

H.F. 3563

Delete everything amendment (H3563DE7)

Subject Child support
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Date April 28, 2020

Overview

This bill, as amended, modifies various provisions related to child support guidelines, deductions, and calculations, with many changes arising from the recommendations of the Child Support Task Force. The amended bill also modifies requirements related to child care support obligations.

Summary

Section	Description
1	<p>Calculation of gross income.</p> <p>Amends § 518A.29. Removes paragraph deducting court-ordered child support or spousal maintenance payments from other periodic payments received by a party for purposes of determining gross income.</p>
2	<p>Deduction from income for nonjoint children.</p> <p>Amends § 518A.33. Specifies that court-ordered child support or spousal maintenance payments are to be deducted from the payor's gross income.</p> <p>Additionally requires a deduction to be calculated when a parent is legally responsible for a nonjoint child and that parent is not obligated to pay court-ordered basic child support for the nonjoint child to the other parent or legal guardian. Specifies that this deduction is calculated using the basic support guideline table and the gross income of the parent for whom the deduction is being calculated, minus other deductions and up to six eligible nonjoint children. Specifies that the deduction for nonjoint children is 75 percent of the guideline amount, rather than 50 percent.</p>
3	<p>Determination of support obligation.</p> <p>Amends § 518A.35, subd. 1. Specifies the support obligation determination for when a support order is sought in an action involving only one parent. Increases maximum combined parental income for the presumed basic child support obligations from \$15,000 to \$20,000.</p>

Section	Description
4	<p>Basic support; guideline.</p> <p>Amends § 518A.35, subd. 2. Updates the basic support guideline table amounts and makes low-income adjustments. Paragraph (b) requires the Department of Human Services to revise the table based on cost of living changes, in accordance with the federal quadrennial review schedule. Makes this section effective August 31, 2021.</p>
5	<p>Child care support obligation.</p> <p>Amends § 518A.40 by adding subd. 1a. Paragraph (a) requires the obligee to give the child care provider the name and address of the obligor, and to give the obligor the contact information of the child care provider. It also requires the obligee to provide the obligor with a document from the child care provider itemizing child care expenses for the previous year, by February 1 of each year; allows the obligor to request the document from the provider if the obligee fails to provide the document.</p> <p>Paragraph (b) requires the obligee to notify the obligor and the public authority when the obligee is no longer incurring child care expenses.</p>
6	<p>Change in child care.</p> <p>Amends § 518A.40, subd. 4. Paragraph (a) requires the court to decrease the child care support obligation as of the date child care expenses ended.</p> <p>Paragraph (b) allows Title IV-D cases to use the expedited child support hearing process to remove the child care support amount; allows parties to contact the public authority about filing a stipulation.</p>
7	<p>Ability to pay; self-support adjustment.</p> <p>Amends § 518A.42.</p> <p>Subd. 1. Ability to pay. Modifies the calculation of the obligor’s income available for support by subtracting the self-support reserve from parental income for determining support (PICS) instead of gross income.</p> <p>Subd. 2. Minimum basic support amount. Modifies provisions related to minimum basic support amounts for certain numbers of children; increases maximum to six or more children. Removes provision specifying that the minimum amounts do not apply if an obligor receives no income and completely lacks the ability to earn an income.</p> <p>Subd. 3. Exception. Adds paragraph (b) with language removed from subdivision above. Adds paragraph (c), specifying that the minimum basic support amount does not apply if the obligor’s basic support amount is reduced below the minimum due to the parent expense adjustment.</p>

Section	Description
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8	Increase in income of custodial parent.
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Amends § 518A.43 by adding subd. 1b. Allows the court to deviate from the presumptive child support obligation in a modification when:

- 1) the basic support increases;
- 2) the parties' combined gross income is \$6,000 or less;
- 3) the obligor's income is \$2,000 or less; and
- 4) the only change in circumstances is an increase in the custodial parent's income.



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