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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FOURTH SESSION

H. F. No. 2456

03/17/2025

03/27/2025

04/02/2025

04/07/2025

Authorred by Scott and Curran

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

By motion, recalled and re-referred to the Committee on Children and Families Finance and Policy

Adoption of Report: Amended and re-referred to the Committee on Judiciary Finance and Civil Law

Adoption of Report: Re-referred to the Committee on Children and Families Finance and Policy

1.1

A bill for an act

1.2

relating to child support; removing cost-of-living adjustments in maintenance or

1.3

child support orders; making conforming changes; amending Minnesota Statutes

1.4

2024, sections 518.68, subdivision 2; 518A.34; 518A.75, subdivision 1.

1.5

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

1.6

Section 1. Minnesota Statutes 2024, section 518.68, subdivision 2, is amended to read:

1.7

Subd. 2. **Contents.** (a) This subdivision expires January 1, 2027. For orders issued prior

1.8

to January 1, 2027, the required notices must be substantially as follows:

1.9

IMPORTANT NOTICE

1.10

1. PAYMENTS TO PUBLIC AGENCY

1.11

According to Minnesota Statutes, section 518A.50, payments ordered for maintenance

1.12

and support must be paid to the public agency responsible for child support enforcement

1.13

as long as the person entitled to receive the payments is receiving or has applied for

1.14

public assistance or has applied for support and maintenance collection services. MAIL

1.15

PAYMENTS TO:

1.16

2. DEPRIVING ANOTHER OF CUSTODIAL OR PARENTAL RIGHTS -- A FELONY

1.17

A person may be charged with a felony who conceals a minor child or takes, obtains,

1.18

retains, or fails to return a minor child from or to the child's parent (or person with

1.19

custodial or visitation rights), according to Minnesota Statutes, section 609.26. A copy

1.20

of that section is available from any district court clerk.

1.21

3. NONSUPPORT OF A SPOUSE OR CHILD -- CRIMINAL PENALTIES

A person who fails to pay court-ordered child support or maintenance may be charged with a crime, which may include misdemeanor, gross misdemeanor, or felony charges, according to Minnesota Statutes, section 609.375. A copy of that section is available from any district court clerk.

#### 4. RULES OF SUPPORT, MAINTENANCE, PARENTING TIME

(a) Payment of support or spousal maintenance is to be as ordered, and the giving of gifts or making purchases of food, clothing, and the like will not fulfill the obligation.

(b) Payment of support must be made as it becomes due, and failure to secure or denial of parenting time is NOT an excuse for nonpayment, but the aggrieved party must seek relief through a proper motion filed with the court.

(c) Nonpayment of support is not grounds to deny parenting time. The party entitled to receive support may apply for support and collection services, file a contempt motion, or obtain a judgment as provided in Minnesota Statutes, section 548.091.

(d) The payment of support or spousal maintenance takes priority over payment of debts and other obligations.

(e) A party who accepts additional obligations of support does so with the full knowledge of the party's prior obligation under this proceeding.

(f) Child support or maintenance is based on annual income, and it is the responsibility of a person with seasonal employment to budget income so that payments are made throughout the year as ordered.

(g) Reasonable parenting time guidelines are contained in Appendix B, which is available from the court administrator.

(h) The nonpayment of support may be enforced through the denial of student grants; interception of state and federal tax refunds; suspension of driver's, recreational, and occupational licenses; referral to the department of revenue or private collection agencies; seizure of assets, including bank accounts and other assets held by financial institutions; reporting to credit bureaus; income withholding and contempt proceedings; and other enforcement methods allowed by law.

(i) The public authority may suspend or resume collection of the amount allocated for child care expenses if the conditions of Minnesota Statutes, section 518A.40, subdivision 4, are met.

(j) The public authority may remove or resume a medical support offset if the conditions of Minnesota Statutes, section 518A.41, subdivision 16, are met.

## 5. MODIFYING CHILD SUPPORT

If either the obligor or obligee is laid off from employment or receives a pay reduction, child support may be modified, increased, or decreased. Any modification will only take effect when it is ordered by the court, and will only relate back to the time that a motion is filed. Either the obligor or obligee may file a motion to modify child support, and may request the public agency for help. UNTIL A MOTION IS FILED, THE CHILD SUPPORT OBLIGATION WILL CONTINUE AT THE CURRENT LEVEL. THE COURT IS NOT PERMITTED TO REDUCE SUPPORT RETROACTIVELY.

