parent
 19.24 the obligor as provided in section 518.72;

19.25 ~~(8)~~ (d) The court shall determine the health care coverage medical support obligation
 19.26 for each parent as provided in section 518.719. Unreimbursed and uninsured medical
 19.27 expenses are not included in the presumptive amount of support owed by a parent and are
 19.28 calculated and collected as described in section 518.722; 518.719.

19.29 ~~(9)~~ (e) The court shall determine each parent's total child support obligation by
 19.30 adding together each parent's basic support, child care support, and health care coverage
 19.31 obligations as provided in clauses (1) to (8);

19.32 ~~(10)~~ reduce or increase each parent's total child support obligation by the amount of
 19.33 the health care coverage contribution paid by or on behalf of the other parent, as provided
 19.34 in section 518.719, subdivision 5; this section.

19.35 ~~(11)~~ (f) If Social Security benefits or veterans' benefits are received by one parent as
 19.36 a representative payee for a joint child due to the other parent's disability or retirement,

20.1 based on the other parent's eligibility, the court shall subtract the amount of benefits from
 20.2 the other parent's net child support obligation, if any;

20.3 ~~(12) apply the self-support adjustment and minimum support obligation provisions~~
 20.4 ~~as provided in section 518.724, and~~

20.5 (13) (g) The final child support order shall separately designate the amount owed for
 20.6 basic support, child care support, and medical support. If applicable, the court shall use
 20.7 the self-support adjustment and minimum support adjustment under section 518.724 to
 20.8 determine the obligor's child support obligation.

20.9 Sec. 15. Laws 2005, chapter 164, section 17, subdivision 1, is amended to read:

20.10 Subdivision 1. **General factors.** Among other reasons, deviation from the
 20.11 presumptive ~~guideline amount~~ child support obligation computed under section 518.713
 20.12 is intended to encourage prompt and regular payments of child support and to prevent
 20.13 either parent or the joint children from living in poverty. In addition to the child support
 20.14 guidelines and other factors used to calculate the child support obligation under section
 20.15 518.713, the court must take into consideration the following factors in setting or
 20.16 modifying child support or in determining whether to deviate upward or downward from
 20.17 the guidelines presumptive child support obligation:

20.18 (1) all earnings, income, circumstances, and resources of each parent, including real
 20.19 and personal property, but excluding income from excess employment of the obligor or
 20.20 obligee that meets the criteria of section 518.7123, paragraph (b), ~~clause (2)~~;

20.21 (2) the extraordinary financial needs and resources, physical and emotional
 20.22 condition, and educational needs of the child to be supported;

20.23 (3) the standard of living the child would enjoy if the parents were currently living
 20.24 together, but recognizing that the parents now have separate households;

20.25 (4) which parent receives the income taxation dependency exemption and the
 20.26 financial benefit the parent receives from it;

20.27 (5) the parents' debts as provided in subdivision 2; and

20.28 (6) the obligor's total payments for court-ordered child support exceed the
 20.29 limitations set forth in section 571.922.

20.30 Sec. 16. Laws 2005, chapter 164, section 18, is amended to read:

20.31 Sec. 18. **[518.715] WRITTEN FINDINGS.**

20.32

20.33 Subdivision 1. **No deviation.** If the court does not deviate from the guidelines
 20.34 presumptive child support obligation computed under section 518.713, the court must

21.1 make written findings ~~concerning the amount of the parties' gross income used as the basis~~
 21.2 ~~for the guidelines calculation and~~ that state:

- 21.3 (1) each parent's gross income;
 21.4 (2) each parent's PICS; and
 21.5 (3) any other significant evidentiary factors affecting the child support determination.

21.6
 21.7 Subd. 2. **Deviation.** ~~(a) If the court deviates from the guidelines by agreement of~~
 21.8 ~~the parties or pursuant to~~ presumptive child support obligation computed under section
 21.9 ~~518.714~~ 518.713, the court must make written findings giving that state:

- 21.10 (1) each parent's gross income;
 21.11 (2) each parent's PICS;
 21.12 (3) the amount of the child support ~~calculated~~ obligation computed under the
 21.13 guidelines, section 518.713;
 21.14 (4) the reasons for the deviation; and must specifically address
 21.15 (5) how the deviation serves the best interests of the child; and

21.16
 21.17 ~~(b) determine each parent's gross income and PICS.~~

21.18
 21.19 Subd. 3. **Written findings required in every case.** The provisions of this section
 21.20 apply whether or not the parties are each represented by independent counsel and have
 21.21 entered into a written agreement. The court must review stipulations presented to it for
 21.22 conformity ~~to the guidelines~~ with section 518.713. The court is not required to conduct a
 21.23 hearing, but the parties must provide sufficient documentation to verify the child support
 21.24 determination; and to justify any deviation from the guidelines.

21.25 Sec. 17. Laws 2005, chapter 164, section 20, is amended to read:

21.26 Sec. 20. **[518.717] DEDUCTION FROM INCOME FOR NONJOINT**
 21.27 **CHILDREN.**

21.28 (a) When either or both parents ~~of the joint child subject to this determination are~~
 21.29 ~~legally responsible for a nonjoint child who resides in that parent's household, a credit~~
 21.30 deduction for this obligation shall be calculated under this section if:

- 21.31 (1) the nonjoint child primarily resides in the parent's household; and
 21.32 (2) the parent is not obligated to pay basic child support for the nonjoint child to the
 21.33 other parent or a legal custodian of the child under an existing child support order.

21.34 (b) ~~Determine the gross income for each parent under section 518.54, subdivision~~
 21.35 ~~18.~~

22.1 ~~(e) Using~~ The court shall use the guideline as established in guidelines under section
 22.2 518.725; to determine the basic child support obligation for the nonjoint child or children
 22.3 ~~who actually reside in the parent's household;~~ by using the gross income of the parent for
 22.4 whom the credit deduction is being calculated; and ~~using~~ the number of nonjoint children
 22.5 ~~actually~~ primarily residing in the parent's ~~immediate~~ household. If the number of nonjoint
 22.6 children to be used for the determination is greater than two, the determination ~~shall~~ must
 22.7 be made using the number two instead of the greater number.

22.8 ~~(d)~~ (c) The credit deduction for nonjoint children ~~shall be~~ is 50 percent of the
 22.9 guideline amount ~~from~~ determined under paragraph (e) (b).

22.10 Sec. 18. Laws 2005, chapter 164, section 21, is amended to read:

22.11 **Sec. 21. [518.718] SOCIAL SECURITY OR VETERANS' BENEFIT**
 22.12 **PAYMENTS RECEIVED ON BEHALF OF THE CHILD.**

22.13

22.14 (a) The amount of the monthly Social Security benefits or apportioned veterans'
 22.15 benefits ~~received by the child or on behalf of the~~ provided for a joint child shall be ~~added~~
 22.16 ~~to~~ included in the gross income of the parent ~~for whom the disability or retirement benefit~~
 22.17 ~~was paid on whose eligibility the benefits are based.~~

22.18

22.19 (b) The amount of the monthly survivors' and dependents' educational assistance
 22.20 ~~received by the child or on behalf of the~~ provided for a joint child shall be ~~added to~~
 22.21 included in the gross income of the parent ~~for whom the disability or retirement benefit~~
 22.22 ~~was paid on whose eligibility the benefits are based.~~

22.23

22.24 (c) If ~~the~~ Social Security or apportioned veterans' benefits are ~~paid on behalf~~
 22.25 provided for a joint child based on the eligibility of the obligor, and are received by the
 22.26 obligee as a representative payee for the child or by the child attending school, then the
 22.27 amount of the benefits ~~may~~ shall also be subtracted from the obligor's net child support
 22.28 obligation as calculated pursuant to section 518.713.

22.29

22.30 (d) If the survivors' and dependents' educational assistance is ~~paid on behalf~~
 22.31 provided for a joint child based on the eligibility of the obligor, and is received by the
 22.32 obligee as a representative payee for the child or by the child attending school, then the
 22.33 amount of the assistance shall also be subtracted from the obligor's net child support
 22.34 obligation as calculated ~~pursuant to~~ under section 518.713.

22.35 Sec. 19. Laws 2005, chapter 164, section 22, subdivision 2, is amended to read:

23.1 Subd. 2. **Order.** (a) A completed national medical support notice issued by the
23.2 public authority or a court order that complies with this section is a qualified medical
23.3 child support order under the federal Employee Retirement Income Security Act of 1974
23.4 (ERISA), United States Code, title 29, section 1169(a).

23.5 (b) Every order addressing child support must state:

23.6
23.7 (1) the names, last known addresses, and Social Security numbers of the parents and
23.8 the joint child that is a subject of the order unless the court prohibits the inclusion of an
23.9 address or Social Security number and orders the parents to provide the address and Social
23.10 Security number to the administrator of the health plan;

23.11
23.12 (2) whether appropriate health care coverage for the joint child is available and, if
23.13 so, state:

23.14
23.15 (i) which party parent must carry health care coverage;

23.16
23.17 (ii) the cost of premiums and how the cost is allocated between the parties parents;

23.18
23.19 (iii) how unreimbursed expenses will be allocated and collected by the parties
23.20 parents; and

23.21
23.22 (iv) the circumstances, if any, under which the obligation to provide health care
23.23 coverage for the joint child will shift from one party parent to the other; and

23.24
23.25 (3) if appropriate health care coverage is not available for the joint child, whether a
23.26 contribution for medical support is required; ~~and.~~

23.27
23.28 ~~(4) whether the amount ordered for medical support is subject to a cost-of-living~~
23.29 ~~adjustment under section 518.641.~~

23.30
23.31 Sec. 20. Laws 2005, chapter 164, section 22, subdivision 3, is amended to read:

23.32 Subd. 3. [DETERMINING APPROPRIATE HEALTH CARE COVERAGE.] (a)
23.33 In determining whether a party parent has appropriate health care coverage for the joint
23.34 child, the court must evaluate the health plan using the following factors:

24.1 (1) accessible coverage. Dependent health care coverage is accessible if the covered
24.2 joint child can obtain services from a health plan provider with reasonable effort by the
24.3 parent with whom the joint child resides. Health care coverage is presumed accessible if:

24.4
24.5 (i) primary care coverage is available within 30 minutes or 30 miles of the joint
24.6 child's residence and specialty care coverage is available within 60 minutes or 60 miles of
24.7 the joint child's residence;

24.8
24.9 (ii) the coverage is available through an employer and the employee can be expected
24.10 to remain employed for a reasonable amount of time; and

24.11
24.12 (iii) no preexisting conditions exist to delay coverage unduly;

24.13
24.14 (2) comprehensive coverage. Dependent health care coverage is presumed
24.15 comprehensive if it includes, ~~at a minimum,~~ medical and hospital coverage and provides
24.16 for preventive, emergency, acute, and chronic care. If both ~~parties~~ parents have health care
24.17 coverage that meets the minimum requirements, the court must determine which health
24.18 care coverage is more comprehensive by considering whether the coverage includes:

24.19
24.20 (i) basic dental coverage;

24.21
24.22 (ii) orthodontia;

24.23
24.24 (iii) eyeglasses;

24.25
24.26 (iv) contact lenses;

24.27
24.28 (v) mental health services; or

24.29
24.30 (vi) substance abuse treatment;

24.31
24.32 (3) affordable coverage. Dependent health care coverage is affordable if it is
24.33 reasonable in cost; and

24.34
24.35 (4) the joint child's special medical needs, if any.

24.36

25.1 (b) If both parties parents have health care coverage available for a joint child, and
25.2 the court determines under paragraph (a), clauses (1) and (2), that the available coverage is
25.3 comparable with regard to accessibility and comprehensiveness, the least costly health
25.4 care coverage is the presumed appropriate health care coverage for the joint child.
25.5

25.6 Sec. 21. Laws 2005, chapter 164, section 22, subdivision 4, is amended to read:

25.7 Subd. 4. **Ordering health care coverage.** (a) If a joint child is presently enrolled
25.8 in health care coverage, the court must order that the parent who currently has the joint
25.9 child enrolled continue that enrollment unless the parties parents agree otherwise or a
25.10 party parent requests a change in coverage and the court determines that other health care
25.11 coverage is more appropriate.

25.12 (b) If a joint child is not presently enrolled in health care coverage, upon motion of a
25.13 party parent or the public authority, the court must determine whether one or both parties
25.14 parents have appropriate health care coverage for the joint child and order the party parent
25.15 with appropriate health care coverage available to carry the coverage for the joint child.
25.16

25.17 (c) If only one party parent has appropriate health care coverage available, the court
25.18 must order that party parent to carry the coverage for the joint child.
25.19

25.20 (d) If both parties parents have appropriate health care coverage available, the court
25.21 must order the parent with whom the joint child resides to carry the coverage for the
25.22 joint child, unless:

25.23
25.24 (1) either party parent expresses a preference for coverage available through the
25.25 parent with whom the joint child does not reside;
25.26

25.27 (2) the parent with whom the joint child does not reside is already carrying
25.28 dependent health care coverage for other children and the cost of contributing to the
25.29 premiums of the other parent's coverage would cause the parent with whom the joint
25.30 child does not reside extreme hardship; or
25.31

25.32 (3) the parents agree to provide coverage and agree on the allocation of costs.
25.33

25.34 (e) If the exception in paragraph (d), clause (1) or (2), applies, the court must
25.35 determine which party parent has the most appropriate coverage available and order that
25.36 party parent to carry coverage for the joint child. If the court determines under subdivision

26.1 3, paragraph (a), clauses (1) and (2), that the ~~parties'~~ parents' health care coverage for
 26.2 the joint child is comparable with regard to accessibility and comprehensiveness, the
 26.3 court must presume that the ~~party~~ parent with the least costly health care coverage to
 26.4 carry coverage for the joint child.

26.5
 26.6 (f) If neither ~~party~~ parent has appropriate health care coverage available, the court
 26.7 must order the parents to:

26.8
 26.9 (1) contribute toward the actual health care costs of the joint children based on
 26.10 a pro rata share; or

26.11
 26.12 (2) if the joint child is receiving any form of medical assistance under chapter 256B
 26.13 or MinnesotaCare under chapter 256L, the parent with whom the joint child does not
 26.14 reside shall contribute a monthly amount toward the actual cost of medical assistance
 26.15 under chapter 256B or MinnesotaCare under chapter 256L. The amount of contribution of
 26.16 the noncustodial parent is the amount the noncustodial parent would pay for the child's
 26.17 premiums if the noncustodial parent's PICS income meets the eligibility requirements for
 26.18 public coverage. For purposes of determining the premium amount, the noncustodial
 26.19 parent's household size is equal to one parent plus the child or children who are the
 26.20 subject of the child support order. If the noncustodial parent's PICS income exceeds the
 26.21 eligibility requirements for public coverage, the court must order the noncustodial parent's
 26.22 contribution toward the full premium cost of the child's or children's coverage. The
 26.23 custodial parent's obligation is determined under the requirements for public coverage as
 26.24 set forth in chapter 256B or 256L. The court may order the parent with whom the child
 26.25 resides to apply for public coverage for the child.

26.26
 26.27 ~~(g) A presumption of no less than \$50 per month must be applied to the actual health~~
 26.28 ~~care costs of the joint children or to the cost of health care coverage.~~

26.29
 26.30 ~~(h)~~ (g) The commissioner of human services must publish a table with the premium
 26.31 schedule for public coverage and update the chart for changes to the schedule by July
 26.32 1 of each year.

26.33
 26.34 Sec. 22. Laws 2005, chapter 164, section 22, subdivision 16, is amended to read:

26.35 Subd. 16. ~~Income withholding; Offset.~~ (a) If a party ~~owes no joint child support~~
 26.36 ~~obligation for a child~~ is the parent with primary physical custody as defined in section

27.1 518.54, subdivision 24, and is an obligor ordered to contribute to the other party's cost for
 27.2 carrying health care coverage for the joint child, the ~~obligor~~ other party's child support
 27.3 obligation is subject to an offset under subdivision 5 ~~or income withholding under section~~
 27.4 518.6111.

27.5 ~~(b) If a party's court-ordered health care coverage for the joint child terminates and~~
 27.6 ~~the joint child is not enrolled in other health care coverage or public coverage, and a~~
 27.7 ~~modification motion is not pending, the public authority may remove the offset to a party's~~
 27.8 ~~child support obligation or terminate income withholding instituted against a party under~~
 27.9 ~~section 518.6111. The public authority must provide notice to the parties of the action.~~

27.10 (b) The public authority, if the public authority provides services, may remove the
 27.11 offset to a party's child support obligation when:

27.12 (1) the party's court-ordered health care coverage for the joint child terminates;

27.13 (2) the party does not enroll the joint child in other health care coverage; and

27.14 (3) a modification motion is not pending.

27.15 The public authority must provide notice to the parties of the action.

27.16

27.17 (c) A party may contest the public authority's action to remove the offset to the child
 27.18 support obligation ~~or terminate income withholding~~ if the party makes a written request
 27.19 for a hearing within 30 days after receiving written notice. If a party makes a timely
 27.20 request for a hearing, the public authority must schedule a hearing and send written notice
 27.21 of the hearing to the parties by mail to the parties' last known addresses at least 14 days
 27.22 before the hearing. The hearing must be conducted in district court or in the expedited
 27.23 child support process if section 484.702 applies. The district court or child support
 27.24 magistrate must determine whether removing the offset ~~or terminating income withholding~~
 27.25 is appropriate and, if appropriate, the effective date for the removal ~~or termination~~.

27.26

27.27 (d) If the party does not request a hearing, the ~~district court or child support~~
 27.28 ~~magistrate must order the offset or income withholding termination~~ public authority will
 27.29 remove the offset effective the first day of the month following termination of the joint
 27.30 child's health care coverage.

27.31

27.32 Sec. 23. Laws 2005, chapter 164, section 22, subdivision 17, is amended to read:

27.33 Subd. 17. Collecting unreimbursed and or uninsured medical expenses. (a) This
 27.34 subdivision and subdivision 18 apply when a court order has determined and ordered the
 27.35 parties' proportionate share and responsibility to contribute to unreimbursed or uninsured
 27.36 medical expenses.

28.1 (b) A party requesting reimbursement of unreimbursed or uninsured medical
28.2 expenses must initiate a request for reimbursement of unreimbursed and uninsured medical
28.3 expenses to the other party within two years of the date that the requesting party incurred
28.4 the unreimbursed or uninsured medical expenses. ~~The time period in this paragraph~~
28.5 ~~does not apply if the location of the other party is unknown.~~ If a court order has been
28.6 signed ordering the contribution towards unreimbursed or uninsured expenses, a two-year
28.7 limitations provision must be applied to any requests made on or after January 1, 2007.
28.8 The provisions of this section apply retroactively to court orders signed before January 1,
28.9 2007. Requests for unreimbursed or uninsured expenses made on or after January 1, 2007,
28.10 may include expenses incurred before January 1, 2007, and on or after January 1, 2005.
28.11

28.12 ~~(b) (c)~~ (c) A requesting party seeking reimbursement of unreimbursed and uninsured
28.13 medical expenses must mail a written notice of intent to collect the unreimbursed or
28.14 uninsured medical expenses and a copy of an affidavit of health care expenses to the other
28.15 party at the other party's last known address.
28.16

28.17 ~~(c) (d)~~ (d) The written notice must include a statement that the other party has 30 days
28.18 from the date the notice was mailed to (1) pay in full; (2) ~~enter~~ agree to a payment
28.19 ~~agreement schedule~~; or (3) file a motion requesting a hearing ~~contesting the matter to~~
28.20 ~~contest the amount due or to set a court-ordered monthly payment amount.~~ If the public
28.21 authority provides ~~support enforcement~~ services, the written notice also must include a
28.22 statement that, ~~if the other party does not respond within the 30 days,~~ the requesting party
28.23 ~~must~~ may submit the amount due to the public authority for collection.
28.24

28.25 ~~(d) (e)~~ (e) The affidavit of health care expenses must itemize and document the joint
28.26 child's unreimbursed or uninsured medical expenses and include copies of all bills,
28.27 receipts, and insurance company explanations of benefits.

28.28 (f) If the other party does not respond to the request for reimbursement within
28.29 30 days, the requesting party may commence enforcement against the other party
28.30 under subdivision 18; file a motion for a court-ordered monthly payment amount under
28.31 paragraph (h); or notify the public authority, if the public authority provides services, that
28.32 the other party has not responded.
28.33

28.34 ~~(e) If (g)~~ (g) The notice to the public authority provides support enforcement services;
28.35 ~~the party seeking reimbursement must send to the public authority~~ must include: a copy of

29.1 the written notice, a copy of the original affidavit of health care expenses, and copies of all
 29.2 bills, receipts, and insurance company explanations of benefits.

29.3

29.4 ~~(f) If the party does not respond to the request for reimbursement within 30 days,~~
 29.5 ~~the party seeking reimbursement or public authority, if the public authority provides~~
 29.6 ~~support enforcement services, must commence an enforcement action against the party~~
 29.7 ~~under subdivision 18.~~

29.8

29.9 ~~(g)~~ (h) If noticed under paragraph (f), the public authority must serve the other party
 29.10 with a notice of intent to enforce unreimbursed and uninsured medical expenses and file
 29.11 an affidavit of service by mail with the district court administrator. The notice must state
 29.12 that, unless the other party has 14 days to (1) pay in full; or (2) enters into a payment
 29.13 agreement; or (3) files a motion contesting to contest the matter within 14 days of
 29.14 service of the notice, amount due or to set a court-ordered monthly payment amount. The
 29.15 notice must also state that if there is no response within 14 days, the public authority will
 29.16 commence enforcement of the expenses as medical support arrears under subdivision 18.

29.17

29.18 ~~(h)~~ (i) To contest the amount due or set a court-ordered monthly payment
 29.19 amount, a party files must file a timely motion for a hearing contesting the requested
 29.20 reimbursement, the contesting party must and schedule a hearing in district court or in
 29.21 the expedited child support process if section 484.702 applies. The contesting moving
 29.22 party must provide the other party seeking reimbursement and the public authority, if the
 29.23 public authority provides support enforcement services, with written notice of the hearing
 29.24 at least 14 days before the hearing by mailing notice of the hearing to the public authority
 29.25 and to the requesting party at the requesting party's last known address. The moving party
 29.26 seeking reimbursement must file the original affidavit of health care expenses with the
 29.27 court at least five days before the hearing. Based upon the evidence presented, The district
 29.28 court or child support magistrate must determine liability for the expenses and order that
 29.29 the liable party is subject to enforcement of the expenses as medical support arrears under
 29.30 subdivision 18 or set a court-ordered monthly payment amount.

29.31

29.32 Sec. 24. Laws 2005, chapter 164, section 22, subdivision 18, is amended to read:

29.33 Subd. 18. **Enforcing an order for unreimbursed or uninsured medical support**
 29.34 **expenses as arrears.** (a) ~~If a party liable for Unreimbursed and or uninsured medical~~
 29.35 ~~expenses owes a child support obligation to the party seeking reimbursement of the~~

30.1 ~~expenses, the expenses must be enforced under this subdivision are collected as medical~~
30.2 ~~support arrears.~~

30.3 ~~(b) If a party liable for unreimbursed and uninsured medical expenses does not owe~~
30.4 ~~a child support obligation to the party seeking reimbursement, and the party seeking~~
30.5 ~~reimbursement owes the liable party basic support arrears, the liable party's medical~~
30.6 ~~support arrears must be deducted from the amount of the basic support arrears.~~

30.7
30.8 ~~(c) If a liable party owes medical support arrears after deducting the amount owed~~
30.9 ~~from the amount of the child support arrears owed by the party seeking reimbursement,~~
30.10 ~~it must be collected as follows:~~

30.11
30.12 ~~(1) if the party seeking reimbursement owes a child support obligation to the liable~~
30.13 ~~party, the child support obligation must be reduced by 20 percent until the medical support~~
30.14 ~~arrears are satisfied;~~

30.15
30.16 ~~(2) if the party seeking reimbursement does not owe a child support obligation to~~
30.17 ~~the liable party, the liable party's income must be subject to income withholding under~~
30.18 ~~section 518.6111 for an amount required under section 518.553 until the medical support~~
30.19 ~~arrears are satisfied; or~~

30.20
30.21 ~~(3) if the party seeking reimbursement does not owe a child support obligation, and~~
30.22 ~~income withholding under section 518.6111 is not available, payment of the medical~~
30.23 ~~support arrears must be required under a payment agreement under section 518.553.~~

30.24
30.25 ~~(d) If a liable party fails to enter into or comply with a payment agreement, the party~~
30.26 ~~seeking reimbursement or the public authority, if it provides support enforcement services,~~
30.27 ~~may schedule a hearing to have a court order payment. The party seeking reimbursement~~
30.28 ~~or the public authority must provide the liable party with written notice of the hearing at~~
30.29 ~~least 14 days before the hearing.~~

30.30 (b) If the liable party is the parent with primary physical custody as defined in
30.31 section 518.54, subdivision 24, the unreimbursed or uninsured medical expenses must be
30.32 deducted from any arrears the requesting party owes the liable party. If unreimbursed or
30.33 uninsured expenses remain after the deduction, the expenses must be collected as follows:

30.34 (1) If the requesting party owes a current child support obligation to the liable party,
30.35 20 percent of each payment received from the requesting party must be returned to the

31.1 requesting party. The total amount returned to the requesting party each month must not
31.2 exceed 20 percent of the current monthly support obligation.

31.3 (2) If the requesting party does not owe current child support or arrears, a payment
31.4 agreement under section 518.553 is required. If the liable party fails to enter into or
31.5 comply with a payment agreement, the requesting party or the public authority, if the
31.6 public authority provides services, may schedule a hearing to set a court-ordered payment.
31.7 The requesting party or the public authority must provide the liable party with written
31.8 notice of the hearing at least 14 days before the hearing.

31.9 (c) If the liable party is not the parent with primary physical custody as defined in
31.10 section 518.54, subdivision 24, the unreimbursed or uninsured medical expenses must be
31.11 deducted from any arrears the requesting party owes the liable party. If unreimbursed or
31.12 uninsured expenses remain after the deduction, the expenses must be added and collected
31.13 as arrears owed by the liable party.

31.14

31.15 Sec. 25. Laws 2005, chapter 164, section 23, subdivision 1, is amended to read:

31.16 Subdivision 1. **Child care costs.** Unless otherwise agreed to by the parties and
31.17 approved by the court, the court must order that work-related or education-related child
31.18 care costs of joint children be divided between the obligor and obligee based on their
31.19 proportionate share of the parties' combined monthly ~~parental income for determining~~
31.20 ~~child support~~ PICS. Child care costs shall be adjusted by the amount of the estimated
31.21 federal and state child care credit payable on behalf of a joint child. The Department of
31.22 Human Services shall develop tables to calculate the applicable credit based upon the
31.23 custodial parent's ~~parental income for determining child support~~ PICS.

