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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 302

01/17/2017 Authored by Peterson, Lesch, Drazkowski and Pugh
The bill was read for the first time and referred to the Committee on Civil Law and Data Practices Policy

1.1 A bill for an act
1.2 relating to family law; establishing a cooperative private divorce program; making
1.3 conforming changes; appropriating money; amending Minnesota Statutes 2016,
1.4 sections 62A.21, subdivision 2a; 518.191, by adding a subdivision; 518.195, by
1.5 adding a subdivision; 518A.43, subdivision 1; proposing coding for new law in
1.6 Minnesota Statutes, chapter 518.

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

1.8 ARTICLE 1

1.9 COOPERATIVE PRIVATE DIVORCE PROGRAM

1.10 Section 1. 518.80] COOPERATIVE PRIVATE DIVORCE PROGRAM.

1.11 Subdivision 1. Commissioner. For purposes of this section, "commissioner" means the
1.12 commissioner of Bureau of Mediation Services.

1.13 Subd. 2. Establishment. The commissioner shall establish a cooperative private divorce
1.14 program as provided in this section.

1.15 Subd. 3. Requirements. The cooperative private divorce program must, at a minimum:

1.16 (1) be made available on the Bureau of Mediation Services Web site;

1.17 (2) make available to the participants of the program the notices and instructions provided
1.18 under subdivisions 9 and 10 and section 518.82;

1.19 (3) allow participants of the program to electronically complete and submit to the
1.20 commissioner an intent to divorce and declaration of divorce as provided under subdivision

1.21 11;

2.1 (4) require a separate unique login and password for each participant to access the
2.2 program;

2.3 (5) provide a notification system that automatically contacts one participant when the
2.4 other participant accesses the program;

2.5 (6) provide a list of supportive services and service providers that may be helpful to
2.6 participants;

2.7 (7) provide a method to authenticate the identities of the signatories of the forms required
2.8 under subdivision 11;

2.9 (8) employ security measures to protect the confidentiality and personal information of
2.10 the participants submitting information through the program; and

2.11 (9) encrypt all data sent and received through the program Web site.

2.12 Subd. 4. **Residency requirement.** Married participants seeking dissolution under this
2.13 section qualify for the cooperative private divorce program if the residency requirements
2.14 under section 518.07 have been met by the participants.

2.15 Subd. 5. **Procedure.** (a) Notwithstanding any law to the contrary, married participants
2.16 who meet the criteria under subdivision 4 may dissolve their marital status through the
2.17 cooperative private divorce program made available on the Bureau of Mediation Services
2.18 Web site by:

2.19 (1) signing and submitting the intent to divorce under subdivision 11; and

2.20 (2) completing, signing, and submitting the declaration of divorce under subdivision 11
2.21 at least 90 days after, but not more than two years after, the intent to divorce was submitted
2.22 by both participants.

2.23 (b) Upon receipt of the completed declaration of divorce, the commissioner shall issue
2.24 a certificate of marital dissolution that includes the following information:

2.25 (1) the name, and any prior names, of the two participants to the cooperative private
2.26 divorce dissolution;

2.27 (2) the name of any living minor or dependent child of the participants;

2.28 (3) that the marriage of the participants is dissolved and the date of the participants'
2.29 dissolution; and

2.30 (4) the Social Security numbers of the participants and any living minor or dependent
2.31 children of the participants.

3.1 (c) A certificate of marital dissolution issued under this section completely dissolves
3.2 the marital status of the participants.

3.3 (d) Upon receipt of a declaration of divorce, the commissioner shall issue a certificate
3.4 of marital dissolution that is accessible to each participant through the online cooperative
3.5 private divorce program. The certificate of marital dissolution is conclusive evidence of the
3.6 divorce.

3.7 (e) The commissioner shall maintain a public registry containing the following:

3.8 (1) the name, and any prior names, of any participant of the cooperative private divorce
3.9 program;

3.10 (2) the name of any living minor or dependent child of a participant; and

3.11 (3) that the marriage of the participants is dissolved and the date of the participants'
3.12 dissolution.

3.13 (f) Before the commissioner issues a certificate of marital dissolution to married
3.14 participants who are parents of minor children, the married participants must attend a
3.15 four-hour parent education program as required under section 518.81.

