

HOUSE RESEARCH

Bill Summary

FILE NUMBER: H.F. 2889
Version: As introduced

DATE: March 16, 2016

Authors: Norton

Subject: Child support; parenting expense adjustment

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

In 2015, the legislature created the Child Support Work Group which was charged with reviewing the child support parenting expense adjustment and recommending changes to the parenting expense adjustment. The work group met during the interim, and with the assistance of an economist and review of parenting expense adjustments used in other states, a formula was developed to create a new parenting expense adjustment. This bill establishes that parenting expense adjustment, amends various statutes to reflect changes to the adjustment, and makes technical changes to conform to the proposed parenting expense adjustment.

Section

- 1** **Modification of parenting plan or order for parenting time.** Amends § 518.175, subd. 5. Makes structural changes to the subdivision. Instructs the court to modify an existing parenting plan or court order, if the plan or order cannot be used to determine the number of overnights or overnight equivalents the child has with each parent, so that the number of overnights or overnight equivalents the child has with each parent can be determined.
- 2** **Obligor.** Amends Minnesota Statutes 2015 Supplement, § 518A.26, subd. 14. To the definition of obligor, new language is added to provide that if a parent has more than 55 percent parenting time, there is a rebuttable presumption that the parent will have a zero dollar basic support obligation. Lists the types of evidence that can be produced to overcome the presumption. Adds that a zero support obligation does not relieve a party from paying arrears.

Section

- 3 Computation of child support obligations.** Amends § 518A.34. Makes technical changes to conform with the changes made to the parenting expense adjustment formula in § 518A.36. Adds a new paragraph to establish the method of determining child support obligations when parents have split custody of joint children.
- 4 Parenting expense adjustment.** Amends § 518A.39.
- Subd. 1. General.** Adds that parenting time means the percentage of time a child spends with a parent during a calendar year according to a court order and averaged over a two year period.
- Subd. 2. Calculation of parenting expense adjustment.** Establishes a new formula for determining the parenting expense adjustment.
- Subd. 3. Calculation of basic support when parenting time is equal.** Strikes language made obsolete by the new parenting expense adjustment.
- 5 Modification.** Amends Minnesota Statutes 2015 Supplement, § 518A.39, subd. 2. Adds that if child support was established by applying a parenting expense adjustment under previously existing child support guidelines and there is no parenting plan or order from which overnights or overnight equivalents can be determined, then there is a rebuttable presumption that the established child support obligation will continue after modification unless the modification is based on a change in parenting time.
- Makes a technical change to reference the amended child support guidelines.
- 6 Effective date.** Provides an August 1, 2017, effective date.