

fund an interdisciplinary criminal justice system DWI task force, to be available until June 30, 1993. The task force shall evaluate DWI laws, enforcement procedures, and court practices and shall advise the legislature, the courts, law enforcement agencies, and prosecutors regarding improvement of DWI laws and their implementation and enforcement. \* (Section 9 was vetoed by the governor.)

Sec. 10. EFFECTIVE DATE.

Sections 2 to 5 and section 6, subdivision 9, are effective for violations that occur on or after August 1, 1991. Section 1 is effective July 1, 1991, and applies to crimes committed on or after that date.

Presented to the governor May 29, 1991

Signed by the governor June 1, 1991, 5:01 p.m.

CHAPTER 271—H.F.No. 321

*An act relating to marriage dissolution; requiring a summons to contain certain information; providing for court approval of certain items without a hearing; changing requirements for court orders in contested custody cases and providing for payment of investigation costs; limiting joint custody; creating a summary dissolution pilot project; appropriating money for marriage dissolution education and orientation; amending Minnesota Statutes 1990, sections 518.13, by adding a subdivision; 518.167, by adding a subdivision; 518.17, subdivision 2; 518B.01, subdivision 2; and Laws 1990, chapter 574, section 26; proposing coding for new law in Minnesota Statutes, chapter 518.*

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

Section 1. **[518.091] SUMMONS; TEMPORARY RESTRAINING PROVISIONS.**

(a) Every summons must include the notice in this paragraph.

NOTICE OF TEMPORARY RESTRAINING PROVISIONS

UNDER MINNESOTA LAW, SERVICE OF THIS SUMMONS MAKES THE FOLLOWING REQUIREMENTS APPLY TO BOTH PARTIES TO THIS ACTION, UNLESS THEY ARE MODIFIED BY THE COURT OR THE PROCEEDING IS DISMISSED:

(1) NEITHER PARTY MAY DISPOSE OF ANY ASSETS EXCEPT (i) FOR THE NECESSITIES OF LIFE OR FOR THE NECESSARY GENERATION OF INCOME OR PRESERVATION OF ASSETS, (ii) BY AN AGREEMENT IN WRITING, OR (iii) FOR RETAINING COUNSEL TO CARRY ON OR TO CONTEST THIS PROCEEDING;

New language is indicated by underline, deletions by ~~strikeout~~.

(2) NEITHER PARTY MAY HARASS THE OTHER PARTY; AND

(3) ALL CURRENTLY AVAILABLE INSURANCE COVERAGE MUST BE MAINTAINED AND CONTINUED WITHOUT CHANGE IN COVERAGE OR BENEFICIARY DESIGNATION.

IF YOU VIOLATE ANY OF THESE PROVISIONS, YOU WILL BE SUBJECT TO SANCTIONS BY THE COURT.

(b) Upon service of the summons, the restraining provisions contained in the notice apply by operation of law upon both parties until modified by further order of the court or dismissal of the proceeding, unless more than one year has passed since the last document was filed with the court.

Sec. 2. Minnesota Statutes 1990, section 518.13, is amended by adding a subdivision to read:

Subd. 5. APPROVAL WITHOUT HEARING. Proposed findings of fact, conclusions of law, order for judgment, and judgment and decree must be submitted to the court for approval and filing without a final hearing in the following situations:

(1) if there are no minor children of the marriage, and (i) the parties have entered into a written stipulation, or (ii) the respondent has not appeared after service duly made and proved by affidavit and at least 20 days have elapsed since the time for answering under section 518.12 expired; or

(2) if there are minor children of the marriage, the parties have signed and acknowledged a stipulation, and all parties are represented by counsel.

Notwithstanding clause (1) or (2), the court shall schedule the matter for hearing in any case where the proposed judgment and decree does not appear to be in the best interests of the minor children or is contrary to the interests of justice.

Sec. 3. Minnesota Statutes 1990, section 518.167, is amended by adding a subdivision to read:

Subd. 5. COSTS. The court shall order all or part of the cost of the investigation and report to be paid by either or both parties, based on their ability to pay. Any part of the cost that the court finds the parties are incapable of paying must be borne by the county welfare agency or department of court services that performs the investigation. The court may not order costs under this subdivision to be paid by a party receiving public assistance or legal assistance from a qualified legal services program or by a party whose annual income falls below the poverty line under United States Code, title 42, section 9902(2).