3.16 Subd. 6. **Certain agreements.** (a) Any agreement made by the participants as part of
3.17 the declaration of divorce that allocates expenses for their child or children is an enforceable
3.18 contract between the participants under section 518.1705.

3.19 (b) It is the intent of this paragraph that agreements recorded in a declaration of divorce
3.20 shall be deemed to be a decree of divorce wherever a decree of divorce is referred to in the
3.21 Internal Revenue Code and agreements between the participants in a declaration of divorce
3.22 regarding alimony or maintenance shall be deemed to be a divorce or separation agreement
3.23 for purposes of deductibility under the Internal Revenue Code.

3.24 (c) Any issue that is not specifically addressed by the participants in the declaration of
3.25 divorce agreement is considered to be reserved for future agreement by the participants or
3.26 de novo review by the court.

3.27 Subd. 7. **Modification.** Any agreement made by the participants in their declaration of
3.28 divorce may be modified at any time after a declaration of divorce agreement is submitted
3.29 to the commissioner through the cooperative private divorce program, if both participants
3.30 agree to the amendment and submit an amended declaration of divorce.

3.31 Subd. 8. **Court involvement.** (a) At any time prior to the submission of a declaration
3.32 of divorce, participants in a cooperative private divorce may initiate an action for marriage

4.1 dissolution under this chapter in district court. Any action under this chapter pending in
 4.2 district court must be resolved or dismissed before participants may submit a declaration
 4.3 of divorce.

4.4 (b) Cooperative private divorce agreements contained in a declaration of divorce may
 4.5 be enforced, modified, or vacated by the district court, or the court may address issues that
 4.6 were reserved by the participants, according to the provisions of this chapter.

4.7 (c) Upon the filing of a certificate of marital dissolution by the participants, the court
 4.8 administrator shall enter a decree of dissolution as provided in section 518.195 without
 4.9 necessity of court approval or a judgment and decree and without regard to the criteria or
 4.10 procedures contained in section 518.195, subdivisions 1 and 2.

4.11 (d) By executing a declaration of divorce with the Bureau of Mediation Services that
 4.12 may be filed with the court, each participant consents to the continuing personal jurisdiction
 4.13 of the Minnesota courts as to all matters related to the declaration of divorce.

4.14 (e) A participant in a cooperative private divorce may by petition initiate an action in
 4.15 district court to:

4.16 (1) enforce, modify, or vacate the declaration of divorce;

4.17 (2) petition the court to address any issue reserved by the participants;

4.18 (3) obtain a summary real estate disposition judgment;

4.19 (4) obtain a qualified domestic relations order; or

4.20 (5) obtain a court decree of dissolution when necessary to comply with state or federal
 4.21 law involving interstate enforcement of the participants' divorce.

4.22 A participant initiating an action under this paragraph must, by personal service, provide
 4.23 to the other participant notice of filing the certificate of marital dissolution with the district
 4.24 court together with any motion for relief. Any subsequent court action related to the certificate
 4.25 of marital dissolution may be initiated by notice of motion and motion. An action initiated
 4.26 under this paragraph shall be venued in a county located in this state where either participant
 4.27 was residing at the time the certificate of marital dissolution was issued by the Bureau of
 4.28 Mediation Services. The filing fee for any action under this paragraph is \$..... For a motion
 4.29 to vacate the declaration of divorce under section 518.145, the one-year period of limitation
 4.30 begins on the date of the participants' dissolution.

4.31 Subd. 9. Notices; introduction to private divorce; form. The commissioner shall make
 4.32 available the following form for use in the cooperative private divorce program:

5.1 **NOTICE: Introduction to Cooperative Private Divorce**

5.2 You are considering obtaining a Cooperative Private Divorce rather than going to court
5.3 to get divorced. Cooperative Private Divorce is a simplified procedure for couples who want
5.4 to avoid the expense, emotional strain, and arbitrary time frames that often accompany
5.5 adversarial court proceedings. To obtain a Cooperative Private Divorce you will need to
5.6 reach an agreement with your spouse about the issues in your divorce. Many public and
5.7 private services are available to help you.

