

2.1 duration of visitation and visitation during holidays and vacations, unless parenting time
2.2 is restricted, denied, or reserved.

2.3 (d) The court administrator shall provide a form for a pro se motion regarding
2.4 parenting time disputes, which includes provisions for indicating the relief requested, an
2.5 affidavit in which the party may state the facts of the dispute, and a brief description of
2.6 the parenting time expeditor process under section 518.1751. The form may not include
2.7 a request for a change of custody. The court shall provide instructions on serving and
2.8 filing the motion.

2.9 (e) In the absence of other evidence, there is a rebuttable presumption that a parent is
2.10 entitled to receive at least ~~25~~ 35 percent of the parenting time for the child. For purposes
2.11 of this paragraph, the percentage of parenting time may be determined by calculating the
2.12 number of overnights that a child spends with a parent or by using a method other than
2.13 overnights if the parent has significant time periods on separate days when the child is in
2.14 the parent's physical custody but does not stay overnight. The court may consider the age
2.15 of the child in determining whether a child is with a parent for a significant period of time.

2.16 Sec. 2. Minnesota Statutes 2010, section 518A.36, subdivision 2, is amended to read:

2.17 Subd. 2. **Calculation of parenting expense adjustment.** The obligor is entitled to
2.18 a parenting expense adjustment calculated as provided in this subdivision. The court shall:

2.19 (1) find the adjustment percentage corresponding to the percentage of parenting
2.20 time allowed to the obligor below:

	Percentage Range of Parenting Time	Adjustment Percentage
2.21 (i)	less than 10 percent	no adjustment
2.22 (ii)	10 percent to 45 <u>30</u> percent	12 <u>15</u> percent
2.23 (iii)	<u>30.1 percent to 45 percent</u>	<u>35 percent</u>
2.24 (iii) (iv)	45.1 percent to 50 percent	presume parenting time is equal

2.25 (2) multiply the adjustment percentage by the obligor's basic child support obligation
2.26 to arrive at the parenting expense adjustment; and

2.27 (3) subtract the parenting expense adjustment from the obligor's basic child support
2.28 obligation. The result is the obligor's basic support obligation after parenting expense
2.29 adjustment.

2.30 Sec. 3. **EFFECTIVE DATE; APPLICATION.**

2.31 (a) Sections 1 and 2 are effective January 1, 2013, and apply to orders adopted
2.32 or modified on or after that date.

S.F. No. 1402, 1st Engrossment - 87th Legislative Session (2011-2012) [S1402-1]

3.1 (b) There must be no modification of an existing parenting time order based on the
3.2 amendment to the parenting time presumption under section 1 until July 1, 2014, unless
3.3 the child's environment presently endangers the child's physical or emotional health or
3.4 impairs the child's emotional development.

3.5 (c) There must be no modification of an existing child support order based on the
3.6 amendments to the parenting expense adjustment under section 2 until July 1, 2014,
3.7 unless the court finds that other grounds for modification exist under Minnesota Statutes,
3.8 section 518A.39.