

juvenile court authority having power to appoint probation officers, and shall be based on the officer's length of service and performance. The judge of juvenile court appointing authority shall annually assign each county probation officer to a position on the salary scale commensurate with the officer's experience, tenure, and responsibilities. The judge shall file with the county auditor an order setting each county probation officer's salary. Time spent by a county probation officer as a court referee shall not qualify for reimbursement. Reimbursement shall be prorated if the appropriation is insufficient.

Sec. 4. Minnesota Statutes 1976, Section 402.02, Subdivision 2, is amended to read:

Subd. 2. A human services regional commission shall possess all the powers and duties now assigned by law to:

(a) Manage the existing public resources devoted to human services delivered or purchased by the counties, which are subsidized or regulated by the departments of corrections, health, and public welfare;

(b) Employ staff to carry out the purposes of sections 402.01 to 402.10;

(c) Deliver services directly, or through contract with other governmental or nongovernmental providers;

(d) Develop a plan for the delivery of human services, which shall include ~~court~~ corrections services, public health services, public assistance, mental retardation services, social services, mental health services, and others of similar classification, and shall show evidence of participation in the development of the plan by major private sector providers of related services;

(e) Receive and expend for the purposes of sections 402.01 to 402.10 funds from the departments of corrections, health and public welfare, or from any other lawful source, including any governmental source.

Approved May 26, 1977.

CHAPTER 282—H.F.No.916

[Coded in Part]

An act relating to welfare; child support; authorizing additional procedures in collection of support payments; updating uniform reciprocal enforcement of support act; amending Minnesota Statutes 1976, Sections 256.87, Subdivision 1; 256.872; 256.873; 257.253; 257.254; 257.257; 257.259; 257.261, Subdivision 1; 257.29; 393.07, Subdivision 9; 393.11; 487.19, Subdivision 1; 518.41; 518.42, Subdivisions 2, 5, 7, 8, 9, and by adding subdivisions; 518.45, Subdivisions 2, 4 and 5; 518.46, Subdivisions 2, 3 and 4; 518.48; 518.49; 518.551; and Chapter 518, by adding a section.

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

Changes or additions indicated by underline deletions by ~~strikeout~~

Section 1. Minnesota Statutes 1976, Section 256.87, Subdivision 1, is amended to read:

256.87 WELFARE; CHILD SUPPORT; COLLECTION PROCEDURES; CONTRIBUTION BY RELATIVES; AMENDMENTS; REPEALS. Subdivision 1. ACTIONS AGAINST RELATIVES FOR ASSISTANCE FURNISHED. If any time during the continuance of any assistance granted under sections 256.72 to 256.87 the state agency or county agency finds that any parent, grandparent, sister, or brother of any child receiving assistance is reasonably able to contribute to the necessary care and support of ~~such the~~ recipient without undue hardship to himself or his immediate family and ~~such the~~ person so able to contribute to the care and support of ~~such the~~ recipient fails or refuses to contribute according to his ability to the care and support of ~~such the~~ recipient, then, after notice to ~~such the~~ person, there shall exist a cause of action against this person for ~~such the~~ amount of assistance furnished under sections 256.72 to 256.87 subsequent to ~~such the~~ notice, or ~~such any~~ part thereof as ~~such the~~ person is reasonably able to pay. The action may be ordered by the state agency or county agency and shall be brought in the name of the county by the county attorney of the county in which ~~such the~~ assistance was granted, or by the state agency against this person for the recovery of ~~such the~~ amount of assistance granted after ~~such the~~ notice, as hereinbefore provided, together with the costs and disbursements of ~~such the~~ action.

In addition to granting the county or state agency a money judgment the court may, upon a motion or order to show cause, order continuing contributions by a person found able to reimburse the county or state agency. The order shall be effective only for the period of time during which the recipient receives public assistance from the county or state agency.

Sec. 2. Minnesota Statutes 1976, Section 256.872, is amended to read:

256.872 PERSONS OBLIGATED TO PAY FOR SUPPORT OF DEPENDENT CHILD, ORDER TO EMPLOYER TO WITHHOLD. Whenever an obligation for support of a dependent child has been determined and ordered by a court of this state, ~~and when said child is supported in whole or in part by a public agency of this state, or a subdivision thereof, including a county; said agency the public agency responsible for child support enforcement~~ may petition the district or county court for an order providing for the withholding of the amount of child support as determined by court order, from the wages of the person obligated to pay said support. This order may be granted upon a showing to the court that said required payments of support are not likely to be made to the persons entitled thereto when-due.