5.8 The Cooperative Private Divorce process is based on the assumption that most people
5.9 have the capacity to divorce with respect and fairness if they are supported in that direction.
5.10 To that end, a Cooperative Private Divorce differs in two important ways from a court
5.11 divorce. First, the two of you have total control over your divorce and no one will oversee
5.12 or scrutinize the decisions you make. Second, it is a completely private process.

5.13 This leaves you with a great deal of flexibility. After you have educated yourself, you
5.14 can choose how detailed or simple to make your divorce decisions, and whether to postpone
5.15 some decisions to a later time. You can also create your own understanding of fairness
5.16 unique to your own situation.

5.17 These special features of a Cooperative Private Divorce, eliminating the anxiety of
5.18 someone else having control over your family, and lessening the pressure to resolve
5.19 everything all at once during a very stressful time, are intended to replace conflict with your
5.20 spouse by creating a healthy transition for you and your family. You are encouraged to view
5.21 each other as partners in creating the best solution for you and your family in parenting and
5.22 financial matters.

5.23 **Basic Principles**

5.24 Cooperative Private Divorce is not for everyone. Because of the need to create a fair
5.25 and healthy plan without coercion or oversight, it is intended for couples who can work
5.26 together in good faith for the best interests of everyone in the family.

5.27 Here are the six principles underlying Cooperative Private Divorce. If you and your
5.28 spouse believe you can fashion your divorce according to these principles, then a Cooperative
5.29 Private Divorce may be the best procedure for you.

5.30 1. The preventing unnecessary divorce principle: You have reached a decision to initiate
5.31 a divorce only after exhausting other options to solve your problems within your marriage,
5.32 particularly if you have children.

6.1 2. The healthy relationships principle: If you have children, your parenting plan promotes
 6.2 safe, nurturing, and stable relationships among the children and with both of their parents.

6.3 3. The maximum parent involvement principle: Your parenting plan promotes high
 6.4 levels of involvement of both parents with the children when that is feasible and consistent
 6.5 with the needs of the children.

6.6 4. The equity principle: Your financial plan promotes equitable and sustainable lifestyles
 6.7 for all family members in light of the unique circumstances of your marriage and family.

6.8 5. The flexibility principle: Your divorce agreements take into account both the value
 6.9 of having stable arrangements and the likelihood that the needs and circumstances of
 6.10 your family will change over time.

6.11 6. The optimal timing principle: You create partial or comprehensive agreements with
 6.12 the timing and sequence that work best for you and your family.

6.13 Two Cautions

6.14 First, if you feel pressured or intimidated by your spouse to use this process or to agree
 6.15 to specific matters in your divorce, or if you have doubts generally about your spouse's
 6.16 willingness to reach agreements that are best for everyone in your family, consider getting
 6.17 professional assistance before going further.

6.18 Second, the flexibility of a Cooperative Private Divorce also leaves you with an important
 6.19 responsibility. Some couples have relatively simple issues to address in their divorce. But
 6.20 some couples have more complex financial and parenting matters to resolve. Financial
 6.21 matters are often more complex if you are self-employed or a business owner. If you do not
 6.22 consider such matters carefully, you may face problems such as having agreements that do
 6.23 not work over time or that are not enforceable. You are responsible to educate yourself
 6.24 about the issues in your divorce and to obtain professional assistance if you need it.

6.25 Professional and Community Resources

6.26 To begin with, recognize that going ahead with a divorce is a significant decision,
 6.27 especially if you have children. Many research studies have shown that divorce can have
 6.28 an adverse effect on children. If you want help to make sure you are making the right decision
 6.29 for you and your family, you can make use of services available in local communities.

6.30 If you have made the decision to go ahead with the divorce, you may choose to work
 6.31 with an advocate or with a facilitator who can guide you and your spouse in cooperative
 6.32 processes that focus on your interests and needs and what will work for your family. You
 6.33 may want to consult with an adviser on parenting or financial issues. From private sources

7.1 you can obtain sample agreements that may help you frame all of the issues you will likely
7.2 encounter. Although divorce can seem complex and difficult, these resources and professional
7.3 services can help make it easier for you and your spouse to reach an agreement.

7.4 The Bureau of Mediation Services serves as a clearinghouse for information about the
7.5 types of resources available. It also can provide information about services that are offered
7.6 for free or on a sliding fee.

