

## CHAPTER 518

## MARRIAGE DISSOLUTION

Sec.	Sec.
518.001 Reports of dissolution and annulment	518.42 Definitions
518.002 Use term dissolution	518.43 Remedies additional
<b>518.01 Void or voidable marriages</b>	518.44 Law of state
518.02 Voidable marriages	518.45 Proceedings for support
518.03 Action to annul	518.46 Obligor not present
518.04 Insufficient grounds for annulment	518.47 Duties of court of initiating state
<b>518.05 Annulment, grounds</b>	518.48 Jurisdiction of court
<b>ACTIONS</b>	518.49 County attorney; duties
518.06 Grounds	518.50 Laws attaching privilege not to apply
518.07 Residence of petitioner	518.51 Governor, duties, extradition
518.09 Proceeding; how and where brought; venue	518.52 Section 480.051 not limited
518.10 Requisites of petition	518.53 Citation, reciprocal enforcement of support act
<b>518.11 Service; publication</b>	<b>ALIMONY, SUPPORT, PROPERTY</b>
<b>518.12 Time for answering</b>	518.54 Definitions
<b>518.13 Failure to answer; reference</b>	518.55 Alimony or support money
518.14 Temporary support money; costs and disbursements and attorney's fees	518.551 Alimony and support payments made to welfare agencies
518.15 Protection of party	518.57 Minor children, maintenance
<b>518.16 Custody of children during pendency</b>	518.58 Disposition of property acquired during coverture
518.165 Guardians for minor children	518.59 Household goods, furniture, and other property
518.17 Custody and support of children on judgment	518.61 Trustees
518.175 Visitation of children and noncustodial parent	518.62 Temporary alimony
<b>518.18 Revision of order</b>	518.63 Homestead, occupancy
518.24 Security; sequestration; contempt	518.64 Alteration of orders or decrees
<b>518.25 Remarriage; revocation</b>	518.65 Property; sale, partition
518.27 Effect of dissolution; name of party	518.66 Power of court not limited
<b>518.29 Advertisement soliciting divorce business prohibited</b>	518.67 Application
<b>SUPPORT; DUTIES, RECIPROCAL ENFORCEMENT</b>	
<b>518.41 Purpose</b>	

**518.001 REPORTS OF DISSOLUTION AND ANNULMENT.** Subdivision 1. For each dissolution and annulment of marriage granted by any court in this state, a report shall be prepared and filed by the clerk of court with the state registrar of vital statistics. The report shall include only the following information: Name and date of birth of the husband and the wife, county of decree, date of decree, and the signature of the clerk of court and the date signed.

Subd. 2. On or before the 11th day of each month the clerk of court shall forward to the state registrar of vital statistics the report of each dissolution and annulment granted during the preceding calendar month.

[1969 c 1145 s 4; 1974 c 107 s 1]

**518.002 USE TERM DISSOLUTION.** Wherever the word "divorce" is used in the statutes, it has the same meaning as "dissolution" or "dissolution of marriage".

[1974 c 107 s 28]

**518.01 VOID OR VOIDABLE MARRIAGES.** All marriages which are prohibited by law on account of consanguinity, or on account of either or both parties being under the age established for marriage by section 517.03, or on account of either party having a former husband or wife then living, if solemnized within this state, shall be absolutely void, without any decree of dissolution or other legal proceedings; provided, that if any person whose husband or wife has been absent for four successive years, without being known to such person to be living during that time, marries during the lifetime of such absent husband or wife, the marriage shall be void only from the time that its nullity is duly adjudged. If the absentee is declared dead in accordance with section 576.142, the subsequent marriage shall not be void.

[R L s 3569; 1937 c 407 s 2; 1963 c 795 s 4; 1974 c 107 s 2; 1974 c 447 s 3] (8580)

**518.02 VOIDABLE MARRIAGES.** When either party to a marriage is incapable of assenting thereto for want of age or understanding, or when the consent of either has been obtained by force or fraud, and there is no subsequent voluntary cohabitation of the parties, the marriage may be annulled at the suit of the injured party, and shall be void from the time its nullity is adjudged.

