

**CHAPTER 280—S.F.No. 3199**

*An act relating to family law; changing certain custody, paternity, adoption, child support, medical support, and maintenance provisions; changing a family court appeal provision; correcting an effective date; amending Minnesota Statutes 2004, sections 257.55, subdivision 1; 257.57, subdivision 2; 257.62, subdivision 5; 257C.03, subdivision 7; 259.58; 484.65, subdivision 9; 518.1705, subdivision 7; 518.175, subdivisions 1, 3; 518.18; 518.551, subdivision 6, by adding a subdivision; 518.5513, subdivision 3; 518.58, subdivision 4; Minnesota Statutes 2005 Supplement, sections 259.24, subdivision 6a; 518.005, subdivision 6; Laws 2005, chapter 164, sections 4; 5; 8; 10; 11; 14; 15; 16; 17, subdivision 1; 18; 20; 21; 22, subdivisions 2, 3, 4, 16, 17, 18; 23, subdivisions 1, 2; 24; 25; 26, subdivision 2, as amended; 31; 32; 2006 H.F. No. 2656, article 5, section 48, if enacted; proposing coding for new law in Minnesota Statutes, chapters 257; 518; repealing Minnesota Statutes 2004, section 518.54, subdivision 6; Laws 2005, chapter 164, section 12.*

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

Section 1. **[257.026] NOTIFICATION OF RESIDENCE WITH CERTAIN CONVICTED PERSONS.**

A person who is granted or exercises custody of a child or parenting time with a child under this chapter or chapter 518 must notify the child's other parent, if any, the county social services agency, and the court that granted the custody or parenting time, if the person knowingly marries or lives in the same residence with a person who has been convicted of a crime listed in section 518.179, subdivision 2.

Sec. 2. Minnesota Statutes 2004, section 257.55, subdivision 1, is amended to read:

Subdivision 1. **Presumption.** A man is presumed to be the biological father of a child if:

(a) He and the child's biological mother are or have been married to each other and the child is born during the marriage, or within 280 days after the marriage is terminated by death, annulment, declaration of invalidity, dissolution, or divorce, or after a decree of legal separation is entered by a court. The presumption in this paragraph does not apply if the man has joined in a recognition of parentage recognizing another man as the biological father under section 257.75, subdivision 1a;

(b) Before the child's birth, he and the child's biological mother have attempted to marry each other by a marriage solemnized in apparent compliance with law, although the attempted marriage is or could be declared void, voidable, or otherwise invalid, and,

(1) if the attempted marriage could be declared invalid only by a court, the child is born during the attempted marriage, or within 280 days after its termination by death, annulment, declaration of invalidity, dissolution or divorce; or

(2) if the attempted marriage is invalid without a court order, the child is born within 280 days after the termination of cohabitation;

(c) After the child's birth, he and the child's biological mother have married, or attempted to marry, each other by a marriage solemnized in apparent compliance with law, although the attempted marriage is or could be declared void, voidable, or otherwise invalid, and,

(1) he has acknowledged his paternity of the child in writing filed with the state registrar of vital statistics;

(2) with his consent, he is named as the child's father on the child's birth record; or

(3) he is obligated to support the child under a written voluntary promise or by court order;

(d) While the child is under the age of majority, he receives the child into his home and openly holds out the child as his biological child;

(e) He and the child's biological mother acknowledge his paternity of the child in a writing signed by both of them under section 257.34 and filed with the state registrar of vital statistics. If another man is presumed under this paragraph to be the child's father, acknowledgment may be effected only with the written consent of the presumed father or after the presumption has been rebutted;

~~(f) Evidence of statistical probability of paternity based on blood or genetic testing establishes the likelihood that he is the father of the child, calculated with a prior probability of no more than 0.5 (50 percent), is 99 percent or greater;~~

~~(g)~~ He and the child's biological mother have executed a recognition of parentage in accordance with section 257.75 and another man is presumed to be the father under this subdivision;

~~(h)~~ ~~(g)~~ He and the child's biological mother have executed a recognition of parentage in accordance with section 257.75 and another man and the child's mother have executed a recognition of parentage in accordance with section 257.75; or

~~(i)~~ ~~(h)~~ He and the child's biological mother executed a recognition of parentage in accordance with section 257.75 when either or both of the signatories were less than 18 years of age.

Sec. 3. Minnesota Statutes 2004, section 257.57, subdivision 2, is amended to read:

Subd. 2. **Actions under other paragraphs of section 257.55, subdivision 1.** The child, the mother, or personal representative of the child, the public authority chargeable by law with the support of the child, the personal representative or a parent of the mother if the mother has died or is a minor, a man alleged or alleging himself to be the father, or the personal representative or a parent of the alleged father if the alleged father has died or is a minor may bring an action:

(1) at any time for the purpose of declaring the existence of the father and child relationship presumed under ~~section~~ sections 257.55, subdivision 1, paragraph (d), (e), ~~(f)~~, (g), or (h), and 257.62, subdivision 5, paragraph (b), or the nonexistence of the father and child relationship presumed under section 257.55, subdivision 1, clause (d) of that subdivision,

(2) for the purpose of declaring the nonexistence of the father and child relationship presumed under section 257.55, subdivision 1, paragraph (e) or (g), only if the action is brought within six months after the person bringing the action obtains the results of blood or genetic tests that indicate that the presumed father is not the father of the child;

(3) for the purpose of declaring the nonexistence of the father and child relationship presumed under ~~section 257.55, subdivision 1, paragraph (f)~~ 257.62, subdivision 5, paragraph (b), only if the action is brought within three years after the party bringing the action, or the party's attorney of record, has been provided the blood or genetic test results; or

(4) for the purpose of declaring the nonexistence of the father and child relationship presumed under section 257.75, subdivision 9, only if the action is brought by the minor signatory within six months after the minor signatory reaches the age of 18. In the case of a recognition of parentage executed by two minor signatories, the action to declare the nonexistence of the father and child relationship must be brought within six months after the youngest signatory reaches the age of 18.

Sec. 4. Minnesota Statutes 2004, section 257.62, subdivision 5, is amended to read:

Subd. 5. **Positive test results.** (a) If the results of blood or genetic tests completed in a laboratory accredited by the American Association of Blood Banks indicate that the likelihood of the alleged father's paternity, calculated with a prior probability of no more than 0.5 (50 percent), is 92 percent or greater, upon motion the court shall order the alleged father to pay temporary child support determined according to chapter 518. The alleged father shall pay the support money to the public authority if the public authority is a party and is providing services to the parties or, if not, into court pursuant to the Rules of Civil Procedure to await the results of the paternity proceedings.

(b) If the results of blood or genetic tests completed in a laboratory accredited by the American Association of Blood Banks indicate that likelihood of the alleged father's paternity, calculated with a prior probability of no more than 0.5 (50 percent), is 99 percent or greater, there is an evidentiary presumption that the alleged father is presumed to be the parent biological father and the party opposing the establishment of the alleged father's paternity has the burden of proving by clear and convincing evidence that the alleged father is not the father of the child.

(c) A determination under this subdivision that the alleged father is the biological father does not preclude the adjudication of another man as the legal father under section 257.55, subdivision 2, nor does it allow the donor of genetic material for assisted reproduction for the benefit of a recipient parent, whether sperm or ovum (egg), to claim to be the child's biological or legal parent.

Sec. 5. Minnesota Statutes 2004, section 257C.03, subdivision 7, is amended to read:

Subd. 7. **Interested third party; burden of proof; factors.** (a) To establish that an individual is an interested third party, the individual must:

(1) show by clear and convincing evidence that one of the following factors exist:

(i) the parent has abandoned, neglected, or otherwise exhibited disregard for the child's well-being to the extent that the child will be harmed by living with the parent;

(ii) placement of the child with the individual takes priority over preserving the day-to-day parent-child relationship because of the presence of physical or emotional danger to the child, or both; or

(iii) other extraordinary circumstances; ~~and~~

(2) prove by a preponderance of the evidence that it is in the best interests of the child to be in the custody of the interested third party; and

(3) show by clear and convincing evidence that granting the petition would not violate section 518.179, subdivision 1a.

(b) The following factors must be considered by the court in determining an interested third party's petition:

(1) the amount of involvement the interested third party had with the child during the parent's absence or during the child's lifetime;

(2) the amount of involvement the parent had with the child during the parent's absence;

- (3) the presence or involvement of other interested third parties;
  - (4) the facts and circumstances of the parent's absence;
  - (5) the parent's refusal to comply with conditions for retaining custody set forth in previous court orders;
  - (6) whether the parent now seeking custody was previously prevented from doing so as a result of domestic violence;
  - (7) whether a sibling of the child is already in the care of the interested third party; and
  - (8) the existence of a standby custody designation under chapter 257B.
- (c) In determining the best interests of the child, the court must apply the standards in section 257C.04.

Sec. 6. Minnesota Statutes 2005 Supplement, section 259.24, subdivision 6a, is amended to read:

Subd. 6a. **Withdrawal of consent.** Except for consents executed under section 260C.201, subdivision 11, a parent's consent to adoption may be withdrawn for any reason within ten working days after the consent is executed and acknowledged. Written notification of withdrawal of consent must be received by the agency to which the child was surrendered no later than the tenth working day after the consent is executed and acknowledged. On the day following the tenth working day after execution and acknowledgment, the consent shall become irrevocable, except upon order of a court of competent jurisdiction after written findings that consent was obtained by fraud. A consent to adopt executed under section 260C.201, subdivision 11, is irrevocable upon proper notice to both parents of the effect of a consent to adopt and acceptance by the court, except upon order of the same court after written findings that the consent was obtained by fraud. A consent to adopt executed under section 260C.201, subdivision 11, is irrevocable upon proper notice to both parents of the effect of a consent to adopt and acceptance by the court, except upon order of the same court after written findings that the consent was obtained by fraud. In proceedings to determine the existence of fraud, the adoptive parents and the child shall be made parties. The proceedings shall be conducted to preserve the confidentiality of the adoption process. There shall be no presumption in the proceedings favoring the birth parents over the adoptive parents.

Sec. 7. Minnesota Statutes 2004, section 259.58, is amended to read:

**259.58 COMMUNICATION OR CONTACT AGREEMENTS.**

Adoptive parents and a birth relative or foster parents may enter an agreement regarding communication with or contact between an adopted minor, adoptive parents, and a birth relative or foster parents under this section. An agreement may be entered between:

- (1) adoptive parents and a birth parent;
- (2) adoptive parents and any other birth relative or foster parent with whom the child resided before being adopted; or
- (3) adoptive parents and any other birth relative if the child is adopted by a birth relative upon the death of both birth parents.

For purposes of this section, "birth relative" means a parent, stepparent, grandparent, brother, sister, uncle, or aunt of a minor adoptee. This relationship may be by blood, adoption, or marriage. For an Indian child, birth relative includes members of the extended family as defined by the law or custom of the Indian child's tribe or, in the absence of laws or custom, nieces, nephews, or first or second cousins, as provided in the Indian Child Welfare Act, United States Code, title 25, section 1903.

(a) An agreement regarding communication with or contact between minor adoptees, adoptive parents, and a birth relative is not legally enforceable unless the terms of the agreement are contained in a written court order entered in accordance with this section. An order may be sought at any time before a decree of adoption is granted. The order must be issued within 30 days of being submitted to the court or by the granting of the decree of adoption, whichever is earlier. The court shall not enter a proposed order unless the terms of the order have been approved in writing by the prospective adoptive parents, a birth relative or foster parent who desires to be a party to the agreement, and, if the child is in the custody of or under the guardianship of an agency, a representative of the agency. A birth parent must approve in writing of an agreement between adoptive parents and any other birth relative or foster parent, unless an action has been filed against the birth parent by a county under chapter 260. An agreement under this section need not disclose the identity of the parties to be legally enforceable. The court shall not enter a proposed order unless the court finds that the communication or contact between the minor adoptee, the adoptive parents, and a birth relative as agreed upon and contained in the proposed order would be in the minor adoptee's best interests. The court shall mail a certified copy of the order to the parties to the agreement or their representatives at the addresses provided by the petitioners.

(b) Failure to comply with the terms of an agreed order regarding communication or contact that has been entered by the court under this section is not grounds for:

- (1) setting aside an adoption decree; or
- (2) revocation of a written consent to an adoption after that consent has become irrevocable.

(c) An agreed order entered under this section may be enforced by filing a petition or motion with the family court that includes a certified copy of the order granting the communication, contact, or visitation, but only if the petition or motion is accompanied by an affidavit that the parties have mediated or attempted to mediate any dispute under the agreement or that the parties agree to a proposed modification. The prevailing party may be awarded reasonable attorney's fees and costs. The court shall not modify an agreed order under this section unless it finds that the modification is necessary to serve the best interests of the minor adoptee, and:

- (1) the modification is agreed to by the parties to the agreement; or
- (2) exceptional circumstances have arisen since the agreed order was entered that justify modification of the order.

(d) For children under state guardianship when there is a written communication or contact agreement between prospective adoptive parents and birth relatives other than birth parents it must be included in the final adoption decree unless all the parties agree to omit it. If the adoptive parents or birth relatives do not comply with the communication or contact agreement, the court shall determine the terms of the communication and contact agreement.

