

SENATE
STATE OF MINNESOTA
NINETIETH SESSION

S.F. No. 3005

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OFFICIAL STATUS
Introduction and first reading
Referred to Judiciary and Public Safety Finance and Policy

1.1 A bill for an act
1.2 relating to children; modifying certain payments of child support arrearages;
1.3 amending Minnesota Statutes 2017 Supplement, section 518A.53, subdivision 11.

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

1.5 Section 1. Minnesota Statutes 2017 Supplement, section 518A.53, subdivision 11, is
1.6 amended to read:

1.7 Subd. 11. **Lump-sum payments.** Before transmittal to the obligor of a lump-sum payment
1.8 of \$500 or more including, but not limited to, severance pay, accumulated sick pay, vacation
1.9 pay, bonuses, commissions, or other pay or benefits, a payor of funds:

1.10 (1) who has been served with an order for or notice of income withholding under this
1.11 section shall:

1.12 (i) notify the public authority of the lump-sum payment that is to be paid to the obligor;

1.13 (ii) hold the lump-sum payment for 30 days after the date on which the lump-sum payment
1.14 would otherwise have been paid to the obligor, notwithstanding sections 176.221, 176.225,
1.15 176.521, 181.08, 181.101, 181.11, 181.13, and 181.145; and

1.16 (iii) upon order of the court, and after a showing of past willful nonpayment of support,
1.17 pay any specified amount of the lump-sum payment to the public authority for future support;
1.18 or

1.19 (2) shall pay the lessor of the amount of the lump-sum payment or the total amount of
1.20 the judgment and arrearages upon service by United States mail of a sworn affidavit from
1.21 the public authority or a court order that includes the following information:

2.1 (i) that a judgment entered pursuant to section 548.091, subdivision 1a, exists against
2.2 the obligor, or that other support arrearages exist;

2.3 (ii) the current balance of the judgment or arrearage; and

2.4 (iii) that a portion of the judgment or arrearage remains unpaid.

2.5 ~~The Consumer Credit Protection Act, title 15 of the United States Code, section 1673(b),~~
2.6 ~~does not apply to lump-sum payments.~~