[R. L. s. 3570] (8581)

# MINNESOTA STATUTES 1974

## 518.03 MARRIAGE DISSOLUTION

5788

**518.03 ACTION TO ANNUL.** When the validity of a marriage is disputed for any of the causes mentioned in section 518.01 or 518.02, either party may begin an action in the district court of the county where either resides, to annul the same. In such action the complaint shall be filed and proceedings had thereon as in proceedings for dissolution and, upon due proof of the nullity of the marriage, it shall be adjudged null and void.

[*R L s 3571; 1974 c 107 s 3*] (8582)

**518.04 INSUFFICIENT GROUNDS FOR ANNULMENT.** No marriage shall be adjudged a nullity on the ground that one of the parties was under the age of legal consent if it appears that the parties had voluntarily cohabited together as husband and wife after having attained such age; nor shall the marriage of any insane person be adjudged void after his restoration to reason, if it appears that the parties freely cohabited together as husband and wife after such restoration.

[*R. L. s. 3572*] (8583)

**518.05 ANNULMENT, GROUNDS.** No marriage shall be adjudged a nullity at the suit of the party capable of contracting, on the ground that the other party was under the age of legal consent, or was idiotic or insane, if such idiocy or insanity was known to the party capable of contracting at the time of such marriage.

[*R. L. s. 3573*] (8584)

### ACTIONS

**518.06 GROUNDS.** Subdivision 1. A dissolution of a marriage may be granted by a court of competent jurisdiction upon a showing to the satisfaction of the court that there has been an irretrievable breakdown of the marriage relationship.

Subd. 2. A court may make a finding that there has been an irretrievable breakdown of the marriage relationship if the finding is supported by evidence of any of the following:

(1) A course of conduct detrimental to the marriage relationship of the party seeking the dissolution;

(2) Sentence to imprisonment in any state or United States prison or any state or United States reformatory subsequent to the marriage; and in such case a pardon shall not restore the conjugal rights;

(3) Habitual alcoholism or chemical dependency for a period of one year immediately prior to the commencement of the proceedings;

(4) Commitment pursuant to the provisions of chapter 253A for mental illness or previous commitment statutes, provided that: (a) Commitment itself be sufficient with or without institutionalization; (b) in granting a dissolution upon this ground, notice of the pendency of the action shall be served in such manner as the court may direct, upon the guardian of the person and the guardian of the estate of such mentally ill person, if such guardian or guardians have been appointed and have qualified, and if such mentally ill person be confined, upon the superintendent of the institution in which such mentally ill person is confined; (c) such guardian and superintendent of the institution shall be entitled to appear and be heard upon any and all issues; (d) the rights of the parties as to the support and maintenance of the mentally ill person shall not be altered in any way by the granting of the dissolution; (e) the person be under commitment for mental illness at the time of the commencement of the action; and (f) a guardian ad litem shall be appointed for such mentally ill person;

(5) Continuous separation under an order of decree of separate maintenance for a period of one year immediately preceding the commencement of the proceeding;

(6) Serious marital discord adversely affecting the attitude of one or both of the parties toward the marriage.

[*R L s 3574; 1909 c 443 s 1; 1927 c 304 s 1; 1933 c 262 s 1; 1933 c 324; Ex1934 c 78 s 1; 1935 c 295 s 1; 1941 c 406 s 1; 1951 c 637 s 1; 1969 c 764 s 1; 1971 c 177 s 1; 1974 c 107 s 4*] (8585)

**518.07 RESIDENCE OF PETITIONER.** No dissolution shall be granted unless the petitioner has resided in this state one year immediately preceding the filing of the petition.

[*R L s 3575; 1974 c 107 s 5*] (8586)

**518.08** [Repealed, 1974 c 107 s 29]

**518.09 PROCEEDING; HOW AND WHERE BROUGHT; VENUE.** A proceeding for dissolution or separate maintenance may be brought by a petitioner and all such proceedings shall be commenced by summons and petition in the county where the petitioner resides, as hereinafter provided, subject to the power of the court to change the place of hearing by consent of the parties, or when it shall appear to the court that an impartial hearing cannot be had in the county where the proceedings are pending, or when the convenience of the parties or the ends of justice would be promoted by the change.