Sec. 8. Minnesota Statutes 2004, section 484.65, subdivision 9, is amended to read:

Subd. 9. **Referees; review appeal.** All recommended orders and findings of a referee shall be subject to confirmation by said district court judge. ~~Review of any recommended order or finding of a referee by the district court judge may be had by notice served and filed within ten days of effective notice of such recommended order or finding. The notice of review shall specify the grounds for such review and the specific provisions of the recommended findings or orders disputed, and said district court judge, upon receipt of such notice of review, shall set a time and place for such review hearing. Fourth Judicial District Family Court referee orders and decrees may be appealed directly to the Court of Appeals in the same manner as judicial orders and decrees. The time for appealing an appealable referee order runs from service by any party of written notice of the filing of the confirmed order.~~

**EFFECTIVE DATE.** This section is effective the day following final enactment.

Sec. 9. Minnesota Statutes 2005 Supplement, section 518.005, subdivision 6, is amended to read:

Subd. 6. **Filing fee.** The ~~initial pleading~~ first paper filed for a party in all proceedings for dissolution of marriage, legal separation, or annulment or proceedings to establish child support obligations shall be accompanied by a filing fee of \$50. The fee is in addition to any other prescribed by law or rule.

**EFFECTIVE DATE.** This section is effective July 1, 2006.

Sec. 10. Minnesota Statutes 2004, section 518.1705, subdivision 7, is amended to read:

Subd. 7. **Moving the child to another state.** ~~Parents may agree, but the court must not require, that in a parenting plan the factors in section 518.17 or 257.025, as applicable, upon the legal standard that will govern a decision concerning removal of a child's residence from this state, provided that:~~

- (1) both parents were represented by counsel when the parenting plan was approved; or
- (2) the court found the parents were fully informed, the agreement was voluntary, and the parents were aware of its implications.

Sec. 11. Minnesota Statutes 2004, section 518.175, subdivision 1, is amended to read:

Subdivision 1. **General.** (a) In all proceedings for dissolution or legal separation, subsequent to the commencement of the proceeding and continuing thereafter during the minority of the child, the court shall, upon the request of either parent, grant such parenting time on behalf of the child and a parent as will enable the child and the parent to maintain a child to parent relationship that will be in the best interests of the child.

If the court finds, after a hearing, that parenting time with a parent is likely to endanger the child's physical or emotional health or impair the child's emotional development, the court shall restrict parenting time with that parent as to time, place, duration, or supervision and may deny parenting time entirely, as the circumstances warrant. The court shall consider the age of the child and the child's relationship with the parent prior to the commencement of the proceeding.

A parent's failure to pay support because of the parent's inability to do so shall not be sufficient cause for denial of parenting time.

(b) The court may provide that a law enforcement officer or other appropriate person will accompany a party seeking to enforce or comply with parenting time.

(c) Upon request of either party, to the extent practicable an order for parenting time must include a specific schedule for parenting time, including the frequency and duration of visitation and visitation during holidays and vacations, unless parenting time is restricted, denied, or reserved.

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

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

Sec. 12. Minnesota Statutes 2004, section 518.175, subdivision 1, is amended to read:

Subdivision 1. **General.** (a) In all proceedings for dissolution or legal separation, subsequent to the commencement of the proceeding and continuing thereafter during the minority of the child, the court shall, upon the request of either parent, grant such parenting time on behalf of the child and a parent as will enable the child and the parent to maintain a child to parent relationship that will be in the best interests of the child.

If the court finds, after a hearing, that parenting time with a parent is likely to endanger the child's physical or emotional health or impair the child's emotional development, the court shall restrict parenting time with that parent as to time, place, duration, or supervision and may deny parenting time entirely, as the circumstances warrant. The court shall consider the age of the child and the child's relationship with the parent prior to the commencement of the proceeding.

A parent's failure to pay support because of the parent's inability to do so shall not be sufficient cause for denial of parenting time.

(b) The court may provide that a law enforcement officer or other appropriate person will accompany a party seeking to enforce or comply with parenting time.

(c) Upon request of either party, to the extent practicable an order for parenting time must include a specific schedule for parenting time, including the frequency and duration of visitation and visitation during holidays and vacations, unless parenting time is restricted, denied, or reserved.

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

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

Sec. 13. Minnesota Statutes 2004, section 518.175, subdivision 3, is amended to read:

Subd. 3. **Move to another state.** (a) The parent with whom the child resides shall not move the residence of the child to another state except upon order of the court or with the consent of the other parent, if the other parent has been given parenting time by the decree. If the purpose of the move is to interfere with parenting time given to the other parent by the decree, the court shall not permit the child's residence to be moved to another state.

(b) The court shall apply a best interests standard when considering the request of the parent with whom the child resides to move the child's residence to another state. The factors the court must consider in determining the child's best interests include, but are not limited to:

(1) the nature, quality, extent of involvement, and duration of the child's relationship with the person proposing to relocate and with the nonrelocating person, siblings, and other significant persons in the child's life;

(2) the age, developmental stage, needs of the child, and the likely impact the relocation will have on the child's physical, educational, and emotional development, taking into consideration special needs of the child;

(3) the feasibility of preserving the relationship between the nonrelocating person and the child through suitable parenting time arrangements, considering the logistics and financial circumstances of the parties;

(4) the child's preference, taking into consideration the age and maturity of the child;

(5) whether there is an established pattern of conduct of the person seeking the relocation either to promote or thwart the relationship of the child and the nonrelocating person;

(6) whether the relocation of the child will enhance the general quality of the life for both the custodial parent seeking the relocation and the child including, but not limited to, financial or emotional benefit or educational opportunity;

(7) the reasons of each person for seeking or opposing the relocation; and

(8) the effect on the safety and welfare of the child, or of the parent requesting to move the child's residence, of domestic abuse, as defined in section 518B.01.

(c) The burden of proof is upon the parent requesting to move the residence of the child to another state, except that if the court finds that the person requesting permission to move has been a victim of domestic abuse by the other parent, the burden of proof is upon the parent opposing the move. The court must consider all of the factors in this subdivision in determining the best interests of the child.

Sec. 14. Minnesota Statutes 2004, section 518.18, is amended to read:

#### **518.18 MODIFICATION OF ORDER.**

(a) Unless agreed to in writing by the parties, no motion to modify a custody order or parenting plan may be made earlier than one year after the date of the entry of a decree of dissolution or legal separation containing a provision dealing with custody, except in accordance with paragraph (c).

(b) If a motion for modification has been heard, whether or not it was granted, unless agreed to in writing by the parties no subsequent motion may be filed within two years after disposition of the prior motion on its merits, except in accordance with paragraph (c).

(c) The time limitations prescribed in paragraphs (a) and (b) shall not prohibit a motion to modify a custody order or parenting plan if the court finds that there is persistent and willful denial or interference with parenting time, or has reason to believe that the child's present environment may endanger the child's physical or emotional health or impair the child's emotional development.

(d) If the court has jurisdiction to determine child custody matters, the court shall not modify a prior custody order or a parenting plan provision which specifies the child's primary residence unless it finds, upon the basis of facts, including unwarranted denial of, or interference with, a duly established parenting time schedule, that have arisen since the prior order or that were unknown to the court at the time of the prior order, that a change has occurred in the circumstances of the child or the parties and that the modification is necessary to serve the best interests of the child. In applying these standards the court shall retain the custody arrangement or the parenting plan provision specifying the child's primary residence that was established by the prior order unless:

(i) the court finds that a change in the custody arrangement or primary residence is in the best interests of the child and the parties previously agreed, in a writing approved by a court, to apply the best interests standard in section 518.17 or 257.025, as applicable; and, with respect to agreements approved by a court on or after April 28, 2000, both parties were represented by counsel when the agreement was approved or the court found the parties were fully informed, the agreement was voluntary, and the parties were aware of its implications;

(ii) both parties agree to the modification;



(iii) the child has been integrated into the family of the petitioner with the consent of the other party;

or

(iv) the child's present environment endangers the child's physical or emotional health or impairs the child's emotional development and the harm likely to be caused by a change of environment is outweighed by the advantage of a change to the child; or

(v) the court has denied a request of the primary custodial parent to move the residence of the child to another state, and the primary custodial parent has relocated to another state despite the court's order.

In addition, a court may modify a custody order or parenting plan under section 631.52.

(e) In deciding whether to modify a prior joint custody order, the court shall apply the standards set forth in paragraph (d) unless: (1) the parties agree in writing to the application of a different standard, or (2) the party seeking the modification is asking the court for permission to move the residence of the child to another state.

(f) If a parent has been granted sole physical custody of a minor and the child subsequently lives with the other parent, and temporary sole physical custody has been approved by the court or by a court-appointed referee, the court may suspend the obligor's child support obligation pending the final custody determination. The court's order denying the suspension of child support must include a written explanation of the reasons why continuation of the child support obligation would be in the best interests of the child.

Sec. 15. Minnesota Statutes 2004, section 518.551, is amended by adding a subdivision to read:

Subd. 1a. **Scope; payment to public authority.** (a) This section applies to all proceedings involving a support order, including, but not limited to, a support order establishing an order for past support or reimbursement of public assistance.

(b) The court shall direct that all payments ordered for maintenance or support be made to the public authority responsible for child support enforcement so long as the obligee is receiving or has applied for public assistance, or has applied for child support or maintenance collection services. Public authorities responsible for child support enforcement may act on behalf of other public authorities responsible for child support enforcement, including the authority to represent the legal interests of or execute documents on behalf of the other public authority in connection with the establishment, enforcement, and collection of child support, maintenance, or medical support, and collection on judgments.

(c) Payments made to the public authority other than payments under section 518.6111 must be credited as of the date the payment is received by the central collections unit.

(d) Monthly amounts received by the public agency responsible for child support enforcement from the obligor that are greater than the monthly amount of public assistance granted to the obligee must be remitted to the obligee.

Sec. 16. Minnesota Statutes 2004, section 518.551, subdivision 6, is amended to read:

Subd. 6. **Failure of notice.** If the court in a dissolution, legal separation or determination of parentage proceeding, finds before issuing the order for judgment and decree, that notification has not been given to the public authority, the court shall set child support ~~according to the guidelines in subdivision 5~~ as provided in Laws 2005, chapter 164, section 26. In those proceedings in which no notification has been made pursuant to this section and in which the public authority determines that the judgment is lower than the child support required by the guidelines in subdivision 5, it shall move the court for a redetermination of the support payments ordered so that the support payments comply with the guidelines.

Sec. 17. Minnesota Statutes 2004, section 518.5513, subdivision 3, is amended to read:

Subd. 3. **Contents of pleadings.** (a) In cases involving establishment or modification of a child support order, the initiating party shall include the following information, if known, in the pleadings:

- (1) names, addresses, and dates of birth of the parties;
- (2) Social Security numbers of the parties and the minor children of the parties, which information shall be considered private information and shall be available only to the parties, the court, and the public authority;
- (3) other support obligations of the obligor;
- (4) names and addresses of the parties' employers;
- (5) ~~net gross~~ income of the parties as ~~defined~~ calculated in section 518.551, subdivision 5, ~~with the authorized deductions itemized 518.7123;~~
- (6) amounts and sources of any other earnings and income of the parties;
- (7) health insurance coverage of parties;
- (8) types and amounts of public assistance received by the parties, including Minnesota family investment plan, child care assistance, medical assistance, MinnesotaCare, title IV-E foster care, or other form of assistance as defined in section 256.741, subdivision 1; and
- (9) any other information relevant to the ~~determination~~ computation of the ~~child or medical~~ child support obligation under section ~~518.171 or 518.551, subdivision 5~~ 518.713.

(b) For all matters scheduled in the expedited process, whether or not initiated by the public authority, the nonattorney employee of the public authority shall file with the court and serve on the parties the following information:

- (1) information pertaining to the income of the parties available to the public authority from the Department of Employment and Economic Development;
- (2) a statement of the monthly amount of child support, medical support, child care, and arrears currently being charged the obligor on Minnesota IV-D cases;
- (3) a statement of the types and amount of any public assistance, as defined in section 256.741, subdivision 1, received by the parties; and
- (4) any other information relevant to the determination of support that is known to the public authority and that has not been otherwise provided by the parties.

The information must be filed with the court or child support magistrate at least five days before any hearing involving child support, medical support, or child care reimbursement issues.

Sec. 18. Minnesota Statutes 2004, section 518.58, subdivision 4, is amended to read:

Subd. 4. **Pension plans.** (a) The division of marital property that represents pension plan benefits or rights in the form of future pension plan payments:

- (1) is payable only to the extent of the amount of the pension plan benefit payable under the terms of the plan;
- (2) is not payable for a period that exceeds the time that pension plan benefits are payable to the pension plan benefit recipient;
- (3) is not payable in a lump sum amount from defined benefit pension plan assets attributable in any fashion to a spouse with the status of an active member, deferred retiree, or benefit recipient of a pension plan;

(4) if the former spouse to whom the payments are to be made dies prior to the end of the specified payment period with the right to any remaining payments accruing to an estate or to more than one survivor, is payable only to a trustee on behalf of the estate or the group of survivors for subsequent apportionment by the trustee; and

(5) in the case of defined benefit public pension plan benefits or rights, may not commence until the public plan member submits a valid application for a public pension plan benefit and the benefit becomes payable.

(b) The individual retirement account plans established under chapter 354B may provide in its plan document, if published and made generally available, for an alternative marital property division or distribution of individual retirement account plan assets. If an alternative division or distribution procedure is provided, it applies in place of paragraph (a), clause (5).

Sec. 19. **[518.7124] POTENTIAL INCOME.**

Subdivision 1. **General.** If a parent is voluntarily unemployed, underemployed, or employed on a less than full-time basis, or there is no direct evidence of any income, child support must be calculated based on a determination of potential income. For purposes of this determination, it is rebuttably presumed that a parent can be gainfully employed on a full-time basis. As used in this section, "full time" means 40 hours of work in a week except in those industries, trades, or professions in which most employers, due to custom, practice, or agreement, use a normal work week of more or less than 40 hours in a week.