Sec. 4. Minnesota Statutes 1990, section 518.17, subdivision 2, is amended to read:

New language is indicated by underline, deletions by ~~strikeout~~.

Subd. 2. **FACTORS WHEN JOINT CUSTODY IS SOUGHT.** In addition to the factors listed in subdivision 1, where either joint legal or joint physical custody is contemplated or sought, the court shall consider the following relevant factors:

- (a) The ability of parents to cooperate in the rearing of their children;
- (b) Methods for resolving disputes regarding any major decision concerning the life of the child, and the parents' willingness to use those methods;
- (c) Whether it would be detrimental to the child if one parent were to have sole authority over the child's upbringing; and
- (d) Whether domestic abuse, as defined in section 518B.01, has occurred between the parents.

The court shall use a rebuttable presumption that upon request of either or both parties, joint legal custody is in the best interests of the child. However, the court shall use a rebuttable presumption that joint legal or physical custody is not in the best interests of the child if domestic abuse, as defined in section 518B.01, has occurred between the parents.

If the court awards joint legal or physical custody over the objection of a party, the court shall make detailed findings on each of the factors in this subdivision and explain how the factors led to its determination that joint custody would be in the best interests of the child.

**Sec. 5. [518.195] PILOT PROJECT.**

Subdivision 1. CRITERIA. In the counties selected under subdivision 4, a couple desirous of dissolving their marriage may use the streamlined procedure in this section if:

(1) no living minor children have been born to or adopted by the parties before or during the marriage, unless someone other than the husband has been adjudicated the father;

(2) the wife is not pregnant;

(3) they have been married fewer than five years as of the date they file their joint declaration;

(4) neither party owns any real estate;

(5) there are no unpaid debts in excess of \$5,000 incurred by either or both of the parties during the marriage, excluding encumbrances on automobiles;

(6) the total fair market value of the marital assets does not exceed \$25,000, including net equity on automobiles;

(7) neither party has nonmarital assets in excess of \$25,000; and

New language is indicated by underline, deletions by ~~strikeout~~.

(8) neither party has been a victim of domestic abuse by the other.

Subd. 2. PROCEDURE. A couple qualifying under all of the criteria in subdivision 1, may obtain a judgment and decree by:

(1) filing a sworn joint declaration, on which both of their signatures must be notarized, containing or appending the following information:

(i) the demographic data required in section 518.10;

(ii) verifying the qualifications set forth in subdivision 1;

(iii) listing each party's nonmarital property;

(iv) setting forth how the marital assets and debts will be apportioned;

(v) verifying both parties' income and preserving their rights to spousal maintenance; and

(vi) certifying that there has been no domestic abuse of one party by the other; and

(2) viewing any introductory and summary process educational videotapes, if then available from the court, and certifying that they watched any such tapes within the 30 days preceding the filing of the joint declaration.

The district court administrator shall enter a decree of dissolution 30 days after the filing of the joint declaration if the parties meet the statutory qualifications and have complied with the procedural requirements of this subdivision.

Subd. 3. FORMS. The state court administrator shall develop simplified forms and instructions for the summary process within 120 days of the effective date of this section. District court administrators shall make the forms for the summary process available upon request and shall accept joint declarations for filing 180 days after the effective date of this section.

Subd. 4. PILOT PROGRAM. The state court administrator shall designate no more than five counties in at least three different judicial districts as pilot jurisdictions for testing the streamlined process. District court administrators shall make the forms for the summary process available upon request to appropriate residents of the pilot jurisdictions.

#### Sec. 6. EVALUATION.

The state court administrator shall evaluate the summary dissolution process under section 5 and shall make an interim report of its findings to the legislature no later than October 1, 1993, with a final report no later than October 1, 1995. The evaluation must be done in cooperation with an evaluation advisory committee appointed by the state court administrator and including battered women's advocates, lawyers representing low-income people in family law matters, other lawyers practicing family law, and consumer representatives. Evaluation of the summary process must include an inquiry into:

New language is indicated by underline, deletions by ~~strikeout~~.

