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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 980

02/10/2021

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Authored by Becker-Finn and Scott

The bill was read for the first time and referred to the Committee on Judiciary Finance and Civil Law

1.1 A bill for an act

relating to child support; modifying child support and arrears provisions; amending
Minnesota Statutes 2020, sections 518A.29; 518A.33; 518A.35, subdivisions 1,
2; 518A.40, subdivision 4, by adding a subdivision; 518A.42; 518A.43, by adding
a subdivision; 518A.685.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2020, section 518A.29, is amended to read:

518A.29 CALCULATION OF GROSS INCOME.

- (a) Subject to the exclusions and deductions in this section, gross income includes any form of periodic payment to an individual, including, but not limited to, salaries, wages, commissions, self-employment income under section 518A.30, workers' compensation, unemployment benefits, annuity payments, military and naval retirement, pension and disability payments, spousal maintenance received under a previous order or the current proceeding, Social Security or veterans benefits provided for a joint child under section 518A.31, and potential income under section 518A.32. Salaries, wages, commissions, or other compensation paid by third parties shall be based upon gross income before participation in an employer-sponsored benefit plan that allows an employee to pay for a benefit or expense using pretax dollars, such as flexible spending plans and health savings accounts. No deductions shall be allowed for contributions to pensions, 401-K, IRA, or other retirement benefits.
- (b) Gross income does not include compensation received by a party for employment in excess of a 40-hour work week, provided that:

Section 1.

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(1) child support is ordered in an amount at least equal to the guideline amount based on gross income not excluded under this clause; and(2) the party demonstrates, and the court finds, that:

- (i) the excess employment began after the filing of the petition for dissolution or legal
- separation or a petition related to custody, parenting time, or support;

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- (ii) the excess employment reflects an increase in the work schedule or hours worked over that of the two years immediately preceding the filing of the petition;
- (iii) the excess employment is voluntary and not a condition of employment;
- 2.9 (iv) the excess employment is in the nature of additional, part-time or overtime 2.10 employment compensable by the hour or fraction of an hour; and
 - (v) the party's compensation structure has not been changed for the purpose of affecting a support or maintenance obligation.
 - (c) Expense reimbursements or in-kind payments received by a parent in the course of employment, self-employment, or operation of a business shall be counted as income if they reduce personal living expenses.
 - (d) Gross income may be calculated on either an annual or monthly basis. Weekly income shall be translated to monthly income by multiplying the weekly income by 4.33.
 - (e) Gross income does not include a child support payment received by a party. It is a rebuttable presumption that adoption assistance payments, Northstar kinship assistance payments, and foster care subsidies are not gross income.
- 2.21 (f) Gross income does not include the income of the obligor's spouse and the obligee's spouse.
- 2.23 (g) Child support or spousal maintenance payments ordered by a court for a nonjoint
 2.24 child or former spouse or ordered payable to the other party as part of the current proceeding
 2.25 are deducted from other periodic payments received by a party for purposes of determining
 2.26 gross income.
- 2.27 (h) (g) Gross income does not include public assistance benefits received under section
 2.28 256.741 or other forms of public assistance based on need.

Section 1. 2

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Sec. 2. Minnesota Statutes 2020, section 518A.33, is amended to read:

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518A.33 DEDUCTION FROM INCOME FOR NONJOINT CHILDREN.

- (a) When either or both parents are legally responsible for a nonjoint child, a deduction for this obligation shall be calculated under this section if:
 - (1) the nonjoint child primarily resides in the parent's household; and
- (2) the parent is not obligated to pay basic child support for the nonjoint child to the other parent or a legal custodian of the child under an existing child support order.
- (b) The court shall use the guidelines under section 518A.35 to determine the basic child support obligation for the nonjoint child or children by using the gross income of the parent for whom the deduction is being calculated and the number of nonjoint children primarily residing in the parent's household. If the number of nonjoint children to be used for the determination is greater than two, the determination must be made using the number two instead of the greater number. Court-ordered child support or spousal maintenance payments for a nonjoint child or former spouse, or payments ordered to the other party as part of a current proceeding, shall be deducted from the payor's gross income.
- (c) The deduction for nonjoint children is 50 percent of the guideline amount determined under paragraph (b). When a parent is legally responsible for a nonjoint child and the parent is not obligated to pay basic child support for the nonjoint child to the other parent or a legal custodian under an existing child support order, a deduction shall be calculated. The court shall use the basic support guideline table under section 518A.35 to determine this deduction by using the gross income of the parent for whom the deduction is being calculated, minus any deduction under paragraph (b) and the number of eligible nonjoint children, up to six children. The deduction for nonjoint children is 75 percent of the guideline amount determined under this paragraph.
 - Sec. 3. Minnesota Statutes 2020, section 518A.35, subdivision 1, is amended to read:
- 3.26 Subdivision 1. **Determination of support obligation.** (a) The guideline in this section is a rebuttable presumption and shall be used in any judicial or administrative proceeding to establish or modify a support obligation under this chapter.
 - (b) The basic child support obligation shall be determined by referencing the guideline for the appropriate number of joint children and the combined parental income for determining child support of the parents.

Sec. 3. 3

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(c) If a child is not in the custody of either parent and a support order is sought against one or both parents, the basic child support obligation shall be determined by referencing the guideline for the appropriate number of joint children, and the parent's individual parental income for determining child support, not the combined parental incomes for determining child support of the parents. Unless a parent has court-ordered parenting time, the parenting expense adjustment formula under section 518A.34 must not be applied.