31.24 Sec. 26. Laws 2005, chapter 164, section 23, subdivision 2, is amended to read:

31.25 Subd. 2. **Low-income obligor.** (a) If the obligor's ~~parental income for determining~~
31.26 ~~child support~~ PICS meets the income eligibility requirements for child care assistance
31.27 under the basic sliding fee program under chapter 119B, the court must order the obligor
31.28 to pay the lesser of the following amounts:

31.29 (1) the amount of the obligor's monthly co-payment for child care assistance under
31.30 the basic sliding fee schedule established by the commissioner of education under chapter
31.31 119B, based on an obligor's monthly ~~parental income for determining child support~~ PICS
31.32 and the size of the obligor's household provided that the obligee is actually receiving child
31.33 care assistance under the basic sliding fee program. For purposes of this subdivision,
31.34 the obligor's household includes the obligor and the number of joint children for whom
31.35 child support is being ordered; or

32.1 (2) the amount of the obligor’s child care obligation under subdivision 1.

32.2 (b) The commissioner of human services must publish a table with the child care
 32.3 assistance basic sliding fee amounts and update the table for changes to the basic sliding
 32.4 fee schedule by July 1 of each year.

32.5 Sec. 27. Laws 2005, chapter 164, section 24, is amended to read:

32.6 Sec. 24. [518.722] PARENTING EXPENSE ADJUSTMENT.

32.7 Subdivision 1. General. (a) This section shall apply when the amount of parenting
 32.8 time granted to an obligor is ten percent or greater. The parenting expense adjustment
 32.9 under this section reflects the presumption that while exercising parenting time, a parent is
 32.10 responsible for and incurs costs of caring for the child, including, but not limited to, food,
 32.11 transportation, recreation, and household expenses. Every child support order shall specify
 32.12 the total percent percentage of parenting time granted to or presumed for each parent. For
 32.13 purposes of this section, the percentage of parenting time means the percentage of time a
 32.14 child is scheduled to spend with the parent during a calendar year according to a court
 32.15 order. Parenting time includes time with the child whether it is designated as visitation,
 32.16 physical custody, or parenting time. The percentage of parenting time may be determined
 32.17 by calculating the number of overnights that a child spends with a parent, or by using a
 32.18 method other than overnights if the parent has significant time periods on separate days
 32.19 where the child is in the parent’s physical custody but does not stay overnight. The court
 32.20 may consider the age of the child in determining whether a child is with a parent for a
 32.21 significant period of time.

32.22 (b) If there is not a court order awarding parenting time, the court shall presume
 32.23 that the percentage of parenting time allowed to the obligor for purposes of this section
 32.24 is 25 percent unless the parties stipulate to a different percentage or the court finds that
 32.25 this presumption is not in the best interests of the child. If parenting time is subsequently
 32.26 established by the court, the court may modify the child support award to reflect the
 32.27 percentage of parenting time established by the order.

32.28 Subd. 2. Calculation of parenting expense adjustment. (b) The obligor shall
 32.29 be is entitled to a parenting expense adjustment calculated as follows provided in this
 32.30 subdivision. The court shall:

32.31 (1) find the adjustment percentage corresponding to the percentage of parenting
 32.32 time allowed to the obligor below:

	Percentage Range of	Adjustment
	Parenting Time	Percentage
32.35 (i)	less than 10 percent	no adjustment

- 33.1 (ii) 10 percent to 45 percent 12 percent
 33.2 (iii) 45.1 percent to 50 percent presume parenting time is equal

33.3 (2) multiply the adjustment percentage by the obligor's basic child support obligation
 33.4 to arrive at the parenting expense adjustment; and

33.5 ~~(e)~~ (3) subtract the parenting expense adjustment from the obligor's basic child
 33.6 support obligation. The result is the obligor's basic support obligation after parenting
 33.7 expense adjustment.

33.8 **Subd. 3. Calculation of basic support when parenting time presumed equal.**

33.9 ~~(d)~~ (a) ~~If the parenting time is equal, the expenses for the children are equally shared,~~
 33.10 and the parental incomes for determining child support of the parents also are equal, no
 33.11 basic support shall be paid unless the court determines that the expenses for the child are
 33.12 not equally shared.

33.13 ~~(e)~~ (b) If the parenting time is equal but the parents' parental incomes for determining
 33.14 child support are not equal, the parent having the greater parental income for determining
 33.15 child support shall be obligated for basic child support, calculated as follows:

33.16 (1) multiply the combined basic support calculated under section 518.713 by ~~1.5~~
 33.17 0.75;

33.18 (2) prorate the ~~basic child support obligation~~ amount under clause (1) between the
 33.19 parents; based on each parent's proportionate share of the combined PICS; and

33.20 (3) subtract the lower amount from the higher amount ~~and divide the balance in~~
 33.21 ~~half; and.~~

33.22 ~~(3)~~ The resulting figure is the obligation after parenting expense adjustment for the
 33.23 parent with the greater adjusted-gross parental income for determining child support.

33.24 ~~(f) This parenting expense adjustment reflects the presumption that while exercising~~
 33.25 ~~parenting time, a parent is responsible for and incurs costs of caring for the child,~~
 33.26 ~~including, but not limited to, food, transportation, recreation, and household expenses.~~

33.27 ~~(g) In the absence of other evidence, there is a rebuttable presumption that each~~
 33.28 ~~parent has 25 percent of the parenting time for each joint child.~~

33.29 Sec. 28. Laws 2005, chapter 164, section 25, is amended to read:

33.30 Sec. 25. [518.724] ABILITY TO PAY; SELF-SUPPORT ADJUSTMENT.

33.31 **Subdivision 1. Ability to pay.** (a) It is a rebuttable presumption that a child support
 33.32 order should not exceed the obligor's ability to pay. To determine the amount of child
 33.33 support the obligor has the ability to pay, the court shall follow the procedure set out in
 33.34 this section.;

33.35 ~~(1)~~ (b) The court shall calculate the obligor's income available for support by
 33.36 subtracting a monthly self-support reserve equal to 120 percent of the federal poverty

34.1 guidelines for one person from the obligor's gross income; If the obligor's income
34.2 available for support calculated under this paragraph is equal to or greater than the
34.3 obligor's support obligation calculated under section 518.713, the court shall order child
34.4 support under section 518.713.

34.5 ~~(2) compare the obligor's income available for support from clause (1) to the amount~~
34.6 ~~of support calculated as per section 518.713, clauses (1) to (15). The amount of child~~
34.7 ~~support that is presumed to be correct, as defined in section 518.713, is the lesser of~~
34.8 ~~these two amounts;~~

34.9 ~~(3) this section does not apply to an incarcerated obligor;~~

34.10 ~~(4) if the obligor's child support is reduced under clause (2);~~ (c) If the obligor's
34.11 income available for support calculated under paragraph (b) is more than the minimum
34.12 support amount under subdivision 2, but less than the guideline amount under section
34.13 518.713, then the court must shall apply the a reduction to the child support obligation
34.14 in the following order, until the support order is equal to the obligor's income available
34.15 for support:

34.16 (i) (1) medical support obligation;

34.17 (ii) (2) child support care support obligation; and

34.18 (iii) (3) basic support obligation; and.

34.19 (d) If the obligor's income available for support calculated under paragraph (b) is
34.20 equal to or less than the minimum support amount under subdivision 2 or if the obligor's
34.21 PICS income is less than 120 percent of the federal poverty guidelines for one person,
34.22 the minimum support amount under subdivision 2 applies.

34.23 (5) Subd. 2. Minimum basic support amount. (a) If the obligor's income available
34.24 for support is less than the self-support reserve basic support amount applies, then the court
34.25 must order the following amount as the minimum basic support as follows obligation:

34.26 (i) (1) for one or two children, the obligor's basic support obligation is \$50 per
34.27 month;

34.28 (ii) (2) for three or four children, the obligor's basic support obligation is \$75 per
34.29 month; and

34.30 (iii) (3) for five or more children, the obligor's basic support obligation is \$100
34.31 per month.

34.32 (b) If the court orders the obligor to pay the minimum basic support amount under
34.33 this paragraph subdivision, the obligor is presumed unable to pay child care support
34.34 and medical support.

35.1 If the court finds the obligor receives no income and completely lacks the ability to earn
 35.2 income, the minimum basic support amount under this ~~paragraph~~ subdivision does not
 35.3 apply.

35.4 Subd. 3. Exception. This section does not apply to an obligor who is incarcerated.

35.5 Sec. 29. Laws 2005, chapter 164, section 26, subdivision 2, as amended by Laws 2005,
 35.6 First Special Session chapter 7, section 27, subdivision 2, is amended to read:

35.7 Subd. 2. **Basic support; guideline.** Unless otherwise agreed to by the parents
 35.8 and approved by the court, when establishing basic support, the court must order that
 35.9 basic support be divided between the parents based on their proportionate share of the
 35.10 parents' combined monthly parental income for determining child support, ~~as determined~~
 35.11 ~~under section 518.54, subdivision 15 (PICS).~~ Basic support must be computed using
 35.12 the following guideline:

35.13	Combined Parental 35.14 Income for 35.15 Determining Child 35.16 Support	Number of Children					
		One	Two	Three	Four	Five	Six
35.17	\$0- \$799	\$50	\$50	\$75	\$75	\$100	\$100
35.18	800-899	80	129	149	173	201	233
35.19	900-999	90	145	167	194	226	262
35.20	1,000- 1,099	116	161	186	216	251	291
35.21	1,100- 1,199	145	205	237	275	320	370
35.22	1,200- 1,299	177	254	294	341	396	459
35.23	1,300- 1,399	212	309	356	414	480	557
35.24	1,400- 1,499	251	368	425	493	573	664
35.25	1,500- 1,599	292	433	500	580	673	780
35.26	1,600- 1,699	337	502	580	673	781	905
35.27	1,700- 1,799	385	577	666	773	897	1,040
35.28	1,800- 1,899	436	657	758	880	1,021	1,183
35.29	1,900- 1,999	490	742	856	994	1,152	1,336
35.30	2,000- 2,099	516	832	960	1,114	1,292	1,498
35.31	2,100- 2,199	528	851	981	1,139	1,320	1,531
35.32	2,200- 2,299	538	867	1,000	1,160	1,346	1,561
35.33	2,300- 2,399	546	881	1,016	1,179	1,367	1,586
35.34	2,400- 2,499	554	893	1,029	1,195	1,385	1,608
35.35	2,500- 2,599	560	903	1,040	1,208	1,400	1,625
35.36	2,600- 2,699	570	920	1,060	1,230	1,426	1,655
35.37	2,700- 2,799	580	936	1,078	1,251	1,450	1,683
35.38	2,800- 2,899	589	950	1,094	1,270	1,472	1,707
35.39	2,900- 2,999	596	963	1,109	1,287	1,492	1,730
35.40	3,000- 3,099	603	975	1,122	1,302	1,509	1,749
35.41	3,100- 3,199	613	991	1,141	1,324	1,535	1,779
35.42	3,200- 3,299	623	1,007	1,158	1,344	1,558	1,807

36.1	3,300- 3,399	632 <u>636</u>	1,021	1,175	1,363	1,581	1,833
36.2	3,400- 3,499	640 <u>650</u>	1,034	1,190	1,380	1,601	1,857
36.3	3,500- 3,599	648 <u>664</u>	1,047	1,204	1,397	1,621	1,880
36.4	3,600- 3,699	657 <u>677</u>	1,062	1,223	1,418	1,646	1,909
36.5	3,700- 3,799	667 <u>691</u>	1,077	1,240	1,439	1,670	1,937
36.6	3,800- 3,899	676 <u>705</u>	1,081	1,257	1,459	1,693	1,963
36.7	3,900- 3,999	684 <u>719</u>	1,104	1,273	1,478	1,715	1,988
36.8	4,000- 4,099	692 <u>732</u>	1,116	1,288	1,496	1,736	2,012
36.9	4,100- 4,199	701 <u>746</u>	1,132	1,305	1,516	1,759	2,039
36.10	4,200- 4,299	710 <u>760</u>	1,147	1,322	1,536	1,781	2,064
36.11	4,300- 4,399	718 <u>774</u>	1,161	1,338	1,554	1,802	2,088
36.12	4,400- 4,499	726 <u>787</u>	1,175	1,353	1,572	1,822	2,111
36.13	4,500- 4,599	734 <u>801</u>	1,184	1,368	1,589	1,841	2,133
36.14	4,600- 4,699	743 <u>808</u>	1,200	1,386	1,608	1,864	2,160
36.15	4,700- 4,799	753 <u>814</u>	1,215	1,402	1,627	1,887	2,186
36.16	4,800- 4,899	762 <u>820</u>	1,231	1,419	1,645	1,908	2,212
36.17	4,900- 4,999	771 <u>825</u>	1,246	1,435	1,663	1,930	2,236
36.18	5,000- 5,099	780 <u>831</u>	1,260	1,450	1,680	1,950	2,260
36.19	5,100- 5,199	788 <u>837</u>	1,275	1,468	1,701	1,975	2,289
36.20	5,200- 5,299	797 <u>843</u>	1,290	1,485	1,722	1,999	2,317
36.21	5,300- 5,399	805 <u>849</u>	1,304	1,502	1,743	2,022	2,345
36.22	5,400- 5,499	812 <u>854</u>	1,318	1,518	1,763	2,046	2,372
36.23	5,500- 5,599	820 <u>860</u>	1,331	1,535	1,782	2,068	2,398
36.24	5,600- 5,699	829 <u>866</u>	1,346	1,551	1,801	2,090	2,424
36.25	5,700- 5,799	838 <u>873</u>	1,357	1,568	1,819	2,111	2,449
36.26	5,800- 5,899	847 <u>881</u>	1,376	1,583	1,837	2,132	2,473
36.27	5,900- 5,999	856 <u>888</u>	1,390	1,599	1,855	2,152	2,497
36.28	6,000- 6,099	864 <u>895</u>	1,404	1,604	1,872	2,172	2,520
36.29	6,100- 6,199	874 <u>902</u>	1,419	1,631	1,892	2,195	2,546
36.30	6,200- 6,299	883 <u>909</u>	1,433	1,645	1,912	2,217	2,572
36.31	6,300- 6,399	892 <u>916</u>	1,448	1,664	1,932	2,239	2,597
36.32	6,400- 6,499	901 <u>923</u>	1,462	1,682	1,951	2,260	2,621
36.33	6,500- 6,599	910 <u>930</u>	1,476	1,697	1,970	2,282	2,646
36.34	6,600- 6,699	919 <u>936</u>	1,490	1,713	1,989	2,305	2,673
36.35	6,700- 6,799	927 <u>943</u>	1,505	1,730	2,009	2,328	2,700
36.36	6,800- 6,899	936 <u>950</u>	1,519	1,746	2,028	2,350	2,727
36.37							2,753
36.38	6,900- 6,999	944 <u>957</u>	1,533	1,762	2,047	2,379	<u>2,747</u>
36.39							2,779
36.40	7,000- 7,099	952 <u>963</u>	1,547	1,778	2,065	2,394	<u>2,753</u>
36.41							2,805
36.42	7,100- 7,199	961 <u>970</u>	1,561	1,795	2,085	2,417	<u>2,758</u>
36.43							2,830
36.44	7,200- 7,299	971 <u>974</u>	1,574	1,812	2,104	2,439	<u>2,764</u>
36.45							2,854
36.46	7,300- 7,399	980	1,587	1,828	2,123	2,462	<u>2,769</u>

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36.47							<u>2,879</u>
36.48	7,400- 7,499	989	1,600	1,844	2,142	2,483	<u>2,775</u>
37.1							<u>2,903</u>
37.2	7,500- 7,599	998	1,613	1,860	2,160	2,505	<u>2,781</u>
37.3							<u>2,929</u>
37.4	7,600- 7,699	1,006	1,628	1,877	2,180	2,528	<u>2,803</u>
37.5							<u>2,955</u>
37.6	7,700- 7,799	1,015	1,643	1,894	2,199	2,550	<u>2,833</u>
37.7							<u>2,981</u>
37.8	7,800- 7,899	1,023	1,658	1,911	2,218	2,572	<u>2,864</u>
37.9							<u>3,007</u>
37.10	7,900- 7,999	1,032	1,673	1,928	2,237	2,594	<u>2,894</u>
37.11							<u>3,032</u>
37.12	8,000- 8,099	1,040	1,688	1,944	2,256	2,616	<u>2,925</u>
37.13							<u>3,057</u>
37.14	8,100- 8,199	1,048	1,703	1,960	2,274	2,637	<u>2,955</u>
37.15							<u>3,082</u>
37.16	8,200- 8,299	1,056	1,717	1,976	2,293	2,658	<u>2,985</u>
37.17							<u>3,106</u>
37.18	8,300- 8,399	1,064	1,731	1,992	2,311	2,679	<u>3,016</u>
37.19							<u>3,130</u>
37.20	8,400- 8,499	1,072	1,746	2,008	2,328	2,700	<u>3,046</u>
37.21							<u>3,154</u>
37.22	8,500- 8,599	1,080	1,760	2,023	2,346	2,720	<u>3,077</u>
37.23							<u>3,191</u>
37.24	8,600- 8,699	1,092	1,780	2,047	2,374	2,752	<u>3,107</u>
37.25							<u>3,228</u>
37.26	8,700- 8,799	1,105	1,801	2,071	2,401	2,784	<u>3,138</u>
37.27							<u>3,265</u>
37.28	8,800- 8,899	1,118	1,822	2,094	2,429	2,816	<u>3,168</u>
37.29							<u>3,302</u>
37.30	8,900- 8,999	1,130	1,842	2,118	2,456	2,848	<u>3,199</u>
37.31							<u>3,339</u>
37.32	9,000- 9,099	1,143	1,863	2,142	2,484	2,880	<u>3,223</u>
37.33							<u>3,376</u>
37.34	9,100- 9,199	1,156	1,884	2,166	2,512	2,912	<u>3,243</u>
37.35							<u>3,413</u>
37.36	9,200- 9,299	1,168	1,904	2,190	2,539	2,944	<u>3,263</u>
37.37							<u>3,450</u>
37.38	9,300- 9,399	1,181	1,925	2,213	2,567	2,976	<u>3,284</u>
37.39							<u>3,487</u>
37.40	9,400- 9,499	1,194	1,946	2,237	2,594	3,008	<u>3,304</u>
37.41							<u>3,040</u>
37.42	9,500- 9,599	1,207	1,967	2,261	2,622	<u>3,031</u>	<u>3,324</u>
37.43							<u>3,072</u>
37.44	9,600- 9,699	1,219	1,987	2,285	2,650	<u>3,050</u>	<u>3,345</u>
37.45							<u>3,104</u>
37.46	9,700- 9,799	1,232	2,008	2,309	2,677	<u>3,069</u>	<u>3,365</u>
37.47							<u>3,136</u>
37.48	9,800- 9,899	1,245	2,029	2,332	2,705	<u>3,087</u>	<u>3,385</u>
37.49							<u>3,168</u>
37.50	9,900- 9,999	1,257	2,049	2,356	2,732	<u>3,106</u>	<u>3,406</u>
37.51							<u>3,200</u>
37.52	10,000-10,099	1,270	2,070	2,380	2,760	<u>3,125</u>	<u>3,426</u>

37.53						<u>3,232</u>	<u>3,747</u>
37.54	10,100-10,199	1,283	2,091	2,404	2,788	<u>3,144</u>	<u>3,446</u>
37.55						<u>3,264</u>	<u>3,784</u>
37.56	10,200-10,299	1,295	2,111	2,428	2,815	<u>3,162</u>	<u>3,467</u>
38.1						<u>3,296</u>	<u>3,821</u>
38.2	10,300-10,399	1,308	2,132	2,451	2,843	<u>3,181</u>	<u>3,487</u>
38.3						<u>3,328</u>	<u>3,858</u>
38.4	10,400-10,499	1,321	2,153	2,475	2,870	<u>3,200</u>	<u>3,507</u>
38.5						<u>3,360</u>	<u>3,896</u>
38.6	10,500-10,599	1,334	2,174	2,499	2,898	<u>3,218</u>	<u>3,528</u>
38.7						<u>2,926</u>	<u>3,392</u>
38.8	10,600-10,699	1,346	2,194	2,523	<u>2,921</u>	<u>3,237</u>	<u>3,548</u>
38.9						<u>2,953</u>	<u>3,424</u>
38.10	10,700-10,799	1,359	2,215	2,547	<u>2,938</u>	<u>3,256</u>	<u>3,568</u>
38.11						<u>2,981</u>	<u>3,456</u>
38.12	10,800-10,899	1,372	2,236	2,570	<u>2,955</u>	<u>3,274</u>	<u>3,589</u>
38.13						<u>3,008</u>	<u>3,488</u>
38.14	10,900-10,999	1,384	2,256	2,594	<u>2,972</u>	<u>3,293</u>	<u>3,609</u>
38.15						<u>3,036</u>	<u>3,520</u>
38.16	11,000-11,099	1,397	2,277	2,618	<u>2,989</u>	<u>3,312</u>	<u>3,629</u>
38.17						<u>2,298</u>	<u>3,064</u>
38.18	11,100-11,199	1,410	<u>2,294</u>	2,642	<u>3,006</u>	<u>3,552</u>	<u>4,118</u>
38.19						<u>2,318</u>	<u>3,091</u>
38.20	11,200-11,299	1,422	<u>2,306</u>	2,666	<u>3,023</u>	<u>3,349</u>	<u>3,667</u>
38.21						<u>2,339</u>	<u>3,119</u>
38.22	11,300-11,399	1,435	<u>2,319</u>	2,689	<u>3,040</u>	<u>3,366</u>	<u>3,686</u>
38.23						<u>2,360</u>	<u>3,146</u>
38.24	11,400-11,499	1,448	<u>2,331</u>	2,713	<u>3,055</u>	<u>3,383</u>	<u>3,705</u>
38.25						<u>2,381</u>	<u>2,737</u>
38.26	11,500-11,599	1,461	<u>2,344</u>	<u>2,735</u>	<u>3,071</u>	<u>3,680</u>	<u>4,267</u>
38.27						<u>2,401</u>	<u>2,761</u>
38.28	11,600-11,699	1,473	<u>2,356</u>	<u>2,748</u>	<u>3,202</u>	<u>3,712</u>	<u>4,304</u>
38.29						<u>2,422</u>	<u>2,785</u>
38.30	11,700-11,799	1,486	<u>2,367</u>	<u>2,762</u>	<u>3,229</u>	<u>3,744</u>	<u>4,341</u>
38.31						<u>2,443</u>	<u>2,808</u>
38.32	11,800-11,899	1,499	<u>2,378</u>	<u>2,775</u>	<u>3,257</u>	<u>3,776</u>	<u>4,378</u>
38.33						<u>2,463</u>	<u>2,832</u>
38.34	11,900-11,999	1,511	<u>2,389</u>	<u>2,788</u>	<u>3,284</u>	<u>3,808</u>	<u>4,415</u>
38.35						<u>2,484</u>	<u>2,856</u>
38.36	12,000-12,099	1,524	<u>2,401</u>	<u>2,801</u>	<u>3,312</u>	<u>3,840</u>	<u>4,452</u>
38.37						<u>2,505</u>	<u>2,880</u>
38.38	12,100-12,199	1,537	<u>2,412</u>	<u>2,814</u>	<u>3,340</u>	<u>3,872</u>	<u>4,489</u>
38.39						<u>2,525</u>	<u>2,904</u>
38.40	12,200-12,299	1,549	<u>2,423</u>	<u>2,828</u>	<u>3,367</u>	<u>3,904</u>	<u>4,526</u>
38.41						<u>2,546</u>	<u>2,927</u>
38.42	12,300-12,399	1,562	<u>2,434</u>	<u>2,841</u>	<u>3,395</u>	<u>3,936</u>	<u>4,563</u>
38.43						<u>2,567</u>	<u>2,951</u>
38.44	12,400-12,499	1,575	<u>2,445</u>	<u>2,854</u>	<u>3,422</u>	<u>3,968</u>	<u>4,600</u>
38.45						<u>2,588</u>	<u>2,975</u>
38.46	12,500-12,599	1,588	<u>2,456</u>	<u>2,867</u>	<u>3,450</u>	<u>4,000</u>	<u>4,638</u>
38.47						<u>2,608</u>	<u>2,999</u>
38.48	12,600-12,699	1,600	<u>2,467</u>	<u>2,880</u>	<u>3,478</u>	<u>4,032</u>	<u>4,675</u>
38.49						<u>2,629</u>	<u>3,023</u>
38.50	12,700-12,799	1,613	<u>2,478</u>	<u>2,894</u>	<u>3,505</u>	<u>4,064</u>	<u>4,712</u>
						<u>3,249</u>	<u>3,598</u>

