

262.6

ARTICLE 21**COOPERATIVE PRIVATE DIVORCE PROGRAM**

262.8 Section 1. Minnesota Statutes 2018, section 62A.21, subdivision 2a, is amended to read:

262.9 Subd. 2a. **Continuation privilege.** Every policy described in subdivision 1 shall contain
 262.10 a provision which permits continuation of coverage under the policy for the insured's
 262.11 dependent children, which is defined as required by section 62A.302, and former spouse,
 262.12 who was covered on the day before the entry of a valid decree of dissolution of marriage
 262.13 or a certificate of marital dissolution. The coverage shall be continued until the earlier of
 262.14 the following dates:

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

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

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

262.27 Upon request by the insured's former spouse, who was covered on the day before the
 262.28 entry of a valid decree of dissolution, or dependent child, a health carrier must provide the
 262.29 instructions necessary to enable the child or former spouse to elect continuation of coverage.

263.1 Sec. 2. Minnesota Statutes 2018, section 518.191, is amended by adding a subdivision to
 263.2 read:

263.3 Subd. 6. Summary real estate disposition judgment following certificate of marital
 263.4 dissolution. A summary real estate disposition judgment may also be obtained after a
 263.5 certificate of marital dissolution is issued in accordance with section 518.80, subdivision
 263.6 5. Upon the filing of the certificate the district court administrator may provide to a participant
 263.7 upon request certified copies of a summary real estate disposition judgment submitted by
 263.8 the participants that contains the following information:

263.9 (1) the dates of the participants' marriage and of the issuance of the certificate of marital
 263.10 dissolution;

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

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

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

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

263.18 Sec. 3. Minnesota Statutes 2018, section 518.195, is amended by adding a subdivision to
263.19 read:

263.20 Subd. 5. Issuance of qualified domestic relations order following certificate of marital
263.21 dissolution. A certificate of marital dissolution issued in accordance with section 518.80,
263.22 subdivision 5, may be filed with the district court administrator. Upon the filing of the
263.23 certificate, the district court administrator may enter a decree of dissolution and may issue
263.24 a qualified domestic relations order submitted by the participants and approved by the
263.25 retirement plan administrator for the assignment of an interest in a retirement plan as provided
263.26 in the declaration of divorce.

263.27 Sec. 4. **[518.80] COOPERATIVE PRIVATE DIVORCE PROGRAM.**

263.28 Subdivision 1. Commissioner. For purposes of this section, "commissioner" means the
263.29 commissioner of the Bureau of Mediation Services.

263.30 Subd. 2. Establishment. The commissioner shall establish a cooperative private divorce
263.31 program as provided in this section.

264.1 Subd. 3. Requirements. The cooperative private divorce program must, at a minimum:

264.2 (1) be made available on the Bureau of Mediation Services website;

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

264.5 (3) allow participants of the program to electronically complete and submit to the
264.6 commissioner an intent to divorce and a declaration of divorce as provided under subdivision
264.7 11;

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

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

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

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

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

264.18 (9) encrypt all data sent and received through the program website.

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

264.22 **Subd. 5. Procedure.** (a) Notwithstanding any law to the contrary, married participants
264.23 who meet the criteria under subdivision 4 may dissolve their marital status through the
264.24 cooperative private divorce program made available on the Bureau of Mediation Services
264.25 website by:

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

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

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

265.1 (1) the name and any prior names of the two participants to the cooperative private
265.2 divorce dissolution;

265.3 (2) the name of any living minor or dependent children of the participants;

265.4 (3) that the marriage of the participants is dissolved and the date of the dissolution; and

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

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

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

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

265.14 (1) the name and any prior names of any participant of the cooperative private divorce
265.15 program;

265.16 (2) the name of any living minor or dependent children of a participant; and

265.17 (3) that the marriage of the participants is dissolved and the date of the dissolution.

265.18 (f) Before the commissioner issues a certificate of marital dissolution to married

265.19 participants who are parents of minor children, the married participants must attend a

265.20 four-hour parent education program as required under section 518.81.

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

265.24 (b) It is the intent of this paragraph that agreements recorded in a declaration of divorce
265.25 shall be deemed to be a decree of divorce wherever a decree of divorce is referred to in the
265.26 Internal Revenue Code, and agreements between the participants in a declaration of divorce
265.27 regarding alimony or maintenance shall be deemed to be a divorce or separation agreement
265.28 for purposes of deductibility under the Internal Revenue Code.