(d) If a child is in the custody of either parent and a support order is sought by the public authority in an action involving only one parent under section 256.87, unless the parent against whom the support order is sought has court-ordered parenting time, the support obligation must be determined by referencing the guideline for the appropriate number of joint children and the parent's individual income without application of the parenting expense adjustment formula under section 518A.34.

(e) For combined parental incomes for determining child support exceeding \$15,000 \$20,000 per month, the presumed basic child support obligations shall be as for parents with combined parental income for determining child support of \$15,000 \$20,000 per month. A basic child support obligation in excess of this level may be demonstrated for those reasons set forth in section 518A.43.

Sec. 4. Minnesota Statutes 2020, section 518A.35, subdivision 2, is amended to read:

Subd. 2. **Basic support; guideline.** Unless otherwise agreed to by the parents and approved by the court, when establishing basic support, the court must order that basic support be divided between the parents based on their proportionate share of the parents' combined monthly parental income for determining child support (PICS). Basic support must be computed using the following guideline:

4.24	Combined Parental	Number of Children					
4.25 4.26 4.27	Income for Determining Child Support	One	Two	Three	Four	Five	Six
4.28 4.29	\$0- \$799 <u>\$1,299</u>	\$50	\$50 \$60	\$75 \$70	\$75 \$80	\$100 \$90	\$100
4.30	800-899	80	129	149	173	201	233
4.31	900- 999	90	145	167	194	226	262
4.32	1,000-1,099	116	161	186	216	251	291
4.33	1,100-1,199	145	205	237	275	320	370
4.34	1,200-1,299	177	254	294	341	396	459
4.35 4.36	1,300- 1,399	212 60	309 70	356 80	414 90	480 100	557 <u>110</u>

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5.1	1,400- 1,499	251	368	4 25	4 93	573	664
5.2		70	80	90	110	120	130
5.3	1,500- 1,599	292	4 33	500	580	673	780
5.4		80	90	<u>110</u>	130	140	150
5.5	1,600- 1,699	337	502	580	673	781	905
5.6		90	<u>110</u>	130	150	160	170
5.7	1,700- 1,799	385	577	666	773	897	1,040
5.8		110	130	155	175	185	195
5.9	1,800- 1,899	436	657	758	880	1,021	1,183
5.10		130	150	180	200	210	220
5.11	1,900- 1,999	490	742	856	994	1,152	1,336
5.12		150	175	205	235	245	255
5.13	2,000- 2,099	516	832	960	1,114	1,292	1,498
5.14		170	200	235	270	285	295
5.15	2,100- 2,199	528	851	981	1,139	1,320	1,531
5.16		190	225	265	305	325	335
5.17	2,200- 2,299	538	867	1,000	1,160	1,346	1,561
5.18		215	255	300	345	367	379
5.19	2,300- 2,399	546	881	1,016	1,179	1,367	1,586
5.20		240	285	335	385	409	423
5.21	2,400- 2,499	554	893	1,029	1,195	1,385	1,608
5.22		265	315	370	425	451	467
5.23	2,500- 2,599	560	903	1,040	1,208	1,400	1,625
5.24		290	350	408	465	493	511
5.25	2,600- 2,699	570	920	1,060	1,230	1,426	1,655
5.26		315	385	446	505	535	555
5.27	2,700- 2,799	580	936	1,078	1,251	1,450	1,683
5.28		340	420	484	545	577	599
5.29	2,800- 2,899	589	950	1,094	1,270	1,472	1,707
5.30		365	455	522	585	619	643
5.31	2,900- 2,999	596	963	1,109	1,287	1,492	1,730
5.32		390	490	560	625	661	687
5.33	3,000- 3,099	603	975	1,122	1,302	1,509	1,749
5.34		415	525	598	665	703	731
5.35	3,100-3,199	613	991	1,141	1,324	1,535	1,779
5.36		440	560	636	705	745	775
5.37	3,200- 3,299	623	1,007	1,158	1,344	1,558	1,807
5.38		465	595	674	745	787	819
5.39	3,300- 3,399	636	1,021	1,175	1,363	1,581	1,833
5.40		485	630	712	785	829	863
5.41	3,400- 3,499	650	1,034	1,190	1,380	1,601	1,857
5.42		505	665	750	825	<u>871</u>	907
5.43	3,500- 3,599	664	1,047	1,204	1,397	1,621	1,880
5.44		525	695	784	861	<u>910</u>	948
5.45	3,600- 3,699	677	1,062	1,223	1,418	1,646	1,909
5.46		545	725	818	897	949	989

