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State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 3996

05/09/2016 Authored by Lesch

The bill was read for the first time and referred to the Committee on Civil Law and Data Practices

1.1 A bill for an act
 1.2 relating to family law; establishing a cooperative private divorce program;
 1.3 making conforming changes; appropriating money; amending Minnesota Statutes
 1.4 2014, sections 62A.21, subdivision 2a; 518.191, by adding a subdivision;
 1.5 518.195, by adding a subdivision; 518A.43, subdivision 1; proposing coding for
 1.6 new law in 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
 1.12 the commissioner of Bureau of Mediation Services.

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

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

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

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

1.20 (3) allow participants of the program to electronically complete and submit to
 1.21 the commissioner an intent to divorce and declaration of divorce as provided under
 1.22 subdivision 11;

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

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

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

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

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

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

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

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

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

2.18 (2) completing, signing, and submitting the declaration of divorce under subdivision
2.19 11 at least 90 days after, but not more than two years after, the intent to divorce was
2.20 submitted by both participants.

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

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

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

2.26 (3) that the marriage of the participants is dissolved and the date of the participants'
2.27 dissolution; and

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

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

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

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

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

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

3.4 (3) that the marriage of the participants is dissolved and the date of the participants'
3.5 dissolution.

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

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

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

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

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

3.24 Subd. 8. **Court involvement.** (a) At any time prior to the submission of a
3.25 declaration of divorce, participants in a cooperative private divorce may initiate an action
3.26 for marriage dissolution under this chapter in district court. Any action under this chapter
3.27 pending in district court must be resolved or dismissed before participants may submit
3.28 a declaration of divorce.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4.35 This leaves you with a great deal of flexibility. After you have educated yourself,
 4.36 you can choose how detailed or simple to make your divorce decisions, and whether to

5.1 postpone some decisions to a later time. You can also create your own understanding
5.2 of fairness unique to your own situation.

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

5.9 **Basic Principles**

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

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

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

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

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

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

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

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

5.33 **Two Cautions**

5.34 First, if you feel pressured or intimidated by your spouse to use this process or to
5.35 agree to specific matters in your divorce, or if you have doubts generally about your

6.1 spouse's willingness to reach agreements that are best for everyone in your family,
 6.2 consider getting professional assistance before going further.

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

6.11 **Professional and Community Resources**

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

6.16 If you have made the decision to go ahead with the divorce, you may choose to work
 6.17 with an advocate or with a facilitator who can guide you and your spouse in cooperative
 6.18 processes that focus on your interests and needs and what will work for your family. You
 6.19 may want to consult with an adviser on parenting or financial issues. From private sources
 6.20 you can obtain sample agreements that may help you frame all of the issues you will
 6.21 likely encounter. Although divorce can seem complex and difficult, these resources and
 6.22 professional services can help make it easier for you and your spouse to reach an agreement.

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

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

6.28 **Instructions for Cooperative Private Divorce**

- 6.29 1. Both spouses obtain unique identifiers from the Bureau of Mediation Services.
- 6.30 2. Both spouses sign and submit the INTENT TO DIVORCE form with their unique
 6.31 identifiers to register with the Bureau of Mediation Services.
- 6.32 3. At any time at least 90 days after but not more than two years after submitting the
 6.33 INTENT TO DIVORCE form, submit the Declaration of Divorce form signed by both
 6.34 spouses.

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

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

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

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

7.15 8. If you want to modify your previous agreements but you and your former spouse cannot
7.16 agree on the modifications, or if you want to seek enforcement of a previous agreement,
7.17 you are encouraged to seek assistance from professionals in the community who specialize
7.18 in helping former spouses reach fair agreements. You also have the option of going to
7.19 court where you would submit your Declaration of Divorce form.

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

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

7.25 **Intent to Divorce**

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

7.30 Date and place of marriage:

7.31 Signature, date:

7.32 E-mail address:

7.33 Social Security number

7.34 Signature, date:

7.35 E-mail address:

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Declaration of Divorce

Facts

- 1. We agree that the following is a list of all our assets and their approximate value:
- 2. We agree that the following is a list of all our debts:
- 3. Spouse A name, previous name(s) if any, and yearly income, including any bonuses:
- 4. Spouse B name, previous name(s) if any, and yearly income, including any bonuses:
- 5. The names, dates of birth, and Social Security numbers of our minor or dependent children covered by this agreement are:

Agreements

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

Guideline child support

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

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

Attach the guidelines printout.

Non-Guideline Child Support

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

- each of our earnings, income, circumstances, and resources, including our real and personal property, but excluding income from excess employment of the obligor or obligee that meets the criteria of Minnesota Statutes, section 518A.29, paragraph (b);
- the extraordinary financial needs and resources, physical and emotional condition, and educational needs of our child(ren) to be supported;
- the standard of living our child would enjoy if we were currently living together, but recognizing that we now have separate households;
- whether our child resides for more than one year in a foreign country that has a substantially higher or lower cost of living than this country;
- the income taxation dependency exemption and the financial benefit that one of us receives from it;
- our agreed-upon plan for paying off our debts under paragraph 4;

10.1 estate disposition judgment for the court administrator, either of which you would
10.2 need to file with the county recorder. It is advisable to seek professional assistance
10.3 about this process.)

10.4 b. Personal property, such as household furnishings, vehicles, and other objects
10.5 you own.

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

10.13 6. We agree to the following schedule of payments for spousal support (alimony) which
10.14 end upon the death of either of us or the remarriage of the payee spouse. (If there is a large
10.15 difference in your incomes and you agree to a minimal amount or no amount of spousal
10.16 support, provide the reasons for the spousal support agreement. For purposes of federal tax
10.17 deductibility, this agreement is deemed to be a divorce or separation instrument. Be aware
10.18 that, upon motion, a court has the authority to modify the amount of spousal support you
10.19 agree on here at any time during the time period in which spousal support is being paid.)

