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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 4910

03/13/2024

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The bill was read for the first time and referred to the Committee on Judiciary Finance and Civil Law

- 1.1 A bill for an act
- 1.2 relating to child support; modifying circumstances under which the public authority
- 1.3 must direct support to an obligee; amending Minnesota Statutes 2022, section
- 1.4 518A.46, subdivision 7.
- 1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.6 Section 1. Minnesota Statutes 2022, section 518A.46, subdivision 7, is amended to read:
- 1.7 Subd. 7. **Administrative redirection of support.** (a) The public authority must provide
- 1.8 written notice of redirection to the obligee, the obligor, and the caregiver. The notice must
- 1.9 be mailed to the obligor, obligee, and caregiver at the obligee's, the obligor's, and the
- 1.10 caregiver's respective last known address. The notice must state the name of the child or
- 1.11 children for whom support will be redirected, to whom the support will be redirected, the
- 1.12 date the support will be redirected, and the amount of the support that will be redirected.
- 1.13 The notice must also inform the parties of the right to contest the redirection of support
- 1.14 according to paragraph (c).
- 1.15 (b) If fewer than all of the children for whom the support is ordered reside with the
- 1.16 caregiver, the public authority must redirect the proportional share of the support for the
- 1.17 number of children residing with the caregiver.
- 1.18 (c) The obligee or obligor may contest the redirection of support on the limited grounds
- 1.19 that:
- 1.20 (1) the child or children do not reside or no longer reside with the caregiver;

(2) under an out-of-home placement plan under section 260C.212, subdivision 1, that includes a plan for reunification, all or part of the support is needed to maintain the obligee's home; or

(3) the redirection of support is not in the best interests of the child.

(d) To contest the redirection, the obligee or obligor must make a written request for a hearing to the public authority within 30 calendar days of the date of the written notice of redirection. The hearing must be held at the earliest practicable time, but no later than 30 calendar days from the date the public authority receives the written request for a hearing. If the public authority receives a timely written request for a hearing, the public authority must schedule a hearing and serve the obligee and the obligor with a notice of hearing at least 14 days before the date of the hearing. The notice must be served personally or by mail at the obligee's and the obligor's respective last known address. The public authority must file with the court the notice of hearing along with the notice of redirection at least five days before the scheduled hearing. The court administrator must schedule these hearings to be heard in the expedited process before a child support magistrate, but may schedule these hearings in district court if the availability of a child support magistrate does not permit a hearing to occur within the time frames of this subdivision.

(e) If neither the obligee nor the obligor contests the redirection of support under this subdivision, support must be redirected to the caregiver effective the first day of the month following the expiration of the time period to contest under paragraph (d). If the obligee or the obligor contests the redirection of support under paragraph (d), the public authority must not redirect support to the caregiver pending the outcome of the hearing.

(f) The redirection of the basic support, medical support, and child care support terminates and the public authority must direct support to the obligee if the public authority determines that:

(1) the caregiver for the child no longer receives public assistance for the child;

(2) the voluntary placement agreement expires; ~~or~~

(3) the court order placing the child is no longer in effect; or

(4) the redirection of support is not in the best interests of the child as determined under section 260B.331, subdivision 1, or 260C.331, subdivision 1.

(g) The public authority must notify the obligee, obligor, and caregiver of a termination of the redirection of support by mailing a written notice to each of them at their last known

- 3.1 address. The termination is effective the first day of the month that occurs at least 14 calendar
- 3.2 days after the date the notice is mailed.
- 3.3 **EFFECTIVE DATE.** This section is effective July 1, 2024.