

HOUSE RESEARCH

Bill Summary

FILE NUMBER: H.F. 937

DATE: April 2, 2003

Version: First Engrossment

Authors: Smith and Boudreau

Subject: Child support enforcement

Analyst: Peg Hicks

This publication can be made available in alternative formats upon request. Please call 651-296-6753 (voice); or the Minnesota State Relay Service at 1-800-627-3529 (TTY) for assistance. Summaries are also available on our website at: www.house.mn/hrd.

Overview

Sections 1 to 3 of this bill require 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 bill make various changes to current laws relating to child support enforcement.

Section

- 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.
- 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.
- 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,

Section

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.

4 **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 **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 child 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 child 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 **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 must follow if the obligor requests a hearing to contest the suspension.

7 **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 must follow if the obligor requests a hearing to contest the suspension.

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

9 **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 **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

Section

- 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 **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 **Judgment debtor.** Amends § 552.01, subd. 3. Makes a conforming change to the definition of judgment debtor.
- 13 **Claim.** Amends § 552.01, subd. 5. Makes a conforming change to the definition of claim.
- 14 **Judgment.** Amends § 552.01, subd. 7. Makes a conforming change to the definition of judgment.
- 15 **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 **Commencement of summary execution.** Amends § 552.06, subd. 1. Makes a conforming change.
- 17 **Responsibilities of the financial institution.** Amends § 552.06, subd. 2. Makes a conforming change.
- 18 **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 **Form.** Amends § 552.06, subd. 6. Makes a conforming change.
- 20 **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.
- 21 **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.