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

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

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

10.31 **Dissolution**

10.32 We hereby agree to the dissolution of our marriage according to the preceding terms.
10.33 We hereby warrant that we have made complete disclosure to each other of all information
10.34 and documents that are important to these agreements, and that the list of assets and

11.1 debts contained in paragraph (1) are complete and accurate and there are no open court
11.2 cases involving these issues.

11.3 Signature, date:

11.4 Signature, date:

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

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

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

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

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

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

11.27 (3) information on the option of reconciliation, including research on reconciliation
11.28 interests among couples considering marriage dissolution, the potential benefits of
11.29 avoiding marriage dissolution, resources to assist with reconciliation for interested
11.30 couples, and information on when the risk of domestic violence should exclude
11.31 consideration of reconciliation; and

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

12.1 Subd. 2. **Program requirements.** (a) A parent education program under this section
 12.2 may be conducted in person or online if the online program meets the criteria in this
 12.3 subdivision. Parents may not be required to attend in-person classes together.

12.4 (b) A program must meet acceptable standards of scientific evidence for effectiveness
 12.5 in reducing parental conflict and improving a child's adjustment in marriage dissolution
 12.6 situations. These standards may be met either by a listing on the National Registry
 12.7 of Evidence-Based Programs and Practices or by approval by the Bureau of Mediation
 12.8 Services. Approved programs must submit an experimental or quasi-experimental research
 12.9 study demonstrating reduced parental conflict and improved adjustment of children. In
 12.10 using a quasi-experimental research design, a program may submit a study demonstrating
 12.11 outcomes that surpass those of control groups in published experimental studies.

12.12 (c) A program already implemented by the district courts in Minnesota as of January
 12.13 1, 2016, is an eligible program under this subdivision until September 1, 2018, if the
 12.14 program includes the education requirements in this section. After September 1, 2018,
 12.15 those programs must also meet the scientific criteria specified under paragraph (b).

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

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

12.28 Sec. 3. **[518.82] COOPERATIVE PRIVATE DIVORCE SCREENING; NOTICE;**
 12.29 **FORM.**

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

12.35 COERCION SCREENING TOOL

13.1 WHEN NOT TO USE COOPERATIVE PRIVATE DIVORCE

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

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

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

13.9 Your spouse has made threats of physical or emotional harm during discussions
 13.10 ... of divorce.

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

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

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

13.16 **Sec. 4. REPORT.**

13.17 The commissioner of the Bureau of Mediation Services shall conduct an evaluation
 13.18 of the cooperative private divorce program after the first and second years of operation.

13.19 The areas of evaluation shall include, but not be limited to:

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

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

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

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

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

13.29 \$..... is appropriated from the general fund in fiscal year 2017 to the commissioner
 13.30 of the Bureau of Mediation Services to develop and implement the online cooperative
 13.31 private divorce program under section 1. The cooperative private divorce program must
 13.32 be made available on the Bureau of Mediation Services Web site by January 1, 2017.

14.1 **ARTICLE 2**

14.2 **CONFORMING CHANGES**

14.3 Section 1. Minnesota Statutes 2014, section 62A.21, subdivision 2a, is amended to read:

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

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

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

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

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

14.24 Sec. 2. Minnesota Statutes 2014, section 518.191, is amended by adding a subdivision
 14.25 to read:

14.26 Subd. 6. **Summary real estate disposition judgment following certificate of**
 14.27 **marital dissolution.** A summary real estate disposition judgment may also be obtained
 14.28 after a certificate of marital dissolution is issued in accordance with section 518.80,
 14.29 subdivision 5. Upon the filing of the certificate the district court administrator shall
 14.30 provide to a participant upon request certified copies of a summary real estate disposition
 14.31 judgment submitted by the participants that contains the following information:

14.32 (1) the dates of the participants' marriage and of the issuance of the certificate of
 14.33 marital dissolution;

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

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

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

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

15.7 Sec. 3. Minnesota Statutes 2014, section 518.195, is amended by adding a subdivision
 15.8 to read:

15.9 Subd. 5. **Issuance of qualified domestic relations order following certificate of**
 15.10 **marital dissolution.** A certificate of marital dissolution issued in accordance with section
 15.11 518.80, subdivision 5, may be filed with the district court administrator. Upon the filing
 15.12 of the certificate, the district court administrator shall enter a decree of dissolution and
 15.13 shall issue a qualified domestic relations order submitted by the participants and approved
 15.14 by the retirement plan administrator for the assignment of an interest in a retirement plan
 15.15 as provided in the declaration of divorce.

15.16 Sec. 4. Minnesota Statutes 2014, section 518A.43, subdivision 1, is amended to read:

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

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

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

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

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

16.1 (5) which parent receives the income taxation dependency exemption and the
16.2 financial benefit the parent receives from it;
16.3 (6) the parents' debts as provided in subdivision 2; ~~and~~
16.4 (7) the obligor's total payments for court-ordered child support exceed the limitations
16.5 set forth in section 571.922; and
16.6 (8) an allocation of expenses of the children in a parenting plan under section
16.7 518.1705, subdivision 8, or in a declaration of dissolution under section 518.80,
16.8 subdivision 6, paragraph (a), that enables both parents to maintain a suitable place for their
16.9 children, taking into account their current standard of living.

APPENDIX
Article locations in 16-7537

ARTICLE 1 COOPERATIVE PRIVATE DIVORCE PROGRAM..... Page.Ln 1.8
ARTICLE 2 CONFORMING CHANGES..... Page.Ln 14.1