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6.1	3,700- 3,799	691	1,077	1,240	1,439	1,670	1,937
6.2		<u>565</u>	755	852	933	988	1,030
6.3	3,800- 3,899	705	1,081	1,257	1,459	1,693	1,963
6.4		585	785	886	969	1,027	1,071
6.5	3,900- 3,999	719	1,104	1,273	1,478	1,715	1,988
6.6		605	815	920	1,005	1,065	1,111
6.7	4,000- 4,099	732	1,116	1,288	1,496	1,736	2,012
6.8		<u>625</u>	845	954	1,041	1,103	1,151
6.9	4,100- 4,199	746	1,132	1,305	1,516	1,759	2,039
6.10		645	875	988	1,077	1,142	<u>1,191</u>
6.11	4,200- 4,299	760	1,147	1,322	1,536	1,781	2,064
6.12		665	905	1,022	1,113	1,180	1,230
6.13	4,300- 4,399	774	1,161	1,338	1,554	1,802	2,088
6.14		685	935	1,056	1,149	1,218	1,269
6.15	4,400- 4,499	787	1,175	1,353	1,572	1,822	2,111
6.16		705	965	1,090	1,185	1,256	1,308
6.17	4,500- 4,599	801	1,184	1,368	1,589	1,841	2,133
6.18		724	993	1,122	<u>1,219</u>	1,292	1,345
6.19	4,600- 4,699	808	1,200	1,386	1,608	1,864	2,160
6.20		743	1,021	1,154	1,253	1,328	1,382
6.21	4,700- 4,799	814	1,215	1,402	1,627	1,887	2,186
6.22		762	1,049	1,186	1,287	1,364	1,419
6.23	4,800- 4,899	820	1,231	1,419	1,645	1,908	2,212
6.24		781	1,077	1,218	1,321	1,400	1,456
6.25	4,900- 4,999	825	1,246	1,435	1,663	1,930	2,236
6.26		800	1,105	1,250	1,354	1,435	1,493
6.27	5,000- 5,099	831	1,260	1,450	1,680	1,950	2,260
6.28		818	1,132	1,281	1,387	1,470	1,529
6.29	5,100- 5,199	837	1,275	1,468	1,701	1,975	2,289
6.30		835	1,159	1,312	1,420	1,505	1,565
6.31	5,200- 5,299	843	1,290	1,485	1,722	1,999	2,317
6.32		852	1,186	1,343	1,453	1,540	1,601
6.33	5,300- 5,399	849	1,304	1,502	1,743	2,022	2,345
6.34		869	1,213	1,374	1,486	1,575	1,638
6.35	5,400- 5,499	854	1,318	1,518	1,763	2,046	2,372
6.36		886	1,240	1,405	1,519	1,610	1,674
6.37	5,500- 5,599	860	1,331	1,535	1,782	2,068	2,398
6.38		903	1,264	1,434	1,550	1,643	1,708
6.39	5,600- 5,699	866	1,346	1,551	1,801	2,090	2,424
6.40		920	1,288	1,463	1,581	1,676	1,743
6.41	5,700- 5,799	873	1,357	1,568	1,819	2,111	2,449
6.42		937	1,312	1,492	1,612	1,709	1,777
6.43	5,800- 5,899	881	1,376	1,583	1,837	2,132	2,473
6.44		954	1,336	1,521	1,643	1,742	1,811
6.45	5,900- 5,999	888	1,390	1,599	1,855	2,152	2,497
6.46		971	1,360	1,550	1,674	1,775	1,846

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7.1	6,000- 6,099	895	1,404	1,604	1,872	2,172	2,520
7.2		988	1,383	1,577	1,703	1,805	1,877
7.3	6,100-6,199	902	1,419	1,631	1,892	2,195	2,546
7.4		993	1,391	1,586	1,713	1,815	1,887
7.5	6,200- 6,299	909	1,433	1,645	1,912	2,217	2,572
7.6		999	1,399	1,594	1,722	1,825	1,898
7.7	6,300- 6,399	916	1,448	1,664	1,932	2,239	2,597
7.8		1,005	1,406	1,603	1,732	1,836	1,909
7.9	6,400- 6,499	923	1,462	1,682	1,951	2,260	2,621
7.10		1,010	1,414	1,612	1,741	1,846	1,920
7.11	6,500- 6,599	930	1,476	1,697	1,970	2,282	2,646
7.12		1,016	1,422	1,621	1,751	1,856	1,931
7.13	6,600- 6,699	936	1,490	1,713	1,989	2,305	2,673
7.14		1,021	1,430	1,630	1,761	1,866	1,941
7.15	6,700- 6,799	943	1,505	1,730	2,009	2,328	2,700
7.16		1,027	1,438	1,639	1,770	1,876	1,951
7.17	6,800- 6,899	950	1,519	1,746	2,028	2,350	2,727
7.18		1,032	1,445	1,648	1,780	1,887	1,962
7.19	6,900- 6,999	957	1,533	1,762	2,047	2,379	2,747
7.20		1,038	1,453	1,657	1,790	1,897	1,973
7.21	7,000- 7,099	963	1,547	1,778	2,065	2,394	2,753
7.22		1,044	1,462	1,666	1,800	1,908	1,984
7.23	7,100- 7,199	970	1,561	1,795	2,085	2,417	2,758
7.24		1,050	1,470	1,676	1,810	1,918	1,995
7.25	7,200- 7,299	974	1,574	1,812	2,104	2,439	2,764
7.26		1,056	1,479	1,686	1,821	1,930	2,007
7.27	7,300- 7,399	980	1,587	1,828	2,123	2,462	2,769
7.28		1,063	1,488	1,696	1,832	1,942	2,019
7.29	7,400- 7,499	989	1,600	1,844	2,142	2,483	2,775
7.30		1,069	1,496	1,706	1,843	1,953	2,032
7.31	7,500- 7,599	998	1,613	1,860	2,160	2,505	2,781
7.32		1,075	1,505	1,716	1,854	1,965	2,043
7.33	7,600- 7,699	1,006	1,628	1,877	2,180	2,528	2,803
7.34		1,081	1,514	1,725	1,863	1,975	2,054
7.35	7,700- 7,799	1,015	1,643	1,894	2,199	2,550	2,833
7.36		1,087	1,522	1,735	1,874	1,986	2,066
7.37	7,800- 7,899	1,023	1,658	1,911	2,218	2,572	2,864
7.38		1,093	1,531	1,745	1,885	1,998	2,078
7.39	7,900- 7,999	1,032	1,673	1,928	2,237	2,594	2,894
7.40		1,099	1,540	1,755	1,896	2,009	2,090
7.41	8,000- 8,099	1,040	1,688	1,944	2,256	2,616	2,925
7.42		1,106	1,548	1,765	1,907	2,021	2,102
7.43	8,100- 8,199	1,048	1,703	1,960	2,274	2,637	2,955
7.44		1,112	1,557	1,775	<u>1,917</u>	2,032	2,114
7.45	8,200- 8,299	1,056	1,717	1,976	2,293	2,658	2,985
7.46		1,118	1,566	1,785	1,928	2,044	2,126

