

amount which is the lesser of (1) the amount in arrears or (2) that portion of the arrearages which is the product of the obligor's monthly court ordered support amount multiplied by the number of months of net income that the lump sum payment represents.

8. 9. If the Obligee serves the employer or other payor of funds under paragraph 3(d), the Obligee shall also serve the determination and order on, together with an application and fee to use collection services.

9. 10. Service of this Order shall be.....

Sec. 18. [518.646] NOTICE OF ORDER.

Whenever these laws require service of a court's order on an employer, union or payor of funds, service of a verified notice of order may be made in lieu thereof. The verified notice shall contain the title of the action, the name of the court, the court file number, the date of the court order, and shall recite the operative provisions of the order.

Sec. 19. Minnesota Statutes 1984, section 518C.02, subdivision 3, is amended to read:

Subd. 3. **DUTY OF SUPPORT.** "Duty of support" means a duty of support, whether imposed or imposable by law or by order, decree or judgment of a court, whether interlocutory or final, or whether incidental to an action for divorce, separation, separate maintenance or otherwise and includes the duty to pay arrearages of support past due and unpaid, as well as the duty to provide medical, health, or dental insurance or support.

Sec. 20. REPEALER.

Minnesota Statutes 1984, section 518.551, subdivision 8, is repealed.

Approved March 24, 1986

CHAPTER 405—S.F.No. 1730

An act relating to theft; modifying circumstances justifying detention of suspects in business establishments; modifying immunity from liability for detention; amending Minnesota Statutes 1985 Supplement, section 629.366, subdivisions 1 and 3.

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

Section 1. Minnesota Statutes 1985 Supplement, section 629.366, subdivision 1, is amended to read:

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Subdivision 1. **CIRCUMSTANCES JUSTIFYING DETENTION.** (a) A merchant or merchant's employee may detain a person for the sole purpose of delivering him or her to a peace officer if the merchant or employee has reasonable cause to believe:

(1) that the person has taken, or is taking, an article of value without paying for it, from the possession of the merchant in his or her place of business or from a vehicle or premises under the merchant's control;

(2) that the taking is done with the intent to wrongfully deprive the merchant of the property or the use or benefit of it; or

(3) that the taking is done with the intent to appropriate the use of the property to the taker or any other person.

(b) Subject to the limitations in paragraph (a), a merchant or merchant's employee may detain a person for any of the following purposes:

(1) to require the person to provide identification or verify identification;

(2) to inquire as to whether the person possesses unpurchased merchandise taken from the merchant and, if so, to receive the merchandise;

(3) to inform a peace officer; or

(4) to institute criminal proceedings against the person.

(c) The merchant or employee shall deliver the detained person to a peace officer without unnecessary delay. The person detained shall be informed promptly of the purpose of the detention and may not be subjected to unnecessary or unreasonable force, nor to interrogation against his or her will. A merchant or merchant's employee may not detain a person for more than one hour unless:

(1) the merchant or employee is waiting to surrender the person to a peace officer, in which case the person may be detained until a peace officer has accepted custody of or released the person; or

(2) the person is a minor, or claims to be, and the merchant or employee is waiting to surrender the minor to a peace officer or the minor's parent, guardian, or custodian, in which case the minor may be detained until the peace officer, parent, guardian, or custodian has accepted custody of the minor.

(d) If at any time the person detained requests that a peace officer be summoned, the merchant or merchant's employee must notify a peace officer immediately.

Sec. 2. Minnesota Statutes 1985 Supplement, section 629.366, subdivision 3, is amended to read:

Subd. 3. **IMMUNITY.** No merchant, merchant's employee, or peace officer is criminally or civilly liable for ~~false arrest or false imprisonment or wrongful~~

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~~detention~~ any action authorized under subdivision 1 or 2 if the arresting person's action is based upon reasonable cause.

Approved March 24, 1986

CHAPTER 406—S.F.No. 1732

An act relating to marriage dissolution; providing a presumption for joint legal custody; providing for custody mediation; regulating support determinations; amending Minnesota Statutes 1984, sections 518.17, subdivision 2, and by adding a subdivision; 518.175, by adding a subdivision; 518.551, subdivision 5; 518.57; 518.611, by adding a subdivision; Minnesota Statutes 1985 Supplement, section 518.64, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 518; repealing Minnesota Statutes 1984, section 518.17, subdivisions 4 and 5.

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

Section 1. Minnesota Statutes 1984, section 518.17, subdivision 2, is amended to read:

Subd. 2. **FACTORS WHEN JOINT CUSTODY IS SOUGHT.** In addition to the factors listed in subdivision 1, where either joint legal or joint physical custody is contemplated or sought, the court shall consider the following relevant factors:

- (a) The ability of parents to cooperate in the rearing of their children;
- (b) Methods for resolving disputes regarding any major decision concerning the life of the child, and the parents' willingness to use those methods; and
- (c) Whether it would be detrimental to the child if one parent were to have sole authority over the child's upbringing.

The court shall use a rebuttable presumption that upon request of either or both parties, joint legal custody is in the best interests of the child.

Sec. 2. Minnesota Statutes 1984, section 518.17, is amended by adding a subdivision to read:

Subd. 6. DEPARTURE FROM GUIDELINES BASED ON JOINT CUSTODY. An award of joint legal custody is not a reason for departure from the guidelines in section 518.551, subdivision 5.

Sec. 3. Minnesota Statutes 1984, section 518.175, is amended by adding a subdivision to read:

Subd. 6. COMPENSATORY VISITATION. If the court finds that the noncustodial parent has been wrongfully deprived of the duly established right

Changes or additions are indicated by underline, deletions by ~~strikeout~~.