7.7 Subd. 10. **Instructions; form.** The commissioner shall make available the following
7.8 form for use in the cooperative private divorce program:

7.9 **Instructions for Cooperative Private Divorce**

7.10 1. Both spouses obtain unique identifiers from the Bureau of Mediation Services.

7.11 2. Both spouses sign and submit the INTENT TO DIVORCE form with their unique
7.12 identifiers to register with the Bureau of Mediation Services.

7.13 3. At any time at least 90 days after but not more than two years after submitting the INTENT
7.14 TO DIVORCE form, submit the Declaration of Divorce form signed by both spouses.

7.15 4. Upon submitting the Declaration of Divorce form, both spouses will receive a certification
7.16 that your marriage is dissolved.

7.17 5. Most complete divorce agreements address the issues set forth in the Declaration of
7.18 Divorce form. It is up to you whether you want to record agreements in all or any of these
7.19 areas. But recognize that if your agreements are vague or incomplete or if you do not record
7.20 your agreements, it may be difficult for you to recall them, live up to your obligations, or
7.21 later ask a court to enforce an agreement. Use attachments if you want to record agreements
7.22 that are longer than space here permits. No one will review or approve the agreements you
7.23 set forth here before your divorce is certified; they are for your use only.

7.24 6. At any time, either spouse can retrieve the Declaration of Divorce form containing your
7.25 agreements by providing your unique identifier. No one except you and your spouse will
7.26 have access to this form.

7.27 7. At any time, you and your former spouse can retrieve the Declaration of Divorce form,
7.28 make additions or modifications that you both agree to, and resubmit it.

7.29 8. If you want to modify your previous agreements but you and your former spouse cannot
7.30 agree on the modifications, or if you want to seek enforcement of a previous agreement,
7.31 you are encouraged to seek assistance from professionals in the community who specialize

8.1 in helping former spouses reach fair agreements. You also have the option of going to court
8.2 where you would submit your Declaration of Divorce form.

8.3 9. Remember that by creating a smooth family transition now and working on issues that
8.4 may arise in the future, developing a trustworthy working relationship with your spouse
8.5 will be just as helpful as written agreements.

8.6 Subd. 11. **Intent to divorce; declaration of divorce; form.** The commissioner shall
8.7 make available the following form for use in the cooperative private divorce program:

8.8 **Intent to Divorce**

8.9 We hereby declare that we are legally married, have both been residents of Minnesota
8.10 for at least 180 days, and intend to divorce. We understand that our divorce will be certified
8.11 if we submit the Declaration of Divorce form signed by both spouses at least 90 days after,
8.12 but not more than two years after, the date this INTENT TO DIVORCE form is submitted.

8.13 Date and place of marriage:

8.14 Signature, date:

8.15 E-mail address:

8.16 Social Security number

8.17 Signature, date:

8.18 E-mail address:

8.19 **Declaration of Divorce**

8.20 **Facts**

8.21 1. We agree that the following is a list of all our assets and their approximate value:

8.22 2. We agree that the following is a list of all our debts:

8.23 3. Spouse A name, previous name(s) if any, and yearly income, including any bonuses:

8.24 4. Spouse B name, previous name(s) if any, and yearly income, including any bonuses:

8.25 5. The names, dates of birth, and Social Security numbers of our minor or dependent
8.26 children covered by this agreement are:

8.27 **Agreements**

8.28 1. We agree to the following plan for parenting our child or children together after the
8.29 divorce. If our plan is temporary, we agree to the following process for updating it. (A
8.30 comprehensive plan would include: (a) how you will make important decisions like those
8.31 about school, health care, and religion; (b) how you will allocate your time with the children
8.32 during the school year, the summer, holidays, and vacations to provide a nurturing
8.33 environment and rich relationships with both of you; and (c) how you will communicate
8.34 with each other and work out differences of opinion.)

8.35 2. We agree to the following plan for sharing the expenses of raising our child or children.

9.1 **Guideline child support**

9.2 The guideline child support for our child(ren) is \$..... We agree that will pay
9.3 the guideline child support amount.

