

A bill for an act

relating to child support; allowing a noncustodial parent to provide child care; permitting a deviation from child support guidelines; amending Minnesota Statutes 2008, section 518A.40, subdivision 3.

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

Section 1. Minnesota Statutes 2008, section 518A.40, subdivision 3, is amended to read:

Subd. 3. **Determining costs.** (a) The court must require verification of employment or school attendance and documentation of child care expenses from the obligee and the public authority, if applicable.

(b) If child care expenses fluctuate during the year because of the obligee's seasonal employment or school attendance or extended periods of parenting time with the obligor, the court must determine child care expenses based on an average monthly cost.

(c) The amount allocated for child care expenses is considered child support but is not subject to a cost-of-living adjustment under section 518A.75.

(d) The court ~~may~~ shall allow the parent with whom the joint child does not reside to care for the joint child while the parent with whom the joint child resides is working or attending school, ~~as provided in section 518.175, subdivision 8~~ if:

(1) the arrangement is reasonable and in the best interest of the child, as defined in section 518.17, subdivision 1; and

(2) there is no verified history of domestic abuse, as defined in section 518B.01, between the parties. Allowing the parent with whom the joint child does not reside to care for the joint child ~~under section 518.175, subdivision 8, is not a reason to deviate from the guidelines~~ shall be considered as a factor to deviate from the guidelines.