Subd. 2. **Methods.** Determination of potential income must be made according to one of three methods, as appropriate:

(1) the parent's probable earnings level based on employment potential, recent work history, and occupational qualifications in light of prevailing job opportunities and earnings levels in the community;

(2) if a parent is receiving unemployment compensation or workers' compensation, that parent's income may be calculated using the actual amount of the unemployment compensation or workers' compensation benefit received; or

(3) the amount of income a parent could earn working full time at 150 percent of the current federal or state minimum wage, whichever is higher.

Subd. 3. **Parent not considered voluntarily unemployed or underemployed.** A parent is not considered voluntarily unemployed or underemployed upon a showing by the parent that:

(1) unemployment or underemployment is temporary and will ultimately lead to an increase in income; or

(2) the unemployment or underemployment represents a bona fide career change that outweighs the adverse effect of that parent's diminished income on the child.

Subd. 4. **TANF recipient.** If the parent of a joint child is a recipient of a temporary assistance to a needy family (TANF) cash grant, no potential income is to be imputed to that parent.

Subd. 5. **Caretaker.** If a parent stays at home to care for a child who is subject to the child support order, the court may consider the following factors when determining whether the parent is voluntarily unemployed or underemployed:

(1) the parties' parenting and child care arrangements before the child support action;

(2) the stay-at-home parent's employment history, recency of employment, earnings, and the availability of jobs within the community for an individual with the parent's qualifications;

(3) the relationship between the employment-related expenses, including, but not limited to, child care and transportation costs required for the parent to be employed, and the income the stay-at-home parent could receive from available jobs within the community for an individual with the parent's qualifications;

(4) the child's age and health, including whether the child is physically or mentally disabled; and

(5) the availability of child care providers.

This paragraph does not apply if the parent stays at home only to care for other nonjoint children.

Subd. 6. **Economic conditions.** A self-employed parent is not considered to be voluntarily unemployed or underemployed if that parent can show that the parent's net self-employment income is lower because of economic conditions that are directly related to the source or sources of that parent's income.

Sec. 20. Laws 2005, chapter 164, section 4, is amended to read:

Sec. 4. **[518.1781] SIX-MONTH REVIEW.**

(a) A request for a six-month review hearing form must be attached to a decree of dissolution or legal separation or an order that initially establishes child custody, parenting time, or support rights and obligations of parents. The state court administrator is requested to prepare the request for review hearing form. The form must include information regarding the procedures for requesting a hearing, the purpose of the hearing, and any other information regarding a hearing under this section that the state court administrator deems necessary.

(b) The six-month review hearing shall be held if any party submits a written request for a hearing within six months after entry of a decree of dissolution or legal separation or order that establishes child custody, parenting time, or support.

(c) Upon receipt of a completed request for hearing form, the court administrator shall provide notice of the hearing to all other parties and the public authority. The court administrator shall schedule the six-month review hearing as soon as practicable following the receipt of the hearing request form.

(d) At the six-month hearing, the court must review:

(1) whether child support is current; and

(2) whether both parties are complying with the parenting time provisions of the order.

(e) At the six-month hearing, the obligor has the burden to present evidence to establish that child support payments are current. A party may request that the public authority provide information to the parties and court regarding child support payments. A party must request the information from the public authority at least 14 days before the hearing. The commissioner of human services must develop a form to be used by the public authority to submit child support payment information to the parties and court.

(f) Contempt of court and all statutory remedies for child support and parenting time enforcement may be imposed by the court at the six-month hearing for noncompliance by either party pursuant to chapters 517C and 588 and the Minnesota Court Rules.

(g) A request for a six-month review hearing form must be attached to a decree or order signed on or after January 1, 2007, that initially establishes child support rights and obligations ~~according to section 517A.29~~.

Sec. 21. Laws 2005, chapter 164, section 5, is amended to read:

Sec. 5. Minnesota Statutes 2004, section 518.54, is amended to read:

518.54 **DEFINITIONS.**

Subdivision 1. **Terms.** For the purposes of sections 518.1781 and 518.54 to 518.773, the terms defined in this section shall have the meanings respectively ascribed to them.

Subd. 2. **Child.** "Child" means an individual under 18 years of age, an individual under age 20 who is still attending secondary school, or an individual who, by reason of physical or mental condition, is incapable of self-support.

Subd. 2a. **Deposit account.** "Deposit account" means funds deposited with a financial institution in the form of a savings account, checking account, NOW account, or demand deposit account.

Subd. 2b. **Financial institution.** "Financial institution" means a savings association, bank, trust company, credit union, industrial loan and thrift company, bank and trust company, or savings association, and includes a branch or detached facility of a financial institution.

Subd. 3. **Maintenance.** "Maintenance" means an award made in a dissolution or legal separation proceeding of payments from the future income or earnings of one spouse for the support and maintenance of the other.

Subd. 4. **Support money; child support.** "Support money" or "child support" means an amount for basic support, child care support, and medical support pursuant to:

(1) an award in a dissolution, legal separation, annulment, or parentage proceeding for the care, support and education of any child of the marriage or of the parties to the proceeding;

(2) a contribution by parents ordered under section 256.87; or

(3) support ordered under chapter 518B or 518C.

Subd. 4a. **Support order.** (a) "Support order" means a judgment, decree, or order, whether temporary, final, or subject to modification, issued by a court or administrative agency of competent jurisdiction;

(1) for the support and maintenance of a child, including a child who has attained the age of majority under the law of the issuing state; ~~or,~~

(2) for a child and the parent with whom the child is living, that provides for monetary support, child care, medical support including expenses for confinement and pregnancy, arrearages, or reimbursement; ~~and that; or~~

(3) for the maintenance of a spouse or former spouse.

(b) The support order may include related costs and fees, interest and penalties, income withholding, and other relief. This definition applies to orders issued under this chapter and chapters 256, 257, and 518C.

Subd. 5. **Marital property; exceptions.** "Marital property" means property, real or personal, including vested public or private pension plan benefits or rights, acquired by the parties, or either of them, to a dissolution, legal separation, or annulment proceeding at any time during the existence of the marriage relation between them, or at any time during which the parties were living together as husband and wife under a purported marriage relationship which is annulled in an annulment proceeding, but prior to the date of valuation under section 518.58, subdivision 1. All property acquired by either spouse subsequent to the marriage and before the valuation date is presumed to be marital property regardless of whether title is held individually or by the spouses in a form of co-ownership such as joint tenancy, tenancy in common, tenancy by the entirety, or community property. Each spouse shall be deemed to have a common ownership in marital property that vests not later than the time of the entry of the decree in a proceeding for dissolution or annulment. The extent of the vested interest shall be determined and made final by the court pursuant to section 518.58. If a title interest in real property is held individually by only one spouse, the interest in the real property of the nontitled spouse is not subject to claims of creditors or judgment or tax liens until the time of entry of the decree awarding an interest to the nontitled spouse. The presumption of marital property is overcome by a showing that the property is nonmarital property.

"Nonmarital property" means property real or personal, acquired by either spouse before, during, or after the existence of their marriage, which

(a) is acquired as a gift, bequest, devise or inheritance made by a third party to one but not to the other spouse;

(b) is acquired before the marriage;

(c) is acquired in exchange for or is the increase in value of property which is described in clauses (a), (b), (d), and (e);

(d) is acquired by a spouse after the valuation date; or

(e) is excluded by a valid antenuptial contract.

Subd. 6. **Income.** "Income" means any form of periodic payment to an individual including, but not limited to, wages, salaries, payments to an independent contractor, workers' compensation, unemployment benefits, annuity, military and naval retirement, pension and disability payments. Benefits received under Title IV-A of the Social Security Act and chapter 256J are not income under this section.

Subd. 7. **Obligee.** "Obligee" means a person to whom payments for maintenance or support are owed.

Subd. 8. **Obligor.** "Obligor" means a person obligated to pay maintenance or support. A person who ~~is designated as the sole physical custodian~~ has primary physical custody of a child is presumed not to be an obligor for purposes of ~~calculating current a child support under section 518.551~~ order under section 518.713, unless section 518.72, subdivision 3, applies or the court makes specific written findings to overcome this presumption. For purposes of ordering medical support under section 518.719, a ~~custodial parent who has primary physical custody of a child~~ may be an obligor subject to a cost-of-living adjustment under section 518.641 and a payment agreement under section 518.553.

Subd. 9. **Public authority.** "Public authority" means the local unit of government, acting on behalf of the state, that is responsible for child support enforcement or the Department of Human Services, Child Support Enforcement Division.

Subd. 10. **Pension plan benefits or rights.** "Pension plan benefits or rights" means a benefit or right from a public or private pension plan accrued to the end of the month in which marital assets are valued, as determined under the terms of the laws or other plan document provisions governing the plan, including section 356.30.

Subd. 11. **Public pension plan.** "Public pension plan" means a pension plan or fund specified in section 356.20, subdivision 2, or 356.30, subdivision 3, the deferred compensation plan specified in section 352.96, or any retirement or pension plan or fund, including a supplemental retirement plan or fund, established, maintained, or supported by a governmental subdivision or public body whose revenues are derived from taxation, fees, assessments, or from other public sources.

Subd. 12. **Private pension plan.** "Private pension plan" means a plan, fund, or program maintained by an employer or employee organization that provides retirement income to employees or results in a deferral of income by employees for a period extending to the termination of covered employment or beyond.

Subd. 13. **Arrears.** Arrears are amounts that accrue pursuant to an obligor's failure to comply with a support order. Past support and pregnancy and confinement expenses contained in a support order are arrears if the court order does not contain repayment terms. Arrears also arise by the obligor's failure to comply with the terms of a court order for repayment of past support or pregnancy and confinement expenses. An obligor's failure to comply with the terms for repayment of amounts owed for past support or pregnancy and confinement turns the entire amount owed into arrears.

Subd. 14. **IV-D case.** "IV-D case" means a case where a party has assigned to the state rights to child support because of the receipt of public assistance as defined in section 256.741 or has applied for child support services under title IV-D of the Social Security Act, United States Code, title 42, section 654(4).

Subd. 15. **Parental income for determining child support (PICS).** "Parental income for determining child support," or "PICS," means gross income ~~under subdivision 18~~ minus deductions for nonjoint children ~~as allowed by~~ under section 518.717.

Subd. 16. **Apportioned veterans' benefits.** "Apportioned veterans' benefits" means the amount the Veterans Administration deducts from the veteran's award and disburses to the child or the child's

representative payee. The apportionment of veterans' benefits shall be that determined by the Veterans Administration and governed by Code of Federal Regulations, title 38, sections 3.450 to 3.458.

Subd. 17. **Basic support.** "Basic support" means the basic support obligation determined by applying the parent's parental income for child support, or if there are two parents, their combined parental income for child support, to the guideline in the manner set out in section 518.725 computed under section 518.713. Basic support includes the dollar amount ordered for a child's housing, food, clothing, transportation, and education costs, and other expenses relating to the child's care. Basic support does not include monetary contributions for a child's child care expenses and medical and dental expenses.

Subd. 18. **Gross income.** "Gross income" means:

- ~~(1) the gross income of the parent calculated under section 518.7123; plus~~
- ~~(2) Social Security or veterans' benefit payments received on behalf of the child under section 518.718; plus~~
- ~~(3) the potential income of the parent, if any, as determined in subdivision 23; minus~~
- ~~(4) spousal maintenance that any party has been ordered to pay; minus~~
- ~~(5) the amount of any existing child support order for other nonjoint children.~~

Subd. 19. **Joint child.** "Joint child" means the dependent child who is the ~~son or daughter~~ child of both parents in the support proceeding. In ~~those~~ cases where support is sought from only one parent of a child, a joint child is the child for whom support is sought.

Subd. 20. **Nonjoint child.** "Nonjoint child" means the legal child of one, but not both of the parents ~~subject to this determination. Specifically excluded from this definition are in the support proceeding.~~ Nonjoint child does not include stepchildren.

Subd. 21. **Parenting time.** "Parenting time" means ~~the amount of time a child is scheduled to spend with the parent according to a court order. Parenting time includes time with the child whether it is designated as visitation, physical custody, or parenting time. For purposes of section 518.722, the percentage of parenting time may be calculated by calculating the number of overnights that a child spends with a parent, or by using a method other than overnights if the parent has significant time periods where the child is in the parent's physical custody, but does not stay overnight.~~

Subd. 22. **Payor of funds.** "Payor of funds" means a person or entity that provides funds to an obligor, including an employer as defined under chapter 24, section 3401(d), of the Internal Revenue Code, an independent contractor, payor of workers' compensation benefits or unemployment insurance benefits, or a financial institution as defined in section 13B.06.