9.4 (The Minnesota Child Support guidelines calculator can be accessed at)

9.5 Attach the guidelines printout.

9.6 **Non-Guideline Child Support**

9.7 We agree to deviate from the guideline child support amount after considering the
9.8 following factors that support deviation (Make a check or "X" on all that apply):

9.9 each of our earnings, income, circumstances, and resources, including our
9.10 real and personal property, but excluding income from excess employment
9.11 of the obligor or obligee that meets the criteria of Minnesota Statutes,
9.12 section 518A.29, paragraph (b);

9.13 the extraordinary financial needs and resources, physical and emotional
9.14 condition, and educational needs of our child(ren) to be supported;

9.15 the standard of living our child would enjoy if we were currently living
9.16 together, but recognizing that we now have separate households;

9.17 whether our child resides for more than one year in a foreign country that
9.18 has a substantially higher or lower cost of living than this country;

9.19 the income taxation dependency exemption and the financial benefit that
9.20 one of us receives from it;

9.21 our agreed-upon plan for paying off our debts under paragraph 4;

9.22 the obligor's total payments for court-ordered child support exceed the
9.23 limitations set forth in Minnesota Statutes, section 571.922;

9.24 an allocation of the expenses of our children that enables us to maintain a
9.25 suitable place for our children taking into account our current standard of
9.26 living;

9.27 the following factor:

9.28 Make a check or "X" on one of the following:

9.29 Because of the factor(s) we have checked above, we agree that
9.30 will pay \$..... in child support on the of each month;

9.31 We will be sharing the following children's expenses: (list items) with
9.32 paying ... percent and paying ... percent; or

9.33 We agree that no child support will be exchanged between us, as we are
9.34 each paying the children's expenses directly.

9.35 Make a check or "X" on all that apply:

9.36 We agree to modify the amount of child support from time to time as our
9.37 circumstances may change.

9.38 We agree to a biennial adjustment in the amount of child support to be
9.39 paid based on cost-of-living changes using a cost-of-living index published
9.40 by the Department of Labor.

9.41 (If either parent is receiving public assistance, the county attorney must approve this
9.42 agreement or it is not enforceable. The county attorney may ask the court to modify any

10.1 child support agreement you make if a minor or dependent child receives or begins to receive
10.2 public assistance.)

10.3 **Caution**

10.4 If your ex-spouse does not pay you the child support agreed upon in the declaration of
10.5 divorce, you should act promptly to address the matter because if you decide to go to court,
10.6 the court may not order the payment of arrears.

10.7 3. We agree to the following plan for providing health insurance for our children.

10.8 4. We agree to the following plan for paying off our debts. (This agreement will not change
10.9 your obligations to any creditor; it is simply an agreement between the two of you about
10.10 who will be paying a debt.)

10.11 5. We agree to the following plan for dividing our property and assets. (If an allocation of
10.12 assets or debts, or an allocation of both, deviates from a nearly equal division, provide the
10.13 reasons for the allocation. Educate yourself about the difference between marital and
10.14 nonmarital property.)

10.15 a. Real estate (Include who will pay any mortgages, agreements to refinance a mortgage,
10.16 and make provisions for recording necessary documents with the county recorder. This
10.17 declaration of divorce does not transfer an interest in real estate. To transfer interest in
10.18 real estate, you must prepare a quitclaim deed, or a summary real estate disposition
10.19 judgment for the court administrator, either of which you would need to file with the
10.20 county recorder. It is advisable to seek professional assistance about this process.)

10.21 b. Personal property, such as household furnishings, vehicles, and other objects you
10.22 own.

10.23 c. Financial assets, such as retirements, investments, stock, bank accounts, and business
10.24 interests. (This declaration of divorce has no effect on the division of a retirement account
10.25 or pension plan unless the account or plan receives proper instructions. Many retirement
10.26 assets cannot be divided unless they receive a qualified domestic relations order from a
10.27 court. Often a draft of such an order is approved by the pension plan administrator before
10.28 it is submitted to the court. It is advisable to seek professional assistance about this
10.29 process.)