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8.1	8,300 -8,399	1,064	1,731	1,992	2,311	2,679	3,016
8.2		1,124	1,574	1,795	1,939	2,055	2,137
8.3	8,400- 8,499	1,072	1,746	2,008	2,328	2,700	3,046
8.4		1,131	1,583	1,804	1,949	2,066	2,149
8.5	8,500- 8,599	1,080	1,760	2,023	2,346	2,720	3,077
8.6		1,137	1,592	1,814	1,960	2,078	2,161
8.7	8,600- 8,699	1,092	1,780	2,047	2,374	2,752	3,107
8.8		1,143	1,600	1,824	1,970	2,089	2,173
8.9	8,700- 8,799	1,105	1,801	2 ,071	2,401	2,784	3,138
8.10		1,149	1,609	1,834	<u>1,981</u>	2,100	2,185
8.11	8,800- 8,899	1,118	1,822	2,094	2,429	2,816	3,168
8.12		1,155	1,618	1,844	<u>1,992</u>	2,112	2,197
8.13	8,900- 8,999	1,130	1,842	2,118	2,456	2,848	3,199
8.14		1,162	1,626	1,854	2,003	2,124	2,209
8.15	9,000- 9,099	1,143	1,863	2,142	2,484	2,880	3,223
8.16		1,168	1,635	1,864	2,014	2,135	2,221
8.17	9,100- 9,199	1,156	1,884	2,166	2,512	2,912	3,243
8.18		1,174	1,644	1,874	2,024	2,146	2,232
8.19	9,200- 9,299	1,168	1,904	2,190	2,539	2,944	3,263
8.20		1,180	1,652	1,884	2,035	2,158	2,244
8.21	9,300- 9,399	1,181	1,925	2,213	2,567	2,976	3,284
8.22		1,186	1,661	1,893	2,045	2,168	2,255
8.23	9,400- 9,499	1,194	1,946	2,237	2,594	3,008	3,304
8.24		1,193	1,670	1,903	2,056	2,179	2,267
8.25	9,500- 9,599	1,207	1,967	2,261	2,622	3,031	3,324
8.26		1,199	1,678	1,913	2,066	2,190	2,278
8.27	9,600- 9,699	1,219	1,987	2,285	2,650	3,050	3,345
8.28		1,205	1,687	1,923	2,077	2,202	2,290
8.29	9,700- 9,799	1,232	2,008	2,309	2,677	3,069	3,365
8.30		1,211	1,696	1,933	2,088	2,214	2,302
8.31	9,800- 9,899	1,245	2,029	2,332	2,705	3,087	3,385
8.32		1,217	1,704	1,943	2,099	2,225	2,314
8.33	9,900- 9,999	1,257	2,049	2,356	2,732	3,106	3,406
8.34		1,224	1,713	1,953	2,110	2,237	2,326
8.35	10,000-10,099	1,270	2,070	2,380	2,760	3,125	3,426
8.36		1,230	1,722	1,963	2,121	2,248	2,338
8.37	10,100-10,199	1,283	2,091	2,404	2,788	3,144	3,446
8.38		1,236	1,730	1,973	2,131	2,259	2,350
8.39	10,200-10,299	1,295	2,111	2,428	2,815	3,162	3,467
8.40		1,242	1,739	1,983	2,142	2,270	2,361
8.41	10,300-10,399	1,308	2,132	2,451	2,843	3,181	3,487
8.42		1,248	1,748	1,992	2,152	2,281	2,373
8.43	10,400-10,499	1,321	2,153	2,475	2,870	3,200	3,507
8.44		1,254	1,756	2,002	2,163	2,292	2,384
8.45	10,500-10,599	1,334	2,174	2,499	2,898	3,218	3,528
8.46		1,261	1,765	<u>2,012</u>	2,173	2,304	2,396