(1) who uses the process and the extent to which use of the summary process is the result of free choice, rather than economic necessity or other forms of coercion;

(2) the impact of the summary process on low-income people; and

(3) how agreements entered into in the summary process compare to final orders in similar cases handled through the regular process.

Sec. 7. Minnesota Statutes 1990, section 518B.01, subdivision 2, is amended to read:

Subd. 2. **DEFINITIONS.** As used in this section, the following terms shall have the meanings given them:

(a) "Domestic abuse" means: (i) physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, between family or household members; or (ii) criminal sexual conduct, within the meaning of section 609.342, 609.343, 609.344, or 609.345, committed against a minor family or household member by an adult family or household member.

(b) "Family or household members" means spouses, former spouses, parents and children, persons related by blood, and persons who are presently residing together or who have resided together in the past, and persons who have a child in common regardless of whether they have been married or have lived together at any time. "Family or household member" also includes a man and woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time. Issuance of an order for protection on this ground does not affect a determination of paternity under sections 257.51 to 257.74.

Sec. 8. Laws 1990, chapter 574, section 26, is amended to read:

Sec. 26. **EFFECTIVE DATE.**

Section 20 is effective August 1, 1990, and applies to actions commenced on or after that date. The provisions of section 22, paragraph (c), allowing retroactive modification of support or maintenance payments in certain cases, are effective July 1, 1991; ~~provided that these provisions do not take effect if a change in or waiver of the existing AFDC requirements is not obtained under section 24.~~

Sec. 9. **REPEALER.**

Section 5 is repealed effective July 1, 1996, for cases filed on or after that date.

Sec. 10. **APPROPRIATION.**

\$30,000 is appropriated from the general fund to the supreme court to be used to develop a mandatory marriage dissolution orientation and education program. This appropriation is available until June 30, 1992.

New language is indicated by underline, deletions by ~~strikeout~~.

Presented to the governor May 29, 1991

Signed by the governor June 1, 1991, 3:40 p.m.

---

**CHAPTER 272—H.F.No. 695**

*An act relating to domestic violence; battered women; modifying provisions dealing with orders for protection and domestic assaults; clarifying and expanding the role of the battered women's advisory council; updating and correcting certain statutory provisions; creating a sexual assault advisory council and a general crime victims advisory council; clarifying the commissioner of human services' authority to adopt rules governing general assistance payments on behalf of persons receiving services from battered women's shelters; imposing penalties; amending Minnesota Statutes 1990, sections 256D.04; 518B.01, subdivisions 4, 6, and 14, and by adding a subdivision; 609.135, subdivision 2; 611A.31, subdivision 2; 611A.32, subdivisions 1 and 2; 611A.33; 611A.34; 611A.35; 611A.36, subdivision 1; and 629.72, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 611A; repealing Minnesota Statutes 1990, section 611A.32, subdivision 4.*

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

Section 1. Minnesota Statutes 1990, section 256D.04, is amended to read:

**256D.04 DUTIES OF THE COMMISSIONER.**

In addition to any other duties imposed by law, the commissioner shall:

(1) Supervise according to section 256.01 the administration of general assistance and general assistance medical care by county agencies as provided in sections 256D.01 to 256D.21;

(2) Promulgate uniform rules consistent with law for carrying out and enforcing the provisions of sections 256D.01 to 256D.21, including section 256D.05, subdivision 3, and section 256.01, subdivision 2, paragraph (16), to the end that general assistance may be administered as uniformly as possible throughout the state; rules shall be furnished immediately to all county agencies and other interested persons; in promulgating rules, the provisions of sections 14.001 to 14.69, shall apply;

(3) Allocate money appropriated for general assistance and general assistance medical care to county agencies as provided in section 256D.03, subdivisions 2 and 3;

(4) Accept and supervise the disbursement of any funds that may be provided by the federal government or from other sources for use in this state for general assistance and general assistance medical care;

(5) Cooperate with other agencies including any agency of the United States

New language is indicated by underline, deletions by ~~strikeout~~.