[R L s 3577; 1931 c 226 s 1; 1974 c 107 s 6] (8588)

**518.10 REQUISITES OF PETITION.** The petition for dissolution of marriage shall:

- (1) State the name and address of the petitioner and his attorney;
- (2) State place and date of marriage of the parties;
- (3) State the name and address, if known, of the respondent;
- (4) State the name and age of each minor child by date of birth whose welfare may be affected by the controversy;
- (5) State whether or not a separate proceeding for dissolution of marriage has been commenced by the respondent and whether such proceeding is pending in any court in this state or elsewhere;
- (6) Allege that the petition has been filed in good faith and for the purposes set forth therein;
- (7) Allege that there has been an irretrievable breakdown of the marriage relationship;
- (8) Set forth any application for temporary support of the petitioner and any children;
- (9) Set forth any application for permanent alimony or support, child custody, or disposition of property, as well as attorneys' fees and suit money, without enumerating the amounts thereof; and
- (10) State that the petitioner has been for the last year a resident of the state.

The petition shall be verified by the petitioner, and its allegations established by competent evidence.

[R L s 3578; 1955 c 688 s 1; 1974 c 107 s 7] (8589)

**518.11 SERVICE; PUBLICATION.** Copies of the summons and petition shall be served on the respondent personally, and, when such service is made out of this state and within the United States, it may be proved by the affidavit of the person making the same, and when made without the United States it may be proved by the affidavit of the person making the same, taken before and certified by any United States minister, charge d'affaires, commissioner, consul or commercial agent, or other consular or diplomatic officer of the United States appointed to reside in such country, including all deputies or other representatives of such officer authorized to perform their duties; or before an officer authorized to administer an oath with the certificate of an officer of a court of record of the country wherein such affidavit is taken as to the identity and authority of the officer taking the same, but, if personal service cannot well be made, the court may order service of the summons by publication, which publication shall be made as in other actions.

[R L s 3579; 1909 c 434; 1913 c 57 s 1; 1974 c 107 s 8] (8590)

**518.12 TIME FOR ANSWERING.** The respondent shall have 30 days in which to answer the petition. In case of service by publication, the 30 days shall not begin to run until the expiration of the period allowed for publication.

[R L s 3580; 1945 c 7 s 1; 1974 c 107 s 9] (8591)

**518.13 FAILURE TO ANSWER; REFERENCE.** If the respondent does not appear after service duly made and proved, the court may hear and determine the proceeding at a general or special term, or in vacation; provided, that the court or judge, upon application, may refer the proceeding to a referee to take and report the evidence therein. Hearings for dissolution of marriage shall be heard in open court or before a referee appointed by the court to receive the testimony of the witnesses, or depositions taken as in other equitable actions. However, the court may in its discretion close the hearing. Hearings held for the purpose of determining child custody may be limited in attendance by the court to the affected parties and necessary witnesses if any.

[R L s 3581; 1974 c 107 s 10] (8592)

**518.14 TEMPORARY SUPPORT MONEY; COSTS AND DISBURSEMENTS AND ATTORNEY'S FEES.** In any proceeding brought either for dissolution or separate maintenance, the court, in its discretion, may require one party to pay a reasonable amount, necessary to enable the other spouse to carry on, or to contest the proceeding, and to support such spouse and the children during its pendency. The court may adjudge costs and disbursements against either party. The court may authorize the collection of any money so awarded by execution, or out of any property sequestered, or in any other manner within the power of the court. An award of attorney's fees made by the court during the pendency of the proceeding or in the final judgment survives the proceeding and if not paid by the party directed to pay the same may be enforced as above provided or by a separate civil action brought by the attorney in his own name. If the proceeding is dismissed or abandoned prior to determination and award of attorney's fees the court may nevertheless award attorney's fees upon the attorney's motion and such award shall also survive the proceeding and may be enforced in the same manner as last above provided.

[R L s 3582; 1955 c 687 s 1; 1974 c 107 s 11] (8593)

**518.15 PROTECTION OF PARTY.** When a proceeding is commenced, or about to be commenced, to annul a marriage, or for a dissolution or separation, the court may, at any time, on the petition of a party, prohibit the other party from imposing any restraint on the petitioning party's personal liberty during the pendency of the proceeding.

