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Article 1: Marriage Dissolution, Legal Separation, and Annulment

This article recodifies Minnesota's laws in chapter 518 relating to marriage dissolution, legal separation, and annulment, including laws on maintenance and property division.

- 1 Marital dissolution fee.** Amends § 357.021, by adding subd. 8. Authorizes court administrators to collect a \$25 fee in each proceeding seeking dissolution of a marriage or legal separation. Requires the court administrator to forward the fee to the commissioner of finance for deposit in the general fund. Under Article 3, section 75, this funding is appropriated from the general fund to the commissioner of human services and state supreme court administrator for implementation costs of the Minnesota Child Support Act. Also provides that this subdivision is effective July 1, 2003, and sunsets June 30, 2005.
- 2 Six-month review.** Adds § 517A.29. Requires a request for six-month review hearing form to be attached to a decree of dissolution or legal separation or an order initially establishing child custody, parenting time, or support rights. Requests the state court administrator to prepare the request for hearing form. If a parent requests a hearing within six months, requires a court to review whether child support is current and whether both parties are complying with the parenting time provisions of the order. Provides that the obligor has the burden to present evidence at the hearing to establish that child support payments are current. Also requires the commissioner of human services to develop a form to submit payment information to the parties and court.
- 3 Maintenance payment enforcement.** Adds § 517A.36. Clarifies that the enforcement requirements and procedures in Article 3 apply to maintenance obligations that are or were combined with a child support obligation. Also clarifies that certain enforcement

requirements and procedures in Article 3 do not apply to maintenance obligations.

4-47 Changes to current law. Makes technical and stylistic changes to current law. Reorganizes and relocates provisions of current law more logically to make the provisions easier to find. Strikes provisions relating to child support incorporated in Article 3.

48 48 Revisor's instruction. Instructs the revisor to renumber certain sections in chapter 518 to reorganize the chapter, and make necessary cross-reference changes.

49 Repealer. Repeals sections 518.14, subdivision 2 (attorney fees and costs); 518.24 (security; sequestration; contempt); 518.55, subdivision 4 (determining a controlling order); 518.62 (temporary maintenance); 518.64, subdivisions 4, 4a, and 5 (modification of child support); and 518.68 (required notices). These provisions are recodified in this article and Article 3.

Article 2: Custody, Parenting Time, and Visitation - General

This article recodifies Minnesota's laws in chapter 518 relating to custody, parenting time, and visitation.

1 1 Definitions. Adds § 517B.01. Under the recodification, this section will include the definitions of custody and parenting time from section 518.003, subdivisions 3 and 5.

2-7 Reorganized provisions. Reorganizes and relocates provisions from sections 518.17, 518.177, and 518.185 of current law. Clarifies and updates language and makes minor technical changes.

8-42 Changes to current law. Makes technical and stylistic changes to current law. Reorganizes and relocates provisions of current law more logically to make the provisions easier to find.

43 43 Revisor's instruction. Instructs the revisor to number certain sections in chapter 518 to reorganize the chapter, and make necessary cross-reference changes.

44 Repealer. Repeals sections 518.17 (custody and support of children on judgment); 518.1752 (grandparent visitation); and 518.185 (affidavit practice). These provisions are recodified, without substantive changes, in this article.

Article 3: Child Support

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

Section	New Codification Section	Description	Derivation Section	Comments/Changes ¹
1 1	517C.01	Title	None	Adds title to act.
2 2	517C.02	Definitions	Various	Combines all child support definitions with general applicability into one section. Some special definitions with limited applicability are used later in the chapter. Omits definitions relating to maintenance and marital property (currently defined in section 518.54) that are included in Article 1 (chapter 517A).
	517C.02, subd. 1	Scope of definitions	518.54, subd. 1	Minor technical changes
	517C.02, subd. 2	Definition of arrears	518.54, subd. 13; 518.6111, subd. 1, para. (d)	Clarifies and updates language
	517C.02, subd. 3	Definition of basic support	None	New term describing the dollar amount a court orders for a child's housing, food, clothing, transportation, education costs, and other expenses relating to the child's care.
	517C.02, subd. 4	Definition of business day	518.6111, subd. 1, para. (c)	
	517C.02, subd. 5	Definition of child	518.54, subd. 2	
	517C.02, subd. 6	Definition of child support	518.54, subd. 4	Omits reference in current law to support money. Clarifies that child support includes an amount for basic support, child care support, and medical support.
	517C.02, subd. 7	Definition of deposit account	518.54, subd. 2a	
	517C.02, subd. 8	Definition of financial institution	518.54, subd. 2b	
	517C.02, subd. 9	Definition of obligee	518.54, subd. 7	Minor technical changes. Omits reference in current law to maintenance.
	517C.02, subd. 10	Definition of obligor	518.54, subd. 8	Omits reference in current law to maintenance. Provides that a custodial parent may be an obligor for purposes of medical support.
	517C.02, subd. 11	Definition of payment	518.5851, subd. 4	Minor technical changes. Omits reference in current law to maintenance.
	517C.02, subd. 12	Definition of payor of funds	518.6111, subd. 1, para. (b)	Minor technical changes
	517C.02, subd. 13	Definition of public authority	518.54, subd. 9	Clarifies language
	517C.02, subd. 14	Definition of support order	518.54, subd. 4a	Minor technical changes. Clarifies language.
	517C.02, subd. 15	Definition of tribunal	518.5851, subd. 5	
	517C.02, subd. 16	Definition of unclaimed support	518.5851, subd. 7	