10.30 6. We agree to the following schedule of payments for spousal support (alimony) which
10.31 end upon the death of either of us or the remarriage of the payee spouse. (If there is a large
10.32 difference in your incomes and you agree to a minimal amount or no amount of spousal
10.33 support, provide the reasons for the spousal support agreement. For purposes of federal tax

11.1 deductibility, this agreement is deemed to be a divorce or separation instrument. Be aware
11.2 that, upon motion, a court has the authority to modify the amount of spousal support you
11.3 agree on here at any time during the time period in which spousal support is being paid.)

11.4 7. We agree to the following plan to maintain health insurance coverage for both spouses.
11.5 (If one spouse is interested in continuing health insurance coverage under the other spouse's
11.6 employer-provided policy, certain laws apply, including a requirement that an election must
11.7 be made and submitted to the other spouse's employer and health insurance carrier within
11.8 60 days of your divorce.)

11.9 8. We agree to the following plan for paying any past joint tax liability or future tax liability,
11.10 or both, and we agree to the following plan for who will claim the child or dependency
11.11 exemptions or credits for our child or children.

11.12 9. We have reached the following additional agreements which we wish to record:
11.13 (You may not use the cooperative private divorce program to legally change a name. A
11.14 name can be changed by a court only.)

11.15 **Dissolution**

11.16 We hereby agree to the dissolution of our marriage according to the preceding terms.
11.17 We hereby warrant that we have made complete disclosure to each other of all information
11.18 and documents that are important to these agreements, and that the list of assets and debts
11.19 contained in paragraph (1) are complete and accurate and there are no open court cases
11.20 involving these issues.

11.21 Signature, date:

11.22 Signature, date:

11.23 Subd. 12. **Fee.** The commissioner shall charge the participants of the cooperative private
11.24 divorce program a fee of \$..... The fees are appropriated to the commissioner to administer
11.25 and manage the online program under this section.

11.26 Subd. 13. **Data.** Data collected under this section is classified as private data on
11.27 individuals, as defined in section 13.02, subdivision 12.

11.28 **Sec. 2. [518.81] PARENT EDUCATION; COOPERATIVE PRIVATE DIVORCE.**

11.29 Subdivision 1. **Parent education requirements.** Married participants who are parents
11.30 of minor children shall attend a four-hour parent education program prior to receiving a
11.31 certificate of marital dissolution under section 518.80, subdivision 5. The parent education
11.32 program must provide information on:

12.1 (1) constructive parenting in the dissolution process, including risk factors for families,
12.2 how marriage dissolution affects children of different ages, and skills parents can learn to
12.3 increase cooperation and minimize conflict, particularly conflict arising when parents place
12.4 children in the middle, creating conflicting loyalty. This component of the program must
12.5 be aimed at increasing a parent's sensitivity to a child's needs and at giving a parent skills
12.6 to improve the parent's and the child's adjustment to the dissolution of the marriage. The
12.7 primary emphasis of the program must be on constructive parenting information, and its
12.8 content must be consistent with and promote the principles of cooperative private divorce
12.9 as described in section 518.80, subdivision 9;

12.10 (2) assessing if a parent is perpetrating domestic violence against the other parent and
12.11 when cooperation in co-parenting may not be desirable because of safety risks, and providing
12.12 information on local domestic violence resources;

12.13 (3) information on the option of reconciliation, including research on reconciliation
12.14 interests among couples considering marriage dissolution, the potential benefits of avoiding
12.15 marriage dissolution, resources to assist with reconciliation for interested couples, and
12.16 information on when the risk of domestic violence should exclude consideration of
12.17 reconciliation; and

12.18 (4) an overview of the legal process of marital dissolution and the advantages and
12.19 disadvantages of litigation and alternative processes, including but not limited to mediation,
12.20 collaborative and cooperative law, and restorative circles.

12.21 Subd. 2. **Program requirements.** A parent education program under this section may
12.22 be conducted in person or online.

12.23 Subd. 3. **Confidentiality.** Unless all parties agree in writing, statements made by a party
12.24 during participation in a parent education program are inadmissible as evidence for any
12.25 purpose, including impeachment. No record may be made regarding a party's participation
12.26 in a parent education program, except a record of completion of the program as required
12.27 under this section. Instructors shall not disclose information regarding an individual
12.28 participant obtained as a result of participation in a parent education program. Parent
12.29 education instructors may not be subpoenaed or called as witnesses in court proceedings.