[R L s 3583; 1974 c 107 s 12] (8594)

**518.16 CUSTODY OF CHILDREN DURING PENDENCY.** The court, on the application of either party, may make such order concerning the care and custody of the minor children of the parties, and their suitable maintenance, during the pendency of such proceeding, and such temporary orders relative to the persons or property of the parties, as shall be deemed necessary and proper.

[R L s 3584; 1974 c 107 s 13] (8595)

**518.165 GUARDIANS FOR MINOR CHILDREN.** In all actions for divorce or separate maintenance in which custody or visitation of a minor child is in issue, the court may appoint a guardian ad litem from a panel established by the court to represent the interests of any such child. The guardian ad litem shall advise the court with respect to custody and visitation. The court may assess costs incident hereto against either or both parties.

[1974 c 33 s 1]

**518.17 CUSTODY AND SUPPORT OF CHILDREN ON JUDGMENT.** Subdivision 1. For the purposes of this section "the best interest of the children" means the sum total of the following factors to be considered and evaluated by the court:

- (a) The love, affection and other emotional ties existing between the competing parties and the child;
- (b) The capacity and disposition of competing parties to give the child love, affection and guidance and continuation of the educating and raising of the child in its religion or creed, if any, or culture;
- (c) The capacity and disposition of competing parties to provide the child with food, clothing, medical care or other remedial care recognized and permitted under the laws of this state in lieu of medical care, and other material needs;
- (d) The length of time the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity;
- (e) The permanence, as a family unit, of the existing or proposed custodial home;
- (f) The cultural background of the child;
- (g) The mental and physical health of the competing parties;
- (h) The home, school and community record of the child;
- (i) The reasonable preference of the child, if the court deems the child to be of sufficient age to express preference;
- (j) Any other factor considered by the court to be relevant to a particular child custody dispute.

Subd. 2. Upon adjudging the nullity of a marriage, or a dissolution or separation, the court may make such further order as it deems just and proper concerning the care, custody, and maintenance of the minor children of the parties and may determine with which of the parents they, or any of them, shall remain. In deter-

mining the parent with whom a child shall remain, the court shall consider the best interest of the children and shall not prefer one parent over the other solely on the basis of the sex of the parent. In determining the amount of child support to be paid by each parent, the court shall consider the earning capacity and financial circumstances of each parent. On petition for any change in child support because of alleged change in circumstances the court shall take into consideration the earning capacity and financial circumstances of each parent and the custodial parent's spouse, if any.

[*R L s 3585; 1969 c 1030 s 1; 1971 c 173 s 1; 1974 c 107 s 14; 1974 c 330 s 2*] (8596)

**518.175 VISITATION OF CHILDREN AND NONCUSTODIAL PARENT.** Subdivision 1. In all proceedings for dissolution, subsequent to the commencement of the proceeding and continuing thereafter during the minority of the child, the court may, upon the request of the noncustodial parent, grant such rights of visitation as will enable the child and the noncustodial parent to maintain such child to parent relationship as will be beneficial to the child. The court shall consider the age of the child and the child's relationship with the noncustodial parent prior to the commencement of the proceeding. The court may deny visitation rights to the noncustodial parent if such visitation is not in the best interest of the child. A parent's failure to pay support because of the parent's inability to do so shall not be sufficient cause for denial of visitation, unless such inability is willful.

Subd. 2. Upon the request of either parent, the court may inform any child of the parties, if eight years of age or older, or otherwise of an age of suitable comprehension, of the rights of the child and the noncustodial parent under the order or decree or any substantial amendment thereof. The custodial parent shall present the child for visitation by the noncustodial parent, at such times as the court directs.

Subd. 3. The custodial parent shall not move the residence of the child to another state except upon order of the court or with the consent of the noncustodial parent, when the noncustodial parent has been given visitation rights by the decree.

Subd. 4. Proof of an unwarranted denial of or interference with duly established visitation may constitute contempt of court and may be sufficient cause for reversal of custody.

[*1971 c 172 s 1; 1974 c 107 s 15*]

**518.18 REVISION OF ORDER.** The court may afterward, from time to time, on the petition of either parent, revise and alter such order concerning the care, custody, and maintenance of the children, or any of them, and make such new order concerning them, as the circumstances of the parents and the benefit of the children shall require.