Subd. 23. **Potential income.** "Potential income" is ~~income determined under this subdivision.~~

~~(a) If a parent is voluntarily unemployed, underemployed, or employed on a less than full-time basis, or there is no direct evidence of any income, child support shall be calculated based on a determination of potential income. For purposes of this determination, it is rebuttably presumed that a parent can be gainfully employed on a full-time basis.~~

~~(b) Determination of potential income shall be made according to one of three methods, as appropriate:~~

~~(1) the parent's probable earnings level based on employment potential, recent work history, and occupational qualifications in light of prevailing job opportunities and earnings levels in the community;~~

~~(2) if a parent is receiving unemployment compensation or workers' compensation, that parent's income may be calculated using the actual amount of the unemployment compensation or workers' compensation benefit received; or~~

~~(3) the amount of income a parent could earn working full time at 150 percent of the current federal or state minimum wage, whichever is higher.~~

~~(c) A parent is not considered voluntarily unemployed or underemployed upon a showing by the parent that:~~

~~(1) unemployment or underemployment is temporary and will ultimately lead to an increase in income;~~

~~(2) the unemployment or underemployment represents a bona fide career change that outweighs the adverse effect of that parent's diminished income on the child, or~~

~~(3) the parent is unable to work full time due to a verified disability or due to incarceration.~~

~~(d) As used in this section, "full time" means 40 hours of work in a week except in those industries, trades, or professions in which most employers due to custom, practice, or agreement utilize a normal work week of more or less than 40 hours in a week.~~

~~(e) If the parent of a joint child is a recipient of a temporary assistance to a needy family (TANF) cash grant, no potential income shall be imputed to that parent.~~

~~(f) If a parent stays at home to care for a child who is subject to the child support order, the court may consider the following factors when determining whether the parent is voluntarily unemployed or underemployed:~~

~~(1) the parties' parenting and child care arrangements before the child support action;~~

~~(2) the stay-at-home parent's employment history, recency of employment, earnings, and the availability of jobs within the community for an individual with the parent's qualifications;~~

~~(3) the relationship between the employment-related expenses, including, but not limited to, child care and transportation costs required for the parent to be employed, and the income the stay-at-home parent could receive from available jobs within the community for an individual with the parent's qualifications;~~

~~(4) the child's age and health, including whether the child is physically or mentally disabled, and~~

~~(5) the availability of child care providers.~~

~~(g) Paragraph (f) does not apply if the parent stays at home to care for other nonjoint children, only.~~

~~(h) A self-employed parent shall not be considered to be voluntarily unemployed or underemployed if that parent can show that the parent's net self-employment income is lower because of economic conditions.~~  
**Subd. 24. Subd. 22. Primary physical custody.** The parent having "primary physical custody" means the parent who provides the primary residence for a child and is responsible for the majority of the day-to-day decisions concerning a child.

~~Subd. 25. Subd. 23. Social Security benefits.~~ "Social Security benefits" means the monthly amount retirement, survivors, or disability insurance benefits that the Social Security Administration pays to provides to a parent for that parent's own benefit or for the benefit of a joint child ~~or the child's representative payee due solely to the disability or retirement of either parent.~~ ~~Benefits paid.~~ Social Security benefits do not include Supplemental Security Income benefits that the Social Security Administration provides to a parent for the parent's own benefit or to a parent due to the disability of a child are excluded from this definition.

~~Subd. 26. Split custody.~~ "Split custody" means that each parent in a two-parent calculation has primary physical custody of at least one of the joint children.

~~Subd. 27. Subd. 24. Survivors' and dependents' educational assistance.~~ "Survivors' and dependents' educational assistance" are funds disbursed by the Veterans Administration under United States Code, title 38, chapter 35, to the child or the child's representative payee.



Sec. 22. Laws 2005, chapter 164, section 8, is amended to read:

Sec. 8. Minnesota Statutes 2004, section 518.551, subdivision 5b, is amended to read:

Subd. 5b. **Providing income information.** (a) In any case where the parties have joint children for which a child support order must be determined, the parties shall serve and file with their initial pleadings or motion documents, a financial affidavit, disclosing all sources of gross income for purposes of section 518.7123. The financial affidavit shall include relevant supporting documentation necessary to calculate the parental income for child support under section 518.54, subdivision 15, including, but not limited to, pay stubs for the most recent three months, employer statements, or statements of receipts and expenses if self-employed. Documentation of earnings and income also include relevant copies of each parent's most recent federal tax returns, including W-2 forms, 1099 forms, unemployment benefit statements, workers' compensation statements, and all other documents evidencing earnings or income as received that provide verification for the financial affidavit. The commissioner of human services shall prepare a financial affidavit form that must be used by the parties for disclosing information under this subdivision.

(b) In addition to the requirements of paragraph (a), at any time after an action seeking child support has been commenced or when a child support order is in effect, a party or the public authority may require the other party to give them a copy of the party's most recent federal tax returns that were filed with the Internal Revenue Service. The party shall provide a copy of the tax returns within 30 days of receipt of the request unless the request is not made in good faith. A request under this paragraph may not be made more than once every two years, in the absence of good cause.

(c) If a parent under the jurisdiction of the court does not serve and file the financial affidavit with the parent's initial pleading or motion documents, the court shall set income for that parent based on credible evidence before the court or in accordance with section ~~518.54, subdivision 23~~ 518.7124. Credible evidence may include documentation of current or recent income, testimony of the other parent concerning recent earnings and income levels, and the parent's wage reports filed with the Minnesota Department of Employment and Economic Development under section 268.044. The court may consider credible evidence from one party that the financial affidavit submitted by the other party is false or inaccurate.

(d) If the court determines that a party does not have access to documents that are required to be disclosed under this section, the court may consider the testimony of that party as credible evidence of that party's income.

Sec. 23. Laws 2005, chapter 164, section 10, is amended to read:

Sec. 10. Minnesota Statutes 2004, section 518.64, subdivision 2, is amended to read:

Subd. 2. **Modification.** (a) The terms of an order respecting maintenance or support may be modified upon a showing of one or more of the following, any of which makes the terms unreasonable and unfair: (1) substantially increased or decreased gross income of an obligor or obligee; (2) substantially increased or decreased need of an obligor or obligee or the child or children that are the subject of these proceedings; (3) receipt of assistance under the AFDC program formerly codified under sections 256.72 to 256.87 or 256B.01 to 256B.40, or chapter 256J or 256K; (4) a change in the cost of living for either party as measured by the Federal Bureau of Labor Statistics, ~~any of which makes the terms unreasonable and unfair;~~ (5) extraordinary medical expenses of the child not provided for under section 518.171; (6) the addition of work-related or education-related child care expenses of the obligee or a substantial increase or decrease in existing work-related or education-related child care expenses; or (7) upon the emancipation of the child, as provided in section 518.64, subdivision 4a.

(b) It is presumed that there has been a substantial change in circumstances under paragraph (a) and the terms of a current support order shall be rebuttably presumed to be unreasonable and unfair if:

(1) the application of the child support guidelines in section ~~518.551, subdivision 5~~ 518.725, to the current circumstances of the parties results in a calculated court order that is at least 20 percent and at least \$75 per month higher or lower than the current support order or, if the current support order is less than \$75, it results in a calculated court order that is at least 20 percent per month higher or lower;

(2) the medical support provisions of the order established under section 518.719 are not enforceable by the public authority or the obligee;

(3) health coverage ordered under section 518.719 is not available to the child for whom the order is established by the parent ordered to provide;

(4) the existing support obligation is in the form of a statement of percentage and not a specific dollar amount; or

(5) the gross income of an obligor or obligee has decreased by at least 20 percent through no fault or choice of the party.

(c) A child support order is not presumptively modifiable solely because an obligor or obligee becomes responsible for the support of an additional nonjoint child, which is born after an existing order. Section 518.717 shall be considered if other grounds are alleged which allow a modification of support.

(d) On a motion for modification of maintenance, including a motion for the extension of the duration of a maintenance award, the court shall apply, in addition to all other relevant factors, the factors for an award of maintenance under section 518.552 that exist at the time of the motion. On a motion for modification of support, the court:

(1) shall apply section 518.725, and shall not consider the financial circumstances of each party's spouse, if any; and

(2) shall not consider compensation received by a party for employment in excess of a 40-hour work week, provided that the party demonstrates, and the court finds, that:

(i) the excess employment began after entry of the existing support order;

(ii) the excess employment is voluntary and not a condition of employment;

(iii) the excess employment is in the nature of additional, part-time employment, or overtime employment compensable by the hour or fractions of an hour;

(iv) the party's compensation structure has not been changed for the purpose of affecting a support or maintenance obligation;

(v) in the case of an obligor, current child support payments are at least equal to the guidelines amount based on income not excluded under this clause; and

(vi) in the case of an obligor who is in arrears in child support payments to the obligee, any net income from excess employment must be used to pay the arrearages until the arrearages are paid in full.

(e) A modification of support or maintenance, including interest that accrued pursuant to section 548.091, may be made retroactive only with respect to any period during which the petitioning party has pending a motion for modification but only from the date of service of notice of the motion on the responding party and on the public authority if public assistance is being furnished or the county attorney is the attorney of record.

(f) Except for an award of the right of occupancy of the homestead, provided in section 518.63, all divisions of real and personal property provided by section 518.58 shall be final, and may be revoked or modified only where the court finds the existence of conditions that justify reopening a judgment under the laws of this state, including motions under section 518.145, subdivision 2. The court may impose a lien or

charge on the divided property at any time while the property, or subsequently acquired property, is owned by the parties or either of them, for the payment of maintenance or support money, or may sequester the property as is provided by section 518.24.

(g) The court need not hold an evidentiary hearing on a motion for modification of maintenance or support.

(h) Section 518.14 shall govern the award of attorney fees for motions brought under this subdivision.

(i) Except as expressly provided, an enactment, amendment, or repeal of law does not constitute a substantial change in the circumstances for purposes of modifying a child support order.

(j) There may be no modification of an existing child support order during the first year following the effective date of sections 518.7123 to 518.729 except as follows:

(1) there is at least a 20 percent change in the gross income of the obligor;

(2) there is a change in the number of joint children for whom the obligor is legally responsible and actually supporting;

(3) a parent or another caregiver of the child who is supported by the existing support order begins to receive public assistance, as defined in section 256.741;

(4) there are additional work-related or education-related child care expenses of the obligee or a substantial increase or decrease in existing work-related or education-related child care expenses;

(5) there is a change in the availability of health care coverage, as defined in section 518.719, subdivision 1, paragraph (a), or a substantial increase or decrease in the cost of existing health care coverage;

(6) the child supported by the existing child support order becomes disabled; or

~~(7) both parents consent to modification of the existing order in compliance with the new income shares guidelines under section 518.713.~~

A modification under clause (4) may be granted only with respect to child care support. A modification under clause (5) may be granted only with respect to medical support. This paragraph expires January 1, 2008.

(k) On the first modification under the income shares method of calculation, the modification of basic support may be limited if the amount of the full variance would create hardship for either the obligor or the obligee.

~~Paragraph (j) expires January 1, 2008.~~

Sec. 24. Laws 2005, chapter 164, section 11, is amended to read:

Sec. 11. Minnesota Statutes 2004, section 518.64, is amended by adding a subdivision to read:  
Subd. 7. **Child care exception.** Child care support must be based on the actual child care expenses. The court may provide that a reduction decrease in the amount allocated for of the child care expenses based on a substantial decrease in the actual child care expenses is effective as of the date the expense is decreased.

Sec. 25. Laws 2005, chapter 164, section 14, is amended to read:

Sec. 14. **[518.7123] CALCULATION OF GROSS INCOME.**

(a) ~~Except as excluded below~~ Subject to the exclusions and deductions in this section, gross income includes ~~income from any source any form of periodic payment to an individual,~~ including, but not limited to, salaries, wages, commissions, ~~advances, bonuses, dividends, severance pay, pensions, interest,~~

~~honoraria, trust income, annuities, return on capital, Social Security benefits, workers' compensation benefits, unemployment insurance benefits, disability insurance benefits, gifts, prizes, including lottery winnings, alimony, spousal maintenance payments, income from self-employment or operation of a business, as determined self-employment income under section 518.7125, workers' compensation, unemployment benefits, annuity payments, military and naval retirement, pension and disability payments, spousal maintenance received under a previous order or the current proceeding, Social Security or veterans benefits provided for a joint child under section 518.718, and potential income under section 518.7124.~~ All salary Salaries, wages, commissions, or other compensation paid by third parties shall be based upon Medicare gross income before participation in an employer-sponsored benefit plan that allows an employee to pay for a benefit or expense using pretax dollars, such as flexible spending plans and health savings accounts. No deductions shall be allowed for contributions to pensions, 401-K, IRA, or other retirement benefits.

(b) ~~Excluded and not counted in~~ Gross income is does not include compensation received by a party for employment in excess of a 40-hour work week, provided that:

(1) child support is ~~nonetheless~~ ordered in an amount at least equal to the guideline amount based on gross income not excluded under this clause; and

(2) the party demonstrates, and the court finds, that:

(i) the excess employment began after the filing of the petition for dissolution or legal separation or a petition related to custody, parenting time, or support;

(ii) the excess employment reflects an increase in the work schedule or hours worked over that of the two years immediately preceding the filing of the petition;

(iii) the excess employment is voluntary and not a condition of employment;

(iv) the excess employment is in the nature of additional, part-time or overtime employment compensable by the hour or fraction of an hour; and

(v) the party's compensation structure has not been changed for the purpose of affecting a support or maintenance obligation.

(c) Expense reimbursements or in-kind payments received by a parent in the course of employment, self-employment, or operation of a business shall be counted as income if they reduce personal living expenses.

(d) Gross income may be calculated on either an annual or monthly basis. Weekly income shall be translated to monthly income by multiplying the weekly income by 4.33.

(e) ~~Excluded and not counted as~~ Gross income is any does not include a child support payment received by a party. It is a rebuttable presumption that adoption assistance payments, guardianship assistance payments, and foster care subsidies are ~~excluded and not counted as~~ gross income.

(f) ~~Excluded and not counted as~~ Gross income is does not include the income of the obligor's spouse and the obligee's spouse.

(g) Child support or spousal maintenance payments ordered by a court for a nonjoint child or former spouse or ordered payable to the other party as part of the current proceeding are deducted from other periodic payments received by a party for purposes of determining gross income.

(h) Gross income does not include public assistance benefits received under section 256.741 or other forms of public assistance based on need.