Sec. 3. Minnesota Statutes 1976, Section 256.873, is amended to read:

256.873 EMPLOYER'S DUTY; REMITTANCE OF AMOUNT WITHHELD. The support money shall be withheld by the employer of said person obligated to pay the support and the amount withheld shall be remitted ~~quarterly~~ monthly or more frequently to the public agency providing support to said dependent child. Any amount so received in excess of the amount of public assistance expended for said child shall be further remitted to the person entitled thereto. No employer may discharge, suspend or otherwise

Changes or additions indicated by underline deletions by ~~strikeout~~

penalize any employee by reason of the fact that the employer must withhold the support money.

Sec. 4. Minnesota Statutes 1976, Section 257.253, is amended to read:

257.253 INITIATION OF PROCEEDING. A proceeding for the determination of paternity is initiated by filing a verified complaint of the mother, child, or the public authority chargeable by law with the support of the child, in the district or county court of this state, and by personal service upon the defendant of a civil summons together with a *copy of the verified complaint*. *An order, returnable not sooner than five days following expiration of the period to answer, to show cause why he should not be adjudicated to be the father of the child may also be served with the summons and complaint.*

Sec. 5. Minnesota Statutes 1976, Section 257.254, is amended to read:

257.254 COUNTY ATTORNEY; DUTIES. When requested to do so by a district or county court judge, public welfare or other social service agency, ~~and in all other cases when the petitioner is unable to employ an attorney through inability to immediately pay for such services,~~ the county attorney may appear on behalf of and represent the complainant in all proceedings under sections 257.251 to 257.259, 257.261 to 257.264 and 257.27 to 257.33 and shall obtain and present such evidence as may be necessary. In those cases initiated in which the county attorney, acting in his official capacity, represents the complainant, no filing fee shall be required by the clerk of court.

Sec. 6. Minnesota Statutes 1976, Section 257.257, is amended to read:

257.257 REMEDIES. *The district or county court has jurisdiction of a civil action under sections 257.251 to 257.259, 257.261 to 257.264 and 257.27 to 257.33 and all remedies for the enforcement of judgments for expenses of pregnancy and confinement for a wife or for education, necessary support, or funeral expenses for legitimate children apply. The court has continuing jurisdiction to modify or revoke a judgment for future education and necessary support. All remedies under the Uniform Reciprocal Enforcement of Support Act are available for enforcement of duties of support under sections 257.251 to 257.259, 257.261 to 257.264 and 257.27 to 257.33.*

Sec. 7. Minnesota Statutes 1976, Section 257.259, is amended to read:

257.259 CLOSED TRIAL. Upon the trial in district or county court the judge may at his discretion exclude the general public from attendance at such trial and shall do so at the request of either party.

Sec. 8. Minnesota Statutes 1976, Section 257.261, Subdivision 1, is amended to read:

257.261 JUDGMENT. Subdivision 1. Judgments under sections 257.251 to 257.259, 257.261 to 257.264 and 257.27 to 257.33 may be for periodic payments which may vary in amount. The court may order payments to be made to the mother or to some person, corporation, or agency designated to administer them under the supervision of the court.

Changes or additions indicated by underline deletions by ~~strikeout~~

Upon due notice to the county welfare board or the commissioner of public welfare and the duly appointed guardian, if any, the judge of the district or county court before whom the proceedings are pending shall make and enter an order, directing and requiring the father of such child to pay to the county welfare board, or the commissioner of public welfare such sum of money or its equivalent, as may be proper and adequate for the care, maintenance, and education of such child; or such order may provide for the payment, in the manner heretofore provided, of a specific sum each month, or at other stated intervals for the purposes hereinbefore specified.