[*R. L. s. 3586*] (8597)

**518.19-518.23** [Repealed, 1951 c 551 s 15]

**518.24 SECURITY; SEQUESTRATION; CONTEMPT.** In all cases when alimony or other allowance is ordered or decreed, the court may require sufficient security to be given for the payment thereof, according to the terms of the order or decree; and, upon neglect or refusal to give such security, or upon failure to pay such alimony or allowance, the court may sequester the obligor's personal estate, and the rents and profits of real estate of the obligor, and appoint a receiver thereof, and cause such personal estate, and the rents and profits of such real estate, to be applied according to the terms of such order or decree. If the obligor has an income from any source sufficient to enable him to pay such alimony or other allowance, and fails and refuses to pay the same, the court may order him to pay such alimony or allowance. If any person or party shall disobey such order, he may be punished by the court as for contempt.

[*R L s 3593; 1969 c 1028 s 1*] (8604)

**518.25 REMARRIAGE; REVOCATION.** When a dissolution has been granted, and the parties afterward intermarry, the court, upon their joint application, and upon satisfactory proof of such marriage, may revoke all decrees and orders of dissolution, alimony, and subsistence which will not affect the rights of third persons.

[*R L s 3594; 1974 c 107 s 16*] (8605)

**518.26** [Repealed, 1974 c 107 s 29]

**518.27 EFFECT OF DISSOLUTION; NAME OF PARTY.** When a decree of

dissolution from the bonds of matrimony is granted in this state, such decree shall completely dissolve the marriage contract as to both parties. If a dissolution is granted, the court may change the name of either party, upon the request of the party, who shall thereafter be known by such name as the court designates in its decree.

[R. L. s 3596; 1974 c 107 s 17] (8607)

518.28 [Repealed, 1974 c 107 s 29]

**518.29 ADVERTISEMENT SOLICITING DIVORCE BUSINESS PROHIBITED.**

Every person who shall advertise, print, publish, distribute, or circulate, or cause to be advertised, printed, published, distributed, or circulated, any pamphlet, card, handbill, circular, advertisement, printed paper, book, newspaper, or notice of any kind, offering to procure or obtain, or to aid in procuring or obtaining, any divorce, or the severance, dissolution, or nullity of any marriage, or offering to engage, appear, or act as attorney, counsel, or referee in any suit for divorce, alimony, or the severance, dissolution, or nullity of any marriage, either in this state or elsewhere, shall be guilty of a gross misdemeanor and punished by imprisonment in the county jail for not more than six months or by fine of not less than \$100 nor more than \$500.

[R. L. s. 5166] (10461)

**SUPPORT; DUTIES, RECIPROCAL ENFORCEMENT**

**518.41 PURPOSE.** The purpose of sections 518.41 to 518.52 is to provide for the extension and reciprocal enforcement of duties of support.

[1951 c 122 s 1]

**518.42 DEFINITIONS.** Subdivision 1. **Terms.** For the purposes of sections 518.41 to 518.52, unless the context otherwise requires, the terms defined in this section have the meanings ascribed to them.

Subd. 2. **State.** "State" includes a state, territory, or possession of the United States, and the District of Columbia and any foreign jurisdiction in which this or a substantially similar reciprocal law has been enacted.

Subd. 3. **Initiating state.** "Initiating state" means a state in which a proceeding pursuant to this or a substantially similar reciprocal law is commenced.

Subd. 4. **Responding state.** "Responding state" means a state in which a proceeding pursuant to a proceeding in an initiating state is or may be commenced.

Subd. 5. **Court.** "Court" means the district court of this state and, when the context requires, the court of another state as defined in a substantially similar reciprocal law.

Subd. 6. **Law.** "Law" includes both common and statute law.

Subd. 7. **Duty of support.** "Duty of support" includes a duty of support imposed or imposable by law or any court order, decree, or judgment, whether interlocutory, final, or incidental to a proceeding for divorce, legal or judicial separation, separate maintenance, or otherwise.

Subd. 8. **Obligor.** "Obligor" means a person who owes a duty of support to an obligee.