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9.1 1,346 2,194 2,523 2,921 3,237 3,546 9.2 10,600-10,699 1,267 1,774 2,022 2,184 2,316 2,409 9.3 1,359 2,215 2,547 2,938 3,256 3,566 9.4 10,700-10,799 1,273 1,782 2,032 2,195 2,327 2,420 9.5 1,372 2,236 2,570 2,955 3,274 3,589 9.6 10,800-10,899 1,279 1,791 2,042 2,206 2,338 2,432 9.7 1,384 2,256 2,594 2,972 3,293 3,609 9.8 10,900-10,999 1,285 1,800 2,052 2,217 2,349 2,444 9.9 1,397 2,277 2,618 2,989 3,312 3,629 9.10 11,000-11,099 1,292 1,808 2,061 2,226 2,360 2,452 9.11 1,410 2,294 2,642 3,006 3,331 3,649 9.12 11,100-11,199 1,298
9.4 10,700-10,799 1,273 1,782 2,032 2,195 2,327 2,420 9.5 1,372 2,236 2,570 2,955 3,274 3,589 9.6 10,800-10,899 1,279 1,791 2,042 2,206 2,338 2,432 9.7 1,384 2,256 2,594 2,972 3,293 3,609 9.8 10,900-10,999 1,285 1,800 2,052 2,217 2,349 2,444 9.9 1,397 2,277 2,618 2,989 3,312 3,629 9.10 11,000-11,099 1,292 1,808 2,061 2,226 2,360 2,459 9.11 1,410 2,294 2,642 3,006 3,331 3,649
9.6 10,800-10,899 1,279 1,791 2,042 2,206 2,338 2,432 9.7 1,384 2,256 2,594 2,972 3,293 3,609 9.8 10,900-10,999 1,285 1,800 2,052 2,217 2,349 2,442 9.9 1,397 2,277 2,618 2,989 3,312 3,629 9.10 11,000-11,099 1,292 1,808 2,061 2,226 2,360 2,452 9.11 1,410 2,294 2,642 3,006 3,331 3,649
9.8 10,900-10,999 1,285 1,800 2,052 2,217 2,349 2,444 9.9 1,397 2,277 2,618 2,989 3,312 3,629 9.10 11,000-11,099 1,292 1,808 2,061 2,226 2,360 2,453 9.11 1,410 2,294 2,642 3,006 3,331 3,649
9.10 11,000-11,099 1,292 1,808 2,061 2,226 2,360 2,455 9.11 1,410 2,294 2,642 3,006 3,331 3,645
9.13 1,422 2,306 2,666 3,023 3,349 3,667 9.14 11,200-11,299 1,304 1,826 2,081 2,248 2,384 2,479
9.15 1,435 2,319 2,689 3,040 3,366 3,686 9.16 11,300-11,399 1,310 1,834 2,091 2,259 2,395 2,495
9.17 1,448 2,331 2,713 3,055 3,383 3,705 9.18 11,400-11,499 1,316 1,843 2,101 2,270 2,406 2,503
9.19 1,461 2,344 2,735 3,071 3,400 3,723 9.20 11,500-11,599 1,323 1,852 2,111 2,280 2,417 2,514
9.21 1,473 2,356 2,748 3,087 3,417 3,742 9.22 11,600-11,699 1,329 1,860 2,121 2,291 2,428 2,526
9.23 1,486 2,367 2,762 3,102 3,435 3,765 9.24 11,700-11,799 1,335 1,869 2,131 2,302 2,439 2,537
9.25 1,499 2,378 2,775 3,116 3,452 3,780 9.26 11,800-11,899 1,341 1,878 2,141 2,313 2,451 2,549
9.27 1,511 2,389 2,788 3,131 3,469 3,798 9.28 11,900-11,999 1,347 1,886 2,150 2,323 2,463 2,563
9.29 1,524 2,401 2,801 3,146 3,485 3,817 9.30 12,000-12,099 1,354 1,895 2,160 2,333 2,474 2,573
9.31 1,537 2,412 2,814 3,160 3,501 3,836 9.32 12,100-12,199 1,360 1,904 2,170 2,344 2,485 2,585
9.33 1,549 2,423 2,828 3,175 3,517 3,854 9.34 12,200-12,299 1,366 1,912 2,180 2,355 2,497 2,597
9.35 1,562 2,434 2,841 3,190 3,534 3,873 9.36 12,300-12,399 1,372 1,921 2,190 2,366 2,509 2,609
9.37 1,575 2,445 2,854 3,205 3,550 3,889 9.38 12,400-12,499 1,378 1,930 2,200 2,377 2,520 2,622
9.39 1,588 2,456 2,867 3,219 3,566 3,900 9.40 12,500-12,599 1,385 1,938 2,210 2,387 2,531 2,633
9.41 1,600 2,467 2,880 3,234 3,582 3,924 9.42 12,600-12,699 1,391 1,947 2,220 2,397 2,542 2,644
9.43 1,613 2,478 2,894 3,249 3,598 3,942 9.44 12,700-12,799 1,397 1,956 2,230 2,408 2,553 2,656
9.45 1,626 2,489 2,907 3,264 3,615 3,960 9.46 12,800-12,899 1,403 1,964 2,240 2,419 2,565 2,668

