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State of Minnesota
HOUSE OF REPRESENTATIVES
NINETIETH SESSION

H. F. No. 3405

03/08/2018 Authored by Scott
The bill was read for the first time and referred to the Committee on Civil Law and Data Practices Policy

1.1 A bill for an act
1.2 relating to children; modifying child support obligations; amending Minnesota
1.3 Statutes 2016, sections 518A.26, subdivisions 8, 15; 518A.28; 518A.29; 518A.30;
1.4 518A.31; 518A.33; 518A.34; 518A.35, subdivision 2; 518A.37; 518A.39,
1.5 subdivision 2; 518A.42, subdivision 1; 518A.46, subdivisions 3, 3a; 518A.72,
1.6 subdivision 2.

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

1.8 Section 1. Minnesota Statutes 2016, section 518A.26, subdivision 8, is amended to read:

1.9 Subd. 8. **Gross Net income.** "~~Gross Net income~~" means the gross net income of the
1.10 parent calculated under section 518A.29.

1.11 Sec. 2. Minnesota Statutes 2016, section 518A.26, subdivision 15, is amended to read:

1.12 Subd. 15. **Parental income for determining child support (PICS).** "Parental income
1.13 for determining child support," or "PICS," means gross net income minus deductions for
1.14 nonjoint children allowed under section 518A.33.

1.15 Sec. 3. Minnesota Statutes 2016, section 518A.28, is amended to read:

1.16 **518A.28 PROVIDING INCOME INFORMATION.**

1.17 (a) In any case where the parties have joint children for which a child support order must
1.18 be determined, the parties shall serve and file with their initial pleadings or motion
1.19 documents, a financial affidavit, disclosing all sources of gross net income for purposes of
1.20 section 518A.29. The financial affidavit shall include relevant supporting documentation
1.21 necessary to calculate the parental income for child support under section 518A.26,
1.22 subdivision 15, including, but not limited to, pay stubs for the most recent three months,

2.1 employer statements, or statements of receipts and expenses if self-employed. Documentation
2.2 of earnings and income also include relevant copies of each parent's most recent federal tax
2.3 returns, including W-2 forms, 1099 forms, unemployment benefit statements, workers'
2.4 compensation statements, and all other documents evidencing earnings or income as received
2.5 that provide verification for the financial affidavit. The state court administrator shall prepare
2.6 a financial affidavit form that may be used by the parties for disclosing information under
2.7 this section. The parties may provide the information required under this section in a
2.8 substantially similar affidavit form.

2.9 (b) In addition to the requirements of paragraph (a), at any time after an action seeking
2.10 child support has been commenced or when a child support order is in effect, a party or the
2.11 public authority may require the other party to give them a copy of:

2.12 (1) the party's complete federal tax returns for the preceding year that were filed with
2.13 the Internal Revenue Service; or

2.14 (2) if the party's federal tax returns have not been filed for that year, one or more of the
2.15 following:

2.16 (i) the party's 1099 form;

2.17 (ii) the party's W-2 form; or

2.18 (iii) the party's K-1 form.

2.19 The party shall provide a copy of the tax returns or forms within 30 days of receipt of the
2.20 request unless the request is not made in good faith. A request under this paragraph may
2.21 not be made more than once every two years, in the absence of good cause.

2.22 (c) If a parent under the jurisdiction of the court does not serve and file the financial
2.23 affidavit with the parent's initial pleading or motion documents, the court shall set income
2.24 for that parent based on credible evidence before the court or in accordance with section
2.25 518A.32. Credible evidence may include documentation of current or recent income,
2.26 testimony of the other parent concerning recent earnings and income levels, and the parent's
2.27 wage reports filed with the Minnesota Department of Employment and Economic
2.28 Development under section 268.044. The court may consider credible evidence from one
2.29 party that the financial affidavit submitted by the other party is false or inaccurate.

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

3.1 (e) If the court finds that a party has violated a court order or statute requiring the party
3.2 to disclose income or employment information and any changes to that information, the
3.3 court may issue an order requiring compensation and cost and reasonable attorney fees to
3.4 the party who was wrongfully deprived of the information, but in no event later than three
3.5 years from the date the information should have been provided. A party who brings a
3.6 meritless motion for such relief may be ordered to pay costs and reasonable attorney fees
3.7 to the other party.

3.8 Sec. 4. Minnesota Statutes 2016, section 518A.29, is amended to read:

3.9 **518A.29 CALCULATION OF GROSS NET INCOME.**

3.10 (a) Subject to the exclusions and deductions in this section, gross net income includes
3.11 any form of periodic payment to an individual, including, but not limited to, salaries, wages,
3.12 commissions, self-employment income under section 518A.30, workers' compensation,
3.13 unemployment benefits, annuity payments, military and naval retirement, pension and
3.14 disability payments, spousal maintenance received under a previous order or the current
3.15 proceeding, Social Security or veterans benefits provided for a joint child under section
3.16 518A.31, and potential income under section 518A.32. Salaries, wages, commissions, or
3.17 other compensation paid by third parties shall be based upon gross net income before
3.18 participation in an employer-sponsored benefit plan that allows an employee to pay for a
3.19 benefit or expense using pretax dollars, such as flexible spending plans and health savings
3.20 accounts. No deductions shall be allowed for contributions to pensions, 401-K, IRA, or
3.21 other retirement benefits.