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

266.1 **Subd. 7. Modification.** Any agreement made by the participants in their declaration of
266.2 divorce may be modified at any time after a declaration of divorce agreement is submitted
266.3 to the commissioner through the cooperative private divorce program, but prior to the parties
266.4 modifying or vacating an agreement under subdivision 8, if both participants agree to the
266.5 amendment and submit an amended declaration of divorce.

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

266.11 (b) Cooperative private divorce agreements contained in a declaration of divorce may
266.12 be enforced, modified, or vacated by the district court, or the court may address issues that
266.13 were reserved by the participants according to the provisions of this chapter. Review of a
266.14 cooperative private divorce agreement under paragraph (e) in district court are de novo and
266.15 determined by existing statute including chapters 518A and 518, and sections 518.17 and
266.16 518.175.

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

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

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

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

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

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

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

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

267.1 A participant initiating an action under this paragraph must, by personal service, provide
 267.2 to the other participant notice of filing the certificate of marital dissolution with the district
 267.3 court together with any motion for relief. Any subsequent court action related to the certificate
 267.4 of marital dissolution may be initiated by notice of motion and motion. An action initiated
 267.5 under this paragraph shall be venued in a county located in this state where either participant
 267.6 was residing at the time the certificate of marital dissolution was issued by the Bureau of
 267.7 Mediation Services. Matters reviewed by the court under this section are reviewed by the
 267.8 court de novo and governed by this chapter, chapter 518A, and other applicable laws. The
 267.9 filings fee for any action under this paragraph is \$315. For a motion to vacate the declaration
 267.10 of divorce under section 518.145, the one-year period of limitation begins on the date of
 267.11 the participants' dissolution, which is the date of the certificate of marital dissolution in
 267.12 subdivision 5, paragraph (d).

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

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

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

267.22 The Cooperative Private Divorce process is based on the assumption that most people
 267.23 have the capacity to divorce with respect and fairness if they are supported in that direction.
 267.24 To that end, a Cooperative Private Divorce differs in two important ways from a court

267.25 divorce. First, the two of you have total control over your divorce and no one will oversee
 267.26 or scrutinize the decisions you make. Second, it is a completely private process.

267.27 This leaves you with a great deal of flexibility. After you have educated yourself, you
 267.28 can choose how detailed or simple to make your divorce decisions, and whether to postpone
 267.29 some decisions to a later time. You can also create your own understanding of fairness
 267.30 unique to your own situation.

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

268.3 **Basic Principles**

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

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

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

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

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

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

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

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

268.25 **Two Cautions**

268.26 First, if you feel pressured or intimidated by your spouse to use this process or to agree
 268.27 to specific matters in your divorce, or if you have doubts generally about your spouse's
 268.28 willingness to reach agreements that are best for everyone in your family, consider getting
 268.29 professional assistance before going further.

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

269.5 **Professional and Community Resources**

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

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

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

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

269.22 **Instructions for Cooperative Private Divorce**

- 269.23 1. Both spouses obtain unique identifiers from the Bureau of Mediation Services.
- 269.24 2. Both spouses sign and submit the INTENT TO DIVORCE form with their unique
 269.25 identifiers to register with the Bureau of Mediation Services.
- 269.26 3. At any time at least 90 days after but not more than two years after submitting the INTENT
 269.27 TO DIVORCE form, submit the Declaration of Divorce form signed by both spouses.
- 269.28 4. Upon submitting the Declaration of Divorce form, both spouses will receive a certification
 269.29 that your marriage is dissolved.

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

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

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

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

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

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

270.20 **Intent to Divorce**

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

270.25 Date and place of marriage:

270.26 Signature, date:

270.27 E-mail address:

270.28 Social Security number:

270.29 Signature, date:

270.30 E-mail address:

270.31 Social Security number:

270.32

Declaration of Divorce

270.33

Facts270.34 1. We agree that the following is a list of all our assets and their approximate value:270.35 2. We agree that the following is a list of all our debts:270.36 3. Spouse A name, previous name(s) if any, and yearly income, including any bonuses:271.1 4. Spouse B name, previous name(s) if any, and yearly income, including any bonuses:271.2 5. The names, dates of birth, and Social Security numbers of our minor or dependent271.3 children covered by this agreement are:

271.4

Agreements271.5 1. We agree to the following plan for parenting our child or children together after the
271.6 divorce. If our plan is temporary, we agree to the following process for updating it. (A
271.7 comprehensive plan would include: (a) how you will make important decisions like those
271.8 about school, health care, and religion; (b) how you will allocate your time with the children
271.9 during the school year, summer, holidays, and vacations to provide a nurturing environment
271.10 and rich relationships with both of you; and (c) how you will communicate with each other
271.11 and work out differences of opinion.)271.12 2. We agree to the following plan for sharing the expenses of raising our child or children.**Guideline Child Support**271.14 The guideline child support for our child(ren) is \$..... We agree that will pay
271.15 the guideline child support amount.271.16 (The Minnesota Child Support guidelines calculator can be accessed at271.17 Attach the guidelines printout.**Non-Guideline Child Support**271.19 We agree to deviate from the guideline child support amount after considering the
271.20 following factors that support deviation (Make a check or "X" on all that apply):271.21 each of our earnings, income, circumstances, and resources, including our
271.22 real and personal property, but excluding income from excess employment
271.23 of the obligor or obligee that meets the criteria of Minnesota Statutes,
271.24 section 518A.29, paragraph (b);
271.25 the extraordinary financial needs and resources, physical and emotional
271.26 condition, and educational needs of our child(ren) to be supported;
271.27 the standard of living our child would enjoy if we were currently living
271.28 together, but recognizing that we now have separate households;

- 271.29 whether our child resides for more than one year in a foreign country that
271.30 has a substantially higher or lower cost of living than this country;
- 271.31 the income taxation dependency exemption and the financial benefit that
271.32 one of us receives from it;
- 271.33 our agreed-upon plan for paying off our debts under paragraph 4;
- 271.34 the obligor's total payments for court-ordered child support exceed the
271.35 limitations set forth in Minnesota Statutes, section 571.922;
- 271.36 an allocation of the expenses of our children that enables us to maintain a
271.37 suitable place for our children, taking into account our current standard of
271.38 living;
- 271.39 the following factor:

272.1 Make a check or "X" on one of the following:

272.2 ... Because of the factor(s) we have checked above, we agree that
272.3 will pay \$..... in child support on the of each month;
272.4 ... We will be sharing the following children's expenses: (list items) with
272.5 paying ... percent and paying ... percent; or
272.6 ... We agree that no child support will be exchanged between us, as we are
272.7 each paying the children's expenses directly.

272.8 Make a check or "X" on all that apply:

272.9 ... We agree to modify the amount of child support from time to time as our circumstances may change.

272.10 ... We agree to a biennial adjustment in the amount of child support to be paid based on cost-of-living changes using a cost-of-living index published by the Department of Labor.

272.11 ... We agree to a biennial adjustment in the amount of child support to be paid based on cost-of-living changes using a cost-of-living index published by the Department of Labor.

272.12 ... We agree to a biennial adjustment in the amount of child support to be paid based on cost-of-living changes using a cost-of-living index published by the Department of Labor.

272.13 ... We agree to a biennial adjustment in the amount of child support to be paid based on cost-of-living changes using a cost-of-living index published by the Department of Labor.

272.14 (If either parent is receiving public assistance, the county attorney must approve this
272.15 agreement or it is not enforceable. The county attorney may ask the court to modify any
272.16 child support agreement you make if a minor or dependent child receives or begins to receive
272.17 public assistance.)

Caution

272.19 If your former spouse does not pay you the child support agreed upon in the declaration
272.20 of divorce, you should act promptly to address the matter because if you decide to go to
272.21 court, the court may not order the payment of arrears.

272.22 3. We agree to the following plan for providing health insurance for our children.

272.23 4. We agree to the following plan for paying off our debts. (This agreement will not change
272.24 your obligations to any creditor. It is simply an agreement between the two of you about
272.25 who will be paying a debt.)

272.26 5. We agree to the following plan for dividing our property and assets. (If an allocation of
272.27 assets or debts, or both, deviates from a nearly equal division, provide the reasons for the
272.28 allocation. Educate yourself about the difference between marital and nonmarital property.)

272.29 a. Real estate (Include who will pay any mortgages or agreements to refinance a mortgage,
272.30 and make provisions for recording necessary documents with the county recorder. This
272.31 declaration of divorce does not transfer an interest in real estate. To transfer interest in
272.32 real estate, you must prepare a quitclaim deed or a summary real estate disposition
272.33 judgment for the court administrator, either of which you would need to file with the
272.34 county recorder. It is advisable to seek professional assistance about this process.)

272.35 b. Personal property, such as household furnishings, vehicles, and other objects you
272.36 own.

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

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

273.15 7. We agree to the following plan to maintain health insurance coverage for both spouses.
273.16 (If one spouse is interested in continuing health insurance coverage under the other spouse's
273.17 employer-provided policy, certain laws apply, including a requirement that an election must
273.18 be made and submitted to the other spouse's employer and health insurance carrier within
273.19 60 days of your divorce.)