Subd. 9. **Obligee.** "Obligee" means the spouse, divorced spouse, legitimate or illegitimate minor child of an obligor to whom the obligor owes a duty of support.

[1951 c 122 s 2; 1973 c 403 s 1]

**518.43 REMEDIES ADDITIONAL.** The remedies provided in sections 518.41 to 518.52 are in addition to and not in substitution for any other remedies.

[1951 c 122 s 3]

**518.44 LAW OF STATE.** When the court of a responding state determines to enforce the duties of support owed under the law of this state, the law of this state is declared to be:

(1) Unless relieved by conduct of the obligee, an obligor present in this state is bound by the duties of support imposed by the laws of this state regardless of the presence or residence of the obligee.

(2) When an obligee is a resident of this state, the obligor who is not present in this state is bound by the duties of support imposed by the laws of this state.

(3) This state or a political subdivision of this state is entitled to reimbursement from the obligor for support it has furnished under the laws of this state to an obligee.

[1951 c 122 s 4]

**518.45 PROCEEDINGS FOR SUPPORT.** Subdivision 1. **Initiation.** When the obligor is not present in this state, or when both the obligor and an obligee are present in this state but in different counties, an obligee may initiate a proceeding for support under this section.

Subd. 2. **Petition, filing contents.** A proceeding for support under this section is initiated by filing a verified petition in the district court of this state stating:

(1) The name and, so far as is known to the petitioner, the address and circumstances of the

(a) obligor, and

(b) obligee for whom support is sought; and

(2) Facts showing that the obligor owes a duty of support to the obligee.

Subd. 3. **Court determination.** Subject to subdivision 4, when an obligee initiates a proceeding under subdivision 1, the court shall comply with subdivision 5 if it determines by its order that the

(1) petition states facts sufficient to support a determination that the obligor owes a duty of support to the obligee, and

(2) court of the responding state may obtain jurisdiction of the obligor or his property.

Subd. 4. **Dismissal of petition.** The district court may dismiss the petition if the obligee was not a resident of this state at the time the petition was filed.

Subd. 5. **Notice to responding state.** If the district court makes the order set out in subdivision 3, it shall send to the court of the responding state a certified copy of the petition and of the order and either an authenticated copy of sections 518.41 to 518.52, or a copy of sections 518.41 to 518.52 certified by the clerk of the district court.

Subd. 6. **Jurisdiction; duties of court.** If the court of the county in which this petition is filed finds that the petition sets forth facts from which it may be determined that the obligor owes a duty of support to the obligee and finds that he resides in another county in this state or has property therein, the court shall send to the court of the other county a certified copy of the petition and of the order. The court in the county to which the copies are forwarded shall then have duties corresponding to those imposed upon it when acting for the state as a responding state.

[1951 c 122 s 5; 1959 c 235 s 1; 1967 c 461 s 1, 2]

**518.46 OBLIGOR NOT PRESENT.** Subdivision 1. **Initiation by state or political subdivision.** When the obligor is not present in this state or is present in a different county in this state, this state or a political subdivision of this state may initiate a proceeding to obtain reimbursement as defined in section 518.44, clause (3). The obligee need not be resident or present in this state at the time the proceeding for reimbursement is initiated.

Subd. 2. **Petition, filing.** A proceeding for reimbursement for support furnished an obligee is initiated by filing a verified petition in the district court of this state stating the facts required by section 518.45, subdivision 2, and that the petitioner is entitled to reimbursement as defined in section 518.44, clause (3).

Subd. 3. **Determination by court.** When a petition has been filed under subdivision 2, the district court shall comply with subdivision 4 if it determines by its order that the

(1) petition states facts sufficient to support a determination that the obligor owed a duty of support to the obligee during the period support was furnished by petitioner.

(2) petitioner is entitled to reimbursement as defined in section 518.44, clause (3), and

(3) court of the responding state may obtain jurisdiction of the obligor or his property.

Subd. 4. **Notice to responding state.** If the district court makes the order set out in subdivision 3, it shall send to the court of the responding state a certified copy of the petition and of the order and either an authenticated copy of sections 518.41 to 518.52 or a copy of sections 518.41 to 518.52 certified by the clerk of the district court.