3.22 (b) Gross Net income does not include compensation received by a party for employment
3.23 in excess of a 40-hour work week, provided that:

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

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

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

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

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

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

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

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

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

4.10 (e) ~~Gross~~ Net income does not include a child support payment received by a party. It
 4.11 is a rebuttable presumption that adoption assistance payments, Northstar kinship assistance
 4.12 payments, and foster care subsidies are not ~~gross~~ net income.

4.13 (f) ~~Gross~~ Net income does not include the income of the obligor's spouse and the obligee's
 4.14 spouse.

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

4.19 (h) ~~Gross~~ Net income does not include public assistance benefits received under section
 4.20 256.741 or other forms of public assistance based on need.

4.21 (i) Net income does not include state, federal, or Social Security taxes paid by a party,
 4.22 and does not include any mandatory salary deductions required by a party's employer.

4.23 Sec. 5. Minnesota Statutes 2016, section 518A.30, is amended to read:

4.24 **518A.30 INCOME FROM SELF-EMPLOYMENT OR OPERATION OF A**
 4.25 **BUSINESS.**

4.26 (a) For purposes of section 518A.29, income from self-employment or operation of a
 4.27 business, including joint ownership of a partnership or closely held corporation, is defined
 4.28 as gross receipts minus costs of goods sold minus ordinary and necessary expenses required
 4.29 for self-employment or business operation. Specifically excluded from ordinary and necessary
 4.30 expenses are amounts allowable by the Internal Revenue Service for the accelerated
 4.31 component of depreciation expenses, investment tax credits, or any other business expenses
 4.32 determined by the court to be inappropriate or excessive for determining ~~gross~~ net income

5.1 for purposes of calculating child support. The person seeking to deduct an expense, including
5.2 depreciation, has the burden of proving, if challenged, that the expense is ordinary and
5.3 necessary.

5.4 (b) For purposes of section 518A.29, income from self-employment or operation of a
5.5 business is the average of annual income calculated under paragraph (a) for the five-year
5.6 period preceding the calculation. If the party has not been self-employed in the same capacity
5.7 for the five years preceding the calculation, income shall be calculated on a monthly or
5.8 annual basis, based on the longest available period of self-employment in the same capacity.

5.9 Sec. 6. Minnesota Statutes 2016, section 518A.31, is amended to read:

5.10 **518A.31 SOCIAL SECURITY OR VETERANS' BENEFIT PAYMENTS**
5.11 **RECEIVED ON BEHALF OF THE CHILD.**

5.12 (a) The amount of the monthly Social Security benefits or apportioned veterans' benefits
5.13 provided for a joint child shall be included in the ~~gross~~ net income of the parent on whose
5.14 eligibility the benefits are based.

5.15 (b) The amount of the monthly survivors' and dependents' educational assistance provided
5.16 for a joint child shall be included in the ~~gross~~ net income of the parent on whose eligibility
5.17 the benefits are based.

5.18 (c) If Social Security or apportioned veterans' benefits are provided for a joint child
5.19 based on the eligibility of the obligor, and are received by the obligee as a representative
5.20 payee for the child or by the child attending school, then the amount of the benefits shall
5.21 also be subtracted from the obligor's net child support obligation as calculated pursuant to
5.22 section 518A.34.

5.23 (d) If the survivors' and dependents' educational assistance is provided for a joint child
5.24 based on the eligibility of the obligor, and is received by the obligee as a representative
5.25 payee for the child or by the child attending school, then the amount of the assistance shall
5.26 also be subtracted from the obligor's net child support obligation as calculated under section
5.27 518A.34.

5.28 Sec. 7. Minnesota Statutes 2016, section 518A.33, is amended to read:

5.29 **518A.33 DEDUCTION FROM INCOME FOR NONJOINT CHILDREN.**

5.30 (a) When either or both parents are legally responsible for a nonjoint child, a deduction
5.31 for this obligation shall be calculated under this section if:

6.1 (1) the nonjoint child primarily resides in the parent's household; and

6.2 (2) the parent is not obligated to pay basic child support for the nonjoint child to the
6.3 other parent or a legal custodian of the child under an existing child support order.

6.4 (b) The court shall use the guidelines under section 518A.35 to determine the basic child
6.5 support obligation for the nonjoint child or children by using the ~~gross~~ net income of the
6.6 parent for whom the deduction is being calculated and the number of nonjoint children
6.7 primarily residing in the parent's household. If the number of nonjoint children to be used
6.8 for the determination is greater than two, the determination must be made using the number
6.9 two instead of the greater number.

6.10 (c) The deduction for nonjoint children is 50 percent of the guideline amount determined
6.11 under paragraph (b).