## 6. PARENTAL RIGHTS FROM MINNESOTA STATUTES, SECTION 518.17, SUBDIVISION 3

Unless otherwise provided by the Court:

(a) Each party has the right of access to, and to receive copies of, school, medical, dental, religious training, and other important records and information about the minor children. Each party has the right of access to information regarding health or dental insurance available to the minor children. Presentation of a copy of this order to the custodian of a record or other information about the minor children constitutes sufficient authorization for the release of the record or information to the requesting party.

(b) Each party shall keep the other informed as to the name and address of the school of attendance of the minor children. Each party has the right to be informed by school officials about the children's welfare, educational progress and status, and to attend school and parent teacher conferences. The school is not required to hold a separate conference for each party.

(c) In case of an accident or serious illness of a minor child, each party shall notify the other party of the accident or illness, and the name of the health care provider and the place of treatment.

(d) Each party has the right of reasonable access and telephone contact with the minor children.

## 7. WAGE AND INCOME DEDUCTION OF SUPPORT AND MAINTENANCE

Child support and/or spousal maintenance may be withheld from income, with or without notice to the person obligated to pay, when the conditions of Minnesota Statutes, section

4.1 518A.53 have been met. A copy of those sections is available from any district court  
4.2 clerk.

4.3 8. CHANGE OF ADDRESS OR RESIDENCE

4.4 Unless otherwise ordered, each party shall notify the other party, the court, and the public  
4.5 authority responsible for collection, if applicable, of the following information within  
4.6 ten days of any change: the residential and mailing address, telephone number, driver's  
4.7 license number, Social Security number, and name, address, and telephone number of  
4.8 the employer.

4.9 9. COST OF LIVING INCREASE OF SUPPORT AND MAINTENANCE

4.10 Prior to January 1, 2027, basic support and/or spousal maintenance may be adjusted  
4.11 every two years based upon a change in the cost of living (using Department of Labor  
4.12 Consumer Price Index ....., unless otherwise specified in this order) when the  
4.13 conditions of Minnesota Statutes, section 518A.75, are met. Cost of living increases are  
4.14 compounded. A copy of Minnesota Statutes, section 518A.75, and forms necessary to  
4.15 request or contest a cost of living increase are available from any district court clerk.

4.16 10. JUDGMENTS FOR UNPAID SUPPORT

4.17 If a person fails to make a child support payment, the payment owed becomes a judgment  
4.18 against the person responsible to make the payment by operation of law on or after the  
4.19 date the payment is due, and the person entitled to receive the payment or the public  
4.20 agency may obtain entry and docketing of the judgment WITHOUT NOTICE to the  
4.21 person responsible to make the payment under Minnesota Statutes, section 548.091.

4.22 11. JUDGMENTS FOR UNPAID MAINTENANCE

4.23 (a) A judgment for unpaid spousal maintenance may be entered when the conditions of  
4.24 Minnesota Statutes, section 548.091, are met. A copy of that section is available from  
4.25 any district court clerk.

4.26 (b) The public authority is not responsible for calculating interest on any judgment for  
4.27 unpaid spousal maintenance. When providing services in IV-D cases, as defined in  
4.28 Minnesota Statutes, section 518A.26, subdivision 10, the public authority will only  
4.29 collect interest on spousal maintenance if spousal maintenance is reduced to a sum  
4.30 certain judgment.

4.31 12. ATTORNEY FEES AND COLLECTION COSTS FOR ENFORCEMENT OF CHILD  
4.32 SUPPORT

A judgment for attorney fees and other collection costs incurred in enforcing a child support order will be entered against the person responsible to pay support when the conditions of Minnesota Statutes, section 518A.735, are met. A copy of Minnesota Statutes, sections 518.14 and 518A.735 and forms necessary to request or contest these attorney fees and collection costs are available from any district court clerk.

### 13. PARENTING TIME EXPEDITOR PROCESS

On request of either party or on its own motion, the court may appoint a parenting time expeditor to resolve parenting time disputes under Minnesota Statutes, section 518.1751. A copy of that section and a description of the expeditor process is available from any district court clerk.

### 14. PARENTING TIME REMEDIES AND PENALTIES

Remedies and penalties for the wrongful denial of parenting time are available under Minnesota Statutes, section 518.175, subdivision 6. These include compensatory parenting time; civil penalties; bond requirements; contempt; and reversal of custody. A copy of that subdivision and forms for requesting relief are available from any district court clerk.