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

Section	New Codification Section	Description	Derivation Section	Comments/Changes ¹	
		funds			
	517C.02, subd. 17	Definition of IV-D case	518.54, subd. 14		
3	3	517C.04, subd. 1	Child support orders	518.57, subd. 1; 518.66	Clarifies and updates language
	517C.04, subd. 2	Provisions	None	Adds language clarifying current law that child support orders must provide for basic support, child care costs, and medical care.	
	517C.04, subd. 3	Agreements	518.551, subd. 5, para. (a) & para. (i)	Clarifies that a court must review the parties' stipulation or agreement relating to child support to ensure that it serves the best interests of the child.	
	517C.04, subd. 4	Specific dollar amount	518.551, subd. 5, para. (a)	Minor technical changes	
	517C.04, subd. 5	Preference for monthly payment	None	Provides preference for ordering child support payments in an amount that reflects an obligor's monthly obligation.	
	517C.04, subd. 6	Preference for static payment	518.57, subd. 2; 518.68, subd. 2, para. 4(f)	Provides preference for the same payment amounts throughout the year. (Current law provides that payment amounts may fluctuate during the year.)	
	517C.04, subd. 7	Departure	None	Provides the circumstances in which a court may depart from the preferences in subdivisions 5 and 6.	
	517C.04, subd. 8	Accounting for child support by obligee	None	Provides that a court may order an obligee to account for child support received if, upon a motion, an obligor establishes specific allegations of abuse or misapplication of the child support received, that a child's needs are not being met, and that there is no record or history of domestic abuse, harassment, or violence between the parties. Provides for possible remedies if the obligee does not make the court-ordered accounting or does not spend child support payments on behalf of the child. Also provides that a court may award attorney fees to the obligee if the court determines that an obligor's motion is brought in bad faith.	
	517C.04, subd. 9	Child support to be distinguished from maintenance	518.55, subd. 1	Clarifies and updates language. Omits provisions in current law relating to maintenance awards that are included in Article 1 (chapter 517A).	
	517C.04, subd. 10	Other custodians	518.57, subd. 4		
	517C.04, subd. 11	Either parent liable; marital misconduct	518.551, subd. 5, para. (a)		
4	4	517C.05, subd. 1	Temporary orders; motion; scope	518.131, subd. 1	Clarifies and updates language relating to the process a party may use to bring a motion for a temporary order during a child support proceeding. Omits references in current law to process used in marriage dissolution, maintenance, and custody proceedings. This language is reproduced, if applicable, in articles 1 and 2 for those proceedings.
	517C.05, subd. 2	Duration	518.131, subd. 5	Clarifies and updates language	
	517C.05, subd. 3	Factors	518.131, subd. 7	Clarifies and updates language	
	517C.05, subd. 4	Evidence	518.131, subd. 8	Clarifies and updates language	
	517C.05, subd. 5	Limited effect	518.131, subd. 9, para. (a)	Clarifies and updates language	

Section	New Codification Section	Description	Derivation Section	Comments/Changes ¹	
	517C.05, subd. 6	Revocation; modification	518.131, subd. 9, para. (b)	Clarifies and updates language	
5	5	517C.06	Determination of controlling order	518.55, subd. 4	Provides that the public authority or a party may request a court to determine a controlling order when more than one order exists. (Current law vests this authority in the district court. This language would also permit child support magistrates to determine a controlling order.)
6	6	517C.07	Attorney fees; costs and disbursements	518.14, subd. 1	Clarifies and updates language
7	7	517C.10, subd. 1	Exchange of information; documentation	518.551, subd. 5b, para. (a)	Clarifies and updates language
		517C.10, subd. 2	Exchange of tax returns	518.551, subd. 5b, para. (b)	Clarifies and updates language
		517C.10, subd. 3	Notice of address or residence change	518.55, subd. 3	Clarifies and updates language
		517C.10, subd. 4	Notice to public authority; public assistance	518.551, subd. 5, para. (a)	
		517C.10, subd. 5	Failure of notice	518.551, subd. 6	Minor technical changes. Corrects cross references.
8	8	517C.11, subd. 1	Privacy protection; personal protection; social security numbers; tax returns	518.146	Corrects cross reference
		517C.11, subd. 2	Modification of certain requirements	518.55, subd. 3	Clarifies and updates language
		517C.11, subd. 3	Access to address for service of process	518.255, subd. 2	Minor technical changes
9	9	517C.12, subd. 1	Income; gross income	None	Provides that income means gross income for purposes of calculating child support. (Under current law, a derivation of an obligor's net income is used to calculate child support.)
		517C.12, subd. 2	Sources	518.54, subd. 6; 518.551, subd. 5, para. (b), cl. (1)	Clarifies language.
		517C.12, subd. 3	Commissions; bonuses	None	Provides that a court may include reliable and predictable commissions or bonuses in income calculations. (Under current law, a court may order that a percentage share of commissions or bonuses be paid to an obligee.)
		517C.12, subd. 4	Self-employment; independent contractors	518.551, subd. 5b, para. (f)	Minor technical changes
		517C.12, subd. 5	Public assistance exclusions	518.54, subd. 6	
		517C.12, subd. 6	Overtime	518.551, subd. 5, para. (b), cl. (2); 518.64, subd. 2, para. (c), cl. (2)	Provides that certain overtime employment not be considered when setting support. Clarifies and updates language.
		517C.12, subd. 7	Income of a spouse or other household	518.551, subd. 5, para. (b), cl. (1);	Provides that income of spouse or other household member may not be considered when setting child