Sec. 26. Laws 2005, chapter 164, section 15, is amended to read:

Sec. 15. **[518.7125] INCOME FROM SELF-EMPLOYMENT OR OPERATION OF A BUSINESS.**

For purposes of section 518.7123, income from self-employment, ~~rent, royalties, proprietorship or operation~~ of a business, ~~or including~~ joint ownership of a partnership or closely held corporation, ~~gross income~~ is defined as gross receipts minus costs of goods sold minus ordinary and necessary expenses required for self-employment or business operation. Specifically excluded from ordinary and necessary expenses are amounts allowable by the Internal Revenue Service for the accelerated component of depreciation expenses, investment tax credits, or any other business expenses determined by the court to be inappropriate or excessive for determining gross income for purposes of calculating child support. The person seeking to deduct an expense, including depreciation, has the burden of proving, if challenged, that the expense is ordinary and necessary.

Sec. 27. Laws 2005, chapter 164, section 16, is amended to read:

Sec. 16. **[518.713] COMPUTATION OF CHILD SUPPORT OBLIGATIONS.**

~~(a)~~ To determine the presumptive amount of child support owed by obligation of a parent, the court shall follow the procedure set forth in this section:

(b) To determine the obligor's basic support obligation, the court shall:

(1) determine the gross income of each parent using the definition in section 518.54, subdivision 18 under section 518.7123;

(2) calculate the parental income for determining child support (PICS) of each parent under section 518.54, subdivision 15, by subtracting from the gross income the credit, if any, for each parent's nonjoint children under section 518.717;

(3) determine the percentage contribution of each parent to the combined PICS by dividing the combined PICS into each parent's PICS;

(4) determine the combined basic support obligation by application of the ~~schedule~~ guidelines in section 518.725;

(5) determine each parent's the obligor's share of the basic support obligation by multiplying the percentage figure from clause (3) by the combined basic support obligation in clause (4); and

(6) determine the parenting expense adjustment, if any, as provided in section 518.722, and adjust that parent's the obligor's basic support obligation accordingly; If the parenting time of the parties is presumed equal, section 518.722, subdivision 3, applies to the calculation of the basic support obligation and a determination of which parent is the obligor.

~~(7)~~ (c) The court shall determine the child care support obligation for each parent the obligor as provided in section 518.725;

~~(8)~~ (d) The court shall determine the ~~health care coverage~~ medical support obligation for each parent as provided in section 518.719. Unreimbursed and uninsured medical expenses are not included in the presumptive amount of support owed by a parent and are calculated and collected as described in section 518.722; 518.719.

~~(9)~~ (e) The court shall determine each parent's total child support obligation by adding together each parent's basic support, child care support, and health care coverage obligations as provided in clauses (1) to (8);

~~(10) reduce or increase each parent's total child support obligation by the amount of the health care coverage contribution paid by or on behalf of the other parent, as provided in section 518.719, subdivision 5, this section.~~

~~(11) (f) If Social Security benefits or veterans' benefits are received by one parent as a representative payee for a joint child due to the other parent's disability or retirement, based on the other parent's eligibility, the court shall subtract the amount of benefits from the other parent's net child support obligation, if any.~~

~~(12) apply the self-support adjustment and minimum support obligation provisions as provided in section 518.724, and~~

~~(13) (g) The final child support order shall separately designate the amount owed for basic support, child care support, and medical support. If applicable, the court shall use the self-support adjustment and minimum support adjustment under section 518.724 to determine the obligor's child support obligation.~~

Sec. 28. Laws 2005, chapter 164, section 17, subdivision 1, is amended to read:

Subdivision 1. **General factors.** Among other reasons, deviation from the presumptive guideline amount child support obligation computed under section 518.713 is intended to encourage prompt and regular payments of child support and to prevent either parent or the joint children from living in poverty. In addition to the child support guidelines and other factors used to calculate the child support obligation under section 518.713, the court must take into consideration the following factors in setting or modifying child support or in determining whether to deviate upward or downward from the guidelines presumptive child support obligation:

(1) all earnings, income, circumstances, and resources of each parent, including real and personal property, but excluding income from excess employment of the obligor or obligee that meets the criteria of section 518.7123, paragraph (b), ~~clause (2)~~;

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

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

(4) which parent receives the income taxation dependency exemption and the financial benefit the parent receives from it;

(5) the parents' debts as provided in subdivision 2; and

(6) the obligor's total payments for court-ordered child support exceed the limitations set forth in section 571.922.

Sec. 29. Laws 2005, chapter 164, section 18, is amended to read:

Sec. 18. **[518.715] WRITTEN FINDINGS.**

Subdivision 1. **No deviation.** If the court does not deviate from the guidelines presumptive child support obligation computed under section 518.713, the court must make written findings concerning the amount of the parties' gross income used as the basis for the guidelines calculation and that state:

(1) each parent's gross income;

(2) each parent's PICS; and

(3) any other significant evidentiary factors affecting the child support determination.

Subd. 2. **Deviation.** ~~(a)~~ If the court deviates from the guidelines by agreement of the parties or pursuant to presumptive child support obligation computed under section 518.714 518.713, the court must make written findings giving that state:

- (1) each parent's gross income;
- (2) each parent's PICS;
- (3) the amount of the child support ~~calculated~~ obligation computed under the guidelines, section 518.713;
- (4) the reasons for the deviation; and ~~must specifically address~~
- (5) how the deviation serves the best interests of the child; and
- ~~(b) determine each parent's gross income and PICS.~~

Subd. 3. **Written findings required in every case.** The provisions of this section apply whether or not the parties are each represented by independent counsel and have entered into a written agreement. The court must review stipulations presented to it for conformity ~~to the guidelines with section 518.713.~~ The court is not required to conduct a hearing, but the parties must provide sufficient documentation to verify the child support determination; and to justify any deviation from the guidelines.

Sec. 30. Laws 2005, chapter 164, section 20, is amended to read:

Sec. 20. **[518.717] DEDUCTION FROM INCOME FOR NONJOINT CHILDREN.**

(a) When either or both parents ~~of the joint child subject to this determination~~ are legally responsible for a nonjoint child ~~who resides in that parent's household,~~ a credit deduction for this obligation shall be calculated under this section if:

- (1) the nonjoint child primarily resides in the parent's household; and
- (2) the parent is not obligated to pay basic child support for the nonjoint child to the other parent or a legal custodian of the child under an existing child support order.

~~(b) Determine the gross income for each parent under section 518.54, subdivision 18.~~

~~(c) Using~~ The court shall use the guideline as established in guidelines under section 518.725, to determine the basic child support obligation for the nonjoint child or children ~~who actually reside in the parent's household;~~ by using the gross income of the parent for whom the credit deduction is being calculated; and ~~using~~ the number of nonjoint children actually primarily residing in the parent's immediate household. If the number of nonjoint children to be used for the determination is greater than two, the determination ~~shall~~ must be made using the number two instead of the greater number.

~~(d) (c)~~ The credit deduction for nonjoint children shall be is 50 percent of the guideline amount ~~from~~ determined under paragraph (b).

Sec. 31. Laws 2005, chapter 164, section 21, is amended to read:

Sec. 21. **[518.718] SOCIAL SECURITY OR VETERANS' BENEFIT PAYMENTS RECEIVED ON BEHALF OF THE CHILD.**

(a) The amount of the monthly Social Security benefits or apportioned veterans' benefits ~~received by the child or on behalf of the~~ provided for a joint child shall be ~~added to~~ included in the gross income of the parent for whom the disability or retirement benefit was paid on whose eligibility the benefits are based.

(b) The amount of the monthly survivors' and dependents' educational assistance ~~received by the child or on behalf of the~~ provided for a joint child shall be ~~added to~~ included in the gross income of the parent for whom the disability or retirement benefit was paid on whose eligibility the benefits are based.

(c) If ~~the~~ Social Security or apportioned veterans' benefits are ~~paid on behalf~~ provided for a joint child based on the eligibility of the obligor, and are received by the obligee as a representative payee for the

child or by the child attending school, then the amount of the benefits ~~may~~ shall also be subtracted from the obligor's net child support obligation as calculated pursuant to section 518.713.

(d) If the survivors' and dependents' educational assistance is ~~paid on behalf~~ provided for a joint child based on the eligibility of the obligor, and is received by the obligee as a representative payee for the child or by the child attending school, then the amount of the assistance shall also be subtracted from the obligor's net child support obligation as calculated ~~pursuant to~~ under section 518.713.

Sec. 32. Laws 2005, chapter 164, section 22, subdivision 2, is amended to read:

Subd. 2. **Order.** (a) A completed national medical support notice issued by the public authority or a court order that complies with this section is a qualified medical child support order under the federal Employee Retirement Income Security Act of 1974 (ERISA), United States Code, title 29, section 1169(a).

(b) Every order addressing child support must state:

(1) the names, last known addresses, and Social Security numbers of the parents and the joint child that is a subject of the order unless the court prohibits the inclusion of an address or Social Security number and orders the parents to provide the address and Social Security number to the administrator of the health plan;

(2) whether appropriate health care coverage for the joint child is available and, if so, state:

(i) which party parent must carry health care coverage;

(ii) the cost of premiums and how the cost is allocated between the parties parents;

(iii) how unreimbursed expenses will be allocated and collected by the parties parents; and

(iv) the circumstances, if any, under which the obligation to provide health care coverage for the joint child will shift from one party parent to the other; and

(3) if appropriate health care coverage is not available for the joint child, whether a contribution for medical support is required; ~~and~~

~~(4) whether the amount ordered for medical support is subject to a cost-of-living adjustment under section 518.641.~~

Sec. 33. Laws 2005, chapter 164, section 22, subdivision 3, is amended to read:

Subd. 3. **Determining appropriate health care coverage.** (a) In determining whether a party parent has appropriate health care coverage for the joint child, the court must evaluate the health plan using the following factors:

(1) accessible coverage. Dependent health care coverage is accessible if the covered joint child can obtain services from a health plan provider with reasonable effort by the parent with whom the joint child resides. Health care coverage is presumed accessible if:

(i) primary care coverage is available within 30 minutes or 30 miles of the joint child's residence and specialty care coverage is available within 60 minutes or 60 miles of the joint child's residence;

(ii) the coverage is available through an employer and the employee can be expected to remain employed for a reasonable amount of time; and

(iii) no preexisting conditions exist to delay coverage unduly;

(2) comprehensive coverage. Dependent health care coverage is presumed comprehensive if it includes, ~~at a minimum~~, medical and hospital coverage and provides for preventive, emergency, acute, and chronic care. If both parties parents have health care coverage that meets the minimum requirements,



the court must determine which health care coverage is more comprehensive by considering whether the coverage includes:

- (i) basic dental coverage;
  - (ii) orthodontia;
  - (iii) eyeglasses;
  - (iv) contact lenses;
  - (v) mental health services; or
  - (vi) substance abuse treatment;
- (3) affordable coverage. Dependent health care coverage is affordable if it is reasonable in cost; and
- (4) the joint child's special medical needs, if any.

(b) If both ~~parties~~ parents have health care coverage available for a joint child, and the court determines under paragraph (a), clauses (1) and (2), that the available coverage is comparable with regard to accessibility and comprehensiveness, the least costly health care coverage is the presumed appropriate health care coverage for the joint child.

Sec. 34. Laws 2005, chapter 164, section 22, subdivision 4, is amended to read:

Subd. 4. **Ordering health care coverage.** (a) If a joint child is presently enrolled in health care coverage, the court must order that the parent who currently has the joint child enrolled continue that enrollment unless the ~~parties~~ parents agree otherwise or a party parent requests a change in coverage and the court determines that other health care coverage is more appropriate.

(b) If a joint child is not presently enrolled in health care coverage, upon motion of a party parent or the public authority, the court must determine whether one or both ~~parties~~ parents have appropriate health care coverage for the joint child and order the party parent with appropriate health care coverage available to carry the coverage for the joint child.

(c) If only one party parent has appropriate health care coverage available, the court must order that party parent to carry the coverage for the joint child.

(d) If both ~~parties~~ parents have appropriate health care coverage available, the court must order the parent with whom the joint child resides to carry the coverage for the joint child, unless:

- (1) either party parent expresses a preference for coverage available through the parent with whom the joint child does not reside;
- (2) the parent with whom the joint child does not reside is already carrying dependent health care coverage for other children and the cost of contributing to the premiums of the other parent's coverage would cause the parent with whom the joint child does not reside extreme hardship; or
- (3) the parents agree to provide coverage and agree on the allocation of costs.

(e) If the exception in paragraph (d), clause (1) or (2), applies, the court must determine which party parent has the most appropriate coverage available and order that party parent to carry coverage for the joint child. If the court determines under subdivision 3, paragraph (a), clauses (1) and (2), that the ~~parties'~~ parents' health care coverage for the joint child is comparable with regard to accessibility and comprehensiveness, the court must presume that the party parent with the least costly health care coverage to carry coverage for the joint child.

(f) If neither party parent has appropriate health care coverage available, the court must order the parents to:

(1) contribute toward the actual health care costs of the joint children based on a pro rata share; or

(2) if the joint child is receiving any form of medical assistance under chapter 256B or MinnesotaCare under chapter 256L, the parent with whom the joint child does not reside shall contribute a monthly amount toward the actual cost of medical assistance under chapter 256B or MinnesotaCare under chapter 256L. The amount of contribution of the noncustodial parent is the amount the noncustodial parent would pay for the child's premiums if the noncustodial parent's PICS income meets the eligibility requirements for public coverage. For purposes of determining the premium amount, the noncustodial parent's household size is equal to one parent plus the child or children who are the subject of the child support order. If the noncustodial parent's PICS income exceeds the eligibility requirements for public coverage, the court must order the noncustodial parent's contribution toward the full premium cost of the child's or children's coverage. The custodial parent's obligation is determined under the requirements for public coverage as set forth in chapter 256B or 256L. The court may order the parent with whom the child resides to apply for public coverage for the child.

