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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 1534

02/21/2019 Authored by Pryor
The bill was read for the first time and referred to the Judiciary Finance and Civil Law Division

1.1 A bill for an act
1.2 relating to child support; clarifying application of parenting expense adjustment
1.3 in actions to recover public assistance; amending Minnesota Statutes 2018, section
1.4 518A.35, subdivision 1.

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

1.6 Section 1. Minnesota Statutes 2018, section 518A.35, subdivision 1, is amended to read:

1.7 Subdivision 1. Determination of support obligation. (a) The guideline in this section
1.8 is a rebuttable presumption and shall be used in any judicial or administrative proceeding
1.9 to establish or modify a support obligation under this chapter.

1.10 (b) The basic child support obligation shall be determined by referencing the guideline
1.11 for the appropriate number of joint children and the combined parental income for
1.12 determining child support of the parents.

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

1.19 (d) If a child is in the custody of either parent and a support order is sought by the public
1.20 authority in an action involving only one parent under section 256.87, unless the parent
1.21 against whom the support order is sought has court-ordered parenting time, the support
1.22 obligation must be determined by referencing the guideline for the appropriate number of

2.1 joint children and the parent's individual income without application of the parenting expense
2.2 adjustment formula under section 518A.34.

2.3 (e) For combined parental incomes for determining child support exceeding \$15,000
2.4 per month, the presumed basic child support obligations shall be as for parents with combined
2.5 parental income for determining child support of \$15,000 per month. A basic child support
2.6 obligation in excess of this level may be demonstrated for those reasons set forth in section
2.7 518A.43.