Subd. 5. **Jurisdiction; duties of court.** If the court of the county in which this petition is filed finds that the petition sets forth facts from which it may be determined that the obligor owes a duty of support to the obligee during the period support was furnished by petitioner and finds that petitioner is entitled to reimbursement as defined in section 518.44, clause 3, and finds that the obligor resides

in another county in this state or has property therein, and the court makes its order set out in subdivision 3, it shall send to the court of the county in which the obligor or his property is found a certified copy of the petition and order. The court in the county to which the copies are forwarded shall then have duties corresponding to those imposed upon it when acting for the state as a responding state.

[1951 c 122 s 6; 1953 c 495 s 1; 1959 c 235 s 2; 1967 c 461 s 3, 4]

**518.47 DUTIES OF COURT OF INITIATING STATE.** When acting as the court of an initiating state, the court of this state shall receive and disburse payments made by the respondent or sent by the court of the responding state. This duty may be carried out through the clerk of court or any other appropriate agency, agent, or individual.

[1951 c 122 s 7]

**518.48 JURISDICTION OF COURT.** Subdivision 1. **In responding state.** The district court shall exercise jurisdiction over proceedings commenced in this state as a responding state.

Subd. 2. **Powers of court.** When the district court receives from the court of an initiating state a petition and any other papers required by an act substantially similar to sections 518.41 to 518.52, the district court shall

- (1) docket the case,
- (2) notify the county attorney,
- (3) set a time and place for hearing, and
- (4) take such action as is necessary in accordance with the law of this state to obtain jurisdiction of the obligor.

Subd. 3. **Conduct of proceedings.** Except as expressly provided in this section, the district court shall conduct a proceeding under this section in the manner prescribed by law for an action for the enforcement of the type of duty of support claimed.

Subd. 4. **Enforcement of duties of support.** The district court shall, at its discretion, enforce the duties of support owed under the law of

- (1) the state where the obligee resided when the obligor failed to support the obligee, or
- (2) this state, as declared in section 518.44, clause (1), for the whole period of non-support.

Subd. 5. **Orders for enforcement of such duties.** When the district court finds a duty of support it may

- (1) order the obligor to furnish support or reimbursement therefor,
- (2) subject the property of the obligor to the order,
- (3) require obligor to make payments at specified intervals to the clerk of the district court of this state, the court of the initiating state, or the obligee,
- (4) require the obligor to report personally at specified intervals to an officer of the district court appointed by the court for that purpose,
- (5) require the obligor to furnish recognizance in the form of a cash deposit or bond of an amount sufficient to assure payment of any amount required to be paid by the obligor,
- (6) punish the obligor for violation of a court order made under clause (1) to the same extent as is provided by law for contempt of the court in any other action or proceeding cognizable by the court,
- (7) subject the obligor to such other terms and conditions as are necessary to assure compliance with the order made under clause (1).

Subd. 6. **Copies of orders sent to court of initiating state.** The district court shall send to the court of the initiating state a copy of all orders of support or orders for reimbursement for support.

Subd. 7. **Payments.** When the district court receives payment from the obligor pursuant to court order or otherwise, the district court shall send the payment to the court of the initiating state.

Subd. 8. **Statement as to payments.** When the court of the initiating state requests a statement of all payments made by the obligor, the district court shall prepare and send to the court of the initiating state a certified statement containing that information.

Subd. 9. **Duties of court officials.** The district court may direct that the duties imposed in subdivisions 7 and 8 shall be carried out by the clerk or other official of the court.

[1951 c 122 s 8]



# MINNESOTA STATUTES 1974

5795

## MARRIAGE DISSOLUTION 518.54

**518.49 COUNTY ATTORNEY; DUTIES.** When requested to do so by a district court judge, public welfare or other social service agency, and in all other cases where the petitioner is unable to employ an attorney through inability to immediately pay for such services, the county attorney shall appear on behalf of and represent the petitioner in all proceedings under sections 518.41 to 518.52 and shall obtain and present such evidence as may be necessary. In those cases initiated in this or any state in which the county attorney in this state acting in his official capacity represents the petitioner, no filing fee shall be required by the clerk of court.