(b) For orders issued on or after January 1, 2027, the required notices must be substantially as follows:

#### IMPORTANT NOTICE

##### 1. PAYMENTS TO PUBLIC AGENCY

According to Minnesota Statutes, section 518A.50, payments ordered for maintenance and support must be paid to the public agency responsible for child support enforcement as long as the person entitled to receive the payments is receiving or has applied for public assistance or has applied for support and maintenance collection services. MAIL PAYMENTS TO:

##### 2. DEPRIVING ANOTHER OF CUSTODIAL OR PARENTAL RIGHTS -- A FELONY

A person may be charged with a felony who conceals a minor child or takes, obtains, retains, or fails to return a minor child from or to the child's parent (or person with custodial or visitation rights), according to Minnesota Statutes, section 609.26. A copy of that section is available from any district court clerk.

##### 3. NONSUPPORT OF A SPOUSE OR CHILD -- CRIMINAL PENALTIES

A person who fails to pay court-ordered child support or maintenance may be charged with a crime, which may include misdemeanor, gross misdemeanor, or felony charges, according to Minnesota Statutes, section 609.375. A copy of that section is available from any district court clerk.

#### 4. RULES OF SUPPORT, MAINTENANCE, PARENTING TIME

(a) Payment of support or spousal maintenance is to be as ordered, and the giving of gifts or making purchases of food, clothing, and the like will not fulfill the obligation.

(b) Payment of support must be made as it becomes due, and failure to secure or denial of parenting time is NOT an excuse for nonpayment, but the aggrieved party must seek relief through a proper motion filed with the court.

(c) Nonpayment of support is not grounds to deny parenting time. The party entitled to receive support may apply for support and collection services, file a contempt motion, or obtain a judgment as provided in Minnesota Statutes, section 548.091.

(d) The payment of support or spousal maintenance takes priority over payment of debts and other obligations.

(e) A party who accepts additional obligations of support does so with the full knowledge of the party's prior obligation under this proceeding.

(f) Child support or maintenance is based on annual income, and it is the responsibility of a person with seasonal employment to budget income so that payments are made throughout the year as ordered.

(g) Reasonable parenting time guidelines are contained in Appendix B, which is available from the court administrator.

(h) The nonpayment of support may be enforced through the denial of student grants; interception of state and federal tax refunds; suspension of driver's, recreational, and occupational licenses; referral to the Department of Revenue or private collection agencies; seizure of assets, including bank accounts and other assets held by financial institutions; reporting to credit bureaus; income withholding and contempt proceedings; and other enforcement methods allowed by law.

(i) The public authority may suspend or resume collection of the amount allocated for child care expenses if the conditions of Minnesota Statutes, section 518A.40, subdivision 4, are met.

7.1 (j) The public authority may remove or resume a medical support offset if the conditions  
7.2 of Minnesota Statutes, section 518A.41, subdivision 16, are met.

7.3 5. MODIFYING CHILD SUPPORT

7.4 If either the obligor or obligee is laid off from employment or receives a pay reduction,  
7.5 child support may be modified, increased, or decreased. Any modification will only take  
7.6 effect when it is ordered by the court, and will only relate back to the time that a motion  
7.7 is filed. Either the obligor or obligee may file a motion to modify child support, and may  
7.8 request the public agency for help. UNTIL A MOTION IS FILED, THE CHILD  
7.9 SUPPORT OBLIGATION WILL CONTINUE AT THE CURRENT LEVEL. THE  
7.10 COURT IS NOT PERMITTED TO REDUCE SUPPORT RETROACTIVELY.

7.11 6. PARENTAL RIGHTS FROM MINNESOTA STATUTES, SECTION 518.17,  
7.12 SUBDIVISION 3

7.13 Unless otherwise provided by the Court:

7.14 (a) Each party has the right of access to, and to receive copies of, school, medical, dental,  
7.15 religious training, and other important records and information about the minor children.  
7.16 Each party has the right of access to information regarding health or dental insurance  
7.17 available to the minor children. Presentation of a copy of this order to the custodian of  
7.18 a record or other information about the minor children constitutes sufficient authorization  
7.19 for the release of the record or information to the requesting party.

7.20 (b) Each party shall keep the other informed as to the name and address of the school  
7.21 of attendance of the minor children. Each party has the right to be informed by school  
7.22 officials about the children's welfare, educational progress, and status, and to attend  
7.23 school and parent-teacher conferences. The school is not required to hold a separate  
7.24 conference for each party.

7.25 (c) In case of an accident or serious illness of a minor child, each party shall notify the  
7.26 other party of the accident or illness, and the name of the health care provider and the  
7.27 place of treatment.

7.28 (d) Each party has the right of reasonable access and telephone contact with the minor  
7.29 children.

7.30 7. WAGE AND INCOME DEDUCTION OF SUPPORT AND MAINTENANCE

7.31 Child support and/or spousal maintenance may be withheld from income, with or without  
7.32 notice to the person obligated to pay, when the conditions of Minnesota Statutes, section

8.1 518A.53, have been met. A copy of those sections is available from any district court  
8.2 clerk.