6.12 Sec. 8. Minnesota Statutes 2016, section 518A.34, is amended to read:

6.13 **518A.34 COMPUTATION OF CHILD SUPPORT OBLIGATIONS.**

6.14 (a) To determine the presumptive child support obligation of a parent, the court shall
6.15 follow the procedure set forth in this section.

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

6.17 (1) determine the ~~gross~~ net income of each parent under section 518A.29;

6.18 (2) calculate the parental income for determining child support (PICS) of each parent,
6.19 by subtracting from the ~~gross~~ net income the credit, if any, for each parent's nonjoint children
6.20 under section 518A.33;

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

6.23 (4) determine the combined basic support obligation by application of the guidelines in
6.24 section 518A.35;

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

6.28 (6) apply the parenting expense adjustment formula provided in section 518A.36 to
6.29 determine the obligor's basic support obligation.

6.30 (c) If the parents have split custody of joint children, child support must be calculated
6.31 for each joint child as follows:

7.1 (1) the court shall determine each parent's basic support obligation under paragraph (b)
7.2 and include the amount of each parent's obligation in the court order. If the basic support
7.3 calculation results in each parent owing support to the other, the court shall offset the higher
7.4 basic support obligation with the lower basic support obligation to determine the amount
7.5 to be paid by the parent with the higher obligation to the parent with the lower obligation.
7.6 For the purpose of the cost-of-living adjustment required under section 518A.75, the
7.7 adjustment must be based on each parent's basic support obligation prior to offset. For the
7.8 purposes of this paragraph, "split custody" means that there are two or more joint children
7.9 and each parent has at least one joint child more than 50 percent of the time;

7.10 (2) if each parent pays all child care expenses for at least one joint child, the court shall
7.11 calculate child care support for each joint child as provided in section 518A.40. The court
7.12 shall determine each parent's child care support obligation and include the amount of each
7.13 parent's obligation in the court order. If the child care support calculation results in each
7.14 parent owing support to the other, the court shall offset the higher child care support
7.15 obligation with the lower child care support obligation to determine the amount to be paid
7.16 by the parent with the higher obligation to the parent with the lower obligation; and

7.17 (3) if each parent pays all medical or dental insurance expenses for at least one joint
7.18 child, medical support shall be calculated for each joint child as provided in section 518A.41.
7.19 The court shall determine each parent's medical support obligation and include the amount
7.20 of each parent's obligation in the court order. If the medical support calculation results in
7.21 each parent owing support to the other, the court shall offset the higher medical support
7.22 obligation with the lower medical support obligation to determine the amount to be paid by
7.23 the parent with the higher obligation to the parent with the lower obligation. Unreimbursed
7.24 and uninsured medical expenses are not included in the presumptive amount of support
7.25 owed by a parent and are calculated and collected as provided in section 518A.41.

7.26 (d) The court shall determine the child care support obligation for the obligor as provided
7.27 in section 518A.40.

7.28 (e) The court shall determine the medical support obligation for each parent as provided
7.29 in section 518A.41. Unreimbursed and uninsured medical expenses are not included in the
7.30 presumptive amount of support owed by a parent and are calculated and collected as described
7.31 in section 518A.41.

7.32 (f) The court shall determine each parent's total child support obligation by adding
7.33 together each parent's basic support, child care support, and health care coverage obligations
7.34 as provided in this section.

8.1 (g) If Social Security benefits or veterans' benefits are received by one parent as a
 8.2 representative payee for a joint child based on the other parent's eligibility, the court shall
 8.3 subtract the amount of benefits from the other parent's net child support obligation, if any.

8.4 (h) The final child support order shall separately designate the amount owed for basic
 8.5 support, child care support, and medical support. If applicable, the court shall use the
 8.6 self-support adjustment and minimum support adjustment under section 518A.42 to determine
 8.7 the obligor's child support obligation.

8.8 Sec. 9. Minnesota Statutes 2016, section 518A.35, subdivision 2, is amended to read:

8.9 Subd. 2. **Basic support; guideline.** (a) Unless otherwise agreed to by the parents and
 8.10 approved by the court, when establishing basic support, the court must order that basic
 8.11 support be divided between the parents based on their proportionate share of the parents'
 8.12 combined monthly parental income for determining child support (PICS). Basic support
 8.13 must be computed using the following guideline:

8.14 Combined Parental	8.14 Number of Children					
8.15 Income for	8.15 One	8.15 Two	8.15 Three	8.15 Four	8.15 Five	8.15 Six
8.16 Determining Child						
8.17 Support						
8.18 \$0- \$799 <u>\$1,399</u>	\$50	\$50	\$75	\$75	\$100	\$100
8.19 800-899	80	129	149	173	201	233
8.20 900-999	90	145	167	194	226	262
8.21 1,000-1,099	116	161	186	216	251	291
8.22 1,100-1,199	145	205	237	275	320	370
8.23 1,200-1,299	177	254	294	341	396	459
8.24 1,300-1,399	212	309	356	414	480	557
8.25 1,400- 1,499	251	368	425	493	573	664
8.26 1,500- 1,599	292	433	500	580	673	780
8.27 1,600- 1,699	337	502	580	673	781	905
8.28 1,700- 1,799	385	577	666	773	897	1,040
8.29 1,800- 1,899	436	657	758	880	1,021	1,183
8.30 1,900- 1,999	490	742	856	994	1,152	1,336
8.31 2,000- 2,099	516	832	960	1,114	1,292	1,498
8.32 2,100- 2,199	528	851	981	1,139	1,320	1,531
8.33 2,200- 2,299	538	867	1,000	1,160	1,346	1,561
8.34 2,300- 2,399	546	881	1,016	1,179	1,367	1,586
8.35 2,400- 2,499	554	893	1,029	1,195	1,385	1,608
8.36 2,500- 2,599	560	903	1,040	1,208	1,400	1,625

9.1	2,600- 2,699	570	920	1,060	1,230	1,426	1,655
9.2	2,700- 2,799	580	936	1,078	1,251	1,450	1,683
9.3	2,800- 2,899	589	950	1,094	1,270	1,472	1,707
9.4	2,900- 2,999	596	963	1,109	1,287	1,492	1,730
9.5	3,000- 3,099	603	975	1,122	1,302	1,509	1,749
9.6	3,100- 3,199	613	991	1,141	1,324	1,535	1,779
9.7	3,200- 3,299	623	1,007	1,158	1,344	1,558	1,807
9.8	3,300- 3,399	636	1,021	1,175	1,363	1,581	1,833
9.9	3,400- 3,499	650	1,034	1,190	1,380	1,601	1,857
9.10	3,500- 3,599	664	1,047	1,204	1,397	1,621	1,880
9.11	3,600- 3,699	677	1,062	1,223	1,418	1,646	1,909
9.12	3,700- 3,799	691	1,077	1,240	1,439	1,670	1,937
9.13	3,800- 3,899	705	1,081	1,257	1,459	1,693	1,963
9.14	3,900- 3,999	719	1,104	1,273	1,478	1,715	1,988
9.15	4,000- 4,099	732	1,116	1,288	1,496	1,736	2,012
9.16	4,100- 4,199	746	1,132	1,305	1,516	1,759	2,039
9.17	4,200- 4,299	760	1,147	1,322	1,536	1,781	2,064
9.18	4,300- 4,399	774	1,161	1,338	1,554	1,802	2,088
9.19	4,400- 4,499	787	1,175	1,353	1,572	1,822	2,111
9.20	4,500- 4,599	801	1,184	1,368	1,589	1,841	2,133
9.21	4,600- 4,699	808	1,200	1,386	1,608	1,864	2,160
9.22	4,700- 4,799	814	1,215	1,402	1,627	1,887	2,186
9.23	4,800- 4,899	820	1,231	1,419	1,645	1,908	2,212
9.24	4,900- 4,999	825	1,246	1,435	1,663	1,930	2,236
9.25	5,000- 5,099	831	1,260	1,450	1,680	1,950	2,260
9.26	5,100- 5,199	837	1,275	1,468	1,701	1,975	2,289
9.27	5,200- 5,299	843	1,290	1,485	1,722	1,999	2,317
9.28	5,300- 5,399	849	1,304	1,502	1,743	2,022	2,345
9.29	5,400- 5,499	854	1,318	1,518	1,763	2,046	2,372
9.30	5,500- 5,599	860	1,331	1,535	1,782	2,068	2,398
9.31	5,600- 5,699	866	1,346	1,551	1,801	2,090	2,424
9.32	5,700- 5,799	873	1,357	1,568	1,819	2,111	2,449
9.33	5,800- 5,899	881	1,376	1,583	1,837	2,132	2,473
9.34	5,900- 5,999	888	1,390	1,599	1,855	2,152	2,497
9.35	6,000- 6,099	895	1,404	1,604	1,872	2,172	2,520
9.36	6,100- 6,199	902	1,419	1,631	1,892	2,195	2,546
9.37	6,200- 6,299	909	1,433	1,645	1,912	2,217	2,572
9.38	6,300- 6,399	916	1,448	1,664	1,932	2,239	2,597