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10.1	12,900-12,999	1,638	2,500	2,920	3,278	3,631	3,977
10.2		1,409	1,973	2,250	2,430	2,576	2,680
10.3	13,000-13,099	1,651	2,512	2,933	3,293	3,647	3,995
10.4		1,416	1,982	2,259	2,440	2,587	2,691
10.5 10.6	13,100-13,199	1,664 1,422	2,523 1,990	2,946 2,269	3,308 2,451	3,663 2,599	4 ,012 2,703
10.7 10.8	13,200-13,299	1,676 1,428	2,534 1,999	2,960 2,279	3,322 2,462	3,679 2,610	4 ,030 2,715
10.9 10.10	13,300-13,399	1,689 1,434	$\frac{2,545}{2,008}$	2,973 2,289	3,337 2,473	3,696 2,622	4,048 2,727
10.11	13,400-13,499	1,702	2,556	2,986	3,352	3,712	4 ,065
10.12		1,440	2,016	2,299	2,484	2,633	2,739
10.13	13,500-13,599	1,715	2,567	2,999	3,367	3,728	4,083
10.14		1,446	2,025	2,309	2,494	2,644	2,751
10.15	13,600-13,699	1,727	2,578	3,012	3,381	3,744	4,100
10.16		1,453	2,034	2,318	2,504	2,655	2,762
10.17	13,700-13,799	1,740	2,589	3,026	3,396	3,760	4,118
10.18		1,459	2,042	2,328	2,515	2,666	2,773
10.19	13,800-13,899	1,753	2,600	3,039	3,411	3,777	4,136
10.20		1,465	2,051	2,338	2,526	2,677	2,784
10.21	13,900-13,999	1,765	2,611	3,052	3,425	3,793	4,153
10.22		1,471	2,060	2,348	2,537	2,688	2,795
10.23	14,000-14,099	1,778	2,623	3,065	3,440	3,809	4,171
10.24		1,477	2,068	2,358	2,547	2,699	2,807
10.25	14,100-14,199	1,791	2,634	3,078	3,455	3,825	4,189
10.26		1,484	2,077	2,368	2,558	2,711	2,819
10.27	14,200-14,299	1,803	2,645	3,092	3,470	3,841	4,206
10.28		1,490	2,086	2,378	2,569	2,722	2,831
10.29	14,300-14,399	1,816	2,656	3,105	3,484	3,858	4,224
10.30		1,496	2,094	2,388	2,580	2,734	2,843
10.31	14,400-14,499	1,829	2,667	3,118	3,499	3,874	4,239
10.32		1,502	2,103	2,398	2,590	2,746	2,855
10.33	14,500-14,599	1,842	2,678	3,131	3,514	3,889	4,253
10.34		1,508	2,111	2,407	2,600	2,757	2,867
10.35	14,600-14,699	1,854	2,689	3,144	3,529	3,902	4,268
10.36		1,515	2,120	2,417	2,611	2,768	2,879
10.37	14,700-14,799	1,864	2,700	3,158	3,541	3,916	4,282
10.38		1,521	2,129	2,427	2,622	2,780	2,891
10.39	14,800-14,899	1,872	2,711	3,170	3,553	3 ,929	4 ,297
10.40		1,527	2,138	2,437	2,633	2,792	2,903
10.41	14,900-14,999	1,879	2,722	3,181	3,565	3,942	4,311
10.42		1,533	2,146	2,447	2,643	2,802	2,914
10.43 10.44 10.45 10.46	15,000 , or the amount in effect under subd. 4 -15,099	1,883 1,539	2,727 2,155	3,186 2,457	3,571 2,654	3,949 2,813	4,319 2,926

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11.1	15,100-15,199	1,545	2,163	2,466	2,664	2,825	2,937
11.2	15,200-15,299	1,551	2,171	2,476	2,675	2,836	2,949
11.3	15,300-15,399	1,557	2,180	2,486	2,685	2,847	2,961
11.4	15,400-15,499	1,563	2,188	2,495	2,695	2,858	2,973
11.5	15,500-15,599	1,569	2,197	2,505	2,706	2,869	2,985
11.6	15,600-15,699	1,575	2,205	2,514	2,716	2,880	2,996
11.7	15,700-15,799	1,581	2,214	2,524	2,727	2,891	3,008
11.8	15,800-15,899	1,587	<u>2,222</u>	2,534	2,737	<u>2,902</u>	3,019
11.9	15,900-15,999	1,593	<u>2,230</u>	2,543	2,747	<u>2,913</u>	3,030
11.10	16,000-16,099	1,599	<u>2,239</u>	2,553	2,758	<u>2,924</u>	3,042
11.11	16,100-16,199	1,605	2,247	2,562	2,768	<u>2,935</u>	3,053
11.12	16,200-16,299	<u>1,611</u>	2,256	2,572	2,779	2,946	3,065
11.13	16,300-16,399	<u>1,617</u>	2,264	2,582	2,789	2,957	3,076
11.14	16,400-16,499	<u>1,623</u>	2,272	<u>2,591</u>	2,799	2,968	3,088
11.15	16,500-16,599	<u>1,629</u>	<u>2,281</u>	<u>2,601</u>	<u>2,810</u>	2,979	3,099
11.16	16,600-16,699	<u>1,635</u>	2,289	<u>2,610</u>	2,820	2,990	3,110
11.17	16,700-16,799	<u>1,641</u>	2,298	<u>2,620</u>	2,830	3,001	3,121
11.18	16,800-16,899	<u>1,647</u>	2,306	2,629	2,840	3,011	3,132
11.19	16,900-16,999	1,653	2,315	2,639	2,851	3,022	3,143
11.20	17,000-17,099	<u>1,659</u>	2,323	2,649	2,861	3,033	3,155
11.21	17,100-17,199	1,665	2,331	2,658	2,871	3,044	3,167
11.22	17,200-17,299	<u>1,671</u>	2,340	2,668	2,882	3,055	3,178
11.23	17,300-17,399	1,677	2,348	2,677	2,892	3,066	3,189
11.24	17,400-17,499	<u>1,683</u>	2,357	2,687	2,902	3,077	3,201
11.25	17,500-17,599	<u>1,689</u>	2,365	2,696	2,912	3,088	3,212
11.26	17,600-17,699	1,695	<u>2,373</u>	<u>2,705</u>	2,922	3,098	3,223
11.27	17,700-17,799	<u>1,701</u>	2,382	2,715	2,932	3,109	3,234
11.28	17,800-17,899	<u>1,707</u>	2,390	<u>2,724</u>	2,942	3,119	3,245
11.29	17,900-17,999	<u>1,713</u>	2,399	<u>2,734</u>	2,953	<u>3,130</u>	3,256
11.30	18,000-18,099	<u>1,719</u>	<u>2,407</u>	<u>2,744</u>	2,963	3,141	3,268
11.31	18,100-18,199	1,725	<u>2,415</u>	2,753	2,973	3,152	3,279
11.32	18,200-18,299	<u>1,731</u>	<u>2,424</u>	2,763	2,984	3,163	3,290
11.33	18,300-18,399	1,737	2,432	2,772	<u>2,994</u>	<u>3,174</u>	3,301
11.34	18,400-18,499	1,743	<u>2,441</u>	2,782	3,004	3,185	3,313
11.35	18,500-18,599	1,749	<u>2,449</u>	<u>2,791</u>	<u>3,014</u>	<u>3,196</u>	3,324
11.36	18,600-18,699	1,755	<u>2,457</u>	2,801	3,024	<u>3,206</u>	3,335
11.37	18,700-18,799	<u>1,761</u>	<u>2,466</u>	2,811	3,035	3,217	3,346
11.38	18,800-18,899	1,767	<u>2,474</u>	<u>2,820</u>	3,045	3,227	3,357

