

Bulletin

July 18, 2006

Minnesota Department of Human Services □ P.O. Box 64941 □ St. Paul, MN 55164-0941

OF INTEREST TO

- County Directors
- Child Support Supervisors
- Fiscal Supervisors
- County Attorneys

ACTION/DUE DATE

Please use for informational purposes only.

EXPIRATION DATE

The policies in this bulletin are ineffective as of July 18, 2008.

2006 Legislation clarifies child support laws passed in 2005; training planned; county grants available

TOPIC

2006 legislative changes clarify the new child support laws passed in 2005. Training is planned for county staff on the new laws, and county grants are available for implementing the new laws.

PURPOSE

Describes for county agencies provisions in the 2006 legislation that clarify the new child support laws passed in 2005, announces training for county staff on the new laws, and alerts counties to the county grants available for the implementation of the new laws.

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BACKGROUND

The 2005 Minnesota Legislature passed laws that significantly revised the current child support law and established an “income shares” model using the parents’ combined gross income. The changes include an optional six-month review hearing, a parenting expense adjustment for the non-custodial parent, a new child support guidelines grid based on both parents’ income, and substantial medical support changes.

2006 Laws of Minnesota, Chapter 280

Effective Date: January 1, 2007

DESCRIPTION

The Legislation passed in 2005 that established the income shares model for child support determinations included provisions that needed further clarification. The 2006 Legislation helped to clarify and modify the 2005 Legislation.

Many of the changes were stylistic and included word and/or phrase changes that were not substantive. The definition of potential income was removed from the definition section and became a new section. The presumption of 25% parenting time was moved from the section on child support to the section on custody and parenting time. Some sections that were inadvertently repealed were reinstated. The sections that explained the treatment of Social Security and Veterans’ benefits for a minor child were made clear.

The term “gross income” was used in two different ways in the 2005 Legislation. This was changed. The basic definition of gross income now refers to the gross income of the parent as calculated for child support purposes. In the section about the calculation of gross income, details are given as to which monthly payments are included or not included in monthly gross income and what is then deducted from those payments to calculate gross income for the purpose of determining child support.

The effective date of the legislation was clarified so that the new method of calculating child support will apply only to actions or motions filed after January 1, 2007. Other provisions in the legislation, such as child care support enforcement and the collection methods for unreimbursed medical expenses, may be applied to existing orders after the new law takes effect in January 1, 2007. In general, the changes in the child support law will not be the basis for a modification of an existing order. However, changes in child care, health care coverage, or the receipt of public assistance could prompt a change in an existing child support order for those components of the child support obligation.

The 2005 Legislation provided that a custodial parent could be an obligor for the purposes of ordering medical support. The 2006 Legislation clarified the treatment of a custodial parent as an obligor by eliminating income withholding and by clarifying the methods of collecting medical support from the custodial parent. Collection will be done through an offset against the child support payment, reduction of arrears, or a payment agreement.

The commissioner of human services was required to conduct a study of the economic analysis of the child support guidelines that were contained in the 2005 Legislation. The study was done by Policy Studies Inc. Based on the results of that study, the guidelines amounts were modified.

COMMENTS:

The Department of Human Services has been working since the passage of the legislation in 2005 to implement the new child support provisions. Policy guidance and other information have been issued and will continue to be issued to implement the changes.

Training available for county child support staff

The Child Support Enforcement Division is preparing training events for changes that are a result of the new child support laws. CSSED's First Look video training was delivered in April via DVD. All county child support offices have received a copy of this DVD.

Second Glance training is planned for August. This second training event builds on the information in the First Look video. This will be delivered in person at sites around the state. The Second Glance training is intended for anyone who would like a more in depth understanding of the guidelines legislation. Participants will get an opportunity to try out the new guidelines calculations and obtain additional information on other changes in medical establishment and enforcement.

Second Glance is required for anyone who will be attending Last Chance, the third and final training event, in November and December. Individuals will be allowed to enroll in Last Chance classes only if they have attended Second Glance.

Last Chance training will be delivered in computer training labs across the state. This class is for people who use PRISM to establish, modify, and enforce support orders. Look for more information about guidelines training in daily CSSED messages and on the Child Support Student Center.

County grants for implementing new law

New grant funding is available to counties in state fiscal years 2007 and beyond to help fund the implementation of the new child support laws. DHS will annually distribute \$450,000 on a quarterly basis. The county payment amount is based on the individual county percentage of the statewide caseload size as of the end of the state fiscal year, June 30th. Payments begin with the quarter ending September 2006. The payment will be disbursed 45 days after the end of the quarter.

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Special Needs

This information is available in other forms to people with disabilities by contacting us at 651-296-2542 (voice), toll free at 1-800-657-3954 or through the Minnesota Relay Service at 1-800-627-3529 (TDD), 7-1-1 or 1-877-627-3848 (speech to speech relay service).