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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 1266

02/14/2019 Authored by Scott, Heinrich, Johnson, Runbeck and Lucero
The bill was read for the first time and referred to the Judiciary Finance and Civil Law Division

1.1 A bill for an act
1.2 relating to children; modifying notification requirements for child care support;
1.3 amending Minnesota Statutes 2018, section 518A.40, subdivisions 1, 4.

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

1.5 Section 1. Minnesota Statutes 2018, section 518A.40, subdivision 1, is amended to read:

1.6 Subdivision 1. Child care costs. (a) Unless otherwise agreed to by the parties and
1.7 approved by the court, the court must order that work-related or education-related child
1.8 care costs of joint children be divided between the obligor and obligee based on their
1.9 proportionate share of the parties' combined monthly PICS. The amount of work-related or
1.10 education-related child care costs required by this subdivision to be divided between the
1.11 obligor and obligee is the total amount received by the child care provider from the obligee
1.12 and any public agency for the joint child or children. Child care costs shall be adjusted by
1.13 the amount of the estimated federal and state child care credit payable on behalf of a joint
1.14 child. The Department of Human Services shall develop tables to calculate the applicable
1.15 credit based upon the custodial parent's PICS.

1.16 (b) When child care costs are ordered to be paid, the obligee must provide the obligor
1.17 with a written statement of the total monthly child care expense. The written statement must
1.18 be signed by the child care provider and must specify whether the monthly child care expense
1.19 is the same each month or fluctuates from month to month.

1.20 Sec. 2. Minnesota Statutes 2018, section 518A.40, subdivision 4, is amended to read:

1.21 Subd. 4. Change in child care. (a) When a court order provides for child care expenses,
1.22 and child care support is not assigned under section 256.741, the public authority, if the

2.1 public authority provides child support enforcement services, may suspend collecting the
2.2 amount allocated for child care expenses when either party informs the public authority that
2.3 no child care costs are being incurred. When the obligee is no longer incurring child care
2.4 expenses, the obligee must notify the public authority within two weeks that the child care
2.5 expense is not being incurred and must provide a written statement from the child care
2.6 provider that the child care expense has ended and the date the child care expense ended
2.7 and:

2.8 (1) the public authority ~~verifies~~ must verify the accuracy of the information with the
2.9 ~~obligee; or child care provider; and~~

2.10 (2) the obligee ~~fails to respond within 30 days of the date of a written request from the~~
2.11 ~~public authority for information regarding child care costs. A written or oral response from~~
2.12 ~~the obligee that child care costs are being incurred is sufficient for the public authority to~~
2.13 ~~continue collecting child care expenses.~~ must contact the obligor to notify the obligor that
2.14 the child care expenses are no longer being incurred.

2.15 The suspension is effective as of the first day of the month following the date that ~~the public~~
2.16 ~~authority either verified the information with the obligee or the obligee failed to respond.~~
2.17 the child care expense was no longer incurred.

2.18 The public authority will resume collecting child care expenses when either party provides
2.19 information that child care costs are incurred, or when a child care support assignment takes
2.20 effect under section 256.741, subdivision 4. The resumption is effective as of the first day
2.21 of the month after the date that the public authority received the information.

2.22 (b) If the parties provide conflicting information to the public authority regarding whether
2.23 child care expenses are being incurred, the public authority ~~will continue or resume collecting~~
2.24 ~~child care expenses.~~ must contact the child care provider to verify whether there are any
2.25 child care expenses being incurred. Either party, by motion to the court, may challenge the
2.26 suspension, continuation, or resumption of the collection of child care expenses under this
2.27 subdivision. If the public authority suspends collection activities for the amount allocated
2.28 for child care expenses, all other provisions of the court order remain in effect.

2.29 (c) ~~In cases where there is a substantial increase or decrease in child care expenses, the~~
2.30 ~~parties may modify the order under section 518A.39.~~