12.30 Subd. 4. **Costs and program providers.** Each parent education program must enable
12.31 persons to have timely and reasonable access to education sessions. A party who qualifies
12.32 for a waiver of filing fees under section 563.01 is exempt from paying the parent education
12.33 program fee. Program providers shall implement a sliding fee scale.

13.1 Sec. 3. **[518.82] COOPERATIVE PRIVATE DIVORCE SCREENING; NOTICE;**
 13.2 **FORM.**

13.3 The commissioner of the Bureau of Mediation Services shall make available the following
 13.4 notice for use in the cooperative private divorce program under section 518.80 before full
 13.5 access to the program is granted to a user. The data maintained by the coercion screening
 13.6 tool are private data on individuals, as defined in section 13.02, subdivision 12, and shall
 13.7 not be tracked or recorded by any means at any time.

13.8 COERCION SCREENING TOOL

13.9 WHEN NOT TO USE COOPERATIVE PRIVATE DIVORCE

13.10 Cooperative private divorce is not for everyone. It is probably not appropriate for you if
 13.11 any of the following statements are true. Choices you make in this section are private. No
 13.12 record of any choice you may make in this section will be recorded or tracked.

13.13 You are feeling undue pressure or intimidation from your spouse to use
 13.14 ... cooperative private divorce.

13.15 You have serious doubts about your spouse's willingness to reach agreements
 13.16 ... that are best for everyone in the family.

13.17 Your spouse has made threats of physical or emotional harm during discussions
 13.18 ... of divorce.

13.19 Your spouse has unilaterally ruled out involving any professionals in your divorce
 13.20 ... process even though you want this kind of support.

13.21 ... Your spouse is telling you not to discuss your divorce options with anyone.

13.22 Information on resources can be provided upon request if any of the above risks are occurring.

13.23 Sec. 4. **REPORT.**

13.24 The commissioner of the Bureau of Mediation Services shall conduct an evaluation of
 13.25 the cooperative private divorce program after the first and second years of operation. The
 13.26 areas of evaluation shall include, but not be limited to:

13.27 (1) number of users of the cooperative private divorce program, both initially and
 13.28 transferring to and from a court divorce;

13.29 (2) costs of the cooperative private divorce program to government and families in
 13.30 comparison to court divorces;

13.31 (3) user satisfaction with the cooperative private divorce program process and with their
 13.32 agreements; and

13.33 (4) any correlation between use of the cooperative private divorce program system and
 13.34 subsequent use of court services for the same case or related cases.

14.1 Sec. 5. **APPROPRIATION; BUREAU OF MEDIATION SERVICES.**

14.2 \$..... is appropriated from the general fund in fiscal year 2018 to the commissioner of
 14.3 the Bureau of Mediation Services to develop and implement the online cooperative private
 14.4 divorce program under section 1. The cooperative private divorce program must be made
 14.5 available on the Bureau of Mediation Services Web site by January 1, 2018.

14.6 **ARTICLE 2**

14.7 **CONFORMING CHANGES**

14.8 Section 1. Minnesota Statutes 2016, section 62A.21, subdivision 2a, is amended to read:

14.9 Subd. 2a. **Continuation privilege.** Every policy described in subdivision 1 shall contain
 14.10 a provision which permits continuation of coverage under the policy for the insured's former
 14.11 spouse and dependent children upon entry of a valid decree of dissolution of marriage or a
 14.12 certificate of marital dissolution. The coverage shall be continued until the earlier of the
 14.13 following dates:

14.14 ~~(a)~~ (1) the date the insured's former spouse becomes covered under any other group
 14.15 health plan; or

14.16 ~~(b)~~ (2) the date coverage would otherwise terminate under the policy.

14.17 If the coverage is provided under a group policy, any required premium contributions
 14.18 for the coverage shall be paid by the insured on a monthly basis to the group policyholder
 14.19 for remittance to the insurer. The policy must require the group policyholder to, upon request,
 14.20 provide the insured with written verification from the insurer of the cost of this coverage
 14.21 promptly at the time of eligibility for this coverage and at any time during the continuation
 14.22 period. In no event shall the amount of premium charged exceed 102 percent of the cost to
 14.23 the plan for such period of coverage for other similarly situated spouses and dependent
 14.24 children with respect to whom the marital relationship has not dissolved, without regard to
 14.25 whether such cost is paid by the employer or employee.

