

Bulletin

October 14, 2008

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

OF INTEREST TO

- County Directors
- Social Services Supervisors and Staff
- Fiscal Supervisors
- IV-D Supervisors
- IV-A Supervisors
- Child Support Officers
- County Attorneys

ACTION/DUE DATE

Please use for informational purposes.

EXPIRATION DATE

October 14, 2010

2008 Minnesota Legislature passes new child support laws

TOPIC

New child support laws passed by the 2008 Minnesota Legislature.

PURPOSE

Provides brief description and effective dates for new child support law enacted by the 2008 Minnesota State Legislature.

CONTACT

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SIGNED

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The 2008 Minnesota Legislature recently passed new laws relating to child support. The complete text of these provisions may be found at <http://www.revisor.leg.state.mn.us/>.

The following is a summary of the changes. The Child Support Enforcement Division (CSED) will issue policy with further details on these provisions as necessary.

Department Initiatives Related to Child Support passed by the 2008 Minnesota Legislature:

2008 Laws of Minnesota, Chapter 363

Effective Date: October 1, 2009

Ending the Assignment of Pre-assistance Child Support Arrears

The Federal Deficit Reduction Act of 2005, Pub. L. 109-171, signed into law by President Bush on February 8, 2006, required the State to amend the current state laws pertaining to public assistance recipients' assignment of child support rights and the distribution of child support collections under the State's IV-D program. Beginning October 1, 2009, the State will eliminate the assignment of pre-assistance arrears in new public assistance cases. The State also will discontinue assignments of pre-existing arrears executed between July 1, 1997 and October 1, 2009. This means that current assistance and former assistance families will receive those funds rather than the state and federal government. Arrears that accumulate during the time a family is on assistance, however, will continue to be assigned to the State.

New Receipt Date for Child Support Collections

Beginning October 1, 2009, the State will have the option of crediting support payments collected through automatic income withholding on the date the payment is received by the central collections unit, rather than the date the obligor receives the remainder of his/her income. This change would result in all child support payors being treated equally, regardless of whether they pay their support through income withholding or by making direct payments to the central collections unit.

Other Initiatives Related to Child Support passed by the 2008 Minnesota Legislature:

2008 Laws of Minnesota, Chapter 315

Effective Date: July 1, 2008

Restrictions on the Use of Social Security Numbers in Marriage Dissolution and Legal Separation Petitions

The governor signed the Omnibus Data Practices bill into law on May 15, 2008. The bill clarifies that marriage dissolution and legal separation petitions in proceedings involving child support or spousal maintenance, must be accompanied by a separate confidential document

containing the Social Security numbers of the parties. The social security number document will then be maintained in a portion of the court file or records that is not accessible to the general public.

2008 Laws of Minnesota, Chapter 299

Effective Date: July 1, 2008

Study Group to Consider the Impacts of a Presumption of Joint Physical Custody

The state court administrator is required to convene a study group to consider the impact of a presumption of joint physical custody on parents and children of divorce in Minnesota. The study group will consist of twelve members, including at least one representative from the Department of Human Services, and the study group must report back to the legislature with its findings by January 15, 2009.

Plan to Form Family Law Task Force

The state court administrator must also report back to the legislature by January 15, 2009 with a plan for conducting a multidisciplinary, comprehensive study on family law in Minnesota.

2008 Laws of Minnesota, Chapter 363

Effective Date: July 1, 2008

Minnesota Department of Revenue's New Data Match Program

The Minnesota Department of Revenue will have access to account information data held by financial institutions pertaining to tax debtors to aid in the tax lien and levy process. This data match legislation is effective July 1, 2008 and is very similar to the data match statute that the child support program uses to lien and levy financial accounts of child support judgment debtors. The Department of Revenue has, however, agreed to give the Department of Human Services priority, allowing child support debt to be collected before tax debt.

Special Needs

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