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		member	518.64, subd. 2, para. (c), cl. (1)	support. Provides for discovery of a spouse's or household member's financial information if there is probable cause to believe that income is being improperly shielded from a party.
	517C.12, subd. 8	Prior support or maintenance orders	518.551, subd. 5, para. (b)	Clarifies and updates language
	517C.12, subd. 9	Legally dependent child	None	Provides for a deduction from a party's income for a legally dependent child. Specifies the methodology for determining the deduction amount. Also requires the Commissioner of Human Services to publish a table annually that lists the amount of the deduction for each legally dependent child by family size.
10	10 517C.13, subd. 1	Imputed income; nonappearance of a parent	518.551, subd. 5b, para. (c)	Corrects cross reference
	517C.13, subd. 2	Voluntary unemployment or under-employment	518.551, subd. 5b, para. (d) and (e)	Clarifies and updates language. Provides that income imputation applies equally to both parents.
	517C.13, subd. 3	Insufficient information	518.551, subd. 5b, para. (e)	Corrects cross reference
	517C.13, subd. 4	Parent providing at-home child care	None	Specifies factors a court must consider when determining whether a parent who stays at home to care for a child is voluntarily unemployed or underemployed.
11	11 517C.14, subd. 1	Presumptive child support order; rebuttable presumption	518.551, subd. 5, para (i)	Corrects cross reference
	517C.14, subd. 2	Child's insurance benefit	518.551, subd. 5, para. (l)	Minor technical changes
12	12 517C.15, subd. 1	Basic support; schedule	None	Requires the court to order basic support divided between the parents based on their proportionate share of the parents' combined monthly income (an income shares approach). Includes a basic support schedule constructed from 2001 United States Department of Agriculture (USDA) data on expenditures on children by families. Also requires the Commissioner of Human Services to compute and publish a basic support schedule
	517C.15, subd. 2	Separate household adjustment	None	After determining each parent's basic support obligation, requires that the court reduce by 20 percent the basic support of both parents.
	517C.15, subd. 3	Joint physical custody	None	Codifies the <i>Hortis/Valento</i> formula, which evolved from a series of court cases interpreting the current child support guidelines in cases where parents have joint physical custody of a child.
	517C.15, subd. 4	Income cap on determining basic support	518.551, subd. 5, para. (b); 518.551, subd. 5, para. (k)	Provides for an income limit for application of the basic support schedule. Adds language permitting a court to order support in excess of the income limit if the child has a disability or other substantial, demonstrated need.
	517C.15, subd. 5	More than six children	None	Provides that a court need not specifically follow the guidelines in cases involving more than six

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				children.
	517C.15, subd. 6	Report to legislature	None	Requires the Commissioner of Human services to report annually to the legislature on the basic support schedule. The report must include information on any changes to the USDA expenditure data used in constructing the basic support schedule and information on any new sources of economic data that could be used to construct a basic support schedule.
13 13	517C.16, subd. 1	Child care support; child care costs	None	Requires the court to order child care costs divided between the obligor and obligee based on their proportionate share of the parties' combined monthly income (an income shares approach). Omits formula from current law for allocating child care costs.
	517C.16, subd. 2	Low-income obligor	None	Specifies the child care support obligation for an obligor who meets the income eligibility requirements for child care assistance.
	517C.16, subd. 3	Determining costs	518.551, subd. 5, para. (b)	Minor technical changes. Corrects cross references.
	517C.16, subd. 4	Change in child care	518.551, subd. 5, para. (b)	Clarifies the procedure for collecting child care support when child care expenses end or resume.
14 14	517C.17, subd. 1	Medical support; definitions	518.171, subd. 1, para. (a); subd. 3, para. (a)	Defines health care coverage, health carrier, health plan, medical support, national medical support notice, public coverage, uninsured medical expenses, and unreimbursed medical expenses.
	517C.17, subd. 2	Order	518.171, subd. 1, para. (a)	Clarifies and updates language. Specifies information regarding medical support that a court must address when ordering child support.
	517C.17, subd. 3	Determining appropriate health care coverage	None	Provides criteria a court must consider in determining whether a party has appropriate health care coverage for a child. The criteria are whether coverage is accessible, comprehensive, and affordable, and the child's special medical needs, if any. Also provides that, if both parties have health care coverage available and the coverage is comparable with regard to accessibility and comprehensiveness, the least costly coverage is the appropriate coverage.
	517C.17, subd. 4	Ordering health care coverage	None	Adds provisions that a court must consider when determining whether to order an obligor or obligee to carry health care coverage for a child. Also specifies what a court must order when one or both parties have appropriate coverage, or neither party has appropriate coverage for a child.
	517C.17, subd. 5	Medical support costs; unreimbursed and uninsured medical expenses	518.171, subd. 1, paras. (c) & (d)	Provides that a court divide the costs of health care coverage and unreimbursed medical expenses between the parties based on each party's proportionate share of the parties' combined gross income (an income shares approach).
	517C.17, subd. 6	Notice or court order sent to party's employer, union, or health carrier	518.171, subd. 3	Clarifies and updates language.