14.26 Upon request by the insured's former spouse or dependent child, a health carrier must
 14.27 provide the instructions necessary to enable the child or former spouse to elect continuation
 14.28 of coverage.

14.29 Sec. 2. Minnesota Statutes 2016, section 518.191, is amended by adding a subdivision to
 14.30 read:

14.31 **Subd. 6. Summary real estate disposition judgment following certificate of marital**
 14.32 **dissolution. A summary real estate disposition judgment may also be obtained after a**

15.1 certificate of marital dissolution is issued in accordance with section 518.80, subdivision
 15.2 5. Upon the filing of the certificate the district court administrator shall provide to a
 15.3 participant upon request certified copies of a summary real estate disposition judgment
 15.4 submitted by the participants that contains the following information:

15.5 (1) the dates of the participants' marriage and of the issuance of the certificate of marital
 15.6 dissolution;

15.7 (2) the legal description of each parcel of real estate;

15.8 (3) the name or names of the persons awarded an interest in each parcel of real estate
 15.9 and a description of the interest awarded;

15.10 (4) liens, mortgages, encumbrances, or other interests in the real estate described in the
 15.11 declaration of divorce; and

15.12 (5) triggering or contingent events set forth in the declaration of divorce affecting the
 15.13 disposition of each parcel of real estate.

15.14 Sec. 3. Minnesota Statutes 2016, section 518.195, is amended by adding a subdivision to
 15.15 read:

15.16 Subd. 5. **Issuance of qualified domestic relations order following certificate of marital**
 15.17 **dissolution.** A certificate of marital dissolution issued in accordance with section 518.80,
 15.18 subdivision 5, may be filed with the district court administrator. Upon the filing of the
 15.19 certificate, the district court administrator shall enter a decree of dissolution and shall issue
 15.20 a qualified domestic relations order submitted by the participants and approved by the
 15.21 retirement plan administrator for the assignment of an interest in a retirement plan as provided
 15.22 in the declaration of divorce.

15.23 Sec. 4. Minnesota Statutes 2016, section 518A.43, subdivision 1, is amended to read:

15.24 Subdivision 1. **General factors.** Among other reasons, deviation from the presumptive
 15.25 child support obligation computed under section 518A.34 is intended to encourage prompt
 15.26 and regular payments of child support and to prevent either parent or the joint children from
 15.27 living in poverty. In addition to the child support guidelines and other factors used to calculate
 15.28 the child support obligation under section 518A.34, the court must take into consideration
 15.29 the following factors in setting or modifying child support or in determining whether to
 15.30 deviate upward or downward from the presumptive child support obligation:

16.1 (1) all earnings, income, circumstances, and resources of each parent, including real and
16.2 personal property, but excluding income from excess employment of the obligor or obligee
16.3 that meets the criteria of section 518A.29, paragraph (b);

16.4 (2) the extraordinary financial needs and resources, physical and emotional condition,
16.5 and educational needs of the child to be supported;

16.6 (3) the standard of living the child would enjoy if the parents were currently living
16.7 together, but recognizing that the parents now have separate households;

16.8 (4) whether the child resides in a foreign country for more than one year that has a
16.9 substantially higher or lower cost of living than this country;

16.10 (5) which parent receives the income taxation dependency exemption and the financial
16.11 benefit the parent receives from it;

16.12 (6) the parents' debts as provided in subdivision 2; ~~and~~

16.13 (7) the obligor's total payments for court-ordered child support exceed the limitations
16.14 set forth in section 571.922-; and

16.15 (8) an allocation of expenses of the children in a parenting plan under section 518.1705,
16.16 subdivision 8, or in a declaration of dissolution under section 518.80, subdivision 6, paragraph
16.17 (a), that enables both parents to maintain a suitable place for their children, taking into
16.18 account their current standard of living.

APPENDIX
Article locations in 17-1440

ARTICLE 1 COOPERATIVE PRIVATE DIVORCE PROGRAM..... Page.Ln 1.8
ARTICLE 2 CONFORMING CHANGES..... Page.Ln 14.6