38.51			<u>2,650</u>	<u>3,046</u>	<u>3,533</u>	<u>4,096</u>	<u>4,749</u>
38.52	12,800-12,899	1,626	<u>2,489</u>	<u>2,907</u>	<u>3,264</u>	<u>3,615</u>	<u>3,960</u>
38.53			<u>2,670</u>	<u>3,070</u>	<u>3,560</u>	<u>4,128</u>	<u>4,786</u>
38.54	12,900-12,999	1,638	<u>2,500</u>	<u>2,920</u>	<u>3,278</u>	<u>3,631</u>	<u>3,977</u>
38.55			<u>2,691</u>	<u>3,094</u>	<u>3,588</u>	<u>4,160</u>	<u>4,823</u>
38.56	13,000-13,099	1,651	<u>2,512</u>	<u>2,933</u>	<u>3,293</u>	<u>3,647</u>	<u>3,995</u>
39.1			<u>2,712</u>	<u>3,118</u>	<u>3,616</u>	<u>4,192</u>	<u>4,860</u>
39.2	13,100-13,199	1,664	<u>2,523</u>	<u>2,946</u>	<u>3,308</u>	<u>3,663</u>	<u>4,012</u>
39.3			<u>2,732</u>	<u>3,142</u>	<u>3,643</u>	<u>4,224</u>	<u>4,897</u>
39.4	13,200-13,299	1,676	<u>2,534</u>	<u>2,960</u>	<u>3,322</u>	<u>3,679</u>	<u>4,030</u>
39.5			<u>2,753</u>	<u>3,165</u>	<u>3,671</u>	<u>4,256</u>	<u>4,934</u>
39.6	13,300-13,399	1,689	<u>2,545</u>	<u>2,973</u>	<u>3,337</u>	<u>3,696</u>	<u>4,048</u>
39.7			<u>2,774</u>	<u>3,189</u>	<u>3,698</u>	<u>4,288</u>	<u>4,971</u>
39.8	13,400-13,499	1,702	<u>2,556</u>	<u>2,986</u>	<u>3,352</u>	<u>3,712</u>	<u>4,065</u>
39.9			<u>2,795</u>	<u>3,213</u>	<u>3,726</u>	<u>4,320</u>	<u>5,009</u>
39.10	13,500-13,599	1,715	<u>2,567</u>	<u>2,999</u>	<u>3,367</u>	<u>3,728</u>	<u>4,083</u>
39.11			<u>2,815</u>	<u>3,237</u>	<u>3,754</u>	<u>4,352</u>	<u>5,046</u>
39.12	13,600-13,699	1,727	<u>2,578</u>	<u>3,012</u>	<u>3,381</u>	<u>3,744</u>	<u>4,100</u>
39.13			<u>2,836</u>	<u>3,261</u>	<u>3,781</u>	<u>4,384</u>	<u>5,083</u>
39.14	13,700-13,799	1,740	<u>2,589</u>	<u>3,026</u>	<u>3,396</u>	<u>3,760</u>	<u>4,118</u>
39.15			<u>2,857</u>	<u>3,284</u>	<u>3,809</u>	<u>4,416</u>	<u>5,120</u>
39.16	13,800-13,899	1,753	<u>2,600</u>	<u>3,039</u>	<u>3,411</u>	<u>3,777</u>	<u>4,136</u>
39.17			<u>2,877</u>	<u>3,308</u>	<u>3,836</u>	<u>4,448</u>	<u>5,157</u>
39.18	13,900-13,999	1,765	<u>2,611</u>	<u>3,052</u>	<u>3,425</u>	<u>3,793</u>	<u>4,153</u>
39.19			<u>2,898</u>	<u>3,332</u>	<u>3,864</u>	<u>4,480</u>	<u>5,194</u>
39.20	14,000-14,099	1,778	<u>2,623</u>	<u>3,065</u>	<u>3,440</u>	<u>3,809</u>	<u>4,171</u>
39.21			<u>2,919</u>	<u>3,356</u>	<u>3,892</u>	<u>4,512</u>	<u>5,231</u>
39.22	14,100-14,199	1,791	<u>2,634</u>	<u>3,078</u>	<u>3,455</u>	<u>3,825</u>	<u>4,189</u>
39.23			<u>2,939</u>	<u>3,380</u>	<u>3,919</u>	<u>4,544</u>	<u>5,268</u>
39.24	14,200-14,299	1,803	<u>2,645</u>	<u>3,092</u>	<u>3,470</u>	<u>3,841</u>	<u>4,206</u>
39.25			<u>2,960</u>	<u>3,403</u>	<u>3,947</u>	<u>4,576</u>	<u>5,305</u>
39.26	14,300-14,399	1,816	<u>2,656</u>	<u>3,105</u>	<u>3,484</u>	<u>3,858</u>	<u>4,224</u>
39.27			<u>2,981</u>	<u>3,427</u>	<u>3,974</u>	<u>4,608</u>	<u>5,342</u>
39.28	14,400-14,499	1,829	<u>2,667</u>	<u>3,118</u>	<u>3,499</u>	<u>3,874</u>	<u>4,239</u>
39.29			<u>3,002</u>	<u>3,451</u>	<u>4,002</u>	<u>4,640</u>	<u>5,380</u>
39.30	14,500-14,599	1,842	<u>2,678</u>	<u>3,131</u>	<u>3,514</u>	<u>3,889</u>	<u>4,253</u>
39.31			<u>3,022</u>	<u>3,475</u>	<u>4,030</u>	<u>4,672</u>	<u>5,417</u>
39.32	14,600-14,699	1,854	<u>2,689</u>	<u>3,144</u>	<u>3,529</u>	<u>3,902</u>	<u>4,268</u>
39.33			<u>1,867</u>	<u>3,043</u>	<u>3,499</u>	<u>4,057</u>	<u>4,704</u>
39.34	14,700-14,799		<u>1,864</u>	<u>2,700</u>	<u>3,158</u>	<u>3,541</u>	<u>3,916</u>
39.35			<u>1,880</u>	<u>3,064</u>	<u>3,522</u>	<u>4,085</u>	<u>4,736</u>
39.36	14,800-14,899		<u>1,872</u>	<u>2,711</u>	<u>3,170</u>	<u>3,553</u>	<u>3,929</u>
39.37			<u>1,892</u>	<u>3,084</u>	<u>3,546</u>	<u>4,112</u>	<u>4,768</u>
39.38	14,900-14,999		<u>1,879</u>	<u>2,722</u>	<u>3,181</u>	<u>3,565</u>	<u>3,942</u>
39.39	15,000, or the						
39.40	amount in effect		<u>1,905</u>	<u>3,105</u>	<u>3,570</u>	<u>4,140</u>	<u>4,800</u>
39.41	under subd. 4		<u>1,883</u>	<u>2,727</u>	<u>3,186</u>	<u>3,571</u>	<u>3,949</u>

39.42 Sec. 30. Laws 2005, chapter 164, section 31, is amended to read:

39.43 Sec. 31. REPEALER.

39.44

39.45 Minnesota Statutes 2004, sections 518.171; ~~518.54, subdivisions 2, 4, and 4a,~~ and
39.46 518.551, subdivisions 1, 5a, 5c, and 5f, are repealed.

39.47 Sec. 31. Laws 2005, chapter 164, section 32, the effective date, is amended to read:

39.48 Sec. 32. **EFFECTIVE DATE.**

39.49
40.1 Except as otherwise provided, this act is effective January 1, 2007, ~~and applies to~~
40.2 ~~orders adopted or modified after that date.~~ With respect to the calculation of child support,
40.3 this act applies to actions commenced or motions filed after the effective date, including
40.4 those involving support orders in effect before the effective date. The provisions of this
40.5 act used to calculate support obligations apply to actions or motions for past support or
40.6 reimbursement filed on or after January 1, 2007. The terms and provisions of any court
40.7 orders in effect before January 1, 2007, remain in full force and effect until modified by
40.8 subsequent orders, judgments, decrees of dissolutions, or legal separations signed on or
40.9 after January 1, 2007, when the provisions of this act must be applied. Sections 1 to 3 of
40.10 this act are effective July 1, 2005.

40.11 Sec. 32. **REVISOR'S INSTRUCTION.**

40.12 The revisor of statutes shall change cross-references in Minnesota Statutes from
40.13 section 518.171 to section 518.719.

40.14 Sec. 33. **REPEALER.**

40.15 Laws 2005, chapter 164, section 12, is repealed.

40.16 Sec. 34. **EFFECTIVE DATE.**

40.17 Except where otherwise indicated, this act is effective January 1, 2007."

40.18 Amend the title accordingly

40.19 And when so amended that the bill be recommended to pass and be referred to
40.20 the full committee.



.....
(Subcommittee Chair)

40.23 March 21, 2006
40.24 (Date of Subcommittee action)

1.1 Senator moves to amend S.F. No. 3199 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "Section 1. Minnesota Statutes 2004, section 518.175, subdivision 1, is amended to
1.4 read:

1.5 Subdivision 1. **General.** (a) In all proceedings for dissolution or legal separation,
1.6 subsequent to the commencement of the proceeding and continuing thereafter during
1.7 the minority of the child, the court shall, upon the request of either parent, grant such
1.8 parenting time on behalf of the child and a parent as will enable the child and the parent to
1.9 maintain a child to parent relationship that will be in the best interests of the child.

1.10 If the court finds, after a hearing, that parenting time with a parent is likely to
1.11 endanger the child's physical or emotional health or impair the child's emotional
1.12 development, the court shall restrict parenting time with that parent as to time, place,
1.13 duration, or supervision and may deny parenting time entirely, as the circumstances
1.14 warrant. The court shall consider the age of the child and the child's relationship with
1.15 the parent prior to the commencement of the proceeding.

1.16 A parent's failure to pay support because of the parent's inability to do so shall not
1.17 be sufficient cause for denial of parenting time.

1.18 (b) The court may provide that a law enforcement officer or other appropriate person
1.19 will accompany a party seeking to enforce or comply with parenting time.

1.20 (c) Upon request of either party, to the extent practicable an order for parenting
1.21 time must include a specific schedule for parenting time, including the frequency and
1.22 duration of visitation and visitation during holidays and vacations, unless parenting time
1.23 is restricted, denied, or reserved.

1.24 (d) The court administrator shall provide a form for a pro se motion regarding
1.25 parenting time disputes, which includes provisions for indicating the relief requested, an
1.26 affidavit in which the party may state the facts of the dispute, and a brief description of
1.27 the parenting time expeditor process under section 518.1751. The form may not include
1.28 a request for a change of custody. The court shall provide instructions on serving and
1.29 filing the motion.

1.30 (e) In the absence of other evidence, there is a rebuttable presumption that a parent is
1.31 entitled to receive at least 25 percent of the parenting time for the child. For purposes of
1.32 this paragraph, the percentage of parenting time may be determined by calculating the
1.33 number of overnights that a child spends with a parent or by using a method other than
1.34 overnights if the parent has significant time periods on separate days when the child is in
1.35 the parent's physical custody but does not stay overnight. The court may consider the age
1.36 of the child in determining whether a child is with a parent for a significant period of time.

2.1 Sec. 2. Minnesota Statutes 2004, section 518.551, is amended by adding a subdivision
2.2 to read:

2.3 Subd. 1a. **Scope; payment to public authority.** (a) This section applies to all
2.4 proceedings involving a support order, including, but not limited to, a support order
2.5 establishing an order for past support or reimbursement of public assistance.

2.6 (b) The court shall direct that all payments ordered for maintenance or support
2.7 be made to the public authority responsible for child support enforcement so long as
2.8 the obligee is receiving or has applied for public assistance, or has applied for child
2.9 support or maintenance collection services. Public authorities responsible for child
2.10 support enforcement may act on behalf of other public authorities responsible for child
2.11 support enforcement, including the authority to represent the legal interests of or execute
2.12 documents on behalf of the other public authority in connection with the establishment,
2.13 enforcement, and collection of child support, maintenance, or medical support, and
2.14 collection on judgments.

2.15 (c) Payments made to the public authority other than payments under section
2.16 518.6111 must be credited as of the date the payment is received by the central collections
2.17 unit.

2.18 (d) Monthly amounts received by the public agency responsible for child support
2.19 enforcement from the obligor that are greater than the monthly amount of public assistance
2.20 granted to the obligee must be remitted to the obligee.

2.21 Sec. 3. Minnesota Statutes 2004, section 518.551, subdivision 6, is amended to read:

2.22 **Subd. 6. Failure of notice.** If the court in a dissolution, legal separation or
2.23 determination of parentage proceeding, finds before issuing the order for judgment and
2.24 decree, that notification has not been given to the public authority, the court shall set child
2.25 support ~~according to the guidelines in subdivision 5~~ as provided in section 518.725. In
2.26 those proceedings in which no notification has been made pursuant to this section and in
2.27 which the public authority determines that the judgment is lower than the child support
2.28 required by the guidelines in subdivision 5, it shall move the court for a redetermination of
2.29 the support payments ordered so that the support payments comply with the guidelines.

2.30 Sec. 4. Minnesota Statutes 2004, section 518.5513, subdivision 3, is amended to read:

2.31 **Subd. 3. Contents of pleadings.** (a) In cases involving establishment or
2.32 modification of a child support order, the initiating party shall include the following
2.33 information, if known, in the pleadings:

2.34 (1) names, addresses, and dates of birth of the parties;

3.1 (2) Social Security numbers of the parties and the minor children of the parties,
3.2 which information shall be considered private information and shall be available only to
3.3 the parties, the court, and the public authority;

3.4 (3) other support obligations of the obligor;

3.5 (4) names and addresses of the parties' employers;

3.6 (5) ~~net gross income of the parties as defined calculated in section 518.551,~~
3.7 ~~subdivision 5, with the authorized deductions itemized 518.7123;~~

3.8 (6) amounts and sources of any other earnings and income of the parties;

3.9 (7) health insurance coverage of parties;

3.10 (8) types and amounts of public assistance received by the parties, including
3.11 Minnesota family investment plan, child care assistance, medical assistance,
3.12 MinnesotaCare, title IV-E foster care, or other form of assistance as defined in section
3.13 256.741, subdivision 1; and

3.14 (9) any other information relevant to the ~~determination~~ computation of the child or
3.15 medical support obligation under section ~~518.171 or 518.551, subdivision 5~~ 518.713.

3.16 (b) For all matters scheduled in the expedited process, whether or not initiated by
3.17 the public authority, the nonattorney employee of the public authority shall file with the
3.18 court and serve on the parties the following information:

3.19 (1) information pertaining to the income of the parties available to the public
3.20 authority from the Department of Employment and Economic Development;

3.21 (2) a statement of the monthly amount of child support, medical support, child care,
3.22 and arrears currently being charged the obligor on Minnesota IV-D cases;

3.23 (3) a statement of the types and amount of any public assistance, as defined in
3.24 section 256.741, subdivision 1, received by the parties; and

3.25 (4) any other information relevant to the determination of support that is known to
3.26 the public authority and that has not been otherwise provided by the parties.

3.27 The information must be filed with the court or child support magistrate at least
3.28 five days before any hearing involving child support, medical support, or child care
3.29 reimbursement issues.

3.30 **Sec. 5. [518.7124] POTENTIAL INCOME.**

3.31 Subdivision 1. General. If a parent is voluntarily unemployed, underemployed, or
3.32 employed on a less than full-time basis, or there is no direct evidence of any income, child
3.33 support must be calculated based on a determination of potential income. For purposes of
3.34 this determination, it is rebuttably presumed that a parent can be gainfully employed on
3.35 a full-time basis. As used in this section, "full time" means 40 hours of work in a week

4.1 except in those industries, trades, or professions in which most employers, due to custom,
4.2 practice, or agreement, use a normal work week of more or less than 40 hours in a week.

4.3 Subd. 2. **Methods.** Determination of potential income must be made according
4.4 to one of three methods, as appropriate:

4.5 (1) the parent's probable earnings level based on employment potential, recent
4.6 work history, and occupational qualifications in light of prevailing job opportunities and
4.7 earnings levels in the community;

4.8 (2) if a parent is receiving unemployment compensation or workers' compensation,
4.9 that parent's income may be calculated using the actual amount of the unemployment
4.10 compensation or workers' compensation benefit received; or

4.11 (3) the amount of income a parent could earn working full time at 150 percent of the
4.12 current federal or state minimum wage, whichever is higher.

4.13 Subd. 3. **Parent not considered voluntarily unemployed or underemployed.**

4.14 A parent is not considered voluntarily unemployed or underemployed upon a showing
4.15 by the parent that:

4.16 (1) unemployment or underemployment is temporary and will ultimately lead to an
4.17 increase in income;

4.18 (2) the unemployment or underemployment represents a bona fide career change that
4.19 outweighs the adverse effect of that parent's diminished income on the child; or

4.20 (3) the parent is unable to work full time due to a verified disability or due to
4.21 incarceration.

4.22 Subd. 4. **TANF recipient.** If the parent of a joint child is a recipient of a temporary
4.23 assistance to a needy family (TANF) cash grant, no potential income is to be imputed
4.24 to that parent.

4.25 Subd. 5. **Caretaker.** If a parent stays at home to care for a child who is subject to
4.26 the child support order, the court may consider the following factors when determining
4.27 whether the parent is voluntarily unemployed or underemployed:

4.28 (1) the parties' parenting and child care arrangements before the child support action;

4.29 (2) the stay-at-home parent's employment history, recency of employment, earnings,
4.30 and the availability of jobs within the community for an individual with the parent's
4.31 qualifications;

4.32 (3) the relationship between the employment-related expenses, including, but not
4.33 limited to, child care and transportation costs required for the parent to be employed,
4.34 and the income the stay-at-home parent could receive from available jobs within the
4.35 community for an individual with the parent's qualifications;

5.1 (4) the child's age and health, including whether the child is physically or mentally
5.2 disabled; and

5.3 (5) the availability of child care providers.

5.4 This paragraph does not apply if the parent stays at home only to care for other
5.5 nonjoint children.

5.6 Subd. 6. Economic conditions. A self-employed parent is not considered to be
5.7 voluntarily unemployed or underemployed if that parent can show that the parent's net
5.8 self-employment income is lower because of economic conditions.

5.9 Sec. 6. Laws 2005, chapter 164, section 3, subdivision 6, is amended to read:

5.10 Subd. 6. **Filing fee.** The ~~initial pleading~~ first paper filed for a party in all
5.11 proceedings for dissolution of marriage, legal separation, or annulment or proceedings
5.12 to establish child support obligations shall be accompanied by a filing fee of \$50. The
5.13 fee is in addition to any other prescribed by law or rule.

5.14 EFFECTIVE DATE. This section is effective July 1, 2006.

5.15 Sec. 7. Laws 2005, chapter 164, section 4, is amended to read:

5.16 Sec. 4. **[518.1781] SIX-MONTH REVIEW.**

5.17 (a) A request for a six-month review hearing form must be attached to a decree of
5.18 dissolution or legal separation or an order that initially establishes child custody, parenting
5.19 time, or ~~support rights and obligations of parents~~ an amount of child support. The state
5.20 court administrator is requested to prepare the request for review hearing form. The form
5.21 must include information regarding the procedures for requesting a hearing, the purpose
5.22 of the hearing, and any other information regarding a hearing under this section that the
5.23 state court administrator deems necessary.

5.24 (b) The six-month review hearing shall be held if any party submits a written request
5.25 for a hearing within six months after entry of a decree of dissolution or legal separation or
5.26 order that establishes child custody, parenting time, or support.

5.27 (c) Upon receipt of a completed request for hearing form, the court administrator
5.28 shall provide notice of the hearing to all other parties and the public authority. The court
5.29 administrator shall schedule the six-month review hearing as soon as practicable following
5.30 the receipt of the hearing request form. If the hearing request raises parenting time issues,
5.31 the court administrator shall schedule the hearing before a district court judge.

5.32 (d) At the six-month hearing, the court must review:

5.33 (1) whether child support is current; and

5.34 (2) whether both parties are complying with the parenting time provisions of the
5.35 order.

6.1 The court must not modify custody or parenting time or child support orders at
6.2 the hearing.

6.3 (e) At the six-month hearing, the obligor has the burden to present evidence to
6.4 establish that child support payments are current. A party may request that the public
6.5 authority provide information to the parties and court regarding child support payments. A
6.6 party must request the information from the public authority at least 14 days before the
6.7 hearing. The commissioner of human services must develop a form to be used by the
6.8 public authority to submit child support payment information to the parties and court.

6.9 (f) Contempt of court and all statutory remedies for child support and parenting time
6.10 enforcement may be imposed by the court at the six-month hearing for noncompliance by
6.11 either party pursuant to ~~chapters 517C and~~ this chapter or chapter 588 and the Minnesota
6.12 Court Rules, except that contempt of court powers may only be used against a party who
6.13 appears at the hearing. If a party does not appear, the court shall issue an order to show
6.14 cause if the moving party has presented a sufficient factual basis to establish contempt.

6.15 (g) ~~A request for a six-month review hearing form must be attached to a decree or~~
6.16 ~~order that initially establishes child support rights and obligations according to section~~
6.17 ~~517A.29. The court shall conduct the six-month hearing as an informal proceeding at~~
6.18 ~~which the court may make appropriate inquiries to assure that the parties are complying~~
6.19 ~~with child support and parenting time orders. The court may take testimony only for~~
6.20 ~~purposes of a contempt of court finding.~~

6.21 Sec. 8. Laws 2005, chapter 164, section 5, is amended to read:

6.22 518.54 **DEFINITIONS.**

6.23 Subdivision 1. **Terms.** For the purposes of sections 518.54 to 518.773, the terms
6.24 defined in this section shall have the meanings respectively ascribed to them.

6.25 Subd. 2. **Child.** "Child" means an individual under 18 years of age, an individual
6.26 under age 20 who is still attending secondary school, or an individual who, by reason of
6.27 physical or mental condition, is incapable of self-support.

6.28 Subd. 2a. **Deposit account.** "Deposit account" means funds deposited with a
6.29 financial institution in the form of a savings account, checking account, NOW account, or
6.30 demand deposit account.

6.31 Subd. 2b. **Financial institution.** "Financial institution" means a savings association,
6.32 bank, trust company, credit union, industrial loan and thrift company, bank and trust
6.33 company, or savings association, and includes a branch or detached facility of a financial
6.34 institution.

7.1 Subd. 3. **Maintenance.** "Maintenance" means an award made in a dissolution or
7.2 legal separation proceeding of payments from the future income or earnings of one spouse
7.3 for the support and maintenance of the other.

7.4 Subd. 4. **Support money; child support.** "Support money" or "child support"
7.5 means an amount for basic support, child care support, and medical support pursuant to:

7.6 (1) an award in a dissolution, legal separation, annulment, or parentage proceeding
7.7 for the care, support and education of any child of the marriage or of the parties to the
7.8 proceeding;

7.9 (2) a contribution by parents ordered under section 256.87; or

7.10 (3) support ordered under chapter 518B or 518C.

7.11 Subd. 4a. **Support order.** (a) "Support order" means a judgment, decree, or order,
7.12 whether temporary, final, or subject to modification, issued by a court or administrative
7.13 agency of competent jurisdiction;

7.14 (1) for the support and maintenance of a child, including a child who has attained
7.15 the age of majority under the law of the issuing state, ~~or;~~

7.16 (2) for a child and the parent with whom the child is living, that provides for
7.17 monetary support, child care, medical support including expenses for confinement and
7.18 pregnancy, arrearages, or reimbursement, ~~and that;~~ or

7.19 (3) for the maintenance of a spouse or former spouse.

7.20 (b) The support order may include related costs and fees, interest and penalties,
7.21 income withholding, and other relief. This definition applies to orders issued under this
7.22 chapter and chapters 256, 257, and 518C.

7.23 Subd. 5. **Marital property; exceptions.** "Marital property" means property, real or
7.24 personal, including vested public or private pension plan benefits or rights, acquired by
7.25 the parties, or either of them, to a dissolution, legal separation, or annulment proceeding
7.26 at any time during the existence of the marriage relation between them, or at any time
7.27 during which the parties were living together as husband and wife under a purported
7.28 marriage relationship which is annulled in an annulment proceeding, but prior to the
7.29 date of valuation under section 518.58, subdivision 1. All property acquired by either
7.30 spouse subsequent to the marriage and before the valuation date is presumed to be marital
7.31 property regardless of whether title is held individually or by the spouses in a form
7.32 of co-ownership such as joint tenancy, tenancy in common, tenancy by the entirety, or
7.33 community property. Each spouse shall be deemed to have a common ownership in
7.34 marital property that vests not later than the time of the entry of the decree in a proceeding
7.35 for dissolution or annulment. The extent of the vested interest shall be determined and
7.36 made final by the court pursuant to section 518.58. If a title interest in real property is held

8.1 individually by only one spouse, the interest in the real property of the nontitled spouse is
8.2 not subject to claims of creditors or judgment or tax liens until the time of entry of the
8.3 decree awarding an interest to the nontitled spouse. The presumption of marital property
8.4 is overcome by a showing that the property is nonmarital property.

8.5 "Nonmarital property" means property real or personal, acquired by either spouse
8.6 before, during, or after the existence of their marriage, which

8.7 (a) is acquired as a gift, bequest, devise or inheritance made by a third party to
8.8 one but not to the other spouse;

8.9 (b) is acquired before the marriage;

8.10 (c) is acquired in exchange for or is the increase in value of property which is
8.11 described in clauses (a), (b), (d), and (e);

8.12 (d) is acquired by a spouse after the valuation date; or

8.13 (e) is excluded by a valid antenuptial contract.

8.14 Subd. 6. **Income.** "Income" means any form of periodic payment to an individual
8.15 including, but not limited to, wages, salaries, payments to an independent contractor,
8.16 workers' compensation, unemployment benefits, annuity, military and naval retirement,
8.17 pension and disability payments. Benefits received under Title IV-A of the Social Security
8.18 Act and chapter 256J are not income under this section.

8.19 Subd. 7. **Obligee.** "Obligee" means a person to whom payments for maintenance or
8.20 support are owed.

8.21 Subd. 8. **Obligor.** "Obligor" means a person obligated to pay maintenance or
8.22 support. A person who is ~~designated as the sole physical custodian~~ has primary physical
8.23 custody of a child is presumed not to be an obligor for purposes of ~~calculating current~~
8.24 a child support under section 518.551 order under section 518.713, unless section
8.25 518.722, subdivision 3, applies or the court makes specific written findings to overcome
8.26 this presumption. For purposes of ordering medical support under section 518.719, a
8.27 custodial parent who has primary physical custody of a child may be an obligor subject
8.28 to ~~a cost-of-living adjustment under section 518.641~~ and a payment agreement under
8.29 section 518.553.

8.30 Subd. 9. **Public authority.** "Public authority" means the local unit of government,
8.31 acting on behalf of the state, that is responsible for child support enforcement or the
8.32 Department of Human Services, Child Support Enforcement Division.

8.33 Subd. 10. **Pension plan benefits or rights.** "Pension plan benefits or rights" means
8.34 a benefit or right from a public or private pension plan accrued to the end of the month in
8.35 which marital assets are valued, as determined under the terms of the laws or other plan
8.36 document provisions governing the plan, including section 356.30.

9.1 Subd. 11. **Public pension plan.** "Public pension plan" means a pension plan or
9.2 fund specified in section 356.20, subdivision 2, or 356.30, subdivision 3, the deferred
9.3 compensation plan specified in section 352.96, or any retirement or pension plan or fund,
9.4 including a supplemental retirement plan or fund, established, maintained, or supported by
9.5 a governmental subdivision or public body whose revenues are derived from taxation,
9.6 fees, assessments, or from other public sources.

9.7 Subd. 12. **Private pension plan.** "Private pension plan" means a plan, fund, or
9.8 program maintained by an employer or employee organization that provides retirement
9.9 income to employees or results in a deferral of income by employees for a period
9.10 extending to the termination of covered employment or beyond.

9.11 Subd. 13. **Arrears.** Arrears are amounts that accrue pursuant to an obligor's failure
9.12 to comply with a support order. Past support and pregnancy and confinement expenses
9.13 contained in a support order are arrears if the court order does not contain repayment
9.14 terms. Arrears also arise by the obligor's failure to comply with the terms of a court order
9.15 for repayment of past support or pregnancy and confinement expenses. An obligor's
9.16 failure to comply with the terms for repayment of amounts owed for past support or
9.17 pregnancy and confinement turns the entire amount owed into arrears.

9.18 Subd. 14. **IV-D case.** "IV-D case" means a case where a party has assigned to the
9.19 state rights to child support because of the receipt of public assistance as defined in section
9.20 256.741 or has applied for child support services under title IV-D of the Social Security
9.21 Act, United States Code, title 42, section 654(4).