Sec. 9. Minnesota Statutes 1976, Section 257.29, is amended to read:

257.29 CLERK TO REPORT NAME OF ADJUDGED FATHER. Upon the entry of a judgment determining the paternity of an illegitimate child the clerk of the district or county court shall notify in writing the state registrar of vital statistics of the name of the person against whom such judgment has been entered, together with such other facts disclosed by his records as may assist in identifying the record of the birth of the child as the same may appear in the office of the registrar. If the judgment shall thereafter be vacated, that fact shall be reported by the clerk in like manner.

Sec. 10. Minnesota Statutes 1976, Section 393.07, Subdivision 9, is amended to read:

Subd. 9. POWER TO COMPEL CERTAIN PERSONS TO PAY CHILD SUPPORT. When directed by a judge of district or county court or when a person under court order is in default in making child support payments to another person ~~who is indigent and~~ who has custody of the children for whom such payments have been ordered, the county welfare board shall take such steps as may be necessary to compel the person in default on such payments to make them; to take such steps as may be necessary to compel such persons to make reimbursement to comply with the order of court when in default; and to institute, if necessary, contempt proceedings on behalf of such person or persons to whom money or property is ordered to be paid or delivered. It shall be the duty of the county attorney to conduct such contempt proceedings when directed by a judge of the district or county court or when requested by the county welfare board. The county attorney in such contempt proceedings or upon a separate motion supported by order to show cause and affidavits may move the court that any defaults or delinquent payments under such order of support be reduced to a judgment against the defaulting party, and where the county welfare board or any other public agency has advanced and expended funds to supply the unmet needs of such children because of such default by failure to pay the court order, such county welfare board or other public agency shall be subrogated and may recover under such judgment to the extent that public funds were expended for the care and support of such children. The additional cost incurred by the county attorney to bring contempt actions under this subdivision shall be paid from the moneys collected in such actions in whatever manner and amount approved by a judge of that particular county or district court.

Sec. 11. Minnesota Statutes 1976, Section 393.11, is amended to read:

393.11 COUNTY ATTORNEY; EXPENSES. Subdivision 1. The county welfare
Changes or additions indicated by underline deletions by strikeout

board of any county is authorized to pay from welfare funds a share of the salary, clerk hire, and expenses of the county attorney or an assistant county attorney or both, such share to be proportionate to the expenses incurred on county welfare board matters and other county matters as determined by the county board of commissioners.

Subd. 2. The county welfare board or the commissioner of public welfare may contract with the county attorney for the provision of legal services to the county welfare board in paternity actions, child support enforcement and related matters as specified in Title IV-D of the Social Security Act. The county attorney may contract as to and perform the services and receive reimbursement therefor as determined by the commissioner. The contract may specify that the reimbursement shall be in addition to the salary of the county attorney as set by the county commissioners pursuant to chapter 388.

Sec. 12. Minnesota Statutes 1976, Section 487.19, Subdivision 1, is amended to read:

487.19 **CONCURRENT JURISDICTION.** Subdivision 1. The county court shall have concurrent jurisdiction in the following cases:

- (a) Proceedings for the administration of trust estates or actions relating thereto;
- (b) Proceedings for divorce, annulment, and separate maintenance, and actions related thereto, as prescribed by chapter 518;
- (c) Proceedings under the reciprocal enforcement of support act, sections 518.41 to 518.53;
- (d) Proceedings for adoption and change of name under chapter 259; ~~and~~
- (e) Proceedings to quiet title to real estate and real estate mortgage foreclosures by action; and
- (f) Proceedings for the determination of paternity of and establishment and enforcement of child support payments for an illegitimate child.

Sec. 13. Minnesota Statutes 1976, Section 518.41, is amended to read:

518.41 **PURPOSE.** ~~The purpose purposes~~ of sections 518.41 to 518.52 ~~is to provide for the extension and are to improve and extend by reciprocal legislation the~~ enforcement of duties of support.

Sec. 14. Minnesota Statutes 1976, Section 518.42, Subdivision 2, is amended to read:

Subd. 2. **STATE.** "State" includes a state, territory, or possession of the United States, ~~and~~ the District of Columbia, the commonwealth of Puerto Rico and any foreign jurisdiction in which this or a substantially similar reciprocal law has been enacted.

Changes or additions indicated by underline deletions by ~~strikeout~~

Sec. 15. Minnesota Statutes 1976, Section 518.42, Subdivision 5, is amended to read:

Subd. 5. **COURT.** "Court" means the district or a county court of this state and, when the context requires, the court of another state as defined in a substantially similar reciprocal law.