10.1	6,400- 6,499	923	1,462	1,682	1,951	2,260	2,621
10.2	6,500- 6,599	930	1,476	1,697	1,970	2,282	2,646
10.3	6,600- 6,699	936	1,490	1,713	1,989	2,305	2,673
10.4	6,700- 6,799	943	1,505	1,730	2,009	2,328	2,700
10.5	6,800- 6,899	950	1,519	1,746	2,028	2,350	2,727
10.6	6,900- 6,999	957	1,533	1,762	2,047	2,379	2,747
10.7	7,000- 7,099	963	1,547	1,778	2,065	2,394	2,753
10.8	7,100- 7,199	970	1,561	1,795	2,085	2,417	2,758
10.9	7,200- 7,299	974	1,574	1,812	2,104	2,439	2,764
10.10	7,300- 7,399	980	1,587	1,828	2,123	2,462	2,769
10.11	7,400- 7,499	989	1,600	1,844	2,142	2,483	2,775
10.12	7,500- 7,599	998	1,613	1,860	2,160	2,505	2,781
10.13	7,600- 7,699	1,006	1,628	1,877	2,180	2,528	2,803
10.14	7,700- 7,799	1,015	1,643	1,894	2,199	2,550	2,833
10.15	7,800- 7,899	1,023	1,658	1,911	2,218	2,572	2,864
10.16	7,900- 7,999	1,032	1,673	1,928	2,237	2,594	2,894
10.17	8,000- 8,099	1,040	1,688	1,944	2,256	2,616	2,925
10.18	8,100- 8,199	1,048	1,703	1,960	2,274	2,637	2,955
10.19	8,200- 8,299	1,056	1,717	1,976	2,293	2,658	2,985
10.20	8,300 -8,399	1,064	1,731	1,992	2,311	2,679	3,016
10.21	8,400- 8,499	1,072	1,746	2,008	2,328	2,700	3,046
10.22	8,500- 8,599	1,080	1,760	2,023	2,346	2,720	3,077
10.23	8,600- 8,699	1,092	1,780	2,047	2,374	2,752	3,107
10.24	8,700- 8,799	1,105	1,801	2,071	2,401	2,784	3,138
10.25	8,800- 8,899	1,118	1,822	2,094	2,429	2,816	3,168
10.26	8,900- 8,999	1,130	1,842	2,118	2,456	2,848	3,199
10.27	9,000- 9,099	1,143	1,863	2,142	2,484	2,880	3,223
10.28	9,100- 9,199	1,156	1,884	2,166	2,512	2,912	3,243
10.29	9,200- 9,299	1,168	1,904	2,190	2,539	2,944	3,263
10.30	9,300- 9,399	1,181	1,925	2,213	2,567	2,976	3,284
10.31	9,400- 9,499	1,194	1,946	2,237	2,594	3,008	3,304
10.32	9,500- 9,599	1,207	1,967	2,261	2,622	3,031	3,324
10.33	9,600- 9,699	1,219	1,987	2,285	2,650	3,050	3,345
10.34	9,700- 9,799	1,232	2,008	2,309	2,677	3,069	3,365
10.35	9,800- 9,899	1,245	2,029	2,332	2,705	3,087	3,385
10.36	9,900- 9,999	1,257	2,049	2,356	2,732	3,106	3,406
10.37	10,000-10,099	1,270	2,070	2,380	2,760	3,125	3,426
10.38	10,100-10,199	1,283	2,091	2,404	2,788	3,144	3,446

11.1	10,200-10,299	1,295	2,111	2,428	2,815	3,162	3,467
11.2	10,300-10,399	1,308	2,132	2,451	2,843	3,181	3,487
11.3	10,400-10,499	1,321	2,153	2,475	2,870	3,200	3,507
11.4	10,500-10,599	1,334	2,174	2,499	2,898	3,218	3,528
11.5	10,600-10,699	1,346	2,194	2,523	2,921	3,237	3,548
11.6	10,700-10,799	1,359	2,215	2,547	2,938	3,256	3,568
11.7	10,800-10,899	1,372	2,236	2,570	2,955	3,274	3,589
11.8	10,900-10,999	1,384	2,256	2,594	2,972	3,293	3,609
11.9	11,000-11,099	1,397	2,277	2,618	2,989	3,312	3,629
11.10	11,100-11,199	1,410	2,294	2,642	3,006	3,331	3,649
11.11	11,200-11,299	1,422	2,306	2,666	3,023	3,349	3,667
11.12	11,300-11,399	1,435	2,319	2,689	3,040	3,366	3,686
11.13	11,400-11,499	1,448	2,331	2,713	3,055	3,383	3,705
11.14	11,500-11,599	1,461	2,344	2,735	3,071	3,400	3,723
11.15	11,600-11,699	1,473	2,356	2,748	3,087	3,417	3,742
11.16	11,700-11,799	1,486	2,367	2,762	3,102	3,435	3,761
11.17	11,800-11,899	1,499	2,378	2,775	3,116	3,452	3,780
11.18	11,900-11,999	1,511	2,389	2,788	3,131	3,469	3,798
11.19	12,000-12,099	1,524	2,401	2,801	3,146	3,485	3,817
11.20	12,100-12,199	1,537	2,412	2,814	3,160	3,501	3,836
11.21	12,200-12,299	1,549	2,423	2,828	3,175	3,517	3,854
11.22	12,300-12,399	1,562	2,434	2,841	3,190	3,534	3,871
11.23	12,400-12,499	1,575	2,445	2,854	3,205	3,550	3,889
11.24	12,500-12,599	1,588	2,456	2,867	3,219	3,566	3,907
11.25	12,600-12,699	1,600	2,467	2,880	3,234	3,582	3,924
11.26	12,700-12,799	1,613	2,478	2,894	3,249	3,598	3,942
11.27	12,800-12,899	1,626	2,489	2,907	3,264	3,615	3,960
11.28	12,900-12,999	1,638	2,500	2,920	3,278	3,631	3,977
11.29	13,000-13,099	1,651	2,512	2,933	3,293	3,647	3,995
11.30	13,100-13,199	1,664	2,523	2,946	3,308	3,663	4,012
11.31	13,200-13,299	1,676	2,534	2,960	3,322	3,679	4,030
11.32	13,300-13,399	1,689	2,545	2,973	3,337	3,696	4,048
11.33	13,400-13,499	1,702	2,556	2,986	3,352	3,712	4,065
11.34	13,500-13,599	1,715	2,567	2,999	3,367	3,728	4,083
11.35	13,600-13,699	1,727	2,578	3,012	3,381	3,744	4,100
11.36	13,700-13,799	1,740	2,589	3,026	3,396	3,760	4,118
11.37	13,800-13,899	1,753	2,600	3,039	3,411	3,777	4,136
11.38	13,900-13,999	1,765	2,611	3,052	3,425	3,793	4,153