9.22 Subd. 15. **Parental income for determining child support (PICS).** "Parental
9.23 income for determining child support," or "PICS," means gross income ~~under subdivision~~
9.24 ~~18~~ minus deductions for nonjoint children ~~as allowed by~~ under section 518.717.

9.25 Subd. 16. **Apportioned veterans' benefits.** "Apportioned veterans' benefits" means
9.26 the amount the Veterans Administration deducts from the veteran's award and disburses
9.27 to the child or the child's representative payee. The apportionment of veterans' benefits
9.28 shall be that determined by the Veterans Administration and governed by Code of Federal
9.29 Regulations, title 38, sections 3.450 to 3.458.

9.30 Subd. 17. **Basic support.** "Basic support" means the basic support obligation
9.31 ~~determined by applying the parent's parental income for child support, or if there are two~~
9.32 ~~parents, their combined parental income for child support, to the guideline in the manner~~
9.33 ~~set out in section 518.725~~ computed under section 518.713. Basic support includes the
9.34 dollar amount ordered for a child's housing, food, clothing, transportation, and education
9.35 costs, and other expenses relating to the child's care. Basic support does not include
9.36 monetary contributions for a child's child care expenses and medical and dental expenses.

10.1 Subd. 18. **Gross income.** "Gross income" means:
10.2 ~~(1) the gross income of the parent calculated under section 518.7123; plus~~
10.3 ~~(2) Social Security or veterans' benefit payments received on behalf of the child~~
10.4 ~~under section 518.718; plus~~
10.5 ~~(3) the potential income of the parent, if any, as determined in subdivision 23; minus~~
10.6 ~~(4) spousal maintenance that any party has been ordered to pay; minus~~
10.7 ~~(5) the amount of any existing child support order for other nonjoint children.~~

10.8 Subd. 19. **Joint child.** "Joint child" means the dependent child who is the son or
10.9 daughter child of both parents in the support proceeding. In those cases where support is
10.10 sought from only one parent of a child, a joint child is the child for whom support is sought.

10.11 Subd. 20. **Nonjoint child.** "Nonjoint child" means the legal child of one, but not
10.12 both of the parents ~~subject to this determination. Specifically excluded from this definition~~
10.13 ~~are in the support proceeding. Nonjoint child does not include~~ stepchildren.

10.14 Subd. 21. ~~Parenting time.~~ "Parenting time" ~~means the amount of time a child is~~
10.15 ~~scheduled to spend with the parent according to a court order. Parenting time includes~~
10.16 ~~time with the child whether it is designated as visitation, physical custody, or parenting~~
10.17 ~~time. For purposes of section 518.722, the percentage of parenting time may be calculated~~
10.18 ~~by calculating the number of overnights that a child spends with a parent, or by using a~~
10.19 ~~method other than overnights if the parent has significant time periods where the child is~~
10.20 ~~in the parent's physical custody, but does not stay overnight.~~

10.21 Subd. 22. **Payor of funds.** "Payor of funds" means a person or entity that provides
10.22 funds to an obligor, including an employer as defined under chapter 24, section 3401(d),
10.23 of the Internal Revenue Code, an independent contractor, payor of workers' compensation
10.24 benefits or unemployment insurance benefits, or a financial institution as defined in
10.25 section 13B.06.

10.26 Subd. 23. **Potential income.** "Potential income" ~~is income determined under this~~
10.27 ~~subdivision.~~

10.28 ~~(a) If a parent is voluntarily unemployed, underemployed, or employed on a~~
10.29 ~~less than full-time basis, or there is no direct evidence of any income, child support~~
10.30 ~~shall be calculated based on a determination of potential income. For purposes of this~~
10.31 ~~determination, it is rebuttably presumed that a parent can be gainfully employed on a~~
10.32 ~~full-time basis.~~

10.33 ~~(b) Determination of potential income shall be made according to one of three~~
10.34 ~~methods, as appropriate.~~

11.1 ~~(1) the parent's probable earnings level based on employment potential, recent~~
11.2 ~~work history, and occupational qualifications in light of prevailing job opportunities and~~
11.3 ~~earnings levels in the community;~~

11.4 ~~(2) if a parent is receiving unemployment compensation or workers' compensation,~~
11.5 ~~that parent's income may be calculated using the actual amount of the unemployment~~
11.6 ~~compensation or workers' compensation benefit received; or~~

11.7 ~~(3) the amount of income a parent could earn working full time at 150 percent of the~~
11.8 ~~current federal or state minimum wage, whichever is higher.~~

11.9 ~~(c) A parent is not considered voluntarily unemployed or underemployed upon a~~
11.10 ~~showing by the parent that:~~

11.11 ~~(1) unemployment or underemployment is temporary and will ultimately lead to an~~
11.12 ~~increase in income;~~

11.13 ~~(2) the unemployment or underemployment represents a bona fide career change that~~
11.14 ~~outweighs the adverse effect of that parent's diminished income on the child; or~~

11.15 ~~(3) the parent is unable to work full time due to a verified disability or due to~~
11.16 ~~incarceration.~~

11.17 ~~(d) As used in this section, "full time" means 40 hours of work in a week except in~~
11.18 ~~those industries, trades, or professions in which most employers due to custom, practice,~~
11.19 ~~or agreement utilize a normal work week of more or less than 40 hours in a week.~~

11.20 ~~(e) If the parent of a joint child is a recipient of a temporary assistance to a needy~~
11.21 ~~family (TANF) cash grant, no potential income shall be imputed to that parent.~~

11.22 ~~(f) If a parent stays at home to care for a child who is subject to the child support~~
11.23 ~~order, the court may consider the following factors when determining whether the parent~~
11.24 ~~is voluntarily unemployed or underemployed:~~

11.25 ~~(1) the parties' parenting and child care arrangements before the child support action;~~

11.26 ~~(2) the stay-at-home parent's employment history, recency of employment, earnings,~~
11.27 ~~and the availability of jobs within the community for an individual with the parent's~~
11.28 ~~qualifications;~~

11.29 ~~(3) the relationship between the employment-related expenses, including, but not~~
11.30 ~~limited to, child care and transportation costs required for the parent to be employed;~~
11.31 ~~and the income the stay-at-home parent could receive from available jobs within the~~
11.32 ~~community for an individual with the parent's qualifications;~~

11.33 ~~(4) the child's age and health, including whether the child is physically or mentally~~
11.34 ~~disabled; and~~

11.35 ~~(5) the availability of child care providers.~~

12.1 ~~(g) Paragraph (f) does not apply if the parent stays at home to care for other nonjoint~~
12.2 ~~children, only.~~

12.3 ~~(h) A self-employed parent shall not be considered to be voluntarily unemployed~~
12.4 ~~or underemployed if that parent can show that the parent's net self-employment income~~
12.5 ~~is lower because of economic conditions.~~

12.6 ~~Subd. 24. Subd. 22. Primary physical custody.~~ The parent having "primary
12.7 physical custody" means the parent who provides the primary residence for a child and is
12.8 responsible for the majority of the day-to-day decisions concerning a child.

12.9 ~~Subd. 25. Subd. 23. Social Security benefits.~~ "Social Security benefits" means
12.10 the monthly ~~amount~~ retirement, survivors, or disability insurance benefits that the Social
12.11 Security Administration pays to ~~provides to~~ a parent for that parent's own benefit or for
12.12 the benefit of a joint child ~~or the child's representative payee due solely to the disability~~
12.13 ~~or retirement of either parent. Benefits paid.~~ Social Security benefits do not include
12.14 Supplemental Security Income benefits that the Social Security Administration provides
12.15 to a parent for the parent's own benefit or to a parent due to the disability of a child ~~are~~
12.16 ~~excluded from this definition.~~

12.17 ~~Subd. 26. Split custody.~~ "Split custody" ~~means that each parent in a two-parent~~
12.18 ~~calculation has primary physical custody of at least one of the joint children.~~

12.19 ~~Subd. 27. Subd. 24. Survivors' and dependents' educational assistance.~~
12.20 "Survivors' and dependents' educational assistance" are funds disbursed by the Veterans
12.21 Administration under United States Code, title 38, chapter 35, to the child or the child's
12.22 representative payee.

12.23 Sec. 9. Laws 2005, chapter 164, section 8, is amended to read:

12.24 Sec. 8. Minnesota Statutes 2004, section 518.551, subdivision 5b, is amended
12.25 to read:

12.26 Subd. 5b. **Providing income information.** (a) In any case where the parties have
12.27 joint children for which a child support order must be determined, the parties shall serve
12.28 and file with their initial pleadings or motion documents, a financial affidavit, disclosing
12.29 all sources of gross income for purposes of section 518.7123. The financial affidavit shall
12.30 include relevant supporting documentation necessary to calculate the parental income for
12.31 child support under section 518.54, subdivision 15, including, but not limited to, pay stubs
12.32 for the most recent three months, employer statements, or statements of receipts and
12.33 expenses if self-employed. Documentation of earnings and income also include relevant
12.34 copies of each parent's most recent federal tax returns, including W-2 forms, 1099 forms,
12.35 unemployment benefit statements, workers' compensation statements, and all other
12.36 documents evidencing earnings or income as received that provide verification for the

13.1 financial affidavit. The commissioner of human services shall prepare a financial affidavit
13.2 form that must be used by the parties for disclosing information under this subdivision.

13.3 (b) In addition to the requirements of paragraph (a), at any time after an action
13.4 seeking child support has been commenced or when a child support order is in effect, a
13.5 party or the public authority may require the other party to give them a copy of the party's
13.6 most recent federal tax returns that were filed with the Internal Revenue Service. The
13.7 party shall provide a copy of the tax returns within 30 days of receipt of the request unless
13.8 the request is not made in good faith. A request under this paragraph may not be made
13.9 more than once every two years, in the absence of good cause.

13.10

13.11 (c) If a parent under the jurisdiction of the court does not serve and file the financial
13.12 affidavit with the parent's initial pleading or motion documents, the court shall set income
13.13 for that parent based on credible evidence before the court or in accordance with section
13.14 ~~518.54, subdivision 23~~ 518.7124. Credible evidence may include documentation of
13.15 current or recent income, testimony of the other parent concerning recent earnings and
13.16 income levels, and the parent's wage reports filed with the Minnesota Department of
13.17 Employment and Economic Development under section 268.044.

13.18

13.19 Sec. 10. Laws 2005, chapter 164, section 10, subdivision 2, is amended to read:

13.20 Subd. 2. **Modification.** (a) The terms of an order respecting maintenance or support
13.21 may be modified upon a showing of one or more of the following, any of which makes the
13.22 terms unreasonable and unfair: (1) substantially increased or decreased gross income of an
13.23 obligor or obligee; (2) substantially increased or decreased need of an obligor or obligee
13.24 or the child or children that are the subject of these proceedings; (3) receipt of assistance
13.25 under the AFDC program formerly codified under sections 256.72 to 256.87 or 256B.01
13.26 to 256B.40, or chapter 256J or 256K; (4) a change in the cost of living for either party
13.27 as measured by the Federal Bureau of Labor Statistics, ~~any of which makes the terms~~
13.28 ~~unreasonable and unfair~~; (5) extraordinary medical expenses of the child not provided for
13.29 under section 518.171; (6) the addition of work-related or education-related child care
13.30 expenses of the obligee or a substantial increase or decrease in existing work-related
13.31 or education-related child care expenses; or (7) upon the emancipation of the child, as
13.32 provided in section 518.64, subdivision 4a.

13.33 (b) It is presumed that there has been a substantial change in circumstances under
13.34 paragraph (a) and the terms of a current support order shall be rebuttably presumed to be
13.35 unreasonable and unfair if:

13.36

14.1 (1) the application of the child support guidelines in section ~~518.551, subdivision 5~~
14.2 518.725, to the current circumstances of the parties results in a calculated court order that
14.3 is at least 20 percent and at least \$75 per month higher or lower than the current support
14.4 order or, if the current support order is less than \$75, it results in a calculated court order
14.5 that is at least 20 percent per month higher or lower;
14.6

14.7 (2) the medical support provisions of the order established under section 518.719
14.8 are not enforceable by the public authority or the obligee;
14.9

14.10 (3) health coverage ordered under section 518.719 is not available to the child for
14.11 whom the order is established by the parent ordered to provide;
14.12

14.13 (4) the existing support obligation is in the form of a statement of percentage and
14.14 not a specific dollar amount; or
14.15

14.16 (5) the gross income of an obligor or obligee has decreased by at least 20 percent
14.17 through no fault or choice of the party.
14.18

14.19 (c) A child support order is not presumptively modifiable solely because an obligor
14.20 or obligee becomes responsible for the support of an additional nonjoint child, which is
14.21 born after an existing order. Section 518.717 shall be considered if other grounds are
14.22 alleged which allow a modification of support.
14.23

14.24 (d) On a motion for modification of maintenance, including a motion for the
14.25 extension of the duration of a maintenance award, the court shall apply, in addition to all
14.26 other relevant factors, the factors for an award of maintenance under section 518.552 that
14.27 exist at the time of the motion. On a motion for modification of support, the court:
14.28

14.29 (1) shall apply section 518.725, and shall not consider the financial circumstances of
14.30 each party's spouse, if any; and
14.31

14.32 (2) shall not consider compensation received by a party for employment in excess of
14.33 a 40-hour work week, provided that the party demonstrates, and the court finds, that:
14.34

14.35 (i) the excess employment began after entry of the existing support order;
14.36

15.1 (ii) the excess employment is voluntary and not a condition of employment;

15.2

15.3 (iii) the excess employment is in the nature of additional, part-time employment, or
15.4 overtime employment compensable by the hour or fractions of an hour;

15.5

15.6 (iv) the party's compensation structure has not been changed for the purpose of
15.7 affecting a support or maintenance obligation;

15.8

15.9 (v) in the case of an obligor, current child support payments are at least equal to the
15.10 guidelines amount based on income not excluded under this clause; and

15.11

15.12 (vi) in the case of an obligor who is in arrears in child support payments to the
15.13 obligee, any net income from excess employment must be used to pay the arrearages
15.14 until the arrearages are paid in full.

15.15

15.16 (e) A modification of support or maintenance, including interest that accrued
15.17 pursuant to section 548.091, may be made retroactive only with respect to any period
15.18 during which the petitioning party has pending a motion for modification but only from the
15.19 date of service of notice of the motion on the responding party and on the public authority
15.20 if public assistance is being furnished or the county attorney is the attorney of record.

15.21

15.22 (f) Except for an award of the right of occupancy of the homestead, provided in
15.23 section 518.63, all divisions of real and personal property provided by section 518.58
15.24 shall be final, and may be revoked or modified only where the court finds the existence
15.25 of conditions that justify reopening a judgment under the laws of this state, including
15.26 motions under section 518.145, subdivision 2. The court may impose a lien or charge on
15.27 the divided property at any time while the property, or subsequently acquired property, is
15.28 owned by the parties or either of them, for the payment of maintenance or support money,
15.29 or may sequester the property as is provided by section 518.24.

15.30

15.31 (g) The court need not hold an evidentiary hearing on a motion for modification of
15.32 maintenance or support.

15.33

15.34 (h) Section 518.14 shall govern the award of attorney fees for motions brought
15.35 under this subdivision.

15.36

16.1 (i) Except as expressly provided, an enactment, amendment, or repeal of law does
16.2 not constitute a substantial change in the circumstances for purposes of modifying a
16.3 child support order.

16.4
16.5 (j) There may be no modification of an existing child support order during the first
16.6 year following the effective date of sections 518.7123 to 518.729 except as follows:

16.7
16.8 (1) there is at least a 20 percent change in the gross income of the obligor;

16.9
16.10 (2) there is a change in the number of joint children for whom the obligor is legally
16.11 responsible and actually supporting;

16.12
16.13 (3) a parent or another caregiver of the child who is supported by the existing support
16.14 order begins to receive public assistance, as defined in section 256.741;

16.15 (4) there are additional work-related or education-related child care expenses of the
16.16 obligee or a substantial increase or decrease in existing work-related or education-related
16.17 child care expenses;

16.18 (5) there is a change in the availability of health care coverage, as defined in section
16.19 518.719, subdivision 1, paragraph (a), or a substantial increase or decrease in the cost
16.20 of existing health care coverage;

16.21 (6) the child supported by the existing child support order becomes disabled; or

16.22
16.23 ~~(4) (7) both parents consent to modification of the existing order in compliance with~~
16.24 ~~the new income shares guidelines under section 518.713.~~

16.25 A modification under clause (4) may be granted only with respect to child care
16.26 support. A modification under clause (5) may be granted only with respect to medical
16.27 support. This paragraph expires January 1, 2008.

16.28
16.29 (k) On the first modification ~~under the income shares method of calculation, of a~~
16.30 support order that was calculated under the statutory guidelines in effect before January
16.31 1, 2007, the court may phase in the modification of basic support ~~may be limited~~ if the
16.32 amount of the full variance amount of the modification would create an undue hardship for
16.33 either the obligor or the obligee.

16.34
16.35 Paragraph (j) expires January 1, 2008.

16.36

17.1 Sec. 11. Laws 2005, chapter 164, section 11, subdivision 7, is amended to read:

17.2 Subd. 7. **Child care exception.** Child care support must be based on the actual child
17.3 care expenses. The court may provide that a ~~reduction~~ decrease in the amount ~~allocated~~
17.4 ~~for of the child care expenses~~ based on a ~~substantial~~ decrease in the actual child care
17.5 expenses is effective as of the date the expense is decreased.

17.6 Sec. 12. Laws 2005, chapter 164, section 14, is amended to read:

17.7 Sec. 14. **[518.7123] CALCULATION OF GROSS INCOME.**

17.8 (a) ~~Except as excluded below~~ Subject to the exclusions and deductions in this
17.9 section, gross income includes ~~income from any source~~ any form of periodic payment
17.10 to an individual, including, but not limited to, salaries, wages, commissions, ~~advances,~~
17.11 ~~bonuses, dividends, severance pay, pensions, interest, honoraria, trust income, annuities,~~
17.12 ~~return on capital, Social Security benefits, workers' compensation benefits, unemployment~~
17.13 ~~insurance benefits, disability insurance benefits, gifts, prizes, including lottery winnings,~~
17.14 ~~alimony, spousal maintenance payments, income from self-employment or operation of~~
17.15 ~~a business, as determined~~ self-employment income under section 518.7125, workers'
17.16 compensation, unemployment benefits, annuity payments, military and naval retirement,
17.17 pension and disability payments, spousal maintenance received under a previous order
17.18 or the current proceeding, Social Security or veterans benefits provided for a joint child
17.19 under section 518.718, and potential income under section 518.7124. ~~All salary~~ Salaries,
17.20 wages, commissions, or other compensation paid by third parties shall be based upon
17.21 Medicare gross income. No deductions shall be allowed for contributions to pensions,
17.22 401-K, IRA, or other retirement benefits.

17.23 (b) ~~Excluded and not counted in~~ Gross income is does not include compensation
17.24 received by a party for employment in excess of a 40-hour work week, provided that:

17.25 (1) child support is ~~nonetheless~~ ordered in an amount at least equal to the guideline
17.26 amount based on gross income not excluded under this clause; and

17.27 (2) the party demonstrates, and the court finds, that:

17.28 (i) the excess employment began after the filing of the petition for dissolution or
17.29 legal separation or a petition or motion related to custody, parenting time, or support;

17.30 (ii) the excess employment reflects an increase in the work schedule or hours worked
17.31 over that of the two years immediately preceding the filing of the petition;

17.32 (iii) the excess employment is voluntary and not a condition of employment;

17.33 (iv) the excess employment is in the nature of additional, part-time or overtime
17.34 employment compensable by the hour or fraction of an hour; and

17.35 (v) the party's compensation structure has not been changed for the purpose of
17.36 affecting a support or maintenance obligation.

18.1 (c) Expense reimbursements or in-kind payments received by a parent in the course
18.2 of employment, self-employment, or operation of a business shall be counted as income
18.3 if they reduce personal living expenses.

18.4 (d) Gross income may be calculated on either an annual or monthly basis. Weekly
18.5 income shall be translated to monthly income by multiplying the weekly income by 4.33.

18.6 (e) ~~Excluded and not counted as~~ Gross income is any ~~any~~ does not include a child
18.7 support payment received by a party. It is a rebuttable presumption that adoption
18.8 assistance payments, guardianship assistance payments, and foster care subsidies are
18.9 ~~excluded and not counted as~~ gross income.

18.10 (f) ~~Excluded and not counted as~~ Gross income is ~~is~~ does not include the income of the
18.11 obligor's spouse and the obligee's spouse.

18.12 (g) Child support or spousal maintenance payments ordered by a court for a nonjoint
18.13 child or former spouse or ordered payable to the other party as part of the current
18.14 proceeding are deducted from other periodic payments received by a party for purposes of
18.15 determining gross income.

18.16 Sec. 13. Laws 2005, chapter 164, section 15, is amended to read:

18.17 Sec. 15. **[518.7125] INCOME FROM SELF-EMPLOYMENT OR**
18.18 **OPERATION OF A BUSINESS.**

18.19 For purposes of section 518.7123, income from self-employment, rent, royalties,
18.20 proprietorship or operation of a business, or including joint ownership of a partnership or
18.21 closely held corporation, gross income is defined as gross receipts minus costs of goods
18.22 sold minus ordinary and necessary expenses required for self-employment or business
18.23 operation. Specifically excluded from ordinary and necessary expenses are amounts
18.24 allowable by the Internal Revenue Service for the accelerated component of depreciation
18.25 expenses, investment tax credits, or any other business expenses determined by the court
18.26 to be inappropriate or excessive for determining gross income for purposes of calculating
18.27 child support. The person seeking to deduct an expense, including depreciation, has the
18.28 burden of proving, if challenged, that the expense is ordinary and necessary.

18.29 Sec. 14. Laws 2005, chapter 164, section 16, is amended to read:

18.30 Sec. 16. **[518.713] COMPUTATION OF CHILD SUPPORT OBLIGATIONS.**

18.31 (a) To determine the presumptive amount of child support owed by obligation of a
18.32 parent, the court shall follow the procedure set forth in this section:

18.33 (b) To determine the obligor's basic support obligation, the court shall:

18.34 (1) determine the gross income of each parent ~~using the definition in section 518.54,~~
18.35 ~~subdivision 18~~ under section 518.7123;

19.1 (2) calculate the parental income for determining child support (PICS) of each parent
19.2 ~~under section 518.54, subdivision 15~~, by subtracting from the gross income the credit, if
19.3 any, for each parent's nonjoint children under section 518.717;

19.4 (3) determine the percentage contribution of each parent to the combined PICS by
19.5 dividing the combined PICS into each parent's PICS;

19.6 (4) determine the combined basic support obligation by application of the ~~schedule~~
19.7 guidelines in section 518.725;

19.8 (5) determine ~~each parent's~~ the obligor's share of the basic support obligation
19.9 by multiplying the percentage figure from clause (3) by the combined basic support
19.10 obligation in clause (4); and

19.11 (6) determine the parenting expense adjustment, if any, as provided in section
19.12 518.722, and adjust ~~that parent's~~ the obligor's basic support obligation accordingly;

19.13 If the parenting time of the parties is presumed equal, section 518.722, subdivision 3,
19.14 applies to the calculation of the basic support obligation and a determination of which
19.15 parent is the obligor.

19.16 ~~(7)~~ (c) The court shall determine the child care support obligation for each parent
19.17 the obligor as provided in section 518.722;

19.18 ~~(8)~~ (d) The court shall determine the ~~health care coverage~~ medical support obligation
19.19 for each parent as provided in section 518.719. Unreimbursed and uninsured medical
19.20 expenses are not included in the presumptive amount of support owed by a parent and are
19.21 calculated and collected as described in section ~~518.722;~~ 518.719.

19.22 ~~(9)~~ (e) The court shall determine each parent's total child support obligation by
19.23 adding together each parent's basic support, child care support, and health care coverage
19.24 obligations as provided in ~~clauses (1) to (8);~~

19.25 ~~(10) reduce or increase each parent's total child support obligation by the amount of~~
19.26 ~~the health care coverage contribution paid by or on behalf of the other parent, as provided~~
19.27 ~~in section 518.719, subdivision 5; this section.~~

19.28 ~~(11)~~ (f) If Social Security benefits or veterans' benefits are received by one parent as
19.29 a representative payee for a joint child ~~due to the other parent's disability or retirement,~~
19.30 based on the other parent's eligibility, the court shall subtract the amount of benefits from
19.31 the other parent's net child support obligation, if any;

19.32 ~~(12) apply the self-support adjustment and minimum support obligation provisions~~
19.33 ~~as provided in section 518.724; and~~

19.34 ~~(13)~~ (g) The final child support order shall separately designate the amount owed for
19.35 basic support, child care support, and medical support. If applicable, the court shall use

20.1 the self-support adjustment and minimum support adjustment under section 518.724 to
20.2 determine the obligor's child support obligation.

20.3 Sec. 15. Laws 2005, chapter 164, section 17, subdivision 1, is amended to read:

20.4 Subdivision 1. **General factors.** Among other reasons, deviation from the
20.5 presumptive ~~guideline amount~~ child support obligation computed under section 518.713
20.6 is intended to encourage prompt and regular payments of child support and to prevent
20.7 either parent or the joint children from living in poverty. In addition to the child support
20.8 guidelines and other factors used to calculate the child support obligation under section
20.9 518.713, the court must take into consideration the following factors in setting or
20.10 modifying child support or in determining whether to deviate upward or downward from
20.11 the ~~guidelines~~ presumptive child support obligation:

20.12 (1) all earnings, income, circumstances, and resources of each parent, including real
20.13 and personal property, but excluding income from excess employment of the obligor or
20.14 obligee that meets the criteria of section 518.7123, paragraph (b), ~~clause (2)~~;

20.15 (2) the extraordinary financial needs and resources, physical and emotional
20.16 condition, and educational needs of the child to be supported;

20.17 (3) the standard of living the child would enjoy if the parents were currently living
20.18 together, but recognizing that the parents now have separate households;

20.19 (4) which parent receives the income taxation dependency exemption and the
20.20 financial benefit the parent receives from it;

20.21 (5) the parents' debts as provided in subdivision 2; and

20.22 (6) the obligor's total payments for court-ordered child support exceed the
20.23 limitations set forth in section 571.922.

20.24 Sec. 16. Laws 2005, chapter 164, section 18, is amended to read:

20.25 Sec. 18. **[518.715] WRITTEN FINDINGS.**

20.26 Subdivision 1. **No deviation.** If the court does not deviate from the ~~guidelines~~
20.27 presumptive child support obligation computed under section 518.713, the court must
20.28 make written findings ~~concerning the amount of the parties' gross income used as the basis~~
20.29 ~~for the guidelines calculation and that state~~ and that state:

20.30 (1) each parent's gross income;

20.31 (2) each parent's PICS; and

20.32 (3) any other significant evidentiary factors affecting the child support determination.