~~(g) A presumption of no less than \$50 per month must be applied to the actual health care costs of the joint children or to the cost of health care coverage.~~

~~(h)~~ (g) The commissioner of human services must publish a table with the premium schedule for public coverage and update the chart for changes to the schedule by July 1 of each year.

Sec. 35. Laws 2005, chapter 164, section 22, subdivision 16, is amended to read:

Subd. 16. **Income withholding; Offset.** (a) If a party ~~owes no joint child support obligation for a child is the parent with primary physical custody as defined in section 518.54, subdivision 24, and is an obligor ordered to contribute to the other party's cost for carrying health care coverage for the joint child, the obligor other party's child support obligation~~ is subject to an offset under subdivision 5 ~~or income withholding under section 518.6111.~~

~~(b) If a party's court-ordered health care coverage for the joint child terminates and the joint child is not enrolled in other health care coverage or public coverage, and a modification motion is not pending, the public authority may remove the offset to a party's child support obligation or terminate income withholding instituted against a party under section 518.6111. The public authority must provide notice to the parties of the action.~~

(b) The public authority, if the public authority provides services, may remove the offset to a party's child support obligation when:

- (1) the party's court-ordered health care coverage for the joint child terminates;
- (2) the party does not enroll the joint child in other health care coverage; and
- (3) a modification motion is not pending.

The public authority must provide notice to the parties of the action.

(c) A party may contest the public authority's action to remove the offset to the child support obligation ~~or terminate income withholding~~ if the party makes a written request for a hearing within 30 days after receiving written notice. If a party makes a timely request for a hearing, the public authority must schedule a hearing and send written notice of the hearing to the parties by mail to the parties' last known addresses at least 14 days before the hearing. The hearing must be conducted in district court or in the expedited child support process if section 484.702 applies. The district court or child support magistrate must determine whether removing the offset ~~or terminating income withholding~~ is appropriate and, if appropriate, the effective date for the removal ~~or termination~~.

~~(d) If the party does not request a hearing, the district court or child support magistrate must order the offset or income withholding termination public authority will remove the offset effective the first day of the month following termination of the joint child's health care coverage.~~

Sec. 36. Laws 2005, chapter 164, section 22, subdivision 17, is amended to read:

Subd. 17. **Collecting unreimbursed and or uninsured medical expenses.** (a) This subdivision and subdivision 18 apply when a court order has determined and ordered the parties' proportionate share and responsibility to contribute to unreimbursed or uninsured medical expenses.

(b) A party requesting reimbursement of unreimbursed or uninsured medical expenses must initiate a request for reimbursement of unreimbursed and uninsured medical expenses to the other party within two years of the date that the requesting party incurred the unreimbursed or uninsured medical expenses. The time period in this paragraph does not apply if the location of the other party is unknown. If a court order has been signed ordering the contribution towards unreimbursed or uninsured expenses, a two-year limitations provision must be applied to any requests made on or after January 1, 2007. The provisions of this section apply retroactively to court orders signed before January 1, 2007. Requests for unreimbursed or uninsured expenses made on or after January 1, 2007, may include expenses incurred before January 1, 2007, and on or after January 1, 2005.

~~(b)~~ (c) A requesting party seeking reimbursement of unreimbursed and uninsured medical expenses must mail a written notice of intent to collect the unreimbursed or uninsured medical expenses and a copy of an affidavit of health care expenses to the other party at the other party's last known address.

~~(c)~~ (d) The written notice must include a statement that the other party has 30 days from the date the notice was mailed to (1) pay in full; (2) enter agree to a payment agreement schedule; or (3) file a motion requesting a hearing contesting the matter to contest the amount due or to set a court-ordered monthly payment amount. If the public authority provides support enforcement services, the written notice also must include a statement that, if the other party does not respond within the 30 days, the requesting party must may submit the amount due to the public authority for collection.

~~(d)~~ (e) The affidavit of health care expenses must itemize and document the joint child's unreimbursed or uninsured medical expenses and include copies of all bills, receipts, and insurance company explanations of benefits.

(f) If the other party does not respond to the request for reimbursement within 30 days, the requesting party may commence enforcement against the other party under subdivision 18; file a motion for a court-ordered monthly payment amount under paragraph (h); or notify the public authority, if the public authority provides services, that the other party has not responded.

~~(e)~~ (g) The notice to the public authority provides support enforcement services, the party seeking reimbursement must send to the public authority must include: a copy of the written notice, a copy of the original affidavit of health care expenses, and copies of all bills, receipts, and insurance company explanations of benefits.

~~(f)~~ (f) If the party does not respond to the request for reimbursement within 30 days, the party seeking reimbursement or public authority, if the public authority provides support enforcement services, must commence an enforcement action against the party under subdivision 18.

~~(g)~~ (h) If noticed under paragraph (f), the public authority must serve the other party with a notice of intent to enforce unreimbursed and uninsured medical expenses and file an affidavit of service by mail with the district court administrator. The notice must state that, unless the other party has 14 days to (1) pays pay in full; or (2) enters into a payment agreement, or (3) files file a motion contesting to contest the matter within 14 days of service of the notice, amount due or to set a court-ordered monthly payment amount.

The notice must also state that if there is no response within 14 days, the public authority will commence enforcement of the expenses as ~~medical support~~ arrears under subdivision 18.

~~(h) If the~~ (i) To contest the amount due or set a court-ordered monthly payment amount, a party ~~files~~ must file a timely motion for a hearing contesting the requested reimbursement, the contesting party must ~~and~~ schedule a hearing in district court or in the expedited child support process if section 484.702 applies. The ~~contesting moving~~ party must provide the ~~other~~ party seeking reimbursement and the public authority, if the public authority provides support enforcement services, with written notice of the hearing at least 14 days before the hearing by mailing notice of the hearing to the public authority and to the requesting party at the requesting party's last known address. The ~~moving~~ party seeking reimbursement must file the original affidavit of health care expenses with the court at least five days before the hearing. ~~Based upon the evidence presented,~~ The district court or child support magistrate must determine liability for the expenses and order that the liable party is subject to enforcement of the expenses as ~~medical support~~ arrears under subdivision 18 or set a court-ordered monthly payment amount.

Sec. 37. Laws 2005, chapter 164, section 22, subdivision 18, is amended to read:

Subd. 18. **Enforcing an order for unreimbursed or uninsured medical support expenses as arrears.**

(a) ~~If a party liable for Unreimbursed and or uninsured medical expenses owes a child support obligation to the party seeking reimbursement of the expenses, the expenses must be enforced under this subdivision are collected as medical support arrears.~~

~~(b) If a party liable for unreimbursed and uninsured medical expenses does not owe a child support obligation to the party seeking reimbursement, and the party seeking reimbursement owes the liable party basic support arrears, the liable party's medical support arrears must be deducted from the amount of the basic support arrears.~~

~~(c) If a liable party owes medical support arrears after deducting the amount owed from the amount of the child support arrears owed by the party seeking reimbursement, it must be collected as follows:~~

~~(1) if the party seeking reimbursement owes a child support obligation to the liable party, the child support obligation must be reduced by 20 percent until the medical support arrears are satisfied;~~

~~(2) if the party seeking reimbursement does not owe a child support obligation to the liable party, the liable party's income must be subject to income withholding under section 518.6111 for an amount required under section 518.553 until the medical support arrears are satisfied, or~~

~~(3) if the party seeking reimbursement does not owe a child support obligation, and income withholding under section 518.6111 is not available, payment of the medical support arrears must be required under a payment agreement under section 518.553.~~

~~(d) If a liable party fails to enter into or comply with a payment agreement, the party seeking reimbursement or the public authority, if it provides support enforcement services, may schedule a hearing to have a court order payment. The party seeking reimbursement or the public authority must provide the liable party with written notice of the hearing at least 14 days before the hearing.~~

(b) If the liable party is the parent with primary physical custody as defined in section 518.54, subdivision 24, the unreimbursed or uninsured medical expenses must be deducted from any arrears the requesting party owes the liable party. If unreimbursed or uninsured expenses remain after the deduction, the expenses must be collected as follows:

(1) If the requesting party owes a current child support obligation to the liable party, 20 percent of each payment received from the requesting party must be returned to the requesting party. The total amount returned to the requesting party each month must not exceed 20 percent of the current monthly support obligation.

(2) If the requesting party does not owe current child support or arrears, a payment agreement under section 518.553 is required. If the liable party fails to enter into or comply with a payment agreement, the requesting party or the public authority, if the public authority provides services, may schedule a hearing to set a court-ordered payment. The requesting party or the public authority must provide the liable party with written notice of the hearing at least 14 days before the hearing.

(c) If the liable party is not the parent with primary physical custody as defined in section 518.54, subdivision 24, the unreimbursed or uninsured medical expenses must be deducted from any arrears the requesting party owes the liable party. If unreimbursed or uninsured expenses remain after the deduction, the expenses must be added and collected as arrears owed by the liable party.

Sec. 38. Laws 2005, chapter 164, section 23, subdivision 1, is amended to read:

Subdivision 1. **Child care costs.** Unless otherwise agreed to by the parties and approved by the court, the court must order that work-related or education-related child care costs of joint children be divided between the obligor and obligee based on their proportionate share of the parties' combined monthly ~~parental income for determining child support~~ PICS. Child care costs shall be adjusted by the amount of the estimated federal and state child care credit payable on behalf of a joint child. The Department of Human Services shall develop tables to calculate the applicable credit based upon the custodial parent's ~~parental income for determining child support~~ PICS.

Sec. 39. Laws 2005, chapter 164, section 23, subdivision 2, is amended to read:

Subd. 2. **Low-income obligor.** (a) If the obligor's ~~parental income for determining child support~~ PICS meets the income eligibility requirements for child care assistance under the basic sliding fee program under chapter 119B, the court must order the obligor to pay the lesser of the following amounts:

(1) the amount of the obligor's monthly co-payment for child care assistance under the basic sliding fee schedule established by the commissioner of education under chapter 119B, based on an obligor's monthly ~~parental income for determining child support~~ PICS and the size of the obligor's household provided that the obligee is actually receiving child care assistance under the basic sliding fee program. For purposes of this subdivision, the obligor's household includes the obligor and the number of joint children for whom child support is being ordered; or

(2) the amount of the obligor's child care obligation under subdivision 1.

(b) The commissioner of human services must publish a table with the child care assistance basic sliding fee amounts and update the table for changes to the basic sliding fee schedule by July 1 of each year.

Sec. 40. Laws 2005, chapter 164, section 24, is amended to read:

Sec. 24. **[518.722] PARENTING EXPENSE ADJUSTMENT.**

Subdivision 1. **General.** (a) ~~This section shall apply when the amount of parenting time granted to an obligor is ten percent or greater. The parenting expense adjustment under this section reflects the presumption that while exercising parenting time, a parent is responsible for and incurs costs of caring for the child, including, but not limited to, food, transportation, recreation, and household expenses. Every child support order shall specify the total percent percentage of parenting time granted to or presumed for each parent. For purposes of this section, the percentage of parenting time means the percentage of time a child is scheduled to spend with the parent during a calendar year according to a court order. Parenting time includes time with the child whether it is designated as visitation, physical custody, or parenting time. The percentage of parenting time may be determined by calculating the number of overnights that a child spends with a parent, or by using a method other than overnights if the parent has significant time periods on separate days where the child is in the parent's physical custody and under the direct care of the parent~~

but does not stay overnight. The court may consider the age of the child in determining whether a child is with a parent for a significant period of time.

(b) If there is not a court order awarding parenting time, the court shall determine the child support award without consideration of the parenting expense adjustment. If a parenting time order is subsequently issued or is issued in the same proceeding, then the child support order shall include application of the parenting expense adjustment.

Subd. 2. Calculation of parenting expense adjustment. (b) The obligor shall be is entitled to a parenting expense adjustment calculated as follows provided in this subdivision. The court shall:

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

	Percentage Range of Parenting Time	Adjustment Percentage
(i)	less than 10 percent	no adjustment
(ii)	10 percent to 45 percent	12 percent
(iii)	45.1 percent to 50 percent	presume parenting time is equal

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

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

Subd. 3. Calculation of basic support when parenting time presumed equal. (d) (a) If the parenting time is equal, the expenses for the children are equally shared, and the parental incomes for determining child support of the parents also are equal, no basic support shall be paid unless the court determines that the expenses for the child are not equally shared.

~~(e)~~ (b) If the parenting time is equal but the parents' parental incomes for determining child support are not equal, the parent having the greater parental income for determining child support shall be obligated for basic child support, calculated as follows:

(1) multiply the combined basic support calculated under section 518.713 by 1.5 0.75;

(2) prorate the ~~basic child support obligation amount under clause (1)~~ between the parents, based on each parent's proportionate share of the combined PICS; and

(3) ~~subtract the lower amount from the higher amount and divide the balance in half, and~~

~~(f)~~ The resulting figure is the obligation after parenting expense adjustment for the parent with the greater adjusted gross parental income for determining child support.

~~(f) This parenting expense adjustment reflects the presumption that while exercising parenting time, a parent is responsible for and incurs costs of caring for the child, including, but not limited to, food, transportation, recreation, and household expenses.~~

~~(g) In the absence of other evidence, there is a rebuttable presumption that each parent has 25 percent of the parenting time for each joint child.~~

Sec. 41. Laws 2005, chapter 164, section 25, is amended to read:

Sec. 25. **[518.724] ABILITY TO PAY; SELF-SUPPORT ADJUSTMENT.**

Subdivision 1. Ability to pay. (a) It is a rebuttable presumption that a child support order should not exceed the obligor's ability to pay. To determine the amount of child support the obligor has the ability to pay, the court shall follow the procedure set out in this section.