12.1	14,000-14,099	1,778	2,623	3,065	3,440	3,809	4,171
12.2	14,100-14,199	1,791	2,634	3,078	3,455	3,825	4,189
12.3	14,200-14,299	1,803	2,645	3,092	3,470	3,841	4,206
12.4	14,300-14,399	1,816	2,656	3,105	3,484	3,858	4,224
12.5	14,400-14,499	1,829	2,667	3,118	3,499	3,874	4,239
12.6	14,500-14,599	1,842	2,678	3,131	3,514	3,889	4,253
12.7	14,600-14,699	1,854	2,689	3,144	3,529	3,902	4,268
12.8	14,700-14,799	1,864	2,700	3,158	3,541	3,916	4,282
12.9	14,800-14,899	1,872	2,711	3,170	3,553	3,929	4,297
12.10	14,900-14,999	1,879	2,722	3,181	3,565	3,942	4,311
12.11	15,000, or the	1,883	2,727	3,186	3,571	3,949	4,319
12.12	amount in effect						
12.13	under subd. 4						

12.14 (b) The basic support guideline in paragraph (a) must be adjusted every two years
 12.15 beginning August 1, 2020, such that the lowest income level ranges from \$0 to the sum of
 12.16 120 percent of the current federal poverty guidelines plus \$199.

12.17 **EFFECTIVE DATE.** This section is effective August 1, 2018.

12.18 Sec. 10. Minnesota Statutes 2016, section 518A.37, is amended to read:

12.19 **518A.37 WRITTEN FINDINGS.**

12.20 Subdivision 1. **No deviation.** If the court does not deviate from the presumptive child
 12.21 support obligation computed under section 518A.34, the court must make written findings
 12.22 that state:

12.23 (1) each parent's ~~gross~~ net income;

12.24 (2) each parent's PICS; and

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

12.26 Subd. 2. **Deviation.** If the court deviates from the presumptive child support obligation
 12.27 computed under section 518A.34, the court must make written findings that state:

12.28 (1) each parent's ~~gross~~ net income;

12.29 (2) each parent's PICS;

12.30 (3) the amount of the child support obligation computed under section 518A.34;

12.31 (4) the reasons for the deviation; and

12.32 (5) how the deviation serves the best interests of the child.

13.1 Subd. 3. **Written findings required in every case.** The provisions of this section apply
13.2 whether or not the parties are each represented by independent counsel and have entered
13.3 into a written agreement. The court must review stipulations presented to it for conformity
13.4 with section 518A.34. The court is not required to conduct a hearing, but the parties must
13.5 provide sufficient documentation to verify the child support determination and to justify
13.6 any deviation.

13.7 Sec. 11. Minnesota Statutes 2016, section 518A.39, subdivision 2, is amended to read:

13.8 Subd. 2. **Modification.** (a) The terms of an order respecting maintenance or support
13.9 may be modified upon a showing of one or more of the following, any of which makes the
13.10 terms unreasonable and unfair: (1) substantially increased or decreased ~~gross~~ net income
13.11 of an obligor or obligee; (2) substantially increased or decreased need of an obligor or
13.12 obligee or the child or children that are the subject of these proceedings; (3) receipt of
13.13 assistance under the AFDC program formerly codified under sections 256.72 to 256.87 or
13.14 256B.01 to 256B.40, or chapter 256J or 256K; (4) a change in the cost of living for either
13.15 party as measured by the Federal Bureau of Labor Statistics; (5) extraordinary medical
13.16 expenses of the child not provided for under section 518A.41; (6) a change in the availability
13.17 of appropriate health care coverage or a substantial increase or decrease in health care
13.18 coverage costs; (7) the addition of work-related or education-related child care expenses of
13.19 the obligee or a substantial increase or decrease in existing work-related or education-related
13.20 child care expenses; or (8) upon the emancipation of the child, as provided in subdivision
13.21 5.