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	517C.17, subd. 7	Employer or union requirements	518.171, subd. 4; subd. 4a	Clarifies and updates language in current law.
	517C.17, subd. 8	Health plan requirements	518.171, subd. 4a; subd. 5, para. (b); subd. 6	Clarifies and updates language. Requires a health plan administrator to provide the public authority and parties with certain information about the health care coverage.
	517C.17, subd. 9	Employer or union liability	518.171, subd. 4, para. (d)	Clarifies and updates language
	517C.17, subd. 10	Contesting enrollment	518.171, subd. 4, para. (b)	Clarifies and updates language
	517C.17, subd. 11	Disenrollment; continuation of coverage; coverage options	518.171, subd. 5, para. (a)	Clarifies and updates language. Provides that a child enrolled in health care coverage pursuant to an order is entitled to the opportunity to elect continued coverage upon expiration of the order.
	517C.17, subd. 12	Spousal or former spousal coverage	518.171, subd. 2	Clarifies and updates language
	517C.17, subd. 13	Disclosure of information	518.171, subd. 2a; 518.171, subd. 7	Clarifies and updates language. Adds provisions regarding when the parties, employer, union, or plan administrator must give certain information relating to the health care coverage to the public authority. Also clarifies when the public authority is authorized to release information to a party's employer, union, or health plan.
	517C.17, subd. 14	Child support enforcement services.	518.171, subd. 9	Clarifies and updates language
	517C.17, subd. 15	Enforcement	518.171, subd. 8; 518.171, subd. 10,	Clarifies and updates language
	517C.17, subd. 16	Income withholding; offset	None	Adds provisions specifying procedures for income withholding and offsets to income.
	517C.17, subd. 17	Collecting unreimbursed and uninsured medical expenses	None	Adds provisions specifying the procedures for collecting unreimbursed and uninsured medical expenses.
	517C.17, subd. 18	Enforcing an order for medical support arrears	None	Adds provisions regarding the procedures to enforce and collect medical support arrears.
15 15	517C.18	Self-support adjustment; minimum basic support amount	None	Specifies the amount a court must order when the sum of an obligor's basic support, child care support, and medical support obligation leaves the obligor with less than 120 percent of the federal poverty guidelines amount for one person. Also requires a minimum basic support amount of \$50 per month for one or two children or \$75 per month for three or more children.
16 16	517C.19	Worksheet	None	Requires the Commissioner of Human Services to create and publish a worksheet to assist in calculating child support. Also requires the Commissioner to make an interactive version of the worksheet available on the DHS web site.
17 17	517C.20, subd. 1	Deviations; general factors	518.551, subd. 5, para. (c)	Minor technical changes. Corrects cross references. Also provides that a court may consider whether a child spends between 33 and 45 percent of overnights with an obligor pursuant to court order

Section	New Codification Section	Description	Derivation Section	Comments/Changes ¹
				or with the consent of the obligee, which results in an increased financial burden to the obligor, when setting or modifying child support or in determining when to deviate from the guidelines.
	517C.20, subd. 2	Debt owed to private creditors	518.551, subd. 5, para. (d) to (g)	Minor technical changes. Corrects cross references.
	517C.20, subd. 3	Evidence	518.551, subd. 5, para. (h)	Minor technical changes
	517C.20, subd. 4	No deviation when payments are made to the public authority except for extreme hardship	518.551, subd. 5, para. (j)	Minor technical changes
	517C.20, subd. 5	No departure based on joint legal custody	518.17, subd. 6	Minor technical changes
18	18 517C.21, subd. 1	Written findings; no deviation	518.551, subd. 5, para (i)	Minor technical changes
	517C.21, subd. 2	Deviation	518.551, subd. 5, para (i)	Corrects cross references
	517C.21, subd. 3	Written findings required in every case	518.551, subd. 5, para (i)	Minor technical changes. Corrects cross references.
19	19 517C.22	Guidelines review	518.551, subd. 5c	Requires review of child support guidelines no later than 2006. Omits obsolete date in current law.
20	20 517C.23	Education trust fund	518.551, subd. 5d	
21	21 517C.25, subd. 1	Modification; general; authority	518.64, subd. 1	Clarifies and updates language.
	517C.25, subd. 2	Guidelines remain applicable	None	Provides that the guidelines remain applicable when a court modifies a child support order.
	517C.25, subd. 3	Evidentiary hearing not required	518.64, subd. 2, para. (f)	Minor technical change. Omits reference in current law to maintenance.
	517C.25, subd. 4	Form	518.64, subd. 5	Minor technical changes. Omits reference in current law to maintenance.
22	22 517C.26	Reopening an order	518.145, subd. 2	Minor technical changes
23	23 517C.27, subd. 1	Change in custody or parenting time; official change in custody; child support suspended	518.18, para (f)	Minor technical changes
	517C.27, subd. 2	Unofficial change in custody; child support obligation satisfied	518.57, subd. 3	Minor technical changes
	517C.27, subd. 3	30-day change; child support reduced	518.551, subd. 5e	Corrects cross reference
24	24 517C.28, subd. 1	Substantial change in circumstances, earnings or needs; factors	518.64, subd. 2, para. (a); 518.64, subd. 4a	Minor technical changes. Corrects cross references. Also provides that implementation of this chapter is not a basis for modification unless the requirements under this section are met.
	517C.28, subd. 2	Presumptions	518.64, subd. 2, para. (b)	Minor technical changes. Corrects cross references.
25	25 517C.29	Modification effective date; retroactive	518.64, subd. 2, para. (d)	Clarifies and updates language