8.3 8. CHANGE OF ADDRESS OR RESIDENCE

8.4 Unless otherwise ordered, each party shall notify the other party, the court, and the public  
8.5 authority responsible for collection, if applicable, of the following information within  
8.6 ten days of any change: the residential and mailing address, telephone number, driver's  
8.7 license number, Social Security number, and name, address, and telephone number of  
8.8 the employer.

8.9 9. JUDGMENTS FOR UNPAID SUPPORT

8.10 If a person fails to make a child support payment, the payment owed becomes a judgment  
8.11 against the person responsible to make the payment by operation of law on or after the  
8.12 date the payment is due, and the person entitled to receive the payment or the public  
8.13 agency may obtain entry and docketing of the judgment WITHOUT NOTICE to the  
8.14 person responsible to make the payment under Minnesota Statutes, section 548.091.

8.15 10. JUDGMENTS FOR UNPAID MAINTENANCE

8.16 (a) A judgment for unpaid spousal maintenance may be entered when the conditions of  
8.17 Minnesota Statutes, section 548.091, are met. A copy of that section is available from  
8.18 any district court clerk.

8.19 (b) The public authority is not responsible for calculating interest on any judgment for  
8.20 unpaid spousal maintenance. When providing services in IV-D cases, as defined in  
8.21 Minnesota Statutes, section 518A.26, subdivision 10, the public authority will only  
8.22 collect interest on spousal maintenance if spousal maintenance is reduced to a sum  
8.23 certain judgment.

8.24 11. ATTORNEY FEES AND COLLECTION COSTS FOR ENFORCEMENT OF CHILD  
8.25 SUPPORT

8.26 A judgment for attorney fees and other collection costs incurred in enforcing a child  
8.27 support order will be entered against the person responsible to pay support when the  
8.28 conditions of Minnesota Statutes, section 518A.735, are met. A copy of Minnesota  
8.29 Statutes, sections 518.14 and 518A.735, and forms necessary to request or contest these  
8.30 attorney fees and collection costs are available from any district court clerk.

8.31 12. PARENTING TIME EXPEDITOR PROCESS



9.1 On request of either party or on its own motion, the court may appoint a parenting time  
9.2 expeditor to resolve parenting time disputes under Minnesota Statutes, section 518.1751.  
9.3 A copy of that section and a description of the expeditor process is available from any  
9.4 district court clerk.

9.5 13. PARENTING TIME REMEDIES AND PENALTIES

9.6 Remedies and penalties for the wrongful denial of parenting time are available under  
9.7 Minnesota Statutes, section 518.175, subdivision 6. These include compensatory parenting  
9.8 time, civil penalties, bond requirements, contempt, and reversal of custody. A copy of  
9.9 that subdivision and forms for requesting relief are available from any district court  
9.10 clerk.

9.11 Sec. 2. Minnesota Statutes 2024, section 518A.34, is amended to read:

9.12 **518A.34 COMPUTATION OF CHILD SUPPORT OBLIGATIONS.**

9.13 (a) To determine the presumptive child support obligation of a parent, the court shall  
9.14 follow the procedure set forth in this section.

9.15 (b) To determine the obligor's basic support obligation, the court shall:

9.16 (1) determine the gross income of each parent under section 518A.29;

9.17 (2) calculate the parental income for determining child support (PICS) of each parent,  
9.18 by subtracting from the gross income the credit, if any, for each parent's nonjoint children  
9.19 under section 518A.33;

9.20 (3) determine the percentage contribution of each parent to the combined PICS by  
9.21 dividing the combined PICS into each parent's PICS;

9.22 (4) determine the combined basic support obligation by application of the guidelines in  
9.23 section 518A.35;

9.24 (5) determine each parent's share of the combined basic support obligation by multiplying  
9.25 the percentage figure from clause (3) by the combined basic support obligation in clause  
9.26 (4); and

9.27 (6) apply the parenting expense adjustment formula provided in section 518A.36 to  
9.28 determine the obligor's basic support obligation.