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12.1	18,900-18,999	1,773	<u>2,483</u>	2,830	3,056	3,238	3,368
12.2	19,000-19,099	1,779	2,491	2,840	3,066	3,249	3,380
12.3	19,100-19,199	1,785	2,499	2,849	3,076	3,260	3,392
12.4	19,200-19,299	1,791	2,508	2,859	3,087	3,271	3,403
12.5	19,300-19,399	1,797	2,516	2,868	3,097	3,282	3,414
12.6	19,400-19,499	1,803	2,525	2,878	3,107	3,293	3,426
12.7	19,500-19,599	1,809	2,533	2,887	3,117	3,304	3,437
12.8	19,600-19,699	1,815	2,541	2,896	3,127	3,315	3,448
12.9	19,700-19,799	1,821	2,550	2,906	3,138	3,326	3,459
12.10	19,800-19,899	1,827	2,558	2,915	3,148	3,337	3,470
12.11	19,900-19,999	1,833	2,567	2,925	3,159	3,348	3,481
12.12	20,000 and over or	1,839	2,575	2,935	3,170	3,359	3,492
12.13	the amount in						
12.14	effect under						
12.15	subdivision 4						
		orma ordii	·	ı. A	. 21 2022		

12.16 **EFFECTIVE DATE.** This section is effective August 31, 2022.

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- Sec. 5. Minnesota Statutes 2020, section 518A.40, is amended by adding a subdivision to read:
- Subd. 1a. Child care support obligation. (a) Unless there is a protective or restraining order issued by the court regarding one of the parties or on behalf of a joint child when child care support is ordered to be paid by the obligor:
 - (1) the obligee must give the child care provider the name and address of the obligor and must give the obligor the name, address, and telephone number of the child care provider; and
 - (2) by February 1 of each year, the obligee must provide the obligor with a document from the child care provider that itemizes the total child care expenses paid for the previous year. If there is a change in the child care provider, the type of child care provider, or the age group of the child, the obligee must give the obligor an updated document. If the obligee fails to provide the annual or updated document from the provider, the obligor may request the document from the provider.
 - (b) When the obligee is no longer incurring child care expenses, the obligee must notify the obligor, and the public authority if it provides child support services, that the child care expenses ended and on which date.

Sec. 5. 12

01/12/21 REVISOR BD/KM 21-01651

Sec. 6. Minnesota Statutes 2020, section 518A.40, subdivision 4, is amended to read:

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- Subd. 4. **Change in child care.** (a) When child care expenses end the court must decrease the child care support obligation as of the effective date the child care expenses ended.
- (b) Title IV-D cases may use the expedited child support hearing process to get the child care expenses removed from the child care support amount when child care expenses end.

 The parties may contact the public authority about filing a stipulation.
 - (a) (c) When a court order provides for child care expenses, and child care support is not assigned under section 256.741, the public authority, if the public authority provides child support enforcement services, may suspend collecting the amount allocated for child care expenses when either party informs the public authority that no child care eosts expenses are being incurred and:
 - (1) the public authority verifies the accuracy of the information with the obligee; or
 - (2) the obligee fails to respond within 30 days of the date of a written request from the public authority for information regarding child care costs. A written or oral response from the obligee that child care costs are being incurred is sufficient for the public authority to continue collecting child care expenses.
- The suspension is effective as of the first day of the month following the date that the public authority either verified the information with the obligee or the obligee failed to respond.
 - The public authority will resume collecting child care expenses when either party provides information that child care costs are incurred, or when a child care support assignment takes effect under section 256.741, subdivision 4. The resumption is effective as of the first day of the month after the date that the public authority received the information.
 - (b) (d) If the parties provide conflicting information to the public authority regarding whether child care expenses are being incurred, the public authority will continue or resume collecting child care expenses. Either party, by motion to the court, may challenge the suspension, continuation, or resumption of the collection of child care expenses under this subdivision. If the public authority suspends collection activities for the amount allocated for child care expenses, all other provisions of the court order remain in effect.
- (e) (e) In cases where there is a substantial increase or decrease in child care expenses, the parties may modify the order under section 518A.39.