Sec. 16. Minnesota Statutes 1976, Section 518.42, Subdivision 7, is amended to read:

Subd. 7. **DUTY OF SUPPORT.** "Duty of support" includes a duty of support imposed or imposable by law or any court order, decree, or judgment, whether interlocutory, final, or incidental to a proceeding for divorce, legal or judicial separation, separate maintenance, or otherwise, and includes the duty to pay past due and unpaid support payments.

Sec. 17. Minnesota Statutes 1976, Section 518.42, Subdivision 8, is amended to read:

Subd. 8. **OBLIGOR.** "Obligor" means a person who owes a duty of support to an obligee or against whom a proceeding for the enforcement of a duty of support or registration of a support order is commenced.

Sec. 18. Minnesota Statutes 1976, Section 518.42, Subdivision 9, is amended to read:

Subd. 9. **OBLIGEE.** "Obligee" means the spouse, divorced spouse, legitimate or illegitimate minor child of an obligor to whom the obligor owes a duty of support a person or a state or political subdivision to whom a duty of support is owed, or a person or a state or political subdivision that has commenced a proceeding for enforcement of an alleged duty of support or for registration of a support order. The person to whom the duty of support is owed need not be a recipient of public assistance.

Sec. 19. Minnesota Statutes 1976, Section 518.42, is amended by adding subdivisions to read:

Subd. 10. **GOVERNOR.** "Governor" includes any person performing the functions of governor or the executive authority of any state.

Subd. 11. **SUPPORT ORDER.** "Support order" means any judgment, decree or order of support in favor of an obligee whether temporary or final or subject to modification, revocation or remission in any action or proceeding.

Sec. 20. Minnesota Statutes 1976, Section 518.45, Subdivision 2, is amended to read:

Subd. 2. **PETITION, FILING CONTENTS.** A proceeding for support under this section is initiated by filing a verified petition in the district court of this state stating:

Changes or additions indicated by underline deletions by strikeout

(1) The name and, so far as is known to the petitioner, the address and circumstances of the

(a) obligor, and

(b) obligee for whom support is sought; and

(2) Facts showing that the obligor owes a duty of support to the obligee.

Sec. 21. Minnesota Statutes 1976, Section 518.45, Subdivision 4, is amended to read:

Subd. 4. **DISMISSAL OF PETITION.** The ~~district~~ court may dismiss the petition if the obligee was not a resident of this state at the time the petition was filed.

Sec. 22. Minnesota Statutes 1976, Section 518.45, Subdivision 5, is amended to read:

Subd. 5. **NOTICE TO RESPONDING STATE.** If the ~~district~~ court makes the order set out in subdivision 3, it shall send to the court of the responding state a certified copy of the petition and of the order and either an authenticated copy of sections 518.41 to 518.52, or a copy of sections 518.41 to 518.52 certified by the clerk of the ~~district~~ court.

Sec. 23. Minnesota Statutes 1976, Section 518.46, Subdivision 2; is amended to read:

Subd. 2. **PETITION, FILING.** A proceeding for reimbursement for support furnished an obligee is initiated by filing a verified petition in the ~~district~~ court of this state stating the facts required by section 518.45, subdivision 2, and that the petitioner is entitled to reimbursement as defined in section 518.44, clause (3).

Sec. 24. Minnesota Statutes 1976, Section 518.46, Subdivision 3, is amended to read:

Subd. 3. **DETERMINATION BY COURT.** When a petition has been filed under subdivision 2, the ~~district~~ court shall comply with subdivision 4 if it determines by its order that the

(1) petition states facts sufficient to support a determination that the obligor owed a duty of support to the obligee during the period support was furnished by petitioner,

(2) *petitioner is entitled to reimbursement as defined in section 518.44, clause (3),*
and

(3) court of the responding state may obtain jurisdiction of the obligor or his property.

Sec. 25. Minnesota Statutes 1976, Section 518.46, Subdivision 4, is amended to

Changes or additions indicated by underline deletions by ~~strikeout~~

read:

Subd. 4. **NOTICE TO RESPONDING STATE.** If the ~~district~~ court makes the order set out in subdivision 3, it shall send to the court of the responding state a certified copy of the petition and of the order and either an authenticated copy of sections 518.41 to 518.52 or a copy of sections 518.41 to 518.52 certified by the clerk of the ~~district~~ court.