9.29 (c) If the parents have split custody of joint children, child support must be calculated  
9.30 for each joint child as follows:

(1) the court shall determine each parent's basic support obligation under paragraph (b) and include the amount of each parent's obligation in the court order. If the basic support calculation results in each parent owing support to the other, the court shall offset the higher basic support obligation with the lower basic support obligation to determine the amount to be paid by the parent with the higher obligation to the parent with the lower obligation. ~~For the purpose of the cost-of-living adjustment required under section 518A.75, the adjustment must be based on each parent's basic support obligation prior to offset~~ For the purpose of a future modification, the application of section 518A.39 must be based on each parent's basic support obligation prior to offset. For the purposes of this paragraph, "split custody" means that there are two or more joint children and each parent has at least one joint child more than 50 percent of the time;

(2) if each parent pays all child care expenses for at least one joint child, the court shall calculate child care support for each joint child as provided in section 518A.40. The court shall determine each parent's child care support obligation and include the amount of each parent's obligation in the court order. If the child care support calculation results in each parent owing support to the other, the court shall offset the higher child care support obligation with the lower child care support obligation to determine the amount to be paid by the parent with the higher obligation to the parent with the lower obligation; and

(3) if each parent pays all medical or dental insurance expenses for at least one joint child, medical support shall be calculated for each joint child as provided in section 518A.41. The court shall determine each parent's medical support obligation and include the amount of each parent's obligation in the court order. If the medical support calculation results in each parent owing support to the other, the court shall offset the higher medical support obligation with the lower medical support obligation to determine the amount to be paid by the parent with the higher obligation to the parent with the lower obligation. Unreimbursed and uninsured medical expenses are not included in the presumptive amount of support owed by a parent and are calculated and collected as provided in section 518A.41.

(d) The court shall determine the child care support obligation for the obligor as provided in section 518A.40.

(e) The court shall determine the medical support obligation for each parent as provided in section 518A.41. Unreimbursed and uninsured medical expenses are not included in the presumptive amount of support owed by a parent and are calculated and collected as described in section 518A.41.

11.1 (f) The court shall determine each parent's total child support obligation by adding  
11.2 together each parent's basic support, child care support, and health care coverage obligations  
11.3 as provided in this section.

11.4 (g) If Social Security benefits or veterans' benefits are received by one parent as a  
11.5 representative payee for a joint child based on the other parent's eligibility, the court shall  
11.6 subtract the amount of benefits from the other parent's net child support obligation, if any.  
11.7 Any benefit received by the obligee for the benefit of the joint child based upon the obligor's  
11.8 disability or past earnings in any given month in excess of the child support obligation must  
11.9 not be treated as an arrearage payment or a future payment.

11.10 (h) The final child support order shall separately designate the amount owed for basic  
11.11 support, child care support, and medical support. If applicable, the court shall use the  
11.12 self-support adjustment and minimum support adjustment under section 518A.42 to determine  
11.13 the obligor's child support obligation.

11.14 **EFFECTIVE DATE.** This section is effective January 1, 2027.

11.15 Sec. 3. Minnesota Statutes 2024, section 518A.75, subdivision 1, is amended to read:

11.16 Subdivision 1. **Requirement.** (a) An order establishing, modifying, or enforcing  
11.17 maintenance or child support shall provide for a biennial adjustment in the amount to be  
11.18 paid based on a change in the cost of living. An order that provides for a cost-of-living  
11.19 adjustment shall specify the cost-of-living index to be applied and the date on which the  
11.20 cost-of-living adjustment shall become effective. The court may use the Consumer Price  
11.21 Index for all urban consumers, Minneapolis-St. Paul (CPI-U), the Consumer Price Index  
11.22 for wage earners and clerical, Minneapolis-St. Paul (CPI-W), or another cost-of-living index  
11.23 published by the Department of Labor which it specifically finds is more appropriate.  
11.24 Cost-of-living increases under this section shall be compounded. The court may also increase  
11.25 the amount by more than the cost-of-living adjustment by agreement of the parties or by  
11.26 making further findings.

11.27 (b) The adjustment becomes effective on the first of May of the year in which it is made,  
11.28 for cases in which payment is made to the public authority. For cases in which payment is  
11.29 not made to the public authority, application for an adjustment may be made in any month  
11.30 but no application for an adjustment may be made sooner than two years after the date of  
11.31 the dissolution decree. A court may waive the requirement of the cost-of-living clause if it  
11.32 expressly finds that the obligor's occupation or income, or both, does not provide for  
11.33 cost-of-living adjustment or that the order for maintenance or child support has a provision  
11.34 such as a step increase that has the effect of a cost-of-living clause. The court may waive a

- 12.1 cost-of-living adjustment in a maintenance order if the parties so agree in writing. The
- 12.2 commissioner of children, youth, and families may promulgate rules for child support
- 12.3 adjustments under this section in accordance with the rulemaking provisions of chapter 14.
- 12.4 Notice of this statute must comply with section 518.68, subdivision 2.
- 12.5 (c) No adjustment under this section shall be made after January 1, 2027, for any
- 12.6 maintenance or child support order established before, on, or after January 1, 2027.