

HOUSE RESEARCH

Bill Summary

FILE NUMBER: H.F. 512
Version: As introduced

DATE: February 4, 2015

Authors: Norton, Scott, and others

Subject: Child support obligations

Analyst: Lynn Aves

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

This bill amends statutes to modify the calculation of basic child support obligations.

Section

- 1** **Obligor.** Amends § 518A.26, subd. 14. Strikes the presumption that the individual who has primary physical custody is not the obligor.
- 2** **Computation of child support obligations.** Amends § 518A.34. Strikes the term “obligor” and substitutes “each parent” in the paragraphs establishing the method to determine the basic support obligation and the parenting expense adjustment.

Adds paragraph (f) defining “obligor” as the parent with the higher support obligation. Instructs the court to subtract the lower total support obligation from the obligor’s support obligation.

Adds paragraph (i) addressing the calculation of child support when there are two or more children and each parent has at least one child more than 50 percent of the time (split custody arrangement).
- 3** **General.** Amends § 518A.36, subd. 1. Clarifies, for purposes of calculating the parenting expense adjustment, that “overnights” refers to the number of overnights a child is court-ordered to spend with a parent, averaged over a two-year period.

Adds paragraph (c) related to child support modification proceedings. Provides that the presumption that “percentage of parenting time” means the percentage of time the child is

Section

scheduled to spend with a parent pursuant to a court order can be rebutted by showing the parties have adhered to a substantially different parenting time schedule.

- 4** **Calculation of parenting expense adjustment.** Amends § 518A.36, subd. 2. Changes the calculation for determining the parenting expense adjustment. (Currently, the law requires that a parenting expense adjustment is calculated for the obligor. No parenting expense adjustment has been allowed for the obligee.) Under the amendments to this section, a parenting expense adjustment is calculated for each parent based on the percentage of parenting time allowed to each parent.
- 5** **Repealer.** Repeals § 518A.36, subd. 3, (calculation of basic support when parenting time is presumed equal).