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

13.25 (1) the application of the child support guidelines in section 518A.35, to the current
13.26 circumstances of the parties results in a calculated court order that is at least 20 percent and
13.27 at least \$75 per month higher or lower than the current support order or, if the current support
13.28 order is less than \$75, it results in a calculated court order that is at least 20 percent per
13.29 month higher or lower;

13.30 (2) the medical support provisions of the order established under section 518A.41 are
13.31 not enforceable by the public authority or the obligee;

13.32 (3) health coverage ordered under section 518A.41 is not available to the child for whom
13.33 the order is established by the parent ordered to provide;

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

14.3 (5) the ~~gross~~ net income of an obligor or obligee has decreased by at least 20 percent
14.4 through no fault or choice of the party; or

14.5 (6) a deviation was granted based on the factor in section 518A.43, subdivision 1, clause
14.6 (4), and the child no longer resides in a foreign country or the factor is otherwise no longer
14.7 applicable.

14.8 (c) A child support order is not presumptively modifiable solely because an obligor or
14.9 obligee becomes responsible for the support of an additional nonjoint child, which is born
14.10 after an existing order. Section 518A.33 shall be considered if other grounds are alleged
14.11 which allow a modification of support.

14.12 (d) If child support was established by applying a parenting expense adjustment or
14.13 presumed equal parenting time calculation under previously existing child support guidelines
14.14 and there is no parenting plan or order from which overnights or overnight equivalents can
14.15 be determined, there is a rebuttable presumption that the established adjustment or calculation
14.16 will continue after modification so long as the modification is not based on a change in
14.17 parenting time. In determining an obligation under previously existing child support
14.18 guidelines, it is presumed that the court shall:

14.19 (1) if a 12 percent parenting expense adjustment was applied, multiply the obligor's
14.20 share of the combined basic support obligation calculated under section 518A.34, paragraph
14.21 (b), clause (5), by 0.88; or

14.22 (2) if the parenting time was presumed equal but the parents' parental incomes for
14.23 determining child support were not equal:

14.24 (i) multiply the combined basic support obligation under section 518A.34, paragraph
14.25 (b), clause (5), by 0.075;

14.26 (ii) prorate the amount under item (i) between the parents based on each parent's
14.27 proportionate share of the combined PICS; and

14.28 (iii) subtract the lower amount from the higher amount.

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

15.1 (1) shall apply section 518A.35, and shall not consider the financial circumstances of
15.2 each party's spouse, if any; and

15.3 (2) shall not consider compensation received by a party for employment in excess of a
15.4 40-hour work week, provided that the party demonstrates, and the court finds, that:

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

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

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

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

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

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

15.16 (f) A modification of support or maintenance, including interest that accrued pursuant
15.17 to section 548.091, may be made retroactive only with respect to any period during which
15.18 the petitioning party has pending a motion for modification but only from the date of service
15.19 of notice of the motion on the responding party and on the public authority if public assistance
15.20 is being furnished or the county attorney is the attorney of record, unless the court adopts
15.21 an alternative effective date under paragraph (l). The court's adoption of an alternative
15.22 effective date under paragraph (l) shall not be considered a retroactive modification of
15.23 maintenance or support.

15.24 (g) Except for an award of the right of occupancy of the homestead, provided in section
15.25 518.63, all divisions of real and personal property provided by section 518.58 shall be final,
15.26 and may be revoked or modified only where the court finds the existence of conditions that
15.27 justify reopening a judgment under the laws of this state, including motions under section
15.28 518.145, subdivision 2. The court may impose a lien or charge on the divided property at
15.29 any time while the property, or subsequently acquired property, is owned by the parties or
15.30 either of them, for the payment of maintenance or support money, or may sequester the
15.31 property as is provided by section 518A.71.

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

16.1 (i) Sections 518.14 and 518A.735 shall govern the award of attorney fees for motions
16.2 brought under this subdivision.

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

16.6 (k) On the first modification following implementation of amended child support
16.7 guidelines, the modification of basic support may be limited if the amount of the full variance
16.8 would create hardship for either the obligor or the obligee. Hardship includes, but is not
16.9 limited to, eligibility for assistance under chapter 256J.

16.10 (l) The court may select an alternative effective date for a maintenance or support order
16.11 if the parties enter into a binding agreement for an alternative effective date.

16.12 Sec. 12. Minnesota Statutes 2016, section 518A.42, subdivision 1, is amended to read:

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

16.16 (b) The court shall calculate the obligor's income available for support by subtracting a
16.17 monthly self-support reserve equal to 120 percent of the federal poverty guidelines for one
16.18 person from the obligor's ~~gross~~ net income. If the obligor's income available for support
16.19 calculated under this paragraph is equal to or greater than the obligor's support obligation
16.20 calculated under section 518A.34, the court shall order child support under section 518A.34.

16.21 (c) If the obligor's income available for support calculated under paragraph (b) is more
16.22 than the minimum support amount under subdivision 2, but less than the guideline amount
16.23 under section 518A.34, then the court shall apply a reduction to the child support obligation
16.24 in the following order, until the support order is equal to the obligor's income available for
16.25 support:

16.26 (1) medical support obligation;

16.27 (2) child care support obligation; and

16.28 (3) basic support obligation.