20.33

20.34 Subd. 2. **Deviation.** ~~(a) If the court deviates from the guidelines by agreement of~~
20.35 ~~the parties or pursuant to~~ presumptive child support obligation computed under section
20.36 ~~518.714~~ 518.713, the court must make written findings giving that state:

- 21.1 (1) each parent's gross income;
 21.2 (2) each parent's PICS;
 21.3 (3) the amount of the child support calculated obligation computed under the
 21.4 guidelines, section 518.713;
 21.5 (4) the reasons for the deviation; and must specifically address
 21.6 (5) how the deviation serves the best interests of the child; and.
 21.7
 21.8 ~~(b) determine each parent's gross income and PICS.~~

21.9
 21.10 Subd. 3. **Written findings required in every case.** The provisions of this section
 21.11 apply whether or not the parties are each represented by independent counsel and have
 21.12 entered into a written agreement. The court must review stipulations presented to it for
 21.13 conformity to the guidelines with section 518.713. The court is not required to conduct a
 21.14 hearing, but the parties must provide sufficient documentation to verify the child support
 21.15 determination; and to justify any deviation from the guidelines.

21.16 Sec. 17. Laws 2005, chapter 164, section 20, is amended to read:

21.17 Sec. 20. **[518.717] DEDUCTION FROM INCOME FOR NONJOINT**
 21.18 **CHILDREN.**

21.19 (a) When either or both parents ~~of the joint child subject to this determination~~ are
 21.20 legally responsible for a nonjoint child ~~who resides in that parent's household~~, a credit
 21.21 deduction for this obligation shall be calculated under this section if:

- 21.22 (1) the nonjoint child primarily resides in the parent's household; and
 21.23 (2) the parent is not obligated to pay basic child support for the nonjoint child to the
 21.24 other parent or a legal custodian of the child under an existing child support order.

21.25 ~~(b) Determine the gross income for each parent under section 518.54, subdivision~~
 21.26 ~~18.~~

21.27 ~~(c) Using~~ The court shall use the guideline as established in guidelines under section
 21.28 518.725; to determine the basic child support obligation for the nonjoint child or children
 21.29 who actually reside in the parent's household; by using the gross income of the parent for
 21.30 whom the credit deduction is being calculated; and using the number of nonjoint children
 21.31 actually primarily residing in the parent's immediate household. If the number of nonjoint
 21.32 children to be used for the determination is greater than two, the determination shall must
 21.33 be made using the number two instead of the greater number.

21.34 ~~(d)~~ (c) The credit deduction for nonjoint children shall be is 50 percent of the
 21.35 guideline amount from determined under paragraph (e) (b).

21.36 Sec. 18. Laws 2005, chapter 164, section 21, is amended to read:

22.1 Sec. 21. **[518.718] SOCIAL SECURITY OR VETERANS' BENEFIT**
 22.2 **PAYMENTS RECEIVED ON BEHALF OF THE CHILD.**

22.3 (a) The amount of the monthly Social Security benefits or apportioned veterans'
 22.4 benefits ~~received by the child or on behalf of the~~ provided for a joint child shall be ~~added~~
 22.5 ~~to~~ included in the gross income of the parent ~~for whom the disability or retirement benefit~~
 22.6 ~~was paid~~ on whose eligibility the benefits are based.

22.7 (b) The amount of the monthly survivors' and dependents' educational assistance
 22.8 ~~received by the child or on behalf of the~~ provided for a joint child shall be ~~added to~~
 22.9 included in the gross income of the parent ~~for whom the disability or retirement benefit~~
 22.10 ~~was paid~~ on whose eligibility the benefits are based.

22.11 (c) If ~~the~~ Social Security or apportioned veterans' benefits are ~~paid on behalf~~
 22.12 provided for a joint child based on the eligibility of the obligor, and are received by the
 22.13 obligee as a representative payee for the child or by the child attending school, then the
 22.14 amount of the benefits ~~may~~ shall also be subtracted from the obligor's net child support
 22.15 obligation as calculated pursuant to section 518.713.

22.16 (d) If the survivors' and dependents' educational assistance is ~~paid on behalf~~
 22.17 provided for a joint child based on the eligibility of the obligor, and is received by the
 22.18 obligee as a representative payee for the child or by the child attending school, then the
 22.19 amount of the assistance shall also be subtracted from the obligor's net child support
 22.20 obligation as calculated ~~pursuant to~~ under section 518.713.

22.21 Sec. 19. Laws 2005, chapter 164, section 22, subdivision 2, is amended to read:

22.22 Subd. 2. **Order.** (a) A completed national medical support notice issued by the
 22.23 public authority or a court order that complies with this section is a qualified medical
 22.24 child support order under the federal Employee Retirement Income Security Act of 1974
 22.25 (ERISA), United States Code, title 29, section 1169(a).

22.26 (b) Every order addressing child support must state:

22.27
 22.28 (1) the names, last known addresses, and Social Security numbers of the parents and
 22.29 the joint child that is a subject of the order unless the court prohibits the inclusion of an
 22.30 address or Social Security number and orders the parents to provide the address and Social
 22.31 Security number to the administrator of the health plan;

22.32
 22.33 (2) whether appropriate health care coverage for the joint child is available and, if
 22.34 so, state:

22.35
 22.36 (i) which ~~party~~ parent must carry health care coverage;

23.1

23.2 (ii) the cost of premiums and how the cost is allocated between the parties parents;

23.3

23.4 (iii) how unreimbursed expenses will be allocated and collected by the parties
23.5 parents; and

23.6

23.7 (iv) the circumstances, if any, under which the obligation to provide health care
23.8 coverage for the joint child will shift from one party parent to the other; and

23.9

23.10 (3) if appropriate health care coverage is not available for the joint child, whether a
23.11 contribution for medical support is required; and.

23.12

23.13 ~~(4) whether the amount ordered for medical support is subject to a cost-of-living~~
23.14 ~~adjustment under section 518.641.~~

23.15

23.16 Sec. 20. Laws 2005, chapter 164, section 22, subdivision 3, is amended to read:

23.17 Subd. 3. [DETERMINING APPROPRIATE HEALTH CARE COVERAGE.] (a)

23.18 In determining whether a party parent has appropriate health care coverage for the joint
23.19 child, the court must evaluate the health plan using the following factors:

23.20 (1) accessible coverage. Dependent health care coverage is accessible if the covered
23.21 joint child can obtain services from a health plan provider with reasonable effort by the
23.22 parent with whom the joint child resides. Health care coverage is presumed accessible if:

23.23

23.24 (i) primary care coverage is available within 30 minutes or 30 miles of the joint
23.25 child's residence and specialty care coverage is available within 60 minutes or 60 miles of
23.26 the joint child's residence;

23.27

23.28 (ii) the coverage is available through an employer and the employee can be expected
23.29 to remain employed for a reasonable amount of time; and

23.30

23.31 (iii) no preexisting conditions exist to delay coverage unduly;

23.32

23.33 (2) comprehensive coverage. Dependent health care coverage is presumed
23.34 comprehensive if it includes, ~~at a minimum,~~ medical and hospital coverage and provides
23.35 for preventive, emergency, acute, and chronic care. If both parties parents have health care

24.1 coverage that meets the minimum requirements, the court must determine which health
24.2 care coverage is more comprehensive by considering whether the coverage includes:

24.3

24.4 (i) basic dental coverage;

24.5

24.6 (ii) orthodontia;

24.7

24.8 (iii) eyeglasses;

24.9

24.10 (iv) contact lenses;

24.11

24.12 (v) mental health services; or

24.13

24.14 (vi) substance abuse treatment;

24.15

24.16 (3) affordable coverage. Dependent health care coverage is affordable if it is
24.17 reasonable in cost; and

24.18

24.19 (4) the joint child's special medical needs, if any.

24.20

24.21 (b) If both parties parents have health care coverage available for a joint child, and
24.22 the court determines under paragraph (a), clauses (1) and (2), that the available coverage is
24.23 comparable with regard to accessibility and comprehensiveness, the least costly health
24.24 care coverage is the presumed appropriate health care coverage for the joint child.

24.25

24.26 Sec. 21. Laws 2005, chapter 164, section 22, subdivision 4, is amended to read:

24.27 Subd. 4. **Ordering health care coverage.** (a) If a joint child is presently enrolled
24.28 in health care coverage, the court must order that the parent who currently has the joint
24.29 child enrolled continue that enrollment unless the parties parents agree otherwise or a
24.30 party parent requests a change in coverage and the court determines that other health care
24.31 coverage is more appropriate.

24.32 (b) If a joint child is not presently enrolled in health care coverage, upon motion of a
24.33 party parent or the public authority, the court must determine whether one or both parties
24.34 parents have appropriate health care coverage for the joint child and order the party parent
24.35 with appropriate health care coverage available to carry the coverage for the joint child.

24.36

25.1 (c) If only one party parent has appropriate health care coverage available, the court
25.2 must order that party parent to carry the coverage for the joint child.

25.3

25.4 (d) If both parties parents have appropriate health care coverage available, the court
25.5 must order the parent with whom the joint child resides to carry the coverage for the
25.6 joint child, unless:

25.7

25.8 (1) either party parent expresses a preference for coverage available through the
25.9 parent with whom the joint child does not reside;

25.10

25.11 (2) the parent with whom the joint child does not reside is already carrying
25.12 dependent health care coverage for other children and the cost of contributing to the
25.13 premiums of the other parent's coverage would cause the parent with whom the joint
25.14 child does not reside extreme hardship; or

25.15

25.16 (3) the parents agree to provide coverage and agree on the allocation of costs.

25.17

25.18 (e) If the exception in paragraph (d), clause (1) or (2), applies, the court must
25.19 determine which party parent has the most appropriate coverage available and order that
25.20 party parent to carry coverage for the joint child. If the court determines under subdivision
25.21 3, paragraph (a), clauses (1) and (2), that the parties' parents' health care coverage for
25.22 the joint child is comparable with regard to accessibility and comprehensiveness, the
25.23 court must presume that the party parent with the least costly health care coverage to
25.24 carry coverage for the joint child.

25.25

25.26 (f) If neither party parent has appropriate health care coverage available, the court
25.27 must order the parents to:

25.28

25.29 (1) contribute toward the actual health care costs of the joint children based on
25.30 a pro rata share; or

25.31

25.32 (2) if the joint child is receiving any form of medical assistance under chapter 256B
25.33 or MinnesotaCare under chapter 256L, the parent with whom the joint child does not
25.34 reside shall contribute a monthly amount toward the actual cost of medical assistance
25.35 under chapter 256B or MinnesotaCare under chapter 256L. The amount of contribution of
25.36 the noncustodial parent is the amount the noncustodial parent would pay for the child's

26.1 premiums if the noncustodial parent's PICS income meets the eligibility requirements for
26.2 public coverage. For purposes of determining the premium amount, the noncustodial
26.3 parent's household size is equal to one parent plus the child or children who are the
26.4 subject of the child support order. If the noncustodial parent's PICS income exceeds the
26.5 eligibility requirements for public coverage, the court must order the noncustodial parent's
26.6 contribution toward the full premium cost of the child's or children's coverage. The
26.7 custodial parent's obligation is determined under the requirements for public coverage as
26.8 set forth in chapter 256B or 256L. The court may order the parent with whom the child
26.9 resides to apply for public coverage for the child.

26.10

26.11 ~~(g) A presumption of no less than \$50 per month must be applied to the actual health~~
26.12 ~~care costs of the joint children or to the cost of health care coverage.~~

26.13

26.14 ~~(h)~~ (g) The commissioner of human services must publish a table with the premium
26.15 schedule for public coverage and update the chart for changes to the schedule by July
26.16 1 of each year.

26.17

26.18 Sec. 22. Laws 2005, chapter 164, section 22, subdivision 16, is amended to read:

26.19 Subd. 16. ~~Income withholding; Offset.~~ (a) If a party ~~owes no joint child support~~
26.20 ~~obligation for a child~~ is the parent with primary physical custody as defined in section
26.21 518.54, subdivision 24, and is an obligor ordered to contribute to the other party's cost for
26.22 carrying health care coverage for the joint child, the obligor other party's child support
26.23 obligation is subject to an offset under subdivision 5 or income withholding under section
26.24 518.6111.

26.25 ~~(b) If a party's court-ordered health care coverage for the joint child terminates and~~
26.26 ~~the joint child is not enrolled in other health care coverage or public coverage, and a~~
26.27 ~~modification motion is not pending, the public authority may remove the offset to a party's~~
26.28 ~~child support obligation or terminate income withholding instituted against a party under~~
26.29 ~~section 518.6111. The public authority must provide notice to the parties of the action.~~

26.30 (b) The public authority, if the public authority provides services, may remove the
26.31 offset to a party's child support obligation when:

26.32 (1) the party's court-ordered health care coverage for the joint child terminates;

26.33 (2) the party does not enroll the joint child in other health care coverage; and

26.34 (3) a modification motion is not pending.

26.35 The public authority must provide notice to the parties of the action.

26.36

27.1 (c) A party may contest the public authority's action to remove the offset to the child
27.2 support obligation ~~or terminate income withholding~~ if the party makes a written request
27.3 for a hearing within 30 days after receiving written notice. If a party makes a timely
27.4 request for a hearing, the public authority must schedule a hearing and send written notice
27.5 of the hearing to the parties by mail to the parties' last known addresses at least 14 days
27.6 before the hearing. The hearing must be conducted in district court or in the expedited
27.7 child support process if section 484.702 applies. The district court or child support
27.8 magistrate must determine whether removing the offset ~~or terminating income withholding~~
27.9 is appropriate and, if appropriate, the effective date for the removal ~~or termination~~.

27.10
27.11 (d) If the party does not request a hearing, the ~~district court or child support~~
27.12 ~~magistrate must order the offset or income withholding termination~~ public authority will
27.13 remove the offset effective the first day of the month following termination of the joint
27.14 child's health care coverage.

27.15
27.16 Sec. 23. Laws 2005, chapter 164, section 22, subdivision 17, is amended to read:

27.17 Subd. 17. **Collecting unreimbursed ~~and or~~ uninsured medical expenses.** (a) This
27.18 subdivision and subdivision 18 apply when a court order has determined and ordered the
27.19 parties' proportionate share and responsibility to contribute to unreimbursed or uninsured
27.20 medical expenses.

27.21 (b) A party requesting reimbursement of unreimbursed or uninsured medical
27.22 expenses must initiate a request for reimbursement of unreimbursed and uninsured medical
27.23 expenses to the other party within two years of the date that the requesting party incurred
27.24 the unreimbursed or uninsured medical expenses. ~~The time period in this paragraph~~
27.25 ~~does not apply if the location of the other party is unknown.~~ If a court order has been
27.26 signed ordering the contribution towards unreimbursed or uninsured expenses, a two-year
27.27 limitations provision must be applied to any requests made on or after January 1, 2007.
27.28 The provisions of this section apply retroactively to court orders signed before January 1,
27.29 2007. Requests for unreimbursed or uninsured expenses made on or after January 1, 2007,
27.30 may include expenses incurred before January 1, 2007, and on or after January 1, 2005.

27.31
27.32 (b) (c) A requesting party seeking reimbursement of unreimbursed and uninsured
27.33 medical expenses must mail a written notice of intent to collect the unreimbursed or
27.34 uninsured medical expenses and a copy of an affidavit of health care expenses to the other
27.35 party at the other party's last known address.

27.36

28.1 ~~(e)~~ (d) The written notice must include a statement that the other party has 30 days
28.2 from the date the notice was mailed to (1) pay in full; (2) ~~enter~~ agree to a payment
28.3 agreement schedule; or (3) file a motion requesting a hearing ~~contesting the matter to~~
28.4 contest the amount due or to set a court-ordered monthly payment amount. If the public
28.5 authority provides ~~support enforcement~~ services, the written notice also must include a
28.6 statement that, if the other party does not respond within the 30 days, the requesting party
28.7 ~~must~~ may submit the amount due to the public authority for collection.

28.8
28.9 ~~(d)~~ (e) The affidavit of health care expenses must itemize and document the joint
28.10 child's unreimbursed or uninsured medical expenses and include copies of all bills,
28.11 receipts, and insurance company explanations of benefits.

28.12 (f) If the other party does not respond to the request for reimbursement within
28.13 30 days, the requesting party may commence enforcement against the other party
28.14 under subdivision 18; file a motion for a court-ordered monthly payment amount under
28.15 paragraph (h); or notify the public authority, if the public authority provides services, that
28.16 the other party has not responded.

28.17
28.18 ~~(e)~~ If (g) The notice to the public authority provides support enforcement services,
28.19 ~~the party seeking reimbursement must send to the public authority~~ must include: a copy of
28.20 the written notice, a copy of the original affidavit of health care expenses, and copies of all
28.21 bills, receipts, and insurance company explanations of benefits.

28.22
28.23 ~~(f) If the party does not respond to the request for reimbursement within 30 days,~~
28.24 ~~the party seeking reimbursement or public authority, if the public authority provides~~
28.25 ~~support enforcement services, must commence an enforcement action against the party~~
28.26 ~~under subdivision 18.~~

28.27
28.28 ~~(g)~~ (h) If noticed under paragraph (f), the public authority must serve the other party
28.29 with a notice of intent to enforce unreimbursed and uninsured medical expenses and file
28.30 an affidavit of service by mail with the district court administrator. The notice must state
28.31 that, unless the other party has 14 days to (1) pays pay in full; or (2) enters into a payment
28.32 agreement; or (3) files file a motion contesting to contest the matter within 14 days of
28.33 service of the notice, amount due or to set a court-ordered monthly payment amount. The
28.34 notice must also state that if there is no response within 14 days, the public authority will
28.35 commence enforcement of the expenses as medical support arrears under subdivision 18.

28.36

29.1 ~~(h) If the (i) To contest the amount due or set a court-ordered monthly payment~~
 29.2 ~~amount, a party files must file a timely motion for a hearing contesting the requested~~
 29.3 ~~reimbursement, the contesting party must and schedule a hearing in district court or in~~
 29.4 ~~the expedited child support process if section 484.702 applies. The contesting moving~~
 29.5 ~~party must provide the other party seeking reimbursement and the public authority, if the~~
 29.6 ~~public authority provides support enforcement services, with written notice of the hearing~~
 29.7 ~~at least 14 days before the hearing by mailing notice of the hearing to the public authority~~
 29.8 ~~and to the requesting party at the requesting party's last known address. The moving party~~
 29.9 ~~seeking reimbursement must file the original affidavit of health care expenses with the~~
 29.10 ~~court at least five days before the hearing. Based upon the evidence presented, The district~~
 29.11 ~~court or child support magistrate must determine liability for the expenses and order that~~
 29.12 ~~the liable party is subject to enforcement of the expenses as medical support arrears under~~
 29.13 ~~subdivision 18 or set a court-ordered monthly payment amount.~~

29.14

29.15 Sec. 24. Laws 2005, chapter 164, section 22, subdivision 18, is amended to read:

29.16 Subd. 18. **Enforcing an order for unreimbursed or uninsured medical support**
 29.17 **expenses as arrears.** (a) ~~If a party liable for Unreimbursed and or uninsured medical~~
 29.18 ~~expenses owes a child support obligation to the party seeking reimbursement of the~~
 29.19 ~~expenses, the expenses must be enforced under this subdivision are collected as medical~~
 29.20 ~~support arrears.~~

29.21 ~~(b) If a party liable for unreimbursed and uninsured medical expenses does not owe~~
 29.22 ~~a child support obligation to the party seeking reimbursement, and the party seeking~~
 29.23 ~~reimbursement owes the liable party basic support arrears, the liable party's medical~~
 29.24 ~~support arrears must be deducted from the amount of the basic support arrears.~~

29.25

29.26 ~~(c) If a liable party owes medical support arrears after deducting the amount owed~~
 29.27 ~~from the amount of the child support arrears owed by the party seeking reimbursement,~~
 29.28 ~~it must be collected as follows:~~

29.29

29.30 ~~(1) if the party seeking reimbursement owes a child support obligation to the liable~~
 29.31 ~~party, the child support obligation must be reduced by 20 percent until the medical support~~
 29.32 ~~arrears are satisfied;~~

29.33

9.34 ~~(2) if the party seeking reimbursement does not owe a child support obligation to~~
 29.35 ~~the liable party, the liable party's income must be subject to income withholding under~~

30.1 ~~section 518.6111 for an amount required under section 518.553 until the medical support~~
30.2 ~~arrears are satisfied, or~~

30.3
30.4 ~~(3) if the party seeking reimbursement does not owe a child support obligation, and~~
30.5 ~~income withholding under section 518.6111 is not available, payment of the medical~~
30.6 ~~support arrears must be required under a payment agreement under section 518.553.~~

30.7
30.8 ~~(d) If a liable party fails to enter into or comply with a payment agreement, the party~~
30.9 ~~seeking reimbursement or the public authority, if it provides support enforcement services,~~
30.10 ~~may schedule a hearing to have a court order payment. The party seeking reimbursement~~
30.11 ~~or the public authority must provide the liable party with written notice of the hearing at~~
30.12 ~~least 14 days before the hearing.~~

30.13 (b) If the liable party is the parent with primary physical custody as defined in
30.14 section 518.54, subdivision 24, the unreimbursed or uninsured medical expenses must be
30.15 deducted from any arrears the requesting party owes the liable party. If unreimbursed or
30.16 uninsured expenses remain after the deduction, the expenses must be collected as follows:

30.17 (1) If the requesting party owes a current child support obligation to the liable party,
30.18 20 percent of each payment received from the requesting party must be returned to the
30.19 requesting party. The total amount returned to the requesting party each month must not
30.20 exceed 20 percent of the current monthly support obligation.

30.21 (2) If the requesting party does not owe current child support or arrears, a payment
30.22 agreement under section 518.553 is required. If the liable party fails to enter into or
30.23 comply with a payment agreement, the requesting party or the public authority, if the
30.24 public authority provides services, may schedule a hearing to set a court-ordered payment.
30.25 The requesting party or the public authority must provide the liable party with written
30.26 notice of the hearing at least 14 days before the hearing.

30.27 (c) If the liable party is not the parent with primary physical custody as defined in
30.28 section 518.54, subdivision 24, the unreimbursed or uninsured medical expenses must be
30.29 deducted from any arrears the requesting party owes the liable party. If unreimbursed or
30.30 uninsured expenses remain after the deduction, the expenses must be added and collected
30.31 as arrears owed by the liable party.

30.32
30.33 Sec. 25. Laws 2005, chapter 164, section 23, subdivision 1, is amended to read:

30.34 Subdivision 1. **Child care costs.** Unless otherwise agreed to by the parties and
30.35 approved by the court, the court must order that work-related or education-related child
30.36 care costs of joint children be divided between the obligor and obligee based on their

31.1 proportionate share of the parties' combined monthly ~~parental income for determining~~
31.2 ~~child support~~ PICS. Child care costs shall be adjusted by the amount of the estimated
31.3 federal and state child care credit payable on behalf of a joint child. The Department of
31.4 Human Services shall develop tables to calculate the applicable credit based upon the
31.5 custodial parent's ~~parental income for determining child support~~ PICS.

31.6 Sec. 26. Laws 2005, chapter 164, section 23, subdivision 2, is amended to read:

31.7 Subd. 2. **Low-income obligor.** (a) If the obligor's ~~parental income for determining~~
31.8 ~~child support~~ PICS meets the income eligibility requirements for child care assistance
31.9 under the basic sliding fee program under chapter 119B, the court must order the obligor
31.10 to pay the lesser of the following amounts:

31.11 (1) the amount of the obligor's monthly co-payment for child care assistance under
31.12 the basic sliding fee schedule established by the commissioner of education under chapter
31.13 119B, based on an obligor's monthly ~~parental income for determining child support~~ PICS
31.14 and the size of the obligor's household provided that the obligee is actually receiving child
31.15 care assistance under the basic sliding fee program. For purposes of this subdivision,
31.16 the obligor's household includes the obligor and the number of joint children for whom
31.17 child support is being ordered; or

31.18 (2) the amount of the obligor's child care obligation under subdivision 1.

31.19 (b) The commissioner of human services must publish a table with the child care
31.20 assistance basic sliding fee amounts and update the table for changes to the basic sliding
31.21 fee schedule by July 1 of each year.

31.22 Sec. 27. Laws 2005, chapter 164, section 23, subdivision 4, is amended to read:

31.23 Subd. 4. **Change in child care.** (a) When a court order provides for child care
31.24 expenses and the public authority provides child support enforcement services, the public
31.25 authority must suspend collecting the amount allocated for child care expenses when:

31.26 (1) either party informs the public authority that no child care costs are being
31.27 incurred; and

31.28 (2) the public authority verifies the accuracy of the information with the other party
31.29 or the child care provider.

31.30 The public authority will resume collecting child care expenses when either party provides
31.31 information that child care costs have resumed.

31.32 (b) If the parties provide conflicting information to the public authority regarding
31.33 whether child care expenses are being incurred, the public authority will continue or
31.34 resume collecting child care expenses. Either party, by motion to the court, may challenge
31.35 the suspension or resumption of the collection of child care expenses. If the public

32.1 authority suspends collection activities for the amount allocated for child care expenses,
32.2 all other provisions of the court order remain in effect.

32.3 (c) In cases where there is a substantial increase or decrease in child care expenses,
32.4 the parties may modify the order under section 518.64.

32.5 Sec. 28. Laws 2005, chapter 164, section 24, is amended to read:

32.6 Sec. 24. **[518.722] PARENTING EXPENSE ADJUSTMENT.**

32.7 Subdivision 1. General. (a) This section shall apply when the amount of parenting
32.8 time granted to an obligor is ten percent or greater. The parenting expense adjustment
32.9 under this section reflects the presumption that while exercising parenting time, a parent is
32.10 responsible for and incurs costs of caring for the child, including, but not limited to, food,
32.11 transportation, recreation, and household expenses. Every child support order shall specify
32.12 the total percent percentage of parenting time granted to or presumed for each parent. For
32.13 purposes of this section, the percentage of parenting time means the percentage of time a
32.14 child is scheduled to spend with the parent during a calendar year according to a court
32.15 order. Parenting time includes time with the child whether it is designated as visitation,
32.16 physical custody, or parenting time. The percentage of parenting time may be determined
32.17 by calculating the number of overnights that a child spends with a parent, or by using a
32.18 method other than overnights if the parent has significant time periods on separate days
32.19 where the child is in the parent's physical custody but does not stay overnight. The court
32.20 may consider the age of the child in determining whether a child is with a parent for a
32.21 significant period of time.

