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State of Minnesota

Printed Page No. 253

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 3344

03/05/2018 Authored by Pryor, Scott and Kunesh-Podein
The bill was read for the first time and referred to the Committee on Civil Law and Data Practices Policy
03/19/2018 Adoption of Report: Placed on the General Register as Amended
Read for the Second Time

1.1 A bill for an act
1.2 relating to children; modifying child support determination; modifying certain
1.3 payments of child support arrearages; amending Minnesota Statutes 2016, section
1.4 518A.35, subdivision 1; Minnesota Statutes 2017 Supplement, section 518A.53,
1.5 subdivision 11.

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

1.7 Section 1. Minnesota Statutes 2016, section 518A.35, subdivision 1, is amended to read:

1.8 Subdivision 1. Determination of support obligation. (a) The guideline in this section
1.9 is a rebuttable presumption and shall be used in any judicial or administrative proceeding
1.10 to establish or modify a support obligation under this chapter.

1.11 (b) The basic child support obligation shall be determined by referencing the guideline
1.12 for the appropriate number of joint children and the combined parental income for
1.13 determining child support of the parents.

1.14 (c) If a child is not in the custody of either parent and a support order is sought against
1.15 one or both parents, the basic child support obligation shall be determined by referencing
1.16 the guideline for the appropriate number of joint children, and the parent's individual parental
1.17 income for determining child support, not the combined parental incomes for determining
1.18 child support of the parents. Unless a parent has court-ordered parenting time, the parenting
1.19 expense adjustment formula under section 518A.34 must not be applied.

1.20 (d) If a child is in custody of either parent and a support order is sought by the public
1.21 authority in an action involving only one parent under section 256.87, unless the parent
1.22 against whom the support order is sought has court-ordered parenting time, the support
1.23 obligation must be determined by referencing the guideline for the appropriate number of

2.1 joint children and the parent's individual income without application of the parenting expense
2.2 adjustment formula under section 518A.34.

2.3 (e) For combined parental incomes for determining child support exceeding \$15,000
2.4 per month, the presumed basic child support obligations shall be as for parents with combined
2.5 parental income for determining child support of \$15,000 per month. A basic child support
2.6 obligation in excess of this level may be demonstrated for those reasons set forth in section
2.7 518A.43.

2.8 Sec. 2. Minnesota Statutes 2017 Supplement, section 518A.53, subdivision 11, is amended
2.9 to read:

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

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

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

2.16 (ii) hold the lump-sum payment for 30 days after the date on which the lump-sum payment
2.17 would otherwise have been paid to the obligor, notwithstanding sections 176.221, 176.225,
2.18 176.521, 181.08, 181.101, 181.11, 181.13, and 181.145; and

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

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

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

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

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

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