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		modification permitted only in limited circumstances; child care exception			
26	26	517C.30, subd. 1	Termination of child support; death of obligor	518.64, subd 4	
		517C.30, subd. 2	Automatic termination	518.64, subd 4a	Minor technical changes
27	27	517C.31, subd. 1	Cost-of-living adjustments; general	518.641, subd. 1	Minor technical change. Omits reference in current law to maintenance.
		517C.31, subd. 2	Waiver	518.641, subd. 1	
		517C.31, subd. 3	Index; amount	518.641, subd. 1	Clarifies and updates language
		517C.31, subd. 4	Effective date	518.641, subd. 1	Clarifies and updates language
		517C.31, subd. 5	Notice	518.641, subd. 2	Clarifies and updates language
		517C.31, subd. 6	Procedure for contesting adjustment	518.641, subd. 2a	Clarifies and updates language
		517C.31, subd. 7	Hearing	518.641, subd. 3	
		517C.31, subd. 8	Form	518.641, subd. 2a	Minor technical changes
		517C.31, subd. 9	Rules	518.641, subd. 1, para. (b)	
28	28	517C.35, subd. 1	Assignment; general	518.551, subd. 1, paras. (b) & (d)	Clarifies and updates language
		517C.35, subd. 2	Judgments	518.551, subd. 9, para. (a)	Clarifies and updates language
		517C.35, subd. 3	Property lien	518.57, subd. 1	
29	29	517C.36, subd. 1	Party status; obligee receives public assistance; public authority is a party	518.551, subd. 9, paras. (a) & (b)	Clarifies and updates language
		517C.36, subd. 2	No public assistance; application for services	518.551, subd. 9, para. (b)	Clarifies and updates language. Corrects cross reference.
30	30	517C.37, subd. 1	Role of the public authority; public authority does not represent obligor or obligee	518.255, subd. 1, para. (a)	
		517C.37, subd. 2	Written notice	518.255, subd. 1, para. (b)	Clarifies and updates language
		517C.37, subd. 3	Power to represent other public authorities	518.551, subd. 1, para. (b)	Clarifies and updates language
31	31	517C.38	Service fees	518.551, subd. 7	Clarifies and updates language
32	32	517C.39	Public authority procedures for child support and parentage orders	518.5513, subd. 1	Clarifies and updates language. Corrects cross reference.
33	33	517C.40	Nonattorney employee duties	518.5513, subd. 2, para. (a) to (d)	Minor technical changes

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34 34	517C.41	Pleadings; case information sheet; filing information	518.5513, subd. 3	Minor technical changes
35 35	517C.42	Noncontested matters	518.5513, subd. 4	
36 36	517C.43	Administrative authority; parentage support	518.5513, subd. 5	Corrects cross references
37 37	517C.44, subd. 1	Sharing of information; data; general	518.5513, subd. 6	Minor technical change. Corrects cross reference.
	517C.44, subd. 2	Data disclosed to an attorney of the public authority	518.255, subd. 1, para. (c) and (d)	Corrects cross reference
	517C.44, subd. 3	Prohibited disclosure	518.005, subd. 5	
38 38	517C.45	Sufficiency of notice	518.111	
39 39	517C.50, subd. 1	Child support payment center; central collection unit; creation	518.5852	Minor technical changes. Clarifies and updates language.
	517C.50, subd. 2	Creditor collections	518.5851, subd. 6	Minor technical change
	517C.50, subd. 3	Credit for payment	518.551, subd. 1, para. (c)	
40 40	517C.51	Mandatory payment of obligations to central collections unit	518.5853	Minor technical changes. Corrects cross references.
41 41	517C.52; subd 1	Income withholding; general; application	518.6111, subd. 2	Corrects cross references
	517C.52, subd. 2	Order	518.6111, subd. 3	Corrects cross references
	517C.52, subd. 3	Notice; income withholding and collection services	518.6111, subd. 4	Minor technical changes
	517C.52, subd. 4	Contract for service	518.6111, subd. 15	Clarifies and updates language
	517C.52, subd. 5	Electronic transmission	518.6111, subd. 18	Minor technical changes
	517C.52, subd. 6	Timing of automated enforcement remedies	518.6111, subd. 19	Minor technical changes. Corrects cross reference.
42 42	517C.53	Waiver of income withholding	518.6111, subd. 16	Clarifies and updates language. Corrects cross reference
43 43	517C.54, subd. 1	Payor of funds responsibilities; activation	518.6111, subd. 5, para. (a)	
	517C.54, subd. 2	Procedure	518.6111, subd. 5, para. (b)	Minor technical changes. Corrects cross references.
	517C.54, subd. 3	Retaliation prohibited	518.6111, subd. 5, para. (c)	Minor technical change. Corrects cross reference.
	517C.54, subd. 4	Updated orders	518.6111, subd. 9, para. (b)	Minor technical changes
	517C.54, subd. 5	Notification of termination	518.6111, subd. 5, para. (e)	Minor technical changes
	517C.54, subd. 6	Expenses	518.6111, subd. 5,	Corrects cross reference

