

HOUSE RESEARCH

Bill Summary

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Overview

This bill clarifies the 25% parenting time presumption; modifies the procedures and rights of parents to compensatory parenting time; allows post-judgment spousal maintenance modification in certain circumstances; and allows alternative effective dates in child support and spousal maintenance modifications in certain situations.

Section

- 1 **General.** Clarifies that the presumption that a parent is entitled to an award of 25% of the parenting time is a minimum presumption in determining child support.
- 2 **Remedies.** Provides that compensatory parenting time can be awarded when a substantial amount of court ordered time is unavailable unless it would not be in the child's best interest to award the compensatory time.

This section requires the court to award compensatory time when the denial of the time was repeated and intentional except where the denial was to protect the child's physical and emotional health. This applies to both court ordered parenting time and time that is ordered through a parenting time expeditor. This section allows for the court to access civil penalties, bonds, attorney fees, and costs.

The additional civil remedies in this section become mandatory on the second court finding that a party has repeatedly and intentionally withheld parenting time.

This section requires that the rights and remedies in this section are included in each court order for parenting time.

Section

- 3** **Private agreement.** Allows the parties to agree to post-judgment spousal maintenance modification or limit the ability to modify. This section allows the parties to modify spousal maintenance by agreement when the parties have previously limited the ability to modify.
- 4** **Providing income information.** Clarifies and expands the tax documents that can be provided in child support cases for the financial affidavit requirements. This section allows the court to order compensation and attorney's fees and costs when a party fails to provide the financial documents required.
- 5** **Modification.** Allows for an alternative effective date for maintenance and child support in motions for modification. Under current law the court can only go back as far as the date the motion for modification was served. This section allows an alternate start date for motions for modification if the parties enter into a binding agreement for an alternative effective date.