32.22 (b) If there is not a court order awarding parenting time, the court shall presume
32.23 that the percentage of parenting time allowed to the obligor for purposes of this section
32.24 is 25 percent unless the parties stipulate to a different percentage or the court finds that
32.25 this presumption is not in the best interests of the child. If parenting time is subsequently
32.26 established by the court, the court may modify the child support award to reflect the
32.27 percentage of parenting time established by the order.

32.28 Subd. 2. Calculation of parenting expense adjustment. (b) The obligor shall
32.29 be is entitled to a parenting expense adjustment calculated as follows provided in this
32.30 subdivision. The court shall:

32.31 (1) find the adjustment percentage corresponding to the percentage of parenting
32.32 time allowed to the obligor below:

	Percentage Range of Parenting Time	Adjustment Percentage
32.33		
32.34		
32.35	(i) less than 10 percent	no adjustment

- 33.1 (ii) 10 percent to 45 percent 12 percent
- 33.2 (iii) 45.1 percent to 50 percent presume parenting time is equal

33.3 (2) multiply the adjustment percentage by the obligor's basic child support obligation
 33.4 to arrive at the parenting expense adjustment; and

33.5 ~~(e)~~ (3) subtract the parenting expense adjustment from the obligor's basic child
 33.6 support obligation. The result is the obligor's basic support obligation after parenting
 33.7 expense adjustment.

33.8 **Subd. 3. Calculation of basic support when parenting time presumed equal.**

33.9 ~~(d)~~ (a) If the parenting time is equal, ~~the expenses for the children are equally shared,~~
 33.10 and the parental incomes for determining child support of the parents also are equal, no
 33.11 basic support shall be paid unless the court determines that the expenses for the child are
 33.12 not equally shared.

33.13 ~~(e)~~ (b) If the parenting time is equal but the parents' parental incomes for determining
 33.14 child support are not equal, the parent having the greater parental income for determining
 33.15 child support shall be obligated for basic child support, calculated as follows:

33.16 (1) multiply the combined basic support calculated under section 518.713 by ~~1.5~~
 33.17 0.75;

33.18 (2) prorate the ~~basic child support obligation~~ amount under clause (1) between the
 33.19 parents; based on each parent's proportionate share of the combined PICS; and

33.20 (3) subtract the lower amount from the higher amount and divide the balance in
 33.21 half, and.

33.22 ~~(3)~~ The resulting figure is the obligation after parenting expense adjustment for the
 33.23 parent with the greater adjusted gross parental income for determining child support.

33.24 ~~(f) This parenting expense adjustment reflects the presumption that while exercising~~
 33.25 ~~parenting time, a parent is responsible for and incurs costs of caring for the child,~~
 33.26 ~~including, but not limited to, food, transportation, recreation, and household expenses.~~

33.27 ~~(g) In the absence of other evidence, there is a rebuttable presumption that each~~
 33.28 ~~parent has 25 percent of the parenting time for each joint child.~~

33.29 Sec. 29. Laws 2005, chapter 164, section 25, is amended to read:

33.30 **Sec. 25. [518.724] ABILITY TO PAY; SELF-SUPPORT ADJUSTMENT.**

33.31 **Subdivision 1. Ability to pay.** (a) It is a rebuttable presumption that a child support
 33.32 order should not exceed the obligor's ability to pay. To determine the amount of child
 33.33 support the obligor has the ability to pay, the court shall follow the procedure set out in
 33.34 this section:

33.35 ~~(1)~~ (b) The court shall calculate the obligor's income available for support by
 33.36 subtracting a monthly self-support reserve equal to 120 percent of the federal poverty

34.1 guidelines for one person from the obligor's gross income; If the obligor's income
 34.2 available for support calculated under this paragraph is equal to or greater than the
 34.3 obligor's support obligation calculated under section 518.713, the court shall order child
 34.4 support under section 518.713.

34.5 ~~(2) compare the obligor's income available for support from clause (1) to the amount~~
 34.6 ~~of support calculated as per section 518.713, clauses (1) to (15). The amount of child~~
 34.7 ~~support that is presumed to be correct, as defined in section 518.713, is the lesser of~~
 34.8 ~~these two amounts;~~

34.9 ~~(3) this section does not apply to an incarcerated obligor;~~

34.10 ~~(4) if the obligor's child support is reduced under clause (2);~~ (c) If the obligor's
 34.11 income available for support calculated under paragraph (b) is more than the minimum
 34.12 support amount under subdivision 2, but less than the guideline amount under section
 34.13 518.713, then the court must shall apply the a reduction to the child support obligation
 34.14 in the following order, until the support order is equal to the obligor's income available
 34.15 for support:

34.16 (i) (1) medical support obligation;

34.17 (ii) (2) child support care support obligation; and

34.18 (iii) (3) basic support obligation; and

34.19 (d) If the obligor's income available for support calculated under paragraph (b) is
 34.20 equal to or less than the minimum support amount under subdivision 2 or if the obligor's
 34.21 PICS income is less than 120 percent of the federal poverty guidelines for one person,
 34.22 the minimum support amount under subdivision 2 applies.

34.23 **Subd. 2. (5) Minimum basic support amount.** (a) ~~If the obligor's income available~~
 34.24 ~~for support is less than the self-support reserve~~ basic support amount applies, then the court
 34.25 must order the following amount as the minimum basic support as follows obligation:

34.26 (i) (1) for one or two children, the obligor's basic support obligation is \$50 per
 34.27 month;

34.28 (ii) (2) for three or four children, the obligor's basic support obligation is \$75 per
 34.29 month; and

34.30 (iii) (3) for five or more children, the obligor's basic support obligation is \$100
 34.31 per month.

34.32 (b) If the court orders the obligor to pay the minimum basic support amount under
 34.33 this paragraph subdivision, the obligor is presumed unable to pay child care support
 34.34 and medical support.

35.1 If the court finds the obligor receives no income and completely lacks the ability to earn
 35.2 income, the minimum basic support amount under this ~~paragraph~~ subdivision does not
 35.3 apply.

35.4 Subd. 3. Exception. This section does not apply to an obligor who is incarcerated.

35.5 Sec. 30. Laws 2005, chapter 164, section 26, subdivision 2, as amended by Laws 2005,
 35.6 First Special Session chapter 7, section 27, subdivision 2, is amended to read:

35.7 Subd. 2. **Basic support; guideline.** Unless otherwise agreed to by the parents
 35.8 and approved by the court, when establishing basic support, the court must order that
 35.9 basic support be divided between the parents based on their proportionate share of the
 35.10 parents' combined monthly parental income for determining child support, ~~as determined~~
 35.11 ~~under section 518.54, subdivision 15 (PICS).~~ Basic support must be computed using
 35.12 the following guideline:

35.13 Combined Parental	35.14 Number of Children					
35.15 Income for						
35.16 Determining Child						
35.17 Support	One	Two	Three	Four	Five	Six
35.18 \$0- \$799	\$50	\$50	\$75	\$75	\$100	\$100
35.19 800-899	80	129	149	173	201	233
35.20 900-999	90	145	167	194	226	262
35.21 1,000- 1,099	116	161	186	216	251	291
35.22 1,100- 1,199	145	205	237	275	320	370
35.23 1,200- 1,299	177	254	294	341	396	459
35.24 1,300- 1,399	212	309	356	414	480	557
35.25 1,400- 1,499	251	368	425	493	573	664
35.26 1,500- 1,599	292	433	500	580	673	780
35.27 1,600- 1,699	337	502	580	673	781	905
35.28 1,700- 1,799	385	577	666	773	897	1,040
35.29 1,800- 1,899	436	657	758	880	1,021	1,183
35.30 1,900- 1,999	490	742	856	994	1,152	1,336
35.31 2,000- 2,099	516	832	960	1,114	1,292	1,498
35.32 2,100- 2,199	528	851	981	1,139	1,320	1,531
35.33 2,200- 2,299	538	867	1,000	1,160	1,346	1,561
35.34 2,300- 2,399	546	881	1,016	1,179	1,367	1,586
35.35 2,400- 2,499	554	893	1,029	1,195	1,385	1,608
35.36 2,500- 2,599	560	903	1,040	1,208	1,400	1,625
35.37 2,600- 2,699	570	920	1,060	1,230	1,426	1,655
35.38 2,700- 2,799	580	936	1,078	1,251	1,450	1,683
35.39 2,800- 2,899	589	950	1,094	1,270	1,472	1,707
35.40 2,900- 2,999	596	963	1,109	1,287	1,492	1,730
35.41 3,000- 3,099	603	975	1,122	1,302	1,509	1,749
35.42 3,100- 3,199	613	991	1,141	1,324	1,535	1,779
	623	1,007	1,158	1,344	1,558	1,807

36.1	3,300- 3,399	632 <u>636</u>	1,021	1,175	1,363	1,581	1,833
36.2	3,400- 3,499	640 <u>650</u>	1,034	1,190	1,380	1,601	1,857
36.3	3,500- 3,599	648 <u>664</u>	1,047	1,204	1,397	1,621	1,880
36.4	3,600- 3,699	657 <u>677</u>	1,062	1,223	1,418	1,646	1,909
36.5	3,700- 3,799	667 <u>691</u>	1,077	1,240	1,439	1,670	1,937
36.6	3,800- 3,899	676 <u>705</u>	1,081	1,257	1,459	1,693	1,963
36.7	3,900- 3,999	684 <u>719</u>	1,104	1,273	1,478	1,715	1,988
36.8	4,000- 4,099	692 <u>732</u>	1,116	1,288	1,496	1,736	2,012
36.9	4,100- 4,199	701 <u>746</u>	1,132	1,305	1,516	1,759	2,039
36.10	4,200- 4,299	710 <u>760</u>	1,147	1,322	1,536	1,781	2,064
36.11	4,300- 4,399	718 <u>774</u>	1,161	1,338	1,554	1,802	2,088
36.12	4,400- 4,499	726 <u>787</u>	1,175	1,353	1,572	1,822	2,111
36.13	4,500- 4,599	734 <u>801</u>	1,184	1,368	1,589	1,841	2,133
36.14	4,600- 4,699	743 <u>808</u>	1,200	1,386	1,608	1,864	2,160
36.15	4,700- 4,799	753 <u>814</u>	1,215	1,402	1,627	1,887	2,186
36.16	4,800- 4,899	762 <u>820</u>	1,231	1,419	1,645	1,908	2,212
36.17	4,900- 4,999	771 <u>825</u>	1,246	1,435	1,663	1,930	2,236
36.18	5,000- 5,099	780 <u>831</u>	1,260	1,450	1,680	1,950	2,260
36.19	5,100- 5,199	788 <u>837</u>	1,275	1,468	1,701	1,975	2,289
36.20	5,200- 5,299	797 <u>843</u>	1,290	1,485	1,722	1,999	2,317
36.21	5,300- 5,399	805 <u>849</u>	1,304	1,502	1,743	2,022	2,345
36.22	5,400- 5,499	812 <u>854</u>	1,318	1,518	1,763	2,046	2,372
36.23	5,500- 5,599	820 <u>860</u>	1,331	1,535	1,782	2,068	2,398
36.24	5,600- 5,699	829 <u>866</u>	1,346	1,551	1,801	2,090	2,424
36.25	5,700- 5,799	838 <u>873</u>	1,357	1,568	1,819	2,111	2,449
36.26	5,800- 5,899	847 <u>881</u>	1,376	1,583	1,837	2,132	2,473
36.27	5,900- 5,999	856 <u>888</u>	1,390	1,599	1,855	2,152	2,497
36.28	6,000- 6,099	864 <u>895</u>	1,404	1,604	1,872	2,172	2,520
36.29	6,100- 6,199	874 <u>902</u>	1,419	1,631	1,892	2,195	2,546
36.30	6,200- 6,299	883 <u>909</u>	1,433	1,645	1,912	2,217	2,572
36.31	6,300- 6,399	892 <u>916</u>	1,448	1,664	1,932	2,239	2,597
36.32	6,400- 6,499	901 <u>923</u>	1,462	1,682	1,951	2,260	2,621
36.33	6,500- 6,599	910 <u>930</u>	1,476	1,697	1,970	2,282	2,646
36.34	6,600- 6,699	919 <u>936</u>	1,490	1,713	1,989	2,305	2,673
36.35	6,700- 6,799	927 <u>943</u>	1,505	1,730	2,009	2,328	2,700
36.36	6,800- 6,899	936 <u>950</u>	1,519	1,746	2,028	2,350	2,727
36.38							2,753
36.38	6,900- 6,999	944 <u>957</u>	1,533	1,762	2,047	2,379	<u>2,747</u>
36.39							2,779
36.40	7,000- 7,099	952 <u>963</u>	1,547	1,778	2,065	2,394	<u>2,753</u>
36.42							2,805
36.42	7,100- 7,199	961 <u>970</u>	1,561	1,795	2,085	2,417	<u>2,758</u>
36.43							2,830
36.44	7,200- 7,299	971 <u>974</u>	1,574	1,812	2,104	2,439	<u>2,764</u>
36.46							2,854
36.46	7,300- 7,399	980	1,587	1,828	2,123	2,462	<u>2,769</u>

36.48								2,879
36.48	7,400- 7,499	989	1,600	1,844	2,142	2,483		<u>2,775</u>
37.2								2,903
37.2	7,500- 7,599	998	1,613	1,860	2,160	2,505		<u>2,781</u>
37.3								2,929
37.4	7,600- 7,699	1,006	1,628	1,877	2,180	2,528		<u>2,803</u>
37.5								2,955
37.6	7,700- 7,799	1,015	1,643	1,894	2,199	2,550		<u>2,833</u>
37.8								2,981
37.8	7,800- 7,899	1,023	1,658	1,911	2,218	2,572		<u>2,864</u>
37.90								3,007
37.10	7,900- 7,999	1,032	1,673	1,928	2,237	2,594		<u>2,894</u>
37.12								3,032
37.12	8,000- 8,099	1,040	1,688	1,944	2,256	2,616		<u>2,925</u>
37.13								3,057
37.14	8,100- 8,199	1,048	1,703	1,960	2,274	2,637		<u>2,955</u>
37.16								3,082
37.16	8,200- 8,299	1,056	1,717	1,976	2,293	2,658		<u>2,985</u>
37.18								3,106
37.18	8,300 -8,399	1,064	1,731	1,992	2,311	2,679		<u>3,016</u>
37.20								3,130
37.20	8,400- 8,499	1,072	1,746	2,008	2,328	2,700		<u>3,046</u>
37.22								3,154
37.22	8,500- 8,599	1,080	1,760	2,023	2,346	2,720		<u>3,077</u>
37.23								3,191
37.24	8,600- 8,699	1,092	1,780	2,047	2,374	2,752		<u>3,107</u>
37.26								3,228
37.26	8,700- 8,799	1,105	1,801	2,071	2,401	2,784		<u>3,138</u>
37.28								3,265
37.28	8,800- 8,899	1,118	1,822	2,094	2,429	2,816		<u>3,168</u>
37.30								3,302
37.30	8,900- 8,999	1,130	1,842	2,118	2,456	2,848		<u>3,199</u>
37.32								3,339
37.32	9,000- 9,099	1,143	1,863	2,142	2,484	2,880		<u>3,223</u>
37.33								3,376
37.34	9,100- 9,199	1,156	1,884	2,166	2,512	2,912		<u>3,243</u>
37.36								3,413
37.36	9,200- 9,299	1,168	1,904	2,190	2,539	2,944		<u>3,263</u>
37.38								3,450
37.38	9,300- 9,399	1,181	1,925	2,213	2,567	2,976		<u>3,284</u>
37.39								3,487
37.40	9,400- 9,499	1,194	1,946	2,237	2,594	3,008		<u>3,304</u>
37.42								3,525
37.42	9,500- 9,599	1,207	1,967	2,261	2,622	3,040 <u>3,031</u>		<u>3,324</u>
37.43								3,562
37.44	9,600- 9,699	1,219	1,987	2,285	2,650	3,072 <u>3,050</u>		<u>3,345</u>
37.46								3,599
37.46	9,700- 9,799	1,232	2,008	2,309	2,677	3,104 <u>3,069</u>		<u>3,365</u>
37.48								3,636
37.48	9,800- 9,899	1,245	2,029	2,332	2,705	3,136 <u>3,087</u>		<u>3,385</u>
7.50								3,673
37.50	9,900- 9,999	1,257	2,049	2,356	2,732	3,168 <u>3,106</u>		<u>3,406</u>
37.52								3,710
37.52	10,000-10,099	1,270	2,070	2,380	2,760	3,200 <u>3,125</u>		<u>3,426</u>

37.53						3,232	3,747
37.54	10,100-10,199	1,283	2,091	2,404	2,788	<u>3,144</u>	<u>3,446</u>
37.55						3,264	3,784
37.56	10,200-10,299	1,295	2,111	2,428	2,815	<u>3,162</u>	<u>3,467</u>
38.1						3,296	3,821
38.2	10,300-10,399	1,308	2,132	2,451	2,843	<u>3,181</u>	<u>3,487</u>
38.3						3,328	3,858
38.4	10,400-10,499	1,321	2,153	2,475	2,870	<u>3,200</u>	<u>3,507</u>
38.5						3,360	3,896
38.6	10,500-10,599	1,334	2,174	2,499	2,898	<u>3,218</u>	<u>3,528</u>
38.8					2,926	3,392	3,933
38.8	10,600-10,699	1,346	2,194	2,523	<u>2,921</u>	<u>3,237</u>	<u>3,548</u>
38.90					2,953	3,424	3,970
38.10	10,700-10,799	1,359	2,215	2,547	<u>2,938</u>	<u>3,256</u>	<u>3,568</u>
38.12					2,981	3,456	4,007
38.12	10,800-10,899	1,372	2,236	2,570	<u>2,955</u>	<u>3,274</u>	<u>3,589</u>
38.13					3,008	3,488	4,044
38.14	10,900-10,999	1,384	2,256	2,594	<u>2,972</u>	<u>3,293</u>	<u>3,609</u>
38.16					3,036	3,520	4,081
38.16	11,000-11,099	1,397	2,277	2,618	<u>2,989</u>	<u>3,312</u>	<u>3,629</u>
38.18			2,298		3,064	3,552	4,118
38.18	11,100-11,199	1,410	<u>2,294</u>	2,642	<u>3,006</u>	<u>3,331</u>	<u>3,649</u>
38.20			2,318		3,091	3,584	4,155
38.20	11,200-11,299	1,422	<u>2,306</u>	2,666	<u>3,023</u>	<u>3,349</u>	<u>3,667</u>
38.22			2,339		3,119	3,616	4,192
38.22	11,300-11,399	1,435	<u>2,319</u>	2,689	<u>3,040</u>	<u>3,366</u>	<u>3,686</u>
38.23			2,360		3,146	3,648	4,229
38.24	11,400-11,499	1,448	<u>2,331</u>	2,713	<u>3,055</u>	<u>3,383</u>	<u>3,705</u>
38.25			2,381	2,737	3,174	3,680	4,267
38.26	11,500-11,599	1,461	<u>2,344</u>	<u>2,735</u>	<u>3,071</u>	<u>3,400</u>	<u>3,723</u>
38.28			2,401	2,761	3,202	3,712	4,304
38.28	11,600-11,699	1,473	<u>2,356</u>	<u>2,748</u>	<u>3,087</u>	<u>3,417</u>	<u>3,742</u>
38.29			2,422	2,785	3,229	3,744	4,341
38.30	11,700-11,799	1,486	<u>2,367</u>	<u>2,762</u>	<u>3,102</u>	<u>3,435</u>	<u>3,761</u>
38.32			2,443	2,808	3,257	3,776	4,378
38.32	11,800-11,899	1,499	<u>2,378</u>	<u>2,775</u>	<u>3,116</u>	<u>3,452</u>	<u>3,780</u>
38.33			2,463	2,832	3,284	3,808	4,415
38.34	11,900-11,999	1,511	<u>2,389</u>	<u>2,788</u>	<u>3,131</u>	<u>3,469</u>	<u>3,798</u>
38.35			2,484	2,856	3,312	3,840	4,452
38.36	12,000-12,099	1,524	<u>2,401</u>	<u>2,801</u>	<u>3,146</u>	<u>3,485</u>	<u>3,817</u>
38.38			2,505	2,880	3,340	3,872	4,489
38.38	12,100-12,199	1,537	<u>2,412</u>	<u>2,814</u>	<u>3,160</u>	<u>3,501</u>	<u>3,836</u>
38.39			2,525	2,904	3,367	3,904	4,526
38.40	12,200-12,299	1,549	<u>2,423</u>	<u>2,828</u>	<u>3,175</u>	<u>3,517</u>	<u>3,854</u>
38.42			2,546	2,927	3,395	3,936	4,563
38.42	12,300-12,399	1,562	<u>2,434</u>	<u>2,841</u>	<u>3,190</u>	<u>3,534</u>	<u>3,871</u>
38.43			2,567	2,951	3,422	3,968	4,600
38.44	12,400-12,499	1,575	<u>2,445</u>	<u>2,854</u>	<u>3,205</u>	<u>3,550</u>	<u>3,889</u>
38.45			2,588	2,975	3,450	4,000	4,638
38.46	12,500-12,599	1,588	<u>2,456</u>	<u>2,867</u>	<u>3,219</u>	<u>3,566</u>	<u>3,907</u>
38.48			2,608	2,999	3,478	4,032	4,675
38.48	12,600-12,699	1,600	<u>2,467</u>	<u>2,880</u>	<u>3,234</u>	<u>3,582</u>	<u>3,924</u>
38.49			2,629	3,023	3,505	4,064	4,712
38.50	12,700-12,799	1,613	<u>2,478</u>	<u>2,894</u>	<u>3,249</u>	<u>3,598</u>	<u>3,942</u>

38.52			<u>2,650</u>	<u>3,046</u>	<u>3,533</u>	<u>4,096</u>	<u>4,749</u>
38.52	12,800-12,899	1,626	<u>2,489</u>	<u>2,907</u>	<u>3,264</u>	<u>3,615</u>	<u>3,960</u>
38.53			<u>2,670</u>	<u>3,070</u>	<u>3,560</u>	<u>4,128</u>	<u>4,786</u>
38.54	12,900-12,999	1,638	<u>2,500</u>	<u>2,920</u>	<u>3,278</u>	<u>3,631</u>	<u>3,977</u>
38.55			<u>2,691</u>	<u>3,094</u>	<u>3,588</u>	<u>4,160</u>	<u>4,823</u>
38.56	13,000-13,099	1,651	<u>2,512</u>	<u>2,933</u>	<u>3,293</u>	<u>3,647</u>	<u>3,995</u>
39.1			<u>2,712</u>	<u>3,118</u>	<u>3,616</u>	<u>4,192</u>	<u>4,860</u>
39.2	13,100-13,199	1,664	<u>2,523</u>	<u>2,946</u>	<u>3,308</u>	<u>3,663</u>	<u>4,012</u>
39.3			<u>2,732</u>	<u>3,142</u>	<u>3,643</u>	<u>4,224</u>	<u>4,897</u>
39.4	13,200-13,299	1,676	<u>2,534</u>	<u>2,960</u>	<u>3,322</u>	<u>3,679</u>	<u>4,030</u>
39.5			<u>2,753</u>	<u>3,165</u>	<u>3,671</u>	<u>4,256</u>	<u>4,934</u>
39.6	13,300-13,399	1,689	<u>2,545</u>	<u>2,973</u>	<u>3,337</u>	<u>3,696</u>	<u>4,048</u>
39.8			<u>2,774</u>	<u>3,189</u>	<u>3,698</u>	<u>4,288</u>	<u>4,971</u>
39.8	13,400-13,499	1,702	<u>2,556</u>	<u>2,986</u>	<u>3,352</u>	<u>3,712</u>	<u>4,065</u>
39.90			<u>2,795</u>	<u>3,213</u>	<u>3,726</u>	<u>4,320</u>	<u>5,009</u>
39.10	13,500-13,599	1,715	<u>2,567</u>	<u>2,999</u>	<u>3,367</u>	<u>3,728</u>	<u>4,083</u>
39.12			<u>2,815</u>	<u>3,237</u>	<u>3,754</u>	<u>4,352</u>	<u>5,046</u>
39.12	13,600-13,699	1,727	<u>2,578</u>	<u>3,012</u>	<u>3,381</u>	<u>3,744</u>	<u>4,100</u>
39.13			<u>2,836</u>	<u>3,261</u>	<u>3,781</u>	<u>4,384</u>	<u>5,083</u>
39.14	13,700-13,799	1,740	<u>2,589</u>	<u>3,026</u>	<u>3,396</u>	<u>3,760</u>	<u>4,118</u>
39.16			<u>2,857</u>	<u>3,284</u>	<u>3,809</u>	<u>4,416</u>	<u>5,120</u>
39.16	13,800-13,899	1,753	<u>2,600</u>	<u>3,039</u>	<u>3,411</u>	<u>3,777</u>	<u>4,136</u>
39.18			<u>2,877</u>	<u>3,308</u>	<u>3,836</u>	<u>4,448</u>	<u>5,157</u>
39.18	13,900-13,999	1,765	<u>2,611</u>	<u>3,052</u>	<u>3,425</u>	<u>3,793</u>	<u>4,153</u>
39.20			<u>2,898</u>	<u>3,332</u>	<u>3,864</u>	<u>4,480</u>	<u>5,194</u>
39.20	14,000-14,099	1,778	<u>2,623</u>	<u>3,065</u>	<u>3,440</u>	<u>3,809</u>	<u>4,171</u>
39.22			<u>2,919</u>	<u>3,356</u>	<u>3,892</u>	<u>4,512</u>	<u>5,231</u>
39.22	14,100-14,199	1,791	<u>2,634</u>	<u>3,078</u>	<u>3,455</u>	<u>3,825</u>	<u>4,189</u>
39.23			<u>2,939</u>	<u>3,380</u>	<u>3,919</u>	<u>4,544</u>	<u>5,268</u>
39.24	14,200-14,299	1,803	<u>2,645</u>	<u>3,092</u>	<u>3,470</u>	<u>3,841</u>	<u>4,206</u>
39.25			<u>2,960</u>	<u>3,403</u>	<u>3,947</u>	<u>4,576</u>	<u>5,305</u>
39.26	14,300-14,399	1,816	<u>2,656</u>	<u>3,105</u>	<u>3,484</u>	<u>3,858</u>	<u>4,224</u>
39.28			<u>2,981</u>	<u>3,427</u>	<u>3,974</u>	<u>4,608</u>	<u>5,342</u>
39.28	14,400-14,499	1,829	<u>2,667</u>	<u>3,118</u>	<u>3,499</u>	<u>3,874</u>	<u>4,239</u>
39.30			<u>3,002</u>	<u>3,451</u>	<u>4,002</u>	<u>4,640</u>	<u>5,380</u>
39.30	14,500-14,599	1,842	<u>2,678</u>	<u>3,131</u>	<u>3,514</u>	<u>3,889</u>	<u>4,253</u>
39.32			<u>3,022</u>	<u>3,475</u>	<u>4,030</u>	<u>4,672</u>	<u>5,417</u>
39.32	14,600-14,699	1,854	<u>2,689</u>	<u>3,144</u>	<u>3,529</u>	<u>3,902</u>	<u>4,268</u>
39.33			<u>1,867</u>	<u>3,043</u>	<u>3,499</u>	<u>4,057</u>	<u>4,704</u>
39.34	14,700-14,799	1,864	<u>2,700</u>	<u>3,158</u>	<u>3,541</u>	<u>3,916</u>	<u>4,282</u>
39.35			<u>1,880</u>	<u>3,064</u>	<u>3,522</u>	<u>4,085</u>	<u>4,736</u>
39.36	14,800-14,899	1,872	<u>2,711</u>	<u>3,170</u>	<u>3,553</u>	<u>3,929</u>	<u>4,297</u>
39.38			<u>1,892</u>	<u>3,084</u>	<u>3,546</u>	<u>4,112</u>	<u>4,768</u>
39.38	14,900-14,999	1,879	<u>2,722</u>	<u>3,181</u>	<u>3,565</u>	<u>3,942</u>	<u>4,311</u>
39.39	15,000, or the						
39.40	amount in effect	<u>1,905</u>	<u>3,105</u>	<u>3,570</u>	<u>4,140</u>	<u>4,800</u>	<u>5,565</u>
39.41	under subd. 4	<u>1,883</u>	<u>2,727</u>	<u>3,186</u>	<u>3,571</u>	<u>3,949</u>	<u>4,319</u>

39.42 Sec. 31. Laws 2005, chapter 164, section 31, is amended to read:

39.43 Sec. 31. **REPEALER.**

39.44 Minnesota Statutes 2004, sections 518.171; ~~518.54, subdivisions 2, 4, and 4a;~~ and

39.45 518.551, subdivisions 1, 5a, 5c, and 5f, are repealed.