16.29 (d) If the obligor's income available for support calculated under paragraph (b) is equal
16.30 to or less than the minimum support amount under subdivision 2 or if the obligor's ~~gross~~
16.31 net income is less than 120 percent of the federal poverty guidelines for one person, plus
16.32 \$199, the minimum support amount under subdivision 2 applies.

17.1 Sec. 13. Minnesota Statutes 2016, section 518A.46, subdivision 3, is amended to read:

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

17.5 (1) names, addresses, and dates of birth of the parties;

17.6 (2) Social Security numbers of the parties and the minor children of the parties, which
17.7 information shall be considered private information and shall be available only to the parties,
17.8 the court, and the public authority;

17.9 (3) other support obligations of the obligor;

17.10 (4) names and addresses of the parties' employers;

17.11 (5) ~~gross~~ net income of the parties as calculated in section 518A.29;

17.12 (6) amounts and sources of any other earnings and income of the parties;

17.13 (7) health insurance coverage of parties;

17.14 (8) types and amounts of public assistance received by the parties, including Minnesota
17.15 family investment plan, child care assistance, medical assistance, title IV-E foster care, or
17.16 other form of assistance as defined in section 256.741, subdivision 1; and

17.17 (9) any other information relevant to the computation of the child support obligation
17.18 under section 518A.34.

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

17.22 (1) information pertaining to the income of the parties available to the public authority
17.23 from the Department of Employment and Economic Development;

17.24 (2) a statement of the monthly amount of child support, medical support, child care, and
17.25 arrears currently being charged the obligor on Minnesota IV-D cases;

17.26 (3) a statement of the types and amount of any public assistance, as defined in section
17.27 256.741, subdivision 1, received by the parties; and

17.28 (4) any other information relevant to the determination of support that is known to the
17.29 public authority and that has not been otherwise provided by the parties.

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

18.4 Sec. 14. Minnesota Statutes 2016, section 518A.46, subdivision 3a, is amended to read:

18.5 Subd. 3a. **Contents of pleadings for medical support modifications.** (a) In cases
18.6 involving modification of only the medical support portion of a child support order under
18.7 section 518A.39, subdivision 8, the initiating party shall include the following information,
18.8 if known, in the pleadings:

18.9 (1) names, addresses, and dates of birth of the parties;

18.10 (2) Social Security numbers of the parties and the minor children of the parties, which
18.11 shall be considered private information and shall be available only to the parties, the court,
18.12 and the public authority;

18.13 (3) names and addresses of the parties' employers;

18.14 (4) ~~gross~~ net income of the parties as stated in the order being modified;

18.15 (5) health insurance coverage of the parties; and

18.16 (6) any other information relevant to the determination of the medical support obligation
18.17 under section 518A.41.

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

18.21 (1) a statement of the monthly amount of child support, medical support, child care, and
18.22 arrears currently being charged the obligor on Minnesota IV-D cases;

18.23 (2) a statement of the amount of medical assistance received by the parties; and

18.24 (3) any other information relevant to the determination of medical support that is known
18.25 to the public authority and that has not been otherwise provided by the parties.

18.26 The information must be filed with the court or child support magistrate at least five
18.27 days before the hearing on the motion to modify medical support.

18.28 Sec. 15. Minnesota Statutes 2016, section 518A.72, subdivision 2, is amended to read:

18.29 Subd. 2. **Court options.** (a) If a court cites a person for contempt under this section, and
18.30 the obligor lives in a county that contracts with the commissioner of human services under

19.1 section 256.997, the court may order the performance of community service work up to 32
19.2 hours per week for six weeks for each finding of contempt if the obligor:

19.3 (1) is able to work full time;

19.4 (2) works an average of less than 32 hours per week; and

19.5 (3) has actual weekly ~~gross~~ net income averaging less than 40 times the federal minimum
19.6 hourly wage under United States Code, title 29, section 206(a)(1), or is voluntarily earning
19.7 less than the obligor has the ability to earn, as determined by the court.

19.8 An obligor is presumed to be able to work full time. The obligor has the burden of
19.9 proving inability to work full time.

19.10 (b) A person ordered to do community service work under paragraph (a) may, during
19.11 the six-week period, apply to the court, a child support magistrate, or the public authority
19.12 to be released from the community service work requirement if the person:

19.13 (1) provides proof to the court, a child support magistrate, or the public authority that
19.14 the person is gainfully employed and submits to an order for income withholding under
19.15 section 518A.53;

19.16 (2) enters into a written payment plan regarding both current support and arrearages
19.17 approved by the court, a child support magistrate, or the public authority; or

19.18 (3) provides proof to the court, a child support magistrate, or the public authority that,
19.19 subsequent to entry of the order, the person's circumstances have so changed that the person
19.20 is no longer able to fulfill the terms of the community service order.