~~(1)~~ (b) The court shall calculate the obligor's income available for support by subtracting a monthly self-support reserve equal to 120 percent of the federal poverty guidelines for one person from the obligor's gross income. If the obligor's income available for support calculated under this paragraph is equal to or greater than the obligor's support obligation calculated under section 518.713, the court shall order child support under section 518.713.

~~(2) compare the obligor's income available for support from clause (1) to the amount of support calculated as per section 518.713, clauses (1) to (15). The amount of child support that is presumed to be correct, as defined in section 518.713, is the lesser of these two amounts;~~

~~(3) this section does not apply to an incarcerated obligor;~~

~~(4) if the obligor's child support is reduced under clause (2);~~ (c) If the obligor's income available for support calculated under paragraph (b) is more than the minimum support amount under subdivision 2, but less than the guideline amount under section 518.713, then the court must shall apply the a reduction to the child support obligation in the following order, until the support order is equal to the obligor's income available for support:

~~(i)~~ (i) medical support obligation;

~~(ii)~~ (ii) child support care support obligation; and

~~(iii)~~ (iii) basic support obligation; and

(d) If the obligor's income available for support calculated under paragraph (b) is equal to or less than the minimum support amount under subdivision 2 or if the obligor's gross income is less than 120 percent of the federal poverty guidelines for one person, the minimum support amount under subdivision 2 applies.

~~(5) Subd. 2. Minimum basic support amount.~~ (a) If the obligor's income available for support is less than the self-support reserve basic support amount applies, then the court must order the following amount as the minimum basic support as follows obligation:

~~(i)~~ (i) for one or two children, the obligor's basic support obligation is \$50 per month;

~~(ii)~~ (ii) for three or four children, the obligor's basic support obligation is \$75 per month; and

~~(iii)~~ (iii) for five or more children, the obligor's basic support obligation is \$100 per month.

(b) If the court orders the obligor to pay the minimum basic support amount under this paragraph subdivision, the obligor is presumed unable to pay child care support and medical support.

If the court finds the obligor receives no income and completely lacks the ability to earn income, the minimum basic support amount under this ~~paragraph~~ subdivision does not apply.

Subd. 3. Exception. This section does not apply to an obligor who is incarcerated.

Sec. 42. Laws 2005, chapter 164, section 26, subdivision 2, as amended by Laws 2005, First Special Session chapter 7, section 27, subdivision 2, is amended to read:

Subd. 2. **Basic support; guideline.** Unless otherwise agreed to by the parents and approved by the court, when establishing basic support, the court must order that basic support be divided between the parents based on their proportionate share of the parents' combined monthly parental income for determining child support, ~~as determined under section 518.54, subdivision 15 (PICS).~~ Basic support must be computed using the following guideline:

Combined Parental Income for Determining Child Support	Number of Children					
	One	Two	Three	Four	Five	Six
\$0- \$799	\$50	\$50	\$75	\$75	\$100	\$100
800-899	80	129	149	173	201	233
900-999	90	145	167	194	226	262
1,000- 1,099	116	161	186	216	251	291
1,100- 1,199	145	205	237	275	320	370
1,200- 1,299	177	254	294	341	396	459
1,300- 1,399	212	309	356	414	480	557
1,400- 1,499	251	368	425	493	573	664
1,500- 1,599	292	433	500	580	673	780
1,600- 1,699	337	502	580	673	781	905
1,700- 1,799	385	577	666	773	897	1,040
1,800- 1,899	436	657	758	880	1,021	1,183
1,900- 1,999	490	742	856	994	1,152	1,336
2,000- 2,099	516	832	960	1,114	1,292	1,498
2,100- 2,199	528	851	981	1,139	1,320	1,531
2,200- 2,299	538	867	1,000	1,160	1,346	1,561
2,300- 2,399	546	881	1,016	1,179	1,367	1,586
2,400- 2,499	554	893	1,029	1,195	1,385	1,608
2,500- 2,599	560	903	1,040	1,208	1,400	1,625
2,600- 2,699	570	920	1,060	1,230	1,426	1,655
2,700- 2,799	580	936	1,078	1,251	1,450	1,683
2,800- 2,899	589	950	1,094	1,270	1,472	1,707
2,900- 2,999	596	963	1,109	1,287	1,492	1,730
3,000- 3,099	603	975	1,122	1,302	1,509	1,749
3,100- 3,199	613	991	1,141	1,324	1,535	1,779
3,200- 3,299	623	1,007	1,158	1,344	1,558	1,807
3,300- 3,399	<del>632</del> <u>636</u>	1,021	1,175	1,363	1,581	1,833
3,400- 3,499	<del>640</del> <u>650</u>	1,034	1,190	1,380	1,601	1,857
3,500- 3,599	<del>648</del> <u>664</u>	1,047	1,204	1,397	1,621	1,880
3,600- 3,699	<del>657</del> <u>677</u>	1,062	1,223	1,418	1,646	1,909
3,700- 3,799	<del>667</del> <u>691</u>	1,077	1,240	1,439	1,670	1,937
3,800- 3,899	<del>676</del> <u>705</u>	1,081	1,257	1,459	1,693	1,963



3,900- 3,999	<del>684</del> <u>719</u>	1,104	1,273	1,478	1,715	1,988
4,000- 4,099	<del>692</del> <u>732</u>	1,116	1,288	1,496	1,736	2,012
4,100- 4,199	<del>701</del> <u>746</u>	1,132	1,305	1,516	1,759	2,039
4,200- 4,299	<del>710</del> <u>760</u>	1,147	1,322	1,536	1,781	2,064
4,300- 4,399	<del>718</del> <u>774</u>	1,161	1,338	1,554	1,802	2,088
4,400- 4,499	<del>726</del> <u>787</u>	1,175	1,353	1,572	1,822	2,111
4,500- 4,599	<del>734</del> <u>801</u>	1,184	1,368	1,589	1,841	2,133
4,600- 4,699	<del>743</del> <u>808</u>	1,200	1,386	1,608	1,864	2,160
4,700- 4,799	<del>753</del> <u>814</u>	1,215	1,402	1,627	1,887	2,186
4,800- 4,899	<del>762</del> <u>820</u>	1,231	1,419	1,645	1,908	2,212
4,900- 4,999	<del>771</del> <u>825</u>	1,246	1,435	1,663	1,930	2,236
5,000- 5,099	<del>780</del> <u>831</u>	1,260	1,450	1,680	1,950	2,260
5,100- 5,199	<del>788</del> <u>837</u>	1,275	1,468	1,701	1,975	2,289
5,200- 5,299	<del>797</del> <u>843</u>	1,290	1,485	1,722	1,999	2,317
5,300- 5,399	<del>805</del> <u>849</u>	1,304	1,502	1,743	2,022	2,345
5,400- 5,499	<del>812</del> <u>854</u>	1,318	1,518	1,763	2,046	2,372
5,500- 5,599	<del>820</del> <u>860</u>	1,331	1,535	1,782	2,068	2,398
5,600- 5,699	<del>829</del> <u>866</u>	1,346	1,551	1,801	2,090	2,424
5,700- 5,799	<del>838</del> <u>873</u>	1,357	1,568	1,819	2,111	2,449
5,800- 5,899	<del>847</del> <u>881</u>	1,376	1,583	1,837	2,132	2,473
5,900- 5,999	<del>856</del> <u>888</u>	1,390	1,599	1,855	2,152	2,497
6,000- 6,099	<del>864</del> <u>895</u>	1,404	1,604	1,872	2,172	2,520
6,100- 6,199	<del>874</del> <u>902</u>	1,419	1,631	1,892	2,195	2,546
6,200- 6,299	<del>883</del> <u>909</u>	1,433	1,645	1,912	2,217	2,572
6,300- 6,399	<del>892</del> <u>916</u>	1,448	1,664	1,932	2,239	2,597
6,400- 6,499	<del>901</del> <u>923</u>	1,462	1,682	1,951	2,260	2,621
6,500- 6,599	<del>910</del> <u>930</u>	1,476	1,697	1,970	2,282	2,646
6,600- 6,699	<del>919</del> <u>936</u>	1,490	1,713	1,989	2,305	2,673
6,700- 6,799	<del>927</del> <u>943</u>	1,505	1,730	2,009	2,328	2,700
6,800- 6,899	<del>936</del> <u>950</u>	1,519	1,746	2,028	2,350	2,727
						<del>2,753</del>
6,900- 6,999	<del>944</del> <u>957</u>	1,533	1,762	2,047	2,379	<del>2,747</del>
						<del>2,779</del>
7,000- 7,099	<del>952</del> <u>963</u>	1,547	1,778	2,065	2,394	<del>2,753</del>
						<del>2,805</del>
7,100- 7,199	<del>961</del> <u>970</u>	1,561	1,795	2,085	2,417	<del>2,758</del>

7,200- 7,299	<del>971</del> <u>974</u>	1,574	1,812	2,104	2,439	<del>2,830</del> <u>2,764</u>
7,300- 7,399	980	1,587	1,828	2,123	2,462	<del>2,854</del> <u>2,769</u>
7,400- 7,499	989	1,600	1,844	2,142	2,483	<del>2,879</del> <u>2,775</u>
7,500- 7,599	998	1,613	1,860	2,160	2,505	<del>2,903</del> <u>2,781</u>
7,600- 7,699	1,006	1,628	1,877	2,180	2,528	<del>2,929</del> <u>2,803</u>
7,700- 7,799	1,015	1,643	1,894	2,199	2,550	<del>2,955</del> <u>2,833</u>
7,800- 7,899	1,023	1,658	1,911	2,218	2,572	<del>2,981</del> <u>2,864</u>
7,900- 7,999	1,032	1,673	1,928	2,237	2,594	<del>3,007</del> <u>2,894</u>
8,000- 8,099	1,040	1,688	1,944	2,256	2,616	<del>3,032</del> <u>2,925</u>
8,100- 8,199	1,048	1,703	1,960	2,274	2,637	<del>3,057</del> <u>2,955</u>
8,200- 8,299	1,056	1,717	1,976	2,293	2,658	<del>3,082</del> <u>2,985</u>
8,300 -8,399	1,064	1,731	1,992	2,311	2,679	<del>3,106</del> <u>3,016</u>
8,400- 8,499	1,072	1,746	2,008	2,328	2,700	<del>3,130</del> <u>3,046</u>
8,500- 8,599	1,080	1,760	2,023	2,346	2,720	<del>3,154</del> <u>3,077</u>
8,600- 8,699	1,092	1,780	2,047	2,374	2,752	<del>3,191</del> <u>3,107</u>
8,700- 8,799	1,105	1,801	2,071	2,401	2,784	<del>3,228</del> <u>3,138</u>
8,800- 8,899	1,118	1,822	2,094	2,429	2,816	<del>3,265</del> <u>3,168</u>
8,900- 8,999	1,130	1,842	2,118	2,456	2,848	<del>3,302</del> <u>3,199</u>
9,000- 9,099	1,143	1,863	2,142	2,484	2,880	<del>3,339</del> <u>3,223</u>
9,100- 9,199	1,156	1,884	2,166	2,512	2,912	<del>3,376</del> <u>3,243</u>

						<del>3,413</del>
9,200- 9,299	1,168	1,904	2,190	2,539	2,944	<u>3,263</u>
						<del>3,450</del>
9,300- 9,399	1,181	1,925	2,213	2,567	2,976	<u>3,284</u>
						<del>3,487</del>
9,400- 9,499	1,194	1,946	2,237	2,594	3,008	<u>3,304</u>
					<del>3,040</del>	<del>3,525</del>
9,500- 9,599	1,207	1,967	2,261	2,622	<u>3,031</u>	<u>3,324</u>
					<del>3,072</del>	<del>3,562</del>
9,600- 9,699	1,219	1,987	2,285	2,650	<u>3,050</u>	<u>3,345</u>
					<del>3,104</del>	<del>3,599</del>
9,700- 9,799	1,232	2,008	2,309	2,677	<u>3,069</u>	<u>3,365</u>
					<del>3,136</del>	<del>3,636</del>
9,800- 9,899	1,245	2,029	2,332	2,705	<u>3,087</u>	<u>3,385</u>
					<del>3,168</del>	<del>3,673</del>
9,900- 9,999	1,257	2,049	2,356	2,732	<u>3,106</u>	<u>3,406</u>
					<del>3,200</del>	<del>3,710</del>
10,000-10,099	1,270	2,070	2,380	2,760	<u>3,125</u>	<u>3,426</u>
					<del>3,232</del>	<del>3,747</del>
10,100-10,199	1,283	2,091	2,404	2,788	<u>3,144</u>	<u>3,446</u>
					<del>3,264</del>	<del>3,784</del>
10,200-10,299	1,295	2,111	2,428	2,815	<u>3,162</u>	<u>3,467</u>
					<del>3,296</del>	<del>3,821</del>
10,300-10,399	1,308	2,132	2,451	2,843	<u>3,181</u>	<u>3,487</u>
					<del>3,328</del>	<del>3,858</del>
10,400-10,499	1,321	2,153	2,475	2,870	<u>3,200</u>	<u>3,507</u>
					<del>3,360</del>	<del>3,896</del>
10,500-10,599	1,334	2,174	2,499	2,898	<u>3,218</u>	<u>3,528</u>
				<del>2,926</del>	<del>3,392</del>	<del>3,933</del>
10,600-10,699	1,346	2,194	2,523	<u>2,921</u>	<u>3,237</u>	<u>3,548</u>
				<del>2,953</del>	<del>3,424</del>	<del>3,970</del>
10,700-10,799	1,359	2,215	2,547	<u>2,938</u>	<u>3,256</u>	<u>3,568</u>
				<del>2,981</del>	<del>3,456</del>	<del>4,007</del>
10,800-10,899	1,372	2,236	2,570	<u>2,955</u>	<u>3,274</u>	<u>3,589</u>
				<del>3,008</del>	<del>3,488</del>	<del>4,044</del>
10,900-10,999	1,384	2,256	2,594	<u>2,972</u>	<u>3,293</u>	<u>3,609</u>
				<del>3,036</del>	<del>3,520</del>	<del>4,081</del>
11,000-11,099	1,397	2,277	2,618	<u>2,989</u>	<u>3,312</u>	<u>3,629</u>
		<del>2,298</del>		<del>3,064</del>	<del>3,552</del>	<del>4,118</del>
11,100-11,199	1,410	<u>2,294</u>	2,642	<u>3,006</u>	<u>3,331</u>	<u>3,649</u>