39.46 Sec. 32. Laws 2005, chapter 164, section 32, the effective date, is amended to read:

39.47 Sec. 32. **EFFECTIVE DATE.**

39.48 Except as otherwise provided, this act is effective January 1, 2007, ~~and applies to~~
39.49 ~~orders adopted or modified after that date.~~ With respect to the calculation of child support,
39.50 this act applies to actions commenced or motions filed after the effective date, including
40.1 those involving support orders in effect before the effective date. The provisions of this
40.2 act used to calculate support obligations apply to actions or motions for past support or
40.3 reimbursement filed on or after January 1, 2007. The terms and provisions of any court
40.4 orders in effect before January 1, 2007, remain in full force and effect until modified by
40.5 subsequent orders, judgments, decrees of dissolutions, or legal separations signed on or
40.6 after January 1, 2007, when the provisions of this act must be applied. Sections 1 to 3 of
40.7 this act are effective July 1, 2005.

40.8 Sec. 33. **REVISOR'S INSTRUCTION.**

40.9 The revisor of statutes shall change cross-references in Minnesota Statutes from
40.10 section 518.171 to section 518.719.

40.11 Sec. 34. **REPEALER.**

40.12 Laws 2005, chapter 164, section 12, is repealed.

40.13 Sec. 35. **EFFECTIVE DATE.**

40.14 Except where otherwise indicated, this act is effective January 1, 2007."

1.1 To: Senator Betzold, Chair

1.2 Committee on Judiciary

1.3 Senator Neuville,

1.4 Chair of the Subcommittee on Family Law, to which was referred

1.5 **S.F. No. 3386:** A bill for an act relating to family law; clarifying and modifying
 1.6 provisions dealing with the establishment and enforcement of child support and parenting
 1.7 time; amending Minnesota Statutes 2004, sections 518.175, subdivision 1; 518.5513,
 1.8 subdivision 3; Laws 2005, chapter 164, sections 3, subdivision 6; 4; 5; 8, subdivision 5b;
 1.9 10, subdivision 2; 11, subdivision 7; 14; 15; 16; 17, subdivisions 1, 6; 18, subdivision 2;
 1.10 20; 22, subdivision 4; 23, subdivisions 1, 2, 4; 24; 25; 26, subdivision 2, as amended; 31;
 1.11 proposing coding for new law in Minnesota Statutes, chapter 518.

1.12 Reports the same back with the recommendation that the bill be amended as follows:

1.13 Delete everything after the enacting clause and insert:

1.14 "Section 1. [257.026] [NOTIFICATION OF RESIDENCE WITH CERTAIN
 1.15 CONVICTED PERSONS.]

1.16 A person who is granted or exercises custody of a child or parenting time with a
 1.17 child under this chapter or chapter 518 must notify the child's other parent, if any, the
 1.18 county social services agency, and the court that granted the custody or parenting time, if
 1.19 the person knowingly marries or lives in the same residence with a person who has been
 1.20 convicted of a crime listed in section 518.179, subdivision 2.

1.21 Sec. 2. Minnesota Statutes 2004, section 257.55, subdivision 1, is amended to read:

1.22 Subdivision 1. **Presumption.** A man is presumed to be the biological father of
 1.23 a child if:

1.24 (a) He and the child's biological mother are or have been married to each other and
 1.25 the child is born during the marriage, or within 280 days after the marriage is terminated
 1.26 by death, annulment, declaration of invalidity, dissolution, or divorce, or after a decree of
 1.27 legal separation is entered by a court. The presumption in this paragraph does not apply if
 1.28 the man has joined in a recognition of parentage recognizing another man as the biological
 1.29 father under section 257.75, subdivision 1a;

1.30 (b) Before the child's birth, he and the child's biological mother have attempted to
 1.31 marry each other by a marriage solemnized in apparent compliance with law, although the
 1.32 attempted marriage is or could be declared void, voidable, or otherwise invalid, and,

1.33 (1) if the attempted marriage could be declared invalid only by a court, the child
 1.34 is born during the attempted marriage, or within 280 days after its termination by death,
 1.35 annulment, declaration of invalidity, dissolution or divorce; or

1.36 (2) if the attempted marriage is invalid without a court order, the child is born within
 1.37 280 days after the termination of cohabitation;

1.38 (c) After the child's birth, he and the child's biological mother have married, or
1.39 attempted to marry, each other by a marriage solemnized in apparent compliance with
2.1 law, although the attempted marriage is or could be declared void, voidable, or otherwise
2.2 invalid, and,

2.3 (1) he has acknowledged his paternity of the child in writing filed with the state
2.4 registrar of vital statistics;

2.5 (2) with his consent, he is named as the child's father on the child's birth record; or

2.6 (3) he is obligated to support the child under a written voluntary promise or by
2.7 court order;

2.8 ~~(d) While the child is under the age of majority, he receives the child into his home~~
2.9 During the first two years of the child's life, he resided in the same household with the
2.10 child for at least 12 months and openly holds held out the child as his biological child own;

2.11 (e) He and the child's biological mother acknowledge his paternity of the child in a
2.12 writing signed by both of them under section 257.34 and filed with the state registrar of
2.13 vital statistics. If another man is presumed under this paragraph to be the child's father,
2.14 acknowledgment may be effected only with the written consent of the presumed father or
2.15 after the presumption has been rebutted;

2.16 ~~(f) Evidence of statistical probability of paternity based on blood or genetic testing~~
2.17 ~~establishes the likelihood that he is the father of the child, calculated with a prior~~
2.18 ~~probability of no more than 0.5 (50 percent), is 99 percent or greater;~~

2.19 ~~(g)~~ He and the child's biological mother have executed a recognition of parentage
2.20 in accordance with section 257.75 and another man is presumed to be the father under
2.21 this subdivision;

2.22 ~~(h)~~ (g) He and the child's biological mother have executed a recognition of parentage
2.23 in accordance with section 257.75 and another man and the child's mother have executed
2.24 a recognition of parentage in accordance with section 257.75; or

2.25 ~~(i)~~ (h) He and the child's biological mother executed a recognition of parentage in
2.26 accordance with section 257.75 when either or both of the signatories were less than
2.27 18 years of age.

2.28 Sec. 3. Minnesota Statutes 2004, section 257.57, subdivision 2, is amended to read:

2.29 Subd. 2. **Actions under other paragraphs of section 257.55, subdivision 1.** The
2.30 child, the mother, or personal representative of the child, the public authority chargeable
2.31 by law with the support of the child, the personal representative or a parent of the mother
2.32 if the mother has died or is a minor, a man alleged or alleging himself to be the father, or
2.33 the personal representative or a parent of the alleged father if the alleged father has died or
2.34 is a minor may bring an action:

2.35 (1) at any time for the purpose of declaring the existence of the father and child
2.36 relationship presumed under ~~section~~ sections 257.55, subdivision 1, paragraph (d), (e),
1 ~~(f)~~, (g), or (h), and 257.62, subdivision 5, paragraph (b), or the nonexistence of the father
3.2 and child relationship presumed under section 257.55, subdivision 1, clause (d) ~~of that~~
3.3 ~~subdivision~~;

3.4 (2) for the purpose of declaring the nonexistence of the father and child relationship
3.5 presumed under section 257.55, subdivision 1, paragraph (e) or (g), only if the action is
3.6 brought within six months after the person bringing the action obtains the results of blood
3.7 or genetic tests that indicate that the presumed father is not the father of the child;

3.8 (3) for the purpose of declaring the nonexistence of the father and child relationship
3.9 presumed under section ~~257.55~~, ~~subdivision 1, paragraph (f)~~ 257.62, subdivision 5,
3.10 paragraph (b), only if the action is brought within three years after the party bringing
3.11 the action, or the party's attorney of record, has been provided the blood or genetic test
3.12 results; or

3.13 (4) for the purpose of declaring the nonexistence of the father and child relationship
3.14 presumed under section 257.75, subdivision 9, only if the action is brought by the minor
3.15 signatory within six months after the minor signatory reaches the age of 18. In the case of
3.16 a recognition of parentage executed by two minor signatories, the action to declare the
3.17 nonexistence of the father and child relationship must be brought within six months after
3.18 the youngest signatory reaches the age of 18.

3.19 Sec. 4. Minnesota Statutes 2004, section 257.62, subdivision 5, is amended to read:

3.20 Subd. 5. **Positive test results.** (a) If the results of blood or genetic tests completed
3.21 in a laboratory accredited by the American Association of Blood Banks indicate that
3.22 the likelihood of the alleged father's paternity, calculated with a prior probability of no
3.23 more than 0.5 (50 percent), is 92 percent or greater, upon motion the court shall order the
3.24 alleged father to pay temporary child support determined according to chapter 518. The
3.25 alleged father shall pay the support money to the public authority if the public authority is
3.26 a party and is providing services to the parties or, if not, into court pursuant to the Rules of
3.27 Civil Procedure to await the results of the paternity proceedings.

3.28 (b) If the results of blood or genetic tests completed in a laboratory accredited by
3.29 the American Association of Blood Banks indicate that likelihood of the alleged father's
3.30 paternity, calculated with a prior probability of no more than 0.5 (50 percent), is 99 percent
3.31 or greater, there is an evidentiary presumption that the alleged father is presumed to be the
3.32 parent biological father and the party opposing the establishment of the alleged father's
3.33 paternity has the burden of proving by clear and convincing evidence that the alleged
3.34 father is not the father of the child.

3.35 (c) A determination under this subdivision that the alleged father is the biological
3.36 father does not preclude the adjudication of another man as the legal father under section
4.1 257.55, subdivision 2, nor does it allow the donor of genetic material for assisted
4.2 reproduction for the benefit of a recipient parent, whether sperm or ovum (egg), to claim
4.3 to be the child's biological or legal parent.

4.4 Sec. 5. Minnesota Statutes 2004, section 257C.03, subdivision 7, is amended to read:

4.5 Subd. 7. **Interested third party; burden of proof; factors.** (a) To establish that an
4.6 individual is an interested third party, the individual must:

4.7 (1) show by clear and convincing evidence that one of the following factors exist:

4.8 (i) the parent has abandoned, neglected, or otherwise exhibited disregard for the
4.9 child's well-being to the extent that the child will be harmed by living with the parent;

4.10 (ii) placement of the child with the individual takes priority over preserving the
4.11 day-to-day parent-child relationship because of the presence of physical or emotional
4.12 danger to the child, or both; or

4.13 (iii) other extraordinary circumstances; ~~and~~

4.14 (2) prove by a preponderance of the evidence that it is in the best interests of the
4.15 child to be in the custody of the interested third party; and

4.16 (3) show by clear and convincing evidence that granting the petition would not
4.17 violate section 518.179, subdivision 1a.

4.18 (b) The following factors must be considered by the court in determining an
4.19 interested third party's petition:

4.20 (1) the amount of involvement the interested third party had with the child during
4.21 the parent's absence or during the child's lifetime;

4.22 (2) the amount of involvement the parent had with the child during the parent's
4.23 absence;

4.24 (3) the presence or involvement of other interested third parties;

4.25 (4) the facts and circumstances of the parent's absence;

4.26 (5) the parent's refusal to comply with conditions for retaining custody set forth
4.27 in previous court orders;

4.28 (6) whether the parent now seeking custody was previously prevented from doing so
4.29 as a result of domestic violence;

4.30 (7) whether a sibling of the child is already in the care of the interested third party;
4.31 and

4.32 (8) the existence of a standby custody designation under chapter 257B.

4.33 (c) In determining the best interests of the child, the court must apply the standards
4.34 in section 257C.04.

4.35 Sec. 6. Minnesota Statutes 2004, section 259.58, is amended to read:

5.1 **259.58 COMMUNICATION OR CONTACT AGREEMENTS.**

.2 Adoptive parents and a birth relative or foster parents may enter an agreement
5.3 regarding communication with or contact between an adopted minor, adoptive parents, and
5.4 a birth relative or foster parents under this section. An agreement may be entered between:

5.5 (1) adoptive parents and a birth parent;

5.6 (2) adoptive parents and any other birth relative or foster parent with whom the child
5.7 resided before being adopted; or

5.8 (3) adoptive parents and any other birth relative if the child is adopted by a birth
5.9 relative upon the death of both birth parents.

5.10 For purposes of this section, "birth relative" means a parent, stepparent, grandparent,
5.11 brother, sister, uncle, or aunt of a minor adoptee. This relationship may be by blood,
5.12 adoption, or marriage. For an Indian child, birth relative includes members of the extended
5.13 family as defined by the law or custom of the Indian child's tribe or, in the absence of laws
5.14 or custom, nieces, nephews, or first or second cousins, as provided in the Indian Child
5.15 Welfare Act, United States Code, title 25, section 1903.

5.16 (a) An agreement regarding communication with or contact between minor adoptees,
5.17 adoptive parents, and a birth relative is not legally enforceable unless the terms of the
5.18 agreement are contained in a written court order entered in accordance with this section.
5.19 An order may be sought at any time before a decree of adoption is granted. The order
5.20 must be issued within 30 days of being submitted to the court or by the granting of the
5.21 decree of adoption, whichever is earlier. The court shall not enter a proposed order unless
5.22 the terms of the order have been approved in writing by the prospective adoptive parents,
5.23 a birth relative or foster parent who desires to be a party to the agreement, and, if the child
5.24 is in the custody of or under the guardianship of an agency, a representative of the agency.
5.25 A birth parent must approve in writing of an agreement between adoptive parents and any
5.26 other birth relative or foster parent, unless an action has been filed against the birth parent
5.27 by a county under chapter 260. An agreement under this section need not disclose the
5.28 identity of the parties to be legally enforceable. The court shall not enter a proposed order
5.29 unless the court finds that the communication or contact between the minor adoptee, the
5.30 adoptive parents, and a birth relative as agreed upon and contained in the proposed order
5.31 would be in the minor adoptee's best interests. The court shall mail a certified copy of
5.32 the order to the parties to the agreement or their representatives at the addresses provided
5.33 by the petitioners.

5.34 (b) Failure to comply with the terms of an agreed order regarding communication or
5.35 contact that has been entered by the court under this section is not grounds for:

5.36 (1) setting aside an adoption decree; or

6.1 (2) revocation of a written consent to an adoption after that consent has become
6.2 irrevocable.

6.3 (c) An agreed order entered under this section may be enforced by filing a petition
6.4 or motion with the family court that includes a certified copy of the order granting the
6.5 communication, contact, or visitation, but only if the petition or motion is accompanied by
6.6 an affidavit that the parties have mediated or attempted to mediate any dispute under the
6.7 agreement or that the parties agree to a proposed modification. The prevailing party may
6.8 be awarded reasonable attorney's fees and costs. The court shall not modify an agreed
6.9 order under this section unless it finds that the modification is necessary to serve the
6.10 best interests of the minor adoptee, and:

6.11 (1) the modification is agreed to by the parties to the agreement; or

6.12 (2) exceptional circumstances have arisen since the agreed order was entered that
6.13 justify modification of the order.

6.14 (d) For children under state guardianship when there is a written communication
6.15 or contact agreement between prospective adoptive parents and birth relatives other than
6.16 birth parents it must be included in the final adoption decree unless all the parties agree to
6.17 omit it. If the adoptive parents or birth relatives do not comply with the communication
6.18 or contact agreement, the court shall determine the terms of the communication and
6.19 contact agreement.

6.20 Sec. 7. Minnesota Statutes 2004, section 517.05, is amended to read:

6.21 **517.05 CREDENTIALS OF MINISTER OR MEJ KOOB.**

6.22 Subdivision 1. Minister. Ministers of any religious denomination, before they are
6.23 authorized to solemnize a marriage, shall file a copy of their credentials of license or
6.24 ordination with the ~~court administrator of the district court~~ local registrar of a county in
6.25 this state, who shall record the same and give a certificate thereof. The place where the
6.26 credentials are recorded shall be endorsed upon and recorded with each certificate of
6.27 marriage granted by a minister.

6.28 Subd. 2. Mej Koob. Before a Mej Koob is authorized to solemnize a marriage,
6.29 the Mej Koob must file a signed statement with the local registrar in any county in the
6.30 state indicating the person's intent to solemnize Hmong marriages as provided in section
6.31 517.18, subdivision 4a. The local registrar shall record the statement and give the person a
6.32 certificate indicating the person's authority to solemnize those marriages. The place where
6.33 the statement is recorded must be endorsed upon and recorded with each certificate of
6.34 marriage granted by the Mej Koob.

6.35 Sec. 8. Minnesota Statutes 2004, section 517.14, is amended to read:

7.1 **517.14 ILLEGAL MARRIAGE; FALSE CERTIFICATE; PENALTY.**

7.2 A person who does any of the following is guilty of a misdemeanor:

7.3 (1) a person authorized by law to solemnize marriages who knowingly solemnizes a
7.4 marriage contrary to the provisions of this chapter, or knowing of any legal impediment to
7.5 the proposed marriage, ~~or;~~

7.6 (2) a person who willfully makes a false certificate of any marriage or pretended
7.7 marriage ~~is guilty of a misdemeanor; or~~

7.8 (3) a person who knowingly facilitates or assists in arranging the solemnization of a
7.9 marriage contrary to the provisions of this chapter.

7.10 Sec. 9. Minnesota Statutes 2004, section 517.18, is amended to read:

7.11 **517.18 MARRIAGE SOLEMNIZATION; SPECIAL PROVISIONS.**

7.12 Subdivision 1. **Friends or Quakers.** ~~All~~ Marriages solemnized among the people
7.13 called Friends or Quakers, in the form heretofore practiced and in use in their meetings,
7.14 shall be valid and not affected by any of the foregoing provisions. ~~The clerk of the meeting~~
7.15 ~~in which such marriage is solemnized, within one month after any such marriage, shall~~
7.16 ~~deliver a certificate of the same to the local registrar of the county where the marriage took~~
7.17 ~~place, under penalty of not more than \$100. Such certificate shall be filed and recorded by~~
7.18 ~~the court administrator under a like penalty. If such marriage does not take place in such~~
7.19 ~~meeting, such certificate shall be signed by the parties and at least six witnesses present,~~
7.20 ~~and shall be filed and recorded as above provided under a like penalty.~~

7.21 Subd. 2. **Baha'i.** Marriages may be solemnized among members of the Baha'i faith
7.22 by the chair of an incorporated local Spiritual Assembly of the Baha'is, according to the
7.23 form and usage of such society.

7.24 Subd. 3. **Buddhists; Hindus; Muslims.** Marriages may be solemnized among
7.25 Buddhists, Hindus, or Muslims by the person chosen by a local Buddhist, Hindu, or
7.26 Muslim association, according to the form and usage of their respective religions.

7.27 Subd. 4. **American Indians.** Marriages may be solemnized among American
7.28 Indians according to the form and usage of their religion by an Indian Mide' or holy
7.29 person chosen by the parties to the marriage.

7.30 Subd. 4a. **Hmong.** Marriages may be solemnized among Hmong by the Mej Koob.

7.31 Subd. 5. **Construction of section.** Nothing in subdivisions 2 to 4 4a shall be
7.32 construed to alter the requirements of section 517.01, 517.09 or 517.10.

7.33 Subd. 6. **Filing of certificate.** (a) Within five days after a marriage is solemnized
7.34 under subdivision 1, the clerk of the meeting shall deliver a certificate of the marriage to

7.35 the local registrar of the county where the marriage took place. If the marriage did not take
 8.1 place at a meeting, the certificate must be signed by the parties and at least six witnesses
 8.2 to the marriage and delivered by one of the parties. Within five days after a marriage is
 8.3 solemnized in a manner specified in subdivisions 2 to 4a, the person who solemnized the
 8.4 marriage must deliver the certificate. The local registrar shall file and record the certificate.

8.5 (b) A person who does not deliver, file, or record a certificate as required under this
 8.6 subdivision is subject to a civil penalty of up to \$100.

8.7 Subd. 7. Application of other law. Nothing in this section authorizes the
 8.8 solemnization of a marriage in violation of this chapter or solemnization of a marriage to
 8.9 which both parties do not voluntarily consent.

8.10 Sec. 10. Minnesota Statutes 2004, section 518.091, subdivision 1, is amended to read:

8.11 Subdivision 1. **Temporary restraining orders.** (a) Every summons must include
 8.12 the notice in this subdivision.

8.13 NOTICE OF TEMPORARY RESTRAINING AND ALTERNATIVE
 8.14 DISPUTE RESOLUTION PROVISIONS

8.15 UNDER MINNESOTA LAW, SERVICE OF THIS SUMMONS MAKES THE
 8.16 FOLLOWING REQUIREMENTS APPLY TO BOTH PARTIES TO THIS ACTION,
 8.17 UNLESS THEY ARE MODIFIED BY THE COURT OR THE PROCEEDING IS
 8.18 DISMISSED:

8.19 (1) NEITHER PARTY MAY DISPOSE OF ANY ASSETS EXCEPT (i) FOR THE
 8.20 NECESSITIES OF LIFE OR FOR THE NECESSARY GENERATION OF INCOME OR
 8.21 PRESERVATION OF ASSETS, (ii) BY AN AGREEMENT IN WRITING, OR (iii) FOR
 8.22 RETAINING COUNSEL TO CARRY ON OR TO CONTEST THIS PROCEEDING;

8.23 (2) NEITHER PARTY MAY HARASS THE OTHER PARTY; AND

8.24 (3) ALL CURRENTLY AVAILABLE INSURANCE COVERAGE MUST BE
 8.25 MAINTAINED AND CONTINUED WITHOUT CHANGE IN COVERAGE OR
 8.26 BENEFICIARY DESIGNATION.

8.27 IF YOU VIOLATE ANY OF THESE PROVISIONS, YOU WILL BE SUBJECT
 8.28 TO SANCTIONS BY THE COURT.

8.29 (4) PARTIES TO A MARRIAGE DISSOLUTION PROCEEDING ~~ARE~~
 8.30 ~~ENCOURAGED TO ATTEMPT ALTERNATIVE DISPUTE RESOLUTION~~
 8.31 ~~PURSUANT TO MINNESOTA LAW. ALTERNATIVE DISPUTE RESOLUTION~~
 8.32 ~~INCLUDES MEDIATION, ARBITRATION, AND OTHER PROCESSES AS SET~~
 8.33 ~~FORTH IN THE DISTRICT COURT RULES~~ SHALL PARTICIPATE IN A MINIMUM
 8.34 OF TWO HOURS OF MEDIATION WITHIN 60 DAYS OF COMMENCEMENT OF
 8.35 A DIVORCE ACTION BY SERVICE OF THIS SUMMONS, UNLESS THE PARTIES

8.36 FILE A SIGNED MARITAL TERMINATION AGREEMENT WITH THE COURT
9.1 DURING THAT TIME OR DO NOT HAVE THE MEANS TO DEFRAY THE COST
2 OF THE MEDIATION. YOU MAY CONTACT THE COURT ADMINISTRATOR
9.3 ABOUT RESOURCES IN YOUR AREA. IF YOU CANNOT PAY FOR MEDIATION
9.4 OR ALTERNATIVE DISPUTE RESOLUTION, IN SOME COUNTIES, ASSISTANCE
9.5 MAY BE AVAILABLE TO YOU THROUGH A NONPROFIT PROVIDER OR A
9.6 COURT PROGRAM. IF YOU ARE A VICTIM OF DOMESTIC ABUSE OR THREATS
9.7 OF ABUSE AS DEFINED IN MINNESOTA STATUTES, CHAPTER 518B, YOU ARE
9.8 NOT REQUIRED TO TRY MEDIATION AND YOU WILL NOT BE PENALIZED BY
9.9 THE COURT IN LATER PROCEEDINGS.

9.10 (b) Upon service of the summons, the restraining provisions contained in the notice
9.11 apply by operation of law upon both parties until modified by further order of the court or
9.12 dismissal of the proceeding, unless more than one year has passed since the last document
9.13 was filed with the court.

9.14 Sec. 11. Minnesota Statutes 2004, section 518.1705, subdivision 4, is amended to read:

9.15 Subd. 4. **Custody designation.** ~~A final judgment and decree that includes a~~
9.16 ~~parenting plan using alternate terms to designate decision-making responsibilities or~~
9.17 ~~allocation of residential time between the parents must designate whether the parents have~~
9.18 ~~joint legal custody or joint physical custody or which parent has sole legal custody or sole~~
9.19 ~~physical custody, or both. This designation is solely for enforcement of the final judgment~~
9.20 ~~and decree where this designation is required for that enforcement and has no effect~~
9.21 ~~under the laws of this state, any other state, or another country that do not require this~~
9.22 ~~designation.~~ A parenting plan is not required to designate sole or joint legal or physical
9.23 custody. If the parenting plan substitutes other terms for legal and physical custody or
9.24 does not make a designation and a designation of legal and physical custody is necessary
9.25 for enforcement of the judgment and decree in another jurisdiction, it must be considered
9.26 solely for that purpose that the parents have joint legal and joint physical custody.