Sec. 6. 13

01/12/21	REVISOR	BD/KM	21-01651

Sec. 7. Minnesota Statutes 2020, section 518A.42, is amended to read:

518A.42	2 ABII	JTY TO	PAY:	SELF-	-SUPPORT	` ADJUST	IMENT.
O I O I I I				~===			

Subdivision 1. **Ability to pay.** (a) It is a rebuttable presumption that a child support order should not exceed the obligor's ability to pay. To determine the amount of child support the obligor has the ability to pay, the court shall follow the procedure set out in this section.

- (b) The court shall calculate the obligor's income available for support by subtracting a monthly self-support reserve equal to 120 percent of the federal poverty guidelines for one person from the obligor's gross income parental income for determining child support (PICS). If the obligor's income available for support calculated under this paragraph is equal to or greater than the obligor's support obligation calculated under section 518A.34, the court shall order child support under section 518A.34.
- (c) If the obligor's income available for support calculated under paragraph (b) is more than the minimum support amount under subdivision 2, but less than the guideline amount under section 518A.34, then the court shall apply a reduction to the child support obligation in the following order, until the support order is equal to the obligor's income available for support:
- (1) medical support obligation;
- 14.18 (2) child care support obligation; and
- 14.19 (3) basic support obligation.

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- (d) If the obligor's income available for support calculated under paragraph (b) is equal to or less than the minimum support amount under subdivision 2 or if the obligor's gross income is less than 120 percent of the federal poverty guidelines for one person, the minimum support amount under subdivision 2 applies.
- Subd. 2. **Minimum basic support amount.** (a) If the basic support amount applies, the court must order the following amount as the minimum basic support obligation:
- (1) for one or two children child, the obligor's basic support obligation is \$50 per month;
- 14.27 (2) for two children, the obligor's basic support obligation is \$60 per month;
- 14.28 (3) for three or four children, the obligor's basic support obligation is \$75 \\$70 per month;

 14.29 and
- 14.30 (4) for four children, the obligor's basic support obligation is \$80 per month;

Sec. 7. 14

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15.1	(3) (5) for five or more children, the obligor's basic support obligation is $$100$ 90 per
15.2	month-: and
15.3	(6) for six or more children, the obligor's basic support obligation is \$100 per month.
15.4	(b) If the court orders the obligor to pay the minimum basic support amount under this
15.5	subdivision, the obligor is presumed unable to pay child care support and medical support.
15.6	If the court finds the obligor receives no income and completely lacks the ability to earn
15.7	income, the minimum basic support amount under this subdivision does not apply.
15.8	Subd. 3. Exception. (a) This section does not apply to an obligor who is incarcerated.
15.9	(b) If the court finds the obligor receives no income and completely lacks the ability to
15.10	earn income, the minimum basic support amount under this subdivision does not apply.
15.11	(c) If the obligor's basic support amount is reduced below the minimum basic support
15.12	amount due to the application of the parenting expense adjustment, the minimum basic
15.13	support amount under this subdivision does not apply and the lesser amount is the guideline
15.14	basic support.
15.15	Sec. 8. Minnesota Statutes 2020, section 518A.43, is amended by adding a subdivision to
15.16	read:
15.17	Subd. 1b. Increase in income of custodial parent. In a modification of support under
15.18	section 518A.39, the court may deviate from the presumptive child support obligation under
15.19	section 518A.34 when the only change in circumstances is an increase to the custodial
15.20	parent's income and:
15.21	(1) the basic support increases;
15.22	(2) the parties' combined gross income is \$6,000 or less; or
15.23	(3) the obligor's income is \$2,000 or less.
15.24	Sec. 9. Minnesota Statutes 2020, section 518A.685, is amended to read:
15.25	518A.685 CONSUMER REPORTING AGENCY; REPORTING ARREARS.
15.26	(a) If a public authority determines that an obligor has not paid the current monthly
15.27	support obligation plus any required arrearage payment for three months, the public authority
15.28	must may report this information to a consumer reporting agency.
15.29	(b) Before reporting that an obligor is in arrears for court-ordered child support, the
15.30	public authority must:

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16.1	(1) provide written notice to the obligor that the public authority intends to report the
16.2	arrears to a consumer reporting agency; and
16.3	(2) mail the written notice to the obligor's last known mailing address at least 30 days
16.4	before the public authority reports the arrears to a consumer reporting agency.
16.5	(c) The obligor may, within 21 days of receipt of the notice, do the following to prevent
16.6	the public authority from reporting the arrears to a consumer reporting agency:
16.7	(1) pay the arrears in full; or
16.8	(2) request an administrative review. An administrative review is limited to issues of
16.9	mistaken identity, a pending legal action involving the arrears, or an incorrect arrears
16.10	balance-; or
16.11	(3) enter into a written payment agreement pursuant to section 518A.69 that is approved
16.12	by a court, a child support magistrate, or the public authority responsible for child support
16.13	enforcement.
16.14	(d) A public authority that reports arrearage information under this section must make
16.15	monthly reports to a consumer reporting agency. The monthly report must be consistent
16.16	with credit reporting industry standards for child support.
16.17	(e) For purposes of this section, "consumer reporting agency" has the meaning given in

section 13C.001, subdivision 4, and United States Code, title 15, section 1681a(f).

16.19 **EFFECTIVE DATE.** This section is effective January 1, 2022.

16.18

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