		<del>2,318</del>		<del>3,091</del>	<del>3,584</del>	<del>4,155</del>
11,200-11,299	1,422	<u>2,306</u>	2,666	<u>3,023</u>	<u>3,349</u>	<u>3,667</u>
		<del>2,339</del>		<del>3,119</del>	<del>3,616</del>	<del>4,192</del>
11,300-11,399	1,435	<u>2,319</u>	2,689	<u>3,040</u>	<u>3,366</u>	<u>3,686</u>
		<del>2,360</del>		<del>3,146</del>	<del>3,648</del>	<del>4,229</del>
11,400-11,499	1,448	<u>2,331</u>	2,713	<u>3,055</u>	<u>3,383</u>	<u>3,705</u>
		<del>2,381</del>	<del>2,737</del>	<del>3,174</del>	<del>3,680</del>	<del>4,267</del>
11,500-11,599	1,461	<u>2,344</u>	<u>2,735</u>	<u>3,071</u>	<u>3,400</u>	<u>3,723</u>
		<del>2,401</del>	<del>2,761</del>	<del>3,202</del>	<del>3,712</del>	<del>4,304</del>
11,600-11,699	1,473	<u>2,356</u>	<u>2,748</u>	<u>3,087</u>	<u>3,417</u>	<u>3,742</u>
		<del>2,422</del>	<del>2,785</del>	<del>3,229</del>	<del>3,744</del>	<del>4,341</del>
11,700-11,799	1,486	<u>2,367</u>	<u>2,762</u>	<u>3,102</u>	<u>3,435</u>	<u>3,761</u>
		<del>2,443</del>	<del>2,808</del>	<del>3,257</del>	<del>3,776</del>	<del>4,378</del>
11,800-11,899	1,499	<u>2,378</u>	<u>2,775</u>	<u>3,116</u>	<u>3,452</u>	<u>3,780</u>
		<del>2,463</del>	<del>2,832</del>	<del>3,284</del>	<del>3,808</del>	<del>4,415</del>
11,900-11,999	1,511	<u>2,389</u>	<u>2,788</u>	<u>3,131</u>	<u>3,469</u>	<u>3,798</u>
		<del>2,484</del>	<del>2,856</del>	<del>3,312</del>	<del>3,840</del>	<del>4,452</del>
12,000-12,099	1,524	<u>2,401</u>	<u>2,801</u>	<u>3,146</u>	<u>3,485</u>	<u>3,817</u>
		<del>2,505</del>	<del>2,880</del>	<del>3,340</del>	<del>3,872</del>	<del>4,489</del>
12,100-12,199	1,537	<u>2,412</u>	<u>2,814</u>	<u>3,160</u>	<u>3,501</u>	<u>3,836</u>
		<del>2,525</del>	<del>2,904</del>	<del>3,367</del>	<del>3,904</del>	<del>4,526</del>
12,200-12,299	1,549	<u>2,423</u>	<u>2,828</u>	<u>3,175</u>	<u>3,517</u>	<u>3,854</u>
		<del>2,546</del>	<del>2,927</del>	<del>3,395</del>	<del>3,936</del>	<del>4,563</del>
12,300-12,399	1,562	<u>2,434</u>	<u>2,841</u>	<u>3,190</u>	<u>3,534</u>	<u>3,871</u>
		<del>2,567</del>	<del>2,951</del>	<del>3,422</del>	<del>3,968</del>	<del>4,600</del>
12,400-12,499	1,575	<u>2,445</u>	<u>2,854</u>	<u>3,205</u>	<u>3,550</u>	<u>3,889</u>
		<del>2,588</del>	<del>2,975</del>	<del>3,450</del>	<del>4,000</del>	<del>4,638</del>
12,500-12,599	1,588	<u>2,456</u>	<u>2,867</u>	<u>3,219</u>	<u>3,566</u>	<u>3,907</u>
		<del>2,608</del>	<del>2,999</del>	<del>3,478</del>	<del>4,032</del>	<del>4,675</del>
12,600-12,699	1,600	<u>2,467</u>	<u>2,880</u>	<u>3,234</u>	<u>3,582</u>	<u>3,924</u>
		<del>2,629</del>	<del>3,023</del>	<del>3,505</del>	<del>4,064</del>	<del>4,712</del>
12,700-12,799	1,613	<u>2,478</u>	<u>2,894</u>	<u>3,249</u>	<u>3,598</u>	<u>3,942</u>
		<del>2,650</del>	<del>3,046</del>	<del>3,533</del>	<del>4,096</del>	<del>4,749</del>
12,800-12,899	1,626	<u>2,489</u>	<u>2,907</u>	<u>3,264</u>	<u>3,615</u>	<u>3,960</u>
		<del>2,670</del>	<del>3,070</del>	<del>3,560</del>	<del>4,128</del>	<del>4,786</del>
12,900-12,999	1,638	<u>2,500</u>	<u>2,920</u>	<u>3,278</u>	<u>3,631</u>	<u>3,977</u>
		<del>2,691</del>	<del>3,094</del>	<del>3,588</del>	<del>4,160</del>	<del>4,823</del>
13,000-13,099	1,651	<u>2,512</u>	<u>2,933</u>	<u>3,293</u>	<u>3,647</u>	<u>3,995</u>
		<del>2,712</del>	<del>3,118</del>	<del>3,616</del>	<del>4,192</del>	<del>4,860</del>
13,100-13,199	1,664	<u>2,523</u>	<u>2,946</u>	<u>3,308</u>	<u>3,663</u>	<u>4,012</u>

		<del>2,732</del>	<del>3,142</del>	<del>3,643</del>	<del>4,224</del>	<del>4,897</del>
13,200-13,299	1,676	<u>2,534</u>	<u>2,960</u>	<u>3,322</u>	<u>3,679</u>	<u>4,030</u>
		<del>2,753</del>	<del>3,165</del>	<del>3,671</del>	<del>4,256</del>	<del>4,934</del>
13,300-13,399	1,689	<u>2,545</u>	<u>2,973</u>	<u>3,337</u>	<u>3,696</u>	<u>4,048</u>
		<del>2,774</del>	<del>3,189</del>	<del>3,698</del>	<del>4,288</del>	<del>4,971</del>
13,400-13,499	1,702	<u>2,556</u>	<u>2,986</u>	<u>3,352</u>	<u>3,712</u>	<u>4,065</u>
		<del>2,795</del>	<del>3,213</del>	<del>3,726</del>	<del>4,320</del>	<del>5,009</del>
13,500-13,599	1,715	<u>2,567</u>	<u>2,999</u>	<u>3,367</u>	<u>3,728</u>	<u>4,083</u>
		<del>2,815</del>	<del>3,237</del>	<del>3,754</del>	<del>4,352</del>	<del>5,046</del>
13,600-13,699	1,727	<u>2,578</u>	<u>3,012</u>	<u>3,381</u>	<u>3,744</u>	<u>4,100</u>
		<del>2,836</del>	<del>3,261</del>	<del>3,781</del>	<del>4,384</del>	<del>5,083</del>
13,700-13,799	1,740	<u>2,589</u>	<u>3,026</u>	<u>3,396</u>	<u>3,760</u>	<u>4,118</u>
		<del>2,857</del>	<del>3,284</del>	<del>3,809</del>	<del>4,416</del>	<del>5,120</del>
13,800-13,899	1,753	<u>2,600</u>	<u>3,039</u>	<u>3,411</u>	<u>3,777</u>	<u>4,136</u>
		<del>2,877</del>	<del>3,308</del>	<del>3,836</del>	<del>4,448</del>	<del>5,157</del>
13,900-13,999	1,765	<u>2,611</u>	<u>3,052</u>	<u>3,425</u>	<u>3,793</u>	<u>4,153</u>
		<del>2,898</del>	<del>3,332</del>	<del>3,864</del>	<del>4,480</del>	<del>5,194</del>
14,000-14,099	1,778	<u>2,623</u>	<u>3,065</u>	<u>3,440</u>	<u>3,809</u>	<u>4,171</u>
		<del>2,919</del>	<del>3,356</del>	<del>3,892</del>	<del>4,512</del>	<del>5,231</del>
14,100-14,199	1,791	<u>2,634</u>	<u>3,078</u>	<u>3,455</u>	<u>3,825</u>	<u>4,189</u>
		<del>2,939</del>	<del>3,380</del>	<del>3,919</del>	<del>4,544</del>	<del>5,268</del>
14,200-14,299	1,803	<u>2,645</u>	<u>3,092</u>	<u>3,470</u>	<u>3,841</u>	<u>4,206</u>
		<del>2,960</del>	<del>3,403</del>	<del>3,947</del>	<del>4,576</del>	<del>5,305</del>
14,300-14,399	1,816	<u>2,656</u>	<u>3,105</u>	<u>3,484</u>	<u>3,858</u>	<u>4,224</u>
		<del>2,981</del>	<del>3,427</del>	<del>3,974</del>	<del>4,608</del>	<del>5,342</del>
14,400-14,499	1,829	<u>2,667</u>	<u>3,118</u>	<u>3,499</u>	<u>3,874</u>	<u>4,239</u>
		<del>3,002</del>	<del>3,451</del>	<del>4,002</del>	<del>4,640</del>	<del>5,380</del>
14,500-14,599	1,842	<u>2,678</u>	<u>3,131</u>	<u>3,514</u>	<u>3,889</u>	<u>4,253</u>
		<del>3,022</del>	<del>3,475</del>	<del>4,030</del>	<del>4,672</del>	<del>5,417</del>
14,600-14,699	1,854	<u>2,689</u>	<u>3,144</u>	<u>3,529</u>	<u>3,902</u>	<u>4,268</u>
		<del>1,867</del>	<del>3,043</del>	<del>3,499</del>	<del>4,057</del>	<del>4,704</del>
14,700-14,799	<u>1,864</u>	<u>2,700</u>	<u>3,158</u>	<u>3,541</u>	<u>3,916</u>	<u>4,282</u>
		<del>1,880</del>	<del>3,064</del>	<del>3,522</del>	<del>4,085</del>	<del>4,736</del>
14,800-14,899	<u>1,872</u>	<u>2,711</u>	<u>3,170</u>	<u>3,553</u>	<u>3,929</u>	<u>4,297</u>
		<del>1,892</del>	<del>3,084</del>	<del>3,546</del>	<del>4,112</del>	<del>4,768</del>
14,900-14,999	<u>1,879</u>	<u>2,722</u>	<u>3,181</u>	<u>3,565</u>	<u>3,942</u>	<u>4,311</u>
15,000, or the amount in effect under subd. 4	<del>1,905</del> <u>1,883</u>	<del>3,105</del> <u>2,727</u>	<del>3,570</del> <u>3,186</u>	<del>4,140</del> <u>3,571</u>	<del>4,800</del> <u>3,949</u>	<del>5,565</del> <u>4,319</u>

Sec. 43. Laws 2005, chapter 164, section 31, is amended to read:

Sec. 31. **REPEALER.**

Minnesota Statutes 2004, sections 518.171; ~~518.54, subdivisions 2, 4, and 4a,~~ and 518.551, subdivisions 1, 5a, 5c, and 5f, are repealed.

Sec. 44. Laws 2005, chapter 164, section 32, the effective date, is amended to read:

Sec. 32. **EFFECTIVE DATE.**

Except as otherwise ~~provided~~ indicated, this act is effective January 1, 2007, ~~and applies to orders adopted or modified after that date.~~ The provisions of this act apply to all support orders in effect prior to January 1, 2007, except that the provisions used to calculate parties' support obligations apply to actions or motions filed after January 1, 2007. The provisions of this act used to calculate parties' support obligations apply to actions or motions for past support or reimbursement filed after January 1, 2007. Sections 1 to 3 of this act are effective July 1, 2005.

Sec. 45. 2006 H.F. No. 2656, article 5, section 48, the effective date, if enacted, is amended to read:

**EFFECTIVE DATE.** This section is effective ~~July 1, 2006~~ August 1, 2006, for protective orders issued by a tribal court in Minnesota and August 1, 2007, for all other foreign protective orders.

Sec. 46. **REVISOR'S INSTRUCTION.**

The revisor of statutes shall change cross-references in Minnesota Statutes from section 518.171 to section 518.719.

Sec. 47. **REPEALER.**

Minnesota Statutes 2004, section 518.54, subdivision 6, and Laws 2005, chapter 164, section 12, are repealed.

Presented to the governor May 22, 2006

Signed by the governor May 31, 2006, 11:11 p.m.