Section	New Codification Section	Description	Derivation Section	Comments/Changes ¹
			para. (f)	
44 44	517C.55	Lump-sum payments	518.6111, subd. 11	Clarifies and updates language
45 45	517C.56, subd. 1	Payor of funds liability; liability to obligee	518.6111, subd. 5, para. (c)	Minor technical changes. Corrects cross references.
	517C.56, subd. 2	Nonliability for compliance	518.6111, subd. 17	Clarifies and updates language. Corrects cross reference.
46 46	517C.57	Employer contempt	518.615	Clarifies and updates language. Corrects cross references.
47 47	517C.58, subd. 1	Priority of income withholding orders; maximum withholding; priority	518.6111, subd. 9, para. (a)	Clarifies and updates language. Corrects cross reference.
	517C.58, subd. 2	Multiple orders	518.6111, subd. 5, para. (d)	Minor technical changes
48 48	517C.59, subd. 1	Subsequent income withholding; application	518.6111, subd. 7, para. (a)	Minor technical change
	517C.59, subd. 2	Public authority provides child support enforcement services	518.6111, subd. 7, para. (b)	Clarifies and updates language. Corrects cross references.
	517C.59, subd. 3	Public authority does not provide child support enforcement services	518.6111, subd. 7, para. (c)	Clarifies and updates language.
	517C.59, subd. 4	Notice	518.6111, subd. 7, para. (d)	Minor technical changes.
	517C.59, subd. 5	Contest	518.6111, subd. 8	Minor technical changes.
49 49	517C.60	Income withholding; arrears order	518.6111, subd. 10	Clarifies and updates language. Corrects cross reference.
50 50	517C.61	Interstate income withholding	518.6111, subd. 12	Minor technical changes
51 51	517C.62, subd. 1	Order terminating income withholding; general procedure	518.6111, subd. 13	Clarifies and updates language
	517C.62, subd. 2	Termination by the public authority	518.6111, subd. 14	Clarifies and updates language
52 52	517C.63	Child support deposit account; financial institutions	518.6111, subd. 6	Minor technical changes
53 53	517C.64	Escrow account	518.614	Clarifies and updates language. Corrects cross references.
54 54	517C.65	Trustee	518.61	Clarifies and updates language. Omits provision in current law permitting the public authority to represent a person entitled to receive support or maintenance because the provision contradicts current law and policy. Also omits provision in current law permitting a county attorney to institute a proceeding against a person who is beyond the jurisdiction of the court because the provision is superfluous and unnecessary.
55 55	517C.66	Overpayments	518.642	Minor technical changes. Omits references in

Section	New Codification Section	Description	Derivation Section	Comments/Changes ¹	
				current law to maintenance.	
56	56	517C.67	Alternate notice of court order	518.646	Clarifies and updates language
57	57	517C.70	Child support and parenting time are independent	518.612	Clarifies and updates language
58	58	517C.705	Six-month review	None	Adds language providing that a request for six-month review hearing form must be attached to an order or decree initially establishing child support. This language is consistent with the six-month review requirements in section 517A.29.
59	59	517C.71, subd. 1	Payment agreements; general requirements	None	Adds language clarifying the requirements for payment agreements in cases where an obligor has child support arrears.
		517C.71, subd. 2	Considerations	518.553	Minor technical changes
60	60	517C.72	Seek employment orders	518.616	Clarifies and updates language. Corrects cross reference.
61	61	517C.73	Order for community services	518.551, subd. 5a	Minor technical changes. Corrects cross reference.
62	62	517C.74	Contempt proceedings for nonpayment of support	518.617	Clarifies and updates language. Corrects cross references. Omits references in current law to maintenance.
63	63	517C.745	Security; sequestration; contempt	518.24	Corrects cross reference. Omits references in current law to maintenance.
64	64	517C.75	Driver's license suspension	518.551, subd. 13	Reorganizes current law. Clarifies and updates language.
65	65	517C.76	Occupational license suspension	518.551, subd. 12	Reorganizes current law. Clarifies and updates language.
66	66	517C.77	Data on suspensions for support arrears	518.551, subd. 13a	Corrects cross references
67	67	517C.78	Recreational license suspension	518.551, subd. 15	Clarifies and updates language
68	68	517C.79	Motor vehicle lien	518.551, subd.14	Reorganizes current law. Clarifies and updates language.
69	69	517C.80	Publication of names of delinquent child support obligors	518.575	Minor technical changes
70	70	517C.81	Collection; arrears	518.6195	Clarifies and updates language. Corrects cross references.
71	71	517C.82	Collection; revenue re-capture	518.6196	
72		517C.83	Case reviewer	518.618	Minor technical change
73		517C.84	Attorney fees; collection costs	518.14, subd. 2	Clarifies and updates language
74		517C.99	Required notices	518.68	Clarifies and updates language. Corrects cross references.
75			Appropriations		Appropriates \$770,000 in fiscal year 2004 from the general fund to the commissioner of human services and \$355,000 to the supreme court administrator in fiscal year 2005 to fund implementation costs of the