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

273.23 9. We have reached the following additional agreements which we wish to record.

273.24 (You may not use the cooperative private divorce program to legally change a name. A
 273.25 name can be changed only by a court.)

273.26

Dissolution

273.27 We hereby agree to the dissolution of our marriage according to the preceding terms.
 273.28 We hereby warrant that we have made complete disclosure to each other of all information
 273.29 and documents that are important to these agreements, and that the list of assets and debts
 273.30 contained in paragraph (1) are complete and accurate and there are no open court cases
 273.31 involving these issues.

273.32 Signature, date:

273.33 Signature, date:

274.1 Subd. 12. Fee. The commissioner shall charge the participants of the cooperative private
 274.2 divorce program a fee of \$1,062. Collected fees must be deposited in the cooperative divorce
 274.3 account established under subdivision 13. The commissioner may reduce the fee to ensure
 274.4 that revenue more closely matches the expenses of the program.

274.5 Subd. 13. Cooperative divorce account. The cooperative divorce account is established
 274.6 as a separate account in the special revenue fund in the state treasury. Money in the account
 274.7 is appropriated to the commissioner to administer and manage the online program under
 274.8 this section.

274.9 Subd. 14. Data. Data collected under this section is classified as private data on
 274.10 individuals as defined in section 13.02, subdivision 12.

274.11 Subd. 15. Notice; translations. Notices provided in this section and section 518.82 must
 274.12 be provided in languages that participants can understand and versions of the notices must
 274.13 be available online in languages commonly spoken in Minnesota.

274.14 Sec. 5. [518.81] PARENT EDUCATION; COOPERATIVE PRIVATE DIVORCE.

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

274.19 (1) constructive parenting in the dissolution process, including risk factors for families,
 274.20 how marriage dissolution affects children of different ages, and skills that parents can learn
 274.21 to increase cooperation and minimize conflict, particularly conflict arising when parents
 274.22 place children in the middle, creating conflicting loyalty. This component of the program
 274.23 must be aimed at increasing a parent's sensitivity to a child's needs and at giving a parent
 274.24 skills to improve the parent's and the child's adjustment to the dissolution of the marriage.
 274.25 The primary emphasis of the program must be on constructive parenting information, and

274.26 its content must be consistent with and promote the principles of cooperative private divorce
 274.27 as described in section 518.80, subdivision 9;

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

274.31 (3) information on the option of reconciliation, including research on reconciliation
 274.32 interests among couples considering marriage dissolution, the potential benefits of avoiding
 274.33 marriage dissolution, resources to assist with reconciliation for interested couples, and
 275.1 information on when the risk of domestic violence should exclude consideration of
 275.2 reconciliation; and

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

275.6 **Subd. 2. Program requirements.** A parent education program under this section may
 275.7 be conducted in person or online.

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

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

275.19 Sec. 6. **[518.82] COOPERATIVE PRIVATE DIVORCE SCREENING; NOTICE;**
 275.20 **FORM.**

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

275.26 COERCION SCREENING TOOL

275.27 WHEN NOT TO USE COOPERATIVE PRIVATE DIVORCE

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

- 276.1 You are feeling undue pressure or intimidation from your spouse to use
- 276.2 cooperative private divorce.
- 276.3 You have serious doubts about your spouse's willingness to reach agreements
- 276.4 that are best for everyone in the family.
- 276.5 Your spouse has made threats of physical or emotional harm during discussions
- 276.6 of divorce.
- 276.7 Your spouse has unilaterally ruled out involving any professionals in your divorce
- 276.8 process even though you want this kind of support.
- 276.9 Your spouse is telling you not to discuss your divorce options with anyone.

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

276.11 Sec. 7. Minnesota Statutes 2018, section 518A.43, subdivision 1, is amended to read:

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

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

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

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

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

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

276.30 (6) the parents' debts as provided in subdivision 2; **and**

276.31 (7) the obligor's total payments for court-ordered child support exceed the limitations
276.32 set forth in section 571.922; and

276.33 (8) an allocation of expenses of the children in a parenting plan under section 518.1705,
276.34 subdivision 8, or in a declaration of dissolution under section 518.80, subdivision 6, paragraph
277.1 (a), that enables both parents to maintain a suitable place for their children, taking into
277.2 account their current standard of living.

277.3 Sec. 8. **REPORT.**

277.4 The commissioner of the Bureau of Mediation Services shall conduct an evaluation of
277.5 the cooperative private divorce program after the first and second years of operation. The
277.6 areas of evaluation shall include but not be limited to:

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

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

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

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