9.27 Sec. 12. Minnesota Statutes 2004, section 518.1705, subdivision 7, is amended to read:

9.28 Subd. 7. **Moving the child to another state.** Parents may agree, ~~but the court must~~
9.29 ~~not require, that in a parenting plan the factors in section 518.17 or 257.025, as applicable,~~
9.30 upon the legal standard that will govern a decision concerning removal of a child's
9.31 residence from this state, provided that:

32 (1) both parents were represented by counsel when the parenting plan was approved;
9.33 or

9.34 (2) the court found the parents were fully informed, the agreement was voluntary,
9.35 and the parents were aware of its implications.

10.1 Sec. 13. Minnesota Statutes 2004, section 518.175, subdivision 3, is amended to read:

10.2 Subd. 3. **Move to another state.** (a) The parent with whom the child resides shall
10.3 not move the residence of the child to another state except upon order of the court or
10.4 with the consent of the other parent, if the other parent has been given parenting time by
10.5 the decree. If the purpose of the move is to interfere with parenting time given to the
10.6 other parent by the decree, the court shall not permit the child's residence to be moved to
10.7 another state.

10.8 (b) The court shall apply a best interests standard when considering the request of
10.9 the parent with whom the child resides to move the child's residence to another state.
10.10 The factors the court must consider in determining the child's best interests include, but
10.11 are not limited to:

10.12 (1) the nature, quality, extent of involvement, and duration of the child's relationship
10.13 with the person proposing to relocate and with the nonrelocating person, siblings, and
10.14 other significant persons in the child's life;

10.15 (2) the age, developmental stage, needs of the child, and the likely impact the
10.16 relocation will have on the child's physical, educational, and emotional development,
10.17 taking into consideration special needs of the child;

10.18 (3) the feasibility of preserving the relationship between the nonrelocating person
10.19 and the child through suitable parenting time arrangements, considering the logistics
10.20 and financial circumstances of the parties;

10.21 (4) the child's preference, taking into consideration the age and maturity of the child;

10.22 (5) whether there is an established pattern of conduct of the person seeking the
10.23 relocation either to promote or thwart the relationship of the child and the nonrelocating
10.24 person;

10.25 (6) whether the relocation of the child will enhance the general quality of the life for
10.26 both the custodial parent seeking the relocation and the child including, but not limited to,
10.27 financial or emotional benefit or educational opportunity;

10.28 (7) the reasons of each person for seeking or opposing the relocation; and

10.29 (8) the effect on the safety and welfare of the child, or of the parent requesting to
10.30 move the child's residence, of domestic abuse, as defined in section 518B.01.

10.31 (c) The burden of proof is upon the parent requesting to move the residence of the
10.32 child to another state, except that if the court finds that the person requesting permission
10.33 to move has been a victim of domestic abuse by the other parent, the burden of proof is

10.34 upon the parent opposing the move. The court must consider all of the factors in this
10.35 subdivision in determining the best interests of the child.

11.1 Sec. 14. Minnesota Statutes 2004, section 518.179, is amended by adding a subdivision
11.2 to read:

11.3 Subd. 1a Custody of nonbiological child. A person convicted of a crime described
11.4 in subdivision 2 may not be considered for custody of a child unless the child is the
11.5 person's child by birth or adoption.

11.6 Sec. 15. Minnesota Statutes 2004, section 518.18, is amended to read:

11.7 **518.18 MODIFICATION OF ORDER.**

11.8 (a) Unless agreed to in writing by the parties, no motion to modify a custody order
11.9 or parenting plan may be made earlier than one year after the date of the entry of a decree
11.10 of dissolution or legal separation containing a provision dealing with custody, except in
11.11 accordance with paragraph (c).

11.12 (b) If a motion for modification has been heard, whether or not it was granted, unless
11.13 agreed to in writing by the parties no subsequent motion may be filed within two years
11.14 after disposition of the prior motion on its merits, except in accordance with paragraph (c).

11.15 (c) The time limitations prescribed in paragraphs (a) and (b) shall not prohibit a
11.16 motion to modify a custody order or parenting plan if the court finds that there is persistent
11.17 and willful denial or interference with parenting time, or has reason to believe that the
11.18 child's present environment may endanger the child's physical or emotional health or
11.19 impair the child's emotional development.

11.20 (d) If the court has jurisdiction to determine child custody matters, the court shall
11.21 not modify a prior custody order or a parenting plan provision which specifies the child's
11.22 primary residence unless it finds, upon the basis of facts, including unwarranted denial of,
11.23 or interference with, a duly established parenting time schedule, that have arisen since the
11.24 prior order or that were unknown to the court at the time of the prior order, that a change
11.25 has occurred in the circumstances of the child or the parties and that the modification is
11.26 necessary to serve the best interests of the child. In applying these standards the court
11.27 shall retain the custody arrangement or the parenting plan provision specifying the child's
11.28 primary residence that was established by the prior order unless:

11.29 (i) the court finds that a change in the custody arrangement or primary residence is in
11.30 the best interests of the child and the parties previously agreed, in a writing approved by a
11.31 court, to apply the best interests standard in section 518.17 or 257.025, as applicable; and,
11.32 with respect to agreements approved by a court on or after April 28, 2000, both parties
11.33 were represented by counsel when the agreement was approved or the court found the

11.34 parties were fully informed, the agreement was voluntary, and the parties were aware
11.35 of its implications;

12.1 (ii) both parties agree to the modification;

12.2 (iii) the child has been integrated into the family of the petitioner with the consent of
12.3 the other party; or

12.4 (iv) the child's present environment endangers the child's physical or emotional
12.5 health or impairs the child's emotional development and the harm likely to be caused by a
12.6 change of environment is outweighed by the advantage of a change to the child; or

12.7 (v) the court has denied a request of the primary custodial parent to move the
12.8 residence of the child to another state, and the primary custodial parent has relocated
12.9 to another state despite the court's order.

12.10 In addition, a court may modify a custody order or parenting plan under section
12.11 631.52.

12.12 (e) In deciding whether to modify a prior joint custody order, the court shall apply
12.13 the standards set forth in paragraph (d) unless: (1) the parties agree in writing to the
12.14 application of a different standard, or (2) the party seeking the modification is asking the
12.15 court for permission to move the residence of the child to another state.

12.16 (f) If a parent has been granted sole physical custody of a minor and the child
12.17 subsequently lives with the other parent, and temporary sole physical custody has been
12.18 approved by the court or by a court-appointed referee, the court may suspend the obligor's
12.19 child support obligation pending the final custody determination. The court's order
12.20 denying the suspension of child support must include a written explanation of the reasons
12.21 why continuation of the child support obligation would be in the best interests of the child.

12.22 Sec. 16. Minnesota Statutes 2004, section 518.191, subdivision 2, is amended to read:

12.23 Subd. 2. **Required information.** A summary real estate disposition judgment must
12.24 contain the following information: (1) the full caption and file number of the case and the
12.25 title "Summary Real Estate Disposition Judgment"; (2) the dates of the parties' marriage
12.26 and of the entry of the judgment and decree of dissolution; (3) the names of the parties'
12.27 attorneys or if either or both appeared pro se; (4) the name of the judge and referee, if
12.28 any, who signed the order for judgment and decree; (5) whether the judgment and decree
12.29 resulted from a stipulation, a default, or a trial and the appearances at the default or trial;
12.30 (6) if the judgment and decree resulted from a stipulation, whether disposition of the
12.31 property was stipulated to by legal description; (7) if the judgment and decree resulted
12.32 from a default, whether the petition contained the legal description of the property and
12.33 disposition was made in accordance with the request for relief, and service of the summons
12.34 and petition was made personally pursuant to the Rules of Civil Procedure, Rule 4.03(a),

12.35 or section 543.19; (8) whether either party changed the party's name through the judgment
12.36 and decree; ~~(7)~~ (9) the legal description of each parcel of real estate; ~~(8)~~ (10) the name or
13.1 names of the persons awarded an interest in each parcel of real estate and a description of
13.2 the interest awarded; ~~(9)~~ (11) liens, mortgages, encumbrances, or other interests in the real
13.3 estate described in the judgment and decree; and ~~(10)~~ (12) triggering or contingent events
13.4 set forth in the judgment and decree affecting the disposition of each parcel of real estate.

13.5 Sec. 17. Minnesota Statutes 2004, section 518.58, subdivision 4, is amended to read:

13.6 Subd. 4. **Pension plans.** (a) The division of marital property that represents pension
13.7 plan benefits or rights in the form of future pension plan payments:

13.8 (1) is payable only to the extent of the amount of the pension plan benefit payable
13.9 under the terms of the plan;

13.10 (2) is not payable for a period that exceeds the time that pension plan benefits are
13.11 payable to the pension plan benefit recipient;

13.12 (3) is not payable in a lump sum amount from defined benefit pension plan assets
13.13 attributable in any fashion to a spouse with the status of an active member, deferred
13.14 retiree, or benefit recipient of a pension plan;

13.15 (4) if the former spouse to whom the payments are to be made dies prior to the end
13.16 of the specified payment period with the right to any remaining payments accruing to an
13.17 estate or to more than one survivor, is payable only to a trustee on behalf of the estate or
13.18 the group of survivors for subsequent apportionment by the trustee; and

13.19 (5) in the case of defined benefit public pension plan benefits or rights, may not
13.20 commence until the public plan member submits a valid application for a public pension
13.21 plan benefit and the benefit becomes payable.

13.22 (b) The individual retirement account plans established under chapter 354B may
13.23 provide in its plan document, if published and made generally available, for an alternative
13.24 marital property division or distribution of individual retirement account plan assets. If an
13.25 alternative division or distribution procedure is provided, it applies in place of paragraph
13.26 (a), clause (5).

13.27 Sec. 18. Minnesota Statutes 2005 Supplement, section 626.556, subdivision 2, is
13.28 amended to read:

13.29 Subd. 2. **Definitions.** As used in this section, the following terms have the meanings
13.30 given them unless the specific content indicates otherwise:

13.31 (a) "Family assessment" means a comprehensive assessment of child safety, risk
13.32 of subsequent child maltreatment, and family strengths and needs that is applied to a
13.33 child maltreatment report that does not allege substantial child endangerment. Family

13.34 assessment does not include a determination as to whether child maltreatment occurred
14.1 but does determine the need for services to address the safety of family members and the
14.2 risk of subsequent maltreatment.

14.3 (b) "Investigation" means fact gathering related to the current safety of a child
14.4 and the risk of subsequent maltreatment that determines whether child maltreatment
14.5 occurred and whether child protective services are needed. An investigation must be used
14.6 when reports involve substantial child endangerment, and for reports of maltreatment in
14.7 facilities required to be licensed under chapter 245A or 245B; under sections 144.50 to
14.8 144.58 and 241.021; in a school as defined in sections 120A.05, subdivisions 9, 11, and
14.9 13, and 124D.10; or in a nonlicensed personal care provider association as defined in
14.10 sections 256B.04, subdivision 16, and 256B.0625, subdivision 19a.

14.11 (c) "Substantial child endangerment" means a person responsible for a child's care, a
14.12 person who has a significant relationship to the child as defined in section 609.341, or a
14.13 person in a position of authority as defined in section 609.341, who by act or omission
14.14 commits or attempts to commit an act against a child under their care that constitutes
14.15 any of the following:

14.16 (1) egregious harm as defined in section 260C.007, subdivision 14;

14.17 (2) sexual abuse as defined in paragraph (d);

14.18 (3) abandonment under section 260C.301, subdivision 2;

14.19 (4) neglect as defined in paragraph (f), clause (2), that substantially endangers the
14.20 child's physical or mental health, including a growth delay, which may be referred to as
14.21 failure to thrive, that has been diagnosed by a physician and is due to parental neglect;

14.22 (5) murder in the first, second, or third degree under section 609.185, 609.19, or
14.23 609.195;

14.24 (6) manslaughter in the first or second degree under section 609.20 or 609.205;

14.25 (7) assault in the first, second, or third degree under section 609.221, 609.222, or
14.26 609.223;

14.27 (8) solicitation, inducement, and promotion of prostitution under section 609.322;

14.28 (9) criminal sexual conduct under sections 609.342 to 609.3451;

14.29 (10) solicitation of children to engage in sexual conduct under section 609.352;

14.30 (11) malicious punishment or neglect or endangerment of a child under section
14.31 609.377 or 609.378;

14.32 (12) use of a minor in sexual performance under section 617.246; or

14.33 (13) parental behavior, status, or condition which mandates that the county attorney
14.34 file a termination of parental rights petition under section 260C.301, subdivision 3,
14.35 paragraph (a).

15.1 (d) "Sexual abuse" means the subjection of a child by a person responsible for the
15.2 child's care, by a person who has a significant relationship to the child, as defined in
15.3 section 609.341, or by a person in a position of authority, as defined in section 609.341,
15.4 subdivision 10, to any act which constitutes a violation of section 609.342 (criminal sexual
15.5 conduct in the first degree), 609.343 (criminal sexual conduct in the second degree),
15.6 609.344 (criminal sexual conduct in the third degree), 609.345 (criminal sexual conduct
15.7 in the fourth degree), or 609.3451 (criminal sexual conduct in the fifth degree). Sexual
15.8 abuse also includes any act which involves a minor which constitutes a violation of
15.9 prostitution offenses under sections 609.321 to 609.324 or 617.246. Sexual abuse includes
15.10 threatened sexual abuse.

15.11 (e) "Person responsible for the child's care" means (1) an individual functioning
15.12 within the family unit and having responsibilities for the care of the child such as a
15.13 parent, guardian, or other person having similar care responsibilities, or (2) an individual
15.14 functioning outside the family unit and having responsibilities for the care of the child
15.15 such as a teacher, school administrator, other school employees or agents, or other lawful
15.16 custodian of a child having either full-time or short-term care responsibilities including,
15.17 but not limited to, day care, babysitting whether paid or unpaid, counseling, teaching,
15.18 and coaching.

15.19 (f) "Neglect" means:

15.20 (1) failure by a person responsible for a child's care to supply a child with necessary
15.21 food, clothing, shelter, health, medical, or other care required for the child's physical or
15.22 mental health when reasonably able to do so;

15.23 (2) failure to protect a child from conditions or actions that seriously endanger the
15.24 child's physical or mental health when reasonably able to do so, including a growth delay,
15.25 which may be referred to as a failure to thrive, that has been diagnosed by a physician and
15.26 is due to parental neglect;

15.27 (3) failure to provide for necessary supervision or child care arrangements
15.28 appropriate for a child after considering factors as the child's age, mental ability, physical
15.29 condition, length of absence, or environment, when the child is unable to care for the
15.30 child's own basic needs or safety, or the basic needs or safety of another child in their care;

15.31 (4) failure to ensure that the child is educated as defined in sections 120A.22 and
15.32 260C.163, subdivision 11, which does not include a parent's refusal to provide the parent's
15.33 child with sympathomimetic medications, consistent with section 125A.091, subdivision 5;

15.34 (5) nothing in this section shall be construed to mean that a child is neglected solely
15.35 because the child's parent, guardian, or other person responsible for the child's care in
15.36 good faith selects and depends upon spiritual means or prayer for treatment or care of

16.1 disease or remedial care of the child in lieu of medical care; except that a parent, guardian,
16.2 or caretaker, or a person mandated to report pursuant to subdivision 3, has a duty to report
16.3 if a lack of medical care may cause serious danger to the child's health. This section does
16.4 not impose upon persons, not otherwise legally responsible for providing a child with
16.5 necessary food, clothing, shelter, education, or medical care, a duty to provide that care;

16.6 (6) prenatal exposure to a controlled substance, as defined in section 253B.02,
16.7 subdivision 2, used by the mother for a nonmedical purpose, as evidenced by withdrawal
16.8 symptoms in the child at birth, results of a toxicology test performed on the mother at
16.9 delivery or the child at birth, or medical effects or developmental delays during the child's
16.10 first year of life that medically indicate prenatal exposure to a controlled substance;

16.11 (7) "medical neglect" as defined in section 260C.007, subdivision 6, clause (5);

16.12 (8) chronic and severe use of alcohol or a controlled substance by a parent or
16.13 person responsible for the care of the child that adversely affects the child's basic needs
16.14 and safety; ~~or~~

16.15 (9) emotional harm from a pattern of behavior which contributes to impaired
16.16 emotional functioning of the child which may be demonstrated by a substantial and
16.17 observable effect in the child's behavior, emotional response, or cognition that is not
16.18 within the normal range for the child's age and stage of development, with due regard
16.19 to the child's culture; or

16.20 (10) allowing a child to enter into a marriage in violation of section 517.02, or
16.21 otherwise allowing solemnization of a marriage in accordance with the form and usage of
16.22 a particular religion or culture in violation of these provisions, regardless of whether the
16.23 marriage is solemnized in a manner authorized under chapter 517.

16.24 (g) "Physical abuse" means any physical injury, mental injury, or threatened injury,
16.25 inflicted by a person responsible for the child's care on a child other than by accidental
16.26 means, or any physical or mental injury that cannot reasonably be explained by the child's
16.27 history of injuries, or any aversive or deprivation procedures, or regulated interventions,
16.28 that have not been authorized under section 121A.67 or 245.825. Abuse does not include
16.29 reasonable and moderate physical discipline of a child administered by a parent or legal
16.30 guardian which does not result in an injury. Abuse does not include the use of reasonable
16.31 force by a teacher, principal, or school employee as allowed by section 121A.582. Actions
16.32 which are not reasonable and moderate include, but are not limited to, any of the following
16.33 that are done in anger or without regard to the safety of the child:

16.34 (1) throwing, kicking, burning, biting, or cutting a child;

16.35 (2) striking a child with a closed fist;

16.36 (3) shaking a child under age three;

17.1 (4) striking or other actions which result in any nonaccidental injury to a child
17.2 under 18 months of age;

17.3 (5) unreasonable interference with a child's breathing;

17.4 (6) threatening a child with a weapon, as defined in section 609.02, subdivision 6;

17.5 (7) striking a child under age one on the face or head;

17.6 (8) purposely giving a child poison, alcohol, or dangerous, harmful, or controlled
17.7 substances which were not prescribed for the child by a practitioner, in order to control
17.8 or punish the child; or other substances that substantially affect the child's behavior,
17.9 motor coordination, or judgment or that results in sickness or internal injury, or subjects
17.10 the child to medical procedures that would be unnecessary if the child were not exposed
17.11 to the substances;

17.12 (9) unreasonable physical confinement or restraint not permitted under section
17.13 609.379, including but not limited to tying, caging, or chaining; or

17.14 (10) in a school facility or school zone, an act by a person responsible for the child's
17.15 care that is a violation under section 121A.58.

17.16 (h) "Report" means any report received by the local welfare agency, police
17.17 department, county sheriff, or agency responsible for assessing or investigating
17.18 maltreatment pursuant to this section.

17.19 (i) "Facility" means a licensed or unlicensed day care facility, residential facility,
17.20 agency, hospital, sanitarium, or other facility or institution required to be licensed under
17.21 sections 144.50 to 144.58, 241.021, or 245A.01 to 245A.16, or chapter 245B; or a school
17.22 as defined in sections 120A.05, subdivisions 9, 11, and 13; and 124D.10; or a nonlicensed
17.23 personal care provider organization as defined in sections 256B.04, subdivision 16, and
17.24 256B.0625, subdivision 19a.

17.25 (j) "Operator" means an operator or agency as defined in section 245A.02.

17.26 (k) "Commissioner" means the commissioner of human services.

17.27 (l) "Practice of social services," for the purposes of subdivision 3, includes but is
17.28 not limited to employee assistance counseling and the provision of guardian ad litem and
17.29 parenting time expeditor services.

17.30 (m) "Mental injury" means an injury to the psychological capacity or emotional
17.31 stability of a child as evidenced by an observable or substantial impairment in the child's
17.32 ability to function within a normal range of performance and behavior with due regard to
17.33 the child's culture.

17.34 (n) "Threatened injury" means a statement, overt act, condition, or status that
17.35 represents a substantial risk of physical or sexual abuse or mental injury. Threatened

18.1 injury includes, but is not limited to, exposing a child to a person responsible for the
18.2 child's care, as defined in paragraph (e), clause (1), who has:

18.3 (1) subjected a child to, or failed to protect a child from, an overt act or condition
18.4 that constitutes egregious harm, as defined in section 260C.007, subdivision 14, or a
18.5 similar law of another jurisdiction;

18.6 (2) been found to be palpably unfit under section 260C.301, paragraph (b), clause
18.7 (4), or a similar law of another jurisdiction;

18.8 (3) committed an act that has resulted in an involuntary termination of parental rights
18.9 under section 260C.301, or a similar law of another jurisdiction; or

18.10 (4) committed an act that has resulted in the involuntary transfer of permanent legal
18.11 and physical custody of a child to a relative under section 260C.201, subdivision 11,
18.12 paragraph (d), clause (1), or a similar law of another jurisdiction.

18.13 (o) Persons who conduct assessments or investigations under this section shall take
18.14 into account accepted child-rearing practices of the culture in which a child participates
18.15 and accepted teacher discipline practices, which are not injurious to the child's health,
18.16 welfare, and safety.

18.17 Sec. 19. Minnesota Statutes 2005 Supplement, section 626.556, subdivision 3, is
18.18 amended to read:

18.19 Subd. 3. **Persons mandated to report.** (a) A person who knows or has reason
18.20 to believe a child is being neglected or physically or sexually abused, as defined in
18.21 subdivision 2, or has been neglected or physically or sexually abused within the preceding
18.22 three years, shall immediately report the information to the local welfare agency, agency
18.23 responsible for assessing or investigating the report, police department, or the county
18.24 sheriff if the person is:

18.25 (1) a professional or professional's delegate who is engaged in the practice of
18.26 the healing arts, social services, hospital administration, psychological or psychiatric
18.27 treatment, child care, education, correctional supervision, probation and correctional
18.28 services, or law enforcement; ~~or~~

18.29 (2) employed as a member of the clergy and received the information while
18.30 engaged in ministerial duties, provided that a member of the clergy is not required by
18.31 this subdivision to report information that is otherwise privileged under section 595.02,
18.32 subdivision 1, paragraph (c); or

18.33 (3) a person who has authority to solemnize a marriage under chapter 517, who has
18.34 received information regarding neglect, as defined in subdivision 2, paragraph (f), clause
18.35 (10), while engaged in the performance of that function.

19.1 The police department or the county sheriff, upon receiving a report, shall
19.2 immediately notify the local welfare agency or agency responsible for assessing or
19.3 investigating the report, orally and in writing. The local welfare agency, or agency
19.4 responsible for assessing or investigating the report, upon receiving a report, shall
19.5 immediately notify the local police department or the county sheriff orally and in writing.
19.6 The county sheriff and the head of every local welfare agency, agency responsible
19.7 for assessing or investigating reports, and police department shall each designate a
19.8 person within their agency, department, or office who is responsible for ensuring that
19.9 the notification duties of this paragraph and paragraph (b) are carried out. Nothing in
19.10 this subdivision shall be construed to require more than one report from any institution,
19.11 facility, school, or agency.

19.12 (b) Any person may voluntarily report to the local welfare agency, agency
19.13 responsible for assessing or investigating the report, police department, or the county
19.14 sheriff if the person knows, has reason to believe, or suspects a child is being or has been
19.15 neglected or subjected to physical or sexual abuse. The police department or the county
19.16 sheriff, upon receiving a report, shall immediately notify the local welfare agency or
19.17 agency responsible for assessing or investigating the report, orally and in writing. The
19.18 local welfare agency or agency responsible for assessing or investigating the report, upon
19.19 receiving a report, shall immediately notify the local police department or the county
19.20 sheriff orally and in writing.

19.21 (c) A person mandated to report physical or sexual child abuse or neglect occurring
19.22 within a licensed facility shall report the information to the agency responsible for
19.23 licensing the facility under sections 144.50 to 144.58; 241.021; 245A.01 to 245A.16; or
24 chapter 245B; or a nonlicensed personal care provider organization as defined in sections
19.25 256B.04, subdivision 16; and 256B.0625, subdivision 19. A health or corrections agency
19.26 receiving a report may request the local welfare agency to provide assistance pursuant
19.27 to subdivisions 10, 10a, and 10b. A board or other entity whose licensees perform work
19.28 within a school facility, upon receiving a complaint of alleged maltreatment, shall provide
19.29 information about the circumstances of the alleged maltreatment to the commissioner of
19.30 education. Section 13.03, subdivision 4, applies to data received by the commissioner of
19.31 education from a licensing entity.

19.32 (d) Any person mandated to report shall receive a summary of the disposition of
19.33 any report made by that reporter, including whether the case has been opened for child
34 protection or other services, or if a referral has been made to a community organization,
19.35 unless release would be detrimental to the best interests of the child. Any person who is
19.36 not mandated to report shall, upon request to the local welfare agency, receive a concise

20.1 summary of the disposition of any report made by that reporter, unless release would be
20.2 detrimental to the best interests of the child.

20.3 (e) For purposes of this subdivision, "immediately" means as soon as possible but in
20.4 no event longer than 24 hours."

20.5 Amend the title accordingly

20.6 And when so amended that the bill be recommended to pass and be referred to
20.7 the full committee.



.....
(Subcommittee Chair)

20.8
20.9

March 21, 2006
(Date of Subcommittee action)

20.10
20.11

1.1 To: Senator Betzold, Chair

1.2 Committee on Judiciary

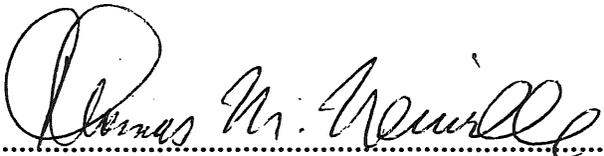
1.3 Senator Neuville,

1.4 Chair of the Subcommittee on Family Law, to which was referred

1.5 S.F. No. 2991: A bill for an act relating to family; creating a supervised visitation
1.6 advisory committee; adjusting marriage dissolution fees to fund parenting time centers;
1.7 appropriating money; amending Minnesota Statutes 2005 Supplement, sections 357.021,
1.8 subdivisions 1a, 2; 517.08, subdivision 1c; proposing coding for new law in Minnesota
1.9 Statutes, chapter 299A.

1.10 Reports the same back with the recommendation that the bill do pass and be referred
1.11 to the full committee.

1.12
1.13


.....
(Subcommittee Chair)

1.14
1.15

March 21, 2006
(Date of Subcommittee action)