Sec. 26. Minnesota Statutes 1976, Section 518.48, is amended to read:

518.48 **JURISDICTION OF COURT.** Subdivision 1. **IN RESPONDING STATE.** The ~~district~~ court shall exercise jurisdiction over proceedings commenced in this state as a responding state.

Subd. 2. **POWERS OF COURT.** When the ~~district~~ court receives from the court of an initiating state a petition and any other papers required by an act substantially similar to sections 518.41 to 518.52, the ~~district~~ court shall

- (1) docket the case,
- (2) notify the county attorney,
- (3) set a time and place for hearing, and
- (4) take such action as is necessary in accordance with the law of this state to obtain jurisdiction of the obligor.

Subd. 3. **CONDUCT OF PROCEEDINGS.** Except as expressly provided in this section, the ~~district~~ court shall conduct a proceeding under this section in the manner prescribed by law for an action for the enforcement of the type of duty of support claimed.

Subd. 4. **ENFORCEMENT OF DUTIES OF SUPPORT.** The ~~district~~ court shall, at its discretion, enforce the duties of support owed under the law of

- (1) the state where the obligee resided when the obligor failed to support the obligee, or
- (2) this state, as declared in section 518.44, clause (1), for the whole period of non-support.

Subd. 5. **ORDERS FOR ENFORCEMENT OF SUCH DUTIES.** When the ~~district~~ court finds a duty of support it may

- (1) order the obligor to furnish support or reimbursement therefor,
- (2) subject the property of the obligor to the order,
- (3) require obligor to make payments at specified intervals to the clerk of the

Changes or additions indicated by underline deletions by ~~strikeout~~

district court of this state, the court of the initiating state, or the obligee,

(4) require the obligor to report personally at specified intervals to an officer of the district court appointed by the court for that purpose,

(5) require the obligor to furnish recognizance in the form of a cash deposit or bond of an amount sufficient to assure payment of any amount required to be paid by the obligor,

(6) punish the obligor for violation of a court order made under clause (1) to the same extent as is provided by law for contempt of the court in any other action or proceeding cognizable by the court,

(7) subject the obligor to such other terms and conditions as are necessary to assure compliance with the order made under clause (1).

Subd. 6. COPIES OF ORDERS SENT TO COURT OF INITIATING STATE. The district court shall send to the court of the initiating state a copy of all orders of support or orders for reimbursements for support.

Subd. 7. PAYMENTS. When the district court receives payment from the obligor pursuant to court order or otherwise, the district court shall send the payment to the court of the initiating state.

Subd. 8. STATEMENT AS TO PAYMENTS. When the court of the initiating state requests a statement of all payments made by the obligor, the district court shall prepare and send to the court of the initiating state a certified statement containing that information.

Subd. 9. DUTIES OF COURT OFFICIALS. The district court may direct that the duties imposed in subdivisions 7 and 8 shall be carried out by the clerk or other official of the court.

Sec. 27. Minnesota Statutes 1976, Section 518.49, is amended to read:

518.49 COUNTY ATTORNEY; DUTIES. When requested to do so by a district court judge, public welfare or other social service agency, ~~and in all other cases where the petitioner is unable to employ an attorney through inability to immediately pay for such services,~~ the county attorney shall appear on behalf of and represent the petitioner in all proceedings under sections 518.41 to 518.52 and shall obtain and present such evidence as may be necessary. In those cases initiated in this or any state in which the county attorney in this state acting in his official capacity represents the petitioner, no filing fee shall be required by the clerk of court.

Sec. 28. Minnesota Statutes 1976, Chapter 518, is amended by adding a section to read:

[518.491] FILING OF FOREIGN SUPPORT ORDERS. Subdivision 1.

Changes or additions indicated by underline deletions by ~~strikeout~~

ADDITIONAL REMEDIES. If the duty of support is based on a foreign support order, the obligee has the additional remedies provided in this section.

Subd. 2. FILING. The obligee may file the foreign support order in a court of this state in the manner, with the effect, and for the purposes provided in this section.