Section	New Codification Section	Description	Derivation Section	Comments/Changes ¹
				Minnesota Child Support Act. Makes this section effective July 1, 2003.
76		Revisor's instruction		Instructs the revisor to make necessary cross-reference changes in statutes and rules.
77		Repealer		Repeals child support laws from chapter 518 that are recodified in, or omitted from, article 3.
78		Effective date		Unless otherwise specified, makes the Minnesota Child Support Act effective July 1, 2004.

Article 4: Child Support Enforcement

This article requires applicants for driver's licenses and noncommercial game and fish licenses to provide their social security numbers on license applications. Federal law requires states to collect social security numbers on driver's and recreational license applications for purposes of child support enforcement. The state's failure to enact these provisions may result in the state losing federal child support funding and a portion of the state's Temporary Assistance to Needy Families (TANF) block grant funding. The remaining sections in the article make various changes to current laws relating to child support enforcement.

- 1 1 **Classifications.** Amends § 13.69, subd. 1. Requires the department of public safety to provide social security numbers in driver's license and motor vehicle registration records to the department of natural resources for purposes of license application administration. Provides that the department may release a social security number only as provided under this section. Prohibits the department from selling or otherwise providing social security numbers for any other purpose.
- 1 2 **License applications; collection of social security numbers.** Adds § 97A.482. Requires an applicant for an individual noncommercial game and fish license to provide the applicant's social security number on the license application. Also requires that, if the applicant does not have a social security number, the applicant must certify that they do not have a social security number. Also provides that the social security numbers collected are private data and must be provided to the commissioner of human services for child support enforcement purposes, as required by federal law.
- 2 3 **Contents of application; other information.** Amends § 171.06, subd. 3. Requires that an application to the department of public safety for an identification card, instruction permit, provisional license, or driver's license include the applicant's social security number. Also requires that, if an applicant does not have a social security number, the applicant must certify that they do not have a social security number. Strikes language from current law making the provision of social security numbers on driver's license applications optional.
- 3 4 **Use of social security number.** Amends § 171.07, by adding subd. 14. Provides that an applicant's social security number must not be displayed on the driver's license or included on the magnetic strip or bar code used to store data on the license. Also provides that the social security number must not be used as a Minnesota driver's license or identification number.
- 4 5 **Release of information.** Amends § 518.171, subd. 7. Authorizes the public authority to obtain information about the dependent health or dental insurance coverage available to either party. Also authorizes the public authority to release to a party's insurance carrier or employer information necessary to verify availability of coverage or to establish, modify, or enforce medical support.

5 6 Notice to public authority; guidelines. Amends § 518.551, subd. 5. Modifies the definition of net income for purposes of calculating child support. Removes provision from current law requiring an obligor to be "currently" paying a support or maintenance order for it to be deducted from the obligor's total monthly income. Also provides that an obligor's payments or orders for support or maintenance debts or arrears are not deducted from the obligor's total monthly income.

This section also modifies provisions in current law regarding child care support. In cases where the court order provides for child care expenses and the public authority provides child support enforcement services, clarifies the procedures the public authority must use to collect child care expenses if child care expenses temporarily end or resume.

6 7 Occupational license suspension. Amends § 518.551, subd. 12. Streamlines the occupational license suspension process if an obligor fails to remain in compliance with a written payment agreement. If an obligor is out of compliance with a payment agreement, requires the public authority to give the obligor written notice that (1) it intends to seek a suspension of the obligor's occupational license; and (2) the obligor must request a hearing within 30 days to contest the suspension. (Under current law, a hearing is automatically scheduled.) If the obligor does not request a hearing and comply with a payment agreement, requires the public authority to direct the licensing board or licensing agency to suspend the obligor's occupational license. Also specifies the procedures the court or public authority must follow if the obligor requests a hearing to contest the suspension.

7 8 Driver's license suspension. Amends § 518.551, subd. 13. Streamlines the driver's license suspension process if an obligor fails to remain in compliance with a written payment agreement. If an obligor is out of compliance with a payment agreement, requires the public authority to give the obligor written notice that (1) it intends to seek a suspension of the obligor's driver's license; and (2) the obligor must request a hearing within 30 days to contest the suspension. (Under current law, a hearing is automatically scheduled.) If the obligor does not request a hearing and comply with a payment agreement, requires the public authority to direct the department of public safety to suspend the obligor's driver's license. Also specifies the procedures the court or public authority must follow if the obligor requests a hearing to contest the suspension.

8 9 Subsequent income withholding. Amends § 518.6111, subd. 7. Corrects cross-reference.

9 10 Contents. Amends § 518.68, subd. 2. Adds a provision to the section specifying the notices required in court orders or judgments and decrees for child support, maintenance, custody, or parenting time. Requires the notice to include a statement that the public authority may suspend or resume collection of child care expenses if certain conditions are met.

10 11 Child support judgment by operation of law. Amends § 548.091, subd. 1a. Upon motion, permits a court to order interest on a child support arrearage to stop accruing if certain circumstances exist. Also provides that, if the circumstances no longer exist, the court may, upon motion, order interest accrual to resume retroactively to the date the motion is served.

11 12 Public authority. Amends § 552.01, subd. 2. Makes a conforming change to the definition of public authority for purposes of the chapter regarding summary execution of support judgment debts.

12 13 Judgment debtor. Amends § 552.01, subd. 3. Makes a conforming change to the definition of judgment debtor.

13 14 Claim. Amends § 552.01, subd. 5. Makes a conforming change to the definition of claim.

- 14 15 Judgment.** Amends § 552.01, subd. 7. Makes a conforming change to the definition of judgment.
- 15 16 Appeal.** Amends § 552.04, subd. 15. Clarifies the jurisdiction in which a party to an execution proceeding may appeal an order or final judgment.
- 16 17 Commencement of summary execution.** Amends § 552.06, subd. 1. Makes a conforming change.
- 17 18 Responsibilities of the financial institution.** Amends § 552.06, subd. 2. Makes a conforming change.
- 18 19 Exemption and contest.** Amends § 552.06, subd. 5. Requires financial institutions located in this state to comply with levies executed under chapter 552 by the public authority in this state or the public authority of another jurisdiction. Also clarifies the jurisdictional requirements and governing rules and laws in a challenge to a levy initiated by public authority from another jurisdiction. Makes conforming changes.
- 19 20 Form.** Amends § 552.06, subd. 6. Makes a conforming change.
- 20 21 Attempt to obtain contempt order as prerequisite to prosecution.** Amends § 609.375, subd. 2b. To charge a person for nonsupport of a spouse or child, requires the state to convict the person for nonsupport or the public authority to attempt to obtain an order for contempt for failure to pay child support or maintenance at any time in the past 36 months.
- 21 22 Federal funds for visitation and access.** Amends Laws 1997, chapter 245, article 2, section 11. Requires the commissioner of human services to administer the federal funding for access and visitation programs. Strikes language from current law requiring the commissioner to transfer the funds to the state court administrator for the children pilot project and parent education program. Permits the commissioner to distribute the funds on a competitive basis and monitor, evaluate, and report on access and visitation programs.

Article 5: Miscellaneous

- 1 1 De facto custodian.** Amends § 257C.01, subd. 2. Clarifies the definition of de facto custodian. Provides that the six-month or one-year time period that a child must reside with an individual without a parent present and with a parent's lack of demonstrated consistent participation need not be a consecutive time period, for purposes of the definition of de facto custodian.
- 2 Marriage solemnization.** Amends the statute on ways that a marriage can be formalized in this state. Stricken language is moved to new subdivision 6.

Adds "Buddhist" to the list of religions according to which a marriage may be solemnized in this state.

Adds a new subdivision stating that a marriage may be solemnized among the Hmong people by the Mej Koob, according to Hmong culture.

Adds a new subdivision, which states that within a month after a marriage is solemnized, the marriage certificate must be delivered to the district court in the county where the marriage took place. Requires the court administrator to file and record the certificate. Sets a \$100 penalty for failing to do either of these. For Hmong marriages, the parties to the marriage are required to deliver the marriage certificate. Language relating to a marriage in the Society of

Friends is moved from subdivision 1.

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

The parent seeking to move has the burden of proof.

- 5 Modification of order.** Amends the statute on modification of custody orders and parenting plans. Adds a new factor that will justify a change in custody: that the custodial parent has relocated to another state after the court denied permission for such a move.
- 6 Pension plans.** Amends the statute dealing with treatment of pensions when dividing property in marriage dissolutions. Prohibits lump sum payments to a spouse from defined benefit pension plan assets. Current law prohibits all lump sum payments from pension assets (for example, from defined contribution plans).

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

- 7 Military service.** Makes an income change due to beginning or ending active military service grounds for child support modification. If the obligor is unable to appear at a hearing, proceedings can be stayed until active duty ends. Lets the matter proceed in the obligor's absence, if he or she so chooses. Requires an obligor to notify the support enforcement authority within 30 days after returning from military service, if the authority provides support enforcement services on the case.
- 8 Effective date. Section 7 is effective immediately.**