Subd. 3. OFFICIAL TO REPRESENT OBLIGEE. If a court of this state has issued a support order or a support order has been filed in a court of this state for an obligee, the county attorney upon the request of the court, public welfare or other public social service agency shall represent the obligee in all proceedings under this section.

Subd. 4. FILING PROCEDURE; NOTICE. (1) An obligee seeking to file a foreign support order in a court of this state shall transmit to the clerk of court:

(a) Three certified copies of the order with all modifications thereof;

(b) One copy of the reciprocal enforcement of support act of the state in which the order was made; and

(c) A statement verified and signed by the obligee, showing the post office address of the obligee, the last known place of residence and post office address of the obligor, the amount of support remaining unpaid, a description and the location of any property of the obligor available upon execution, and a list of the states in which the order is registered. Upon receipt of these documents the clerk of the court, without payment of a filing fee or other cost to the obligee, shall file them.

(2) Promptly upon filing the clerk of the court shall send by certified or registered mail to the obligor at the address given a notice of the filing with a copy of the filed support order and the post office address of the obligee. He shall also docket the case and notify the county attorney of his action. The county attorney shall proceed diligently to enforce the order.

Subd. 5. EFFECT OF FILING; ENFORCEMENT PROCEDURE. (1) Upon filing the foreign support order shall be treated in the same manner as a support order issued by a court of this state. It has the same effect and is subject to the same procedures, defenses, and proceedings for reopening, vacating or staying as a support order of a court of this state and may be enforced and satisfied in like manner.

(2) The obligor has 20 days after the mailing of notice of the filing to petition the court to vacate the filing or for other relief. If he does not so petition the filed support order is confirmed.

(3) If at any hearing to enforce the filed support order the obligor shows to the court any ground upon which enforcement of a support order of a court of this state may be stayed, the court shall stay enforcement of the order for an appropriate period if the obligor furnishes the same security for payment of the support ordered that is required for a support order of a court of this state.

Changes or additions indicated by underline deletions by strikeout

Sec. 29. Minnesota Statutes 1976, Section 518.551, is amended to read:

518.551 ALIMONY AND SUPPORT PAYMENTS MADE TO WELFARE AGENCIES. Notwithstanding any law to the contrary, any court having jurisdiction over proceedings for dissolution shall direct that all payments ordered for alimony and support shall be made to the agency responsible for the welfare payments, when it appears that the party who is to receive the alimony and support payments will receive public assistance. Amounts so received by the board over and above the amount granted to the party receiving public assistance shall be remitted to that party.

The agency responsible for the welfare payments shall be notified by the petitioner of all proceedings for dissolution, separate maintenance or for the custody of a child if either party is receiving aid to families of dependent children or applies for such aid subsequent to the commencement of such proceeding. ~~Failure of such notification shall not affect the validity of the proceeding for dissolution, separate maintenance, or custody of the child~~ After receipt of the notice, the county welfare board or the commissioner of public welfare shall recommend to the court the sum of money, or its equivalent, that is proper and adequate for the care and support of the child or children before the issuance of the order for judgment and decree in the proceeding.

If the court finds in a dissolution proceeding before issuing the order for judgment and decree that notification has not been given to the agency responsible for the welfare payments, the court shall order that notification be made and shall not issue its order for judgment and decree until the agency has made its recommendations. In those proceedings in which no notification has been made pursuant to this section and the agency determines that the judgment is not proper and adequate for the care and support of the child or children, it may petition the court for a redetermination of the support payments ordered.

Approved May 26, 1977.

CHAPTER 283—H.F.No.917

[Not Coded]

An act relating to public welfare; appropriating money for the Vinland National Center.

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

Section 1. **PUBLIC WELFARE; VINLAND NATIONAL CENTER.** Subdivision 1. Vinland National Center shall be established in Minnesota to serve as a health resource, education and training center. The primary focus of the activities of the center shall be in the areas of health education, health promotion, and health recreation. The center shall serve health service providers, handicapped persons and other health service consumers.

Subd. 2. The plans for the Vinland National Center shall be submitted to the chairman of the house appropriations committee and the chairman of the senate finance

Changes or additions indicated by underline deletions by ~~strikeout~~