[1951 c 122 s 9; 1953 c 495 s 2; 1959 c 235 s 3]

**518.50 LAWS ATTACHING PRIVILEGE NOT TO APPLY.** Laws attaching a privilege against the disclosure of communications between husband and wife do not apply to proceedings under sections 518.41 to 518.52. Husband and wife are competent witnesses to testify to any relevant matter, including marriage and parentage.

[1951 c 122 s 10]

**518.51 GOVERNOR, DUTIES, EXTRADITION.** Subdivision 1. **Demand by governor.** The governor of this state may

(1) demand from the governor of another state the surrender of a person found in the other state who is charged in this state with the crime of failing to provide for the support of a person in this state, and

(2) surrender on demand by the governor of another state a person found in this state who is charged in the other state with the crime of failing to provide for the support of a person in the other state.

Subd. 2. **Extradition provisions apply.** The provisions for extradition of criminals not inconsistent with this section apply to a demand under subdivision 1 although the person whose surrender is demanded

(1) was not in the demanding state at the time of the commission of the crime, or

(2) did not flee from the demanding state.

Subd. 3. **Contents of demand.** The demand, oath, or any proceedings for extradition pursuant to this section need not state or show that the person whose surrender is demanded

(1) was, at the time of the commission of the crime, in

(a) the demanding state, or

(b) the state on which the demand for extradition is made, or

(2) has fled from justice.

Subd. 4. **Surrender.** The governor of this state shall neither demand nor grant the surrender of an obligor subject to this section who submits to the jurisdiction of the court of a responding state

(1) so long as the obligor complies with an order of that court for support, or

(2) in the absence of an order for support, while a proceeding for support is pending in that court.

[1951 c 122 s 11]

**518.52 SECTION 480.051 NOT LIMITED.** Sections 518.41 to 518.52 do not limit the power of the supreme court under Minnesota Statutes, Section 480.051.

[1951 c 122 s 12]

**518.53 CITATION, RECIPROCAL ENFORCEMENT OF SUPPORT ACT.** Sections 518.41 to 518.53 may be cited as the Minnesota reciprocal enforcement of support act.

[1951 c 122 s 13]

### ALIMONY, SUPPORT, PROPERTY

**518.54 DEFINITIONS.** Subdivision 1. **Terms.** For the purposes of sections 518.54 to 518.67, the terms defined in this section shall have the meanings respectively ascribed to them.

Subd. 2. **Child.** "Child" means an individual under 18 years of age, or an individual who, by reason of his physical or mental condition, is unable to support himself.

Subd. 3. **Alimony.** "Alimony" means an award made in a dissolution proceeding of payments from the future income or earnings of one spouse for the support and maintenance of the other.

Subd. 4. **Support money.** "Support money" means an award in a dissolution or annulment proceeding for the care, support and education of any child of the

marriage or of the parties to the annulment proceeding.

Subd. 5. **Property acquired during coverture.** Except as provided in this subdivision, "property acquired during coverture" means any property, real or personal, acquired by the parties, or either of them, to a dissolution or annulment proceeding at any time during the existence of the marriage relation between them, or at any time during which the parties were living together as husband and wife under a purported marriage relationship which is annulled in an annulment proceedings. "Property acquired during coverture" does not include any property real or personal, acquired by either spouse before, during, or after coverture, where said property is acquired as a gift, bequest, devise or inheritance made by a third party to one but not to the other spouse, or any property transferred from one spouse to the other.

[1951 c 551 s 1; 1969 c 1028 s 2, 3; 1973 c 725 s 74; 1974 c 107 s 18]

**518.55 ALIMONY OR SUPPORT MONEY.** Every award of alimony or support money in a judgment of dissolution shall clearly designate whether the same is alimony or support money, or what part of the award is alimony and what part thereof is support money. Any award of payments from future income or earnings of the custodial parent shall be presumed to be alimony. Any award of payments from the future income or earnings of the non-custodial parent shall be presumed to be support money unless otherwise designated by the court. In any judgment of dissolution the court may determine, as one of the issues of the case, whether or not either spouse is entitled to an award of alimony notwithstanding that no award is then made, or it may reserve jurisdiction of the issue of alimony for determination at a later date.

[1951 c 551 s 2; 1969 c 1028 s 4; 1974 c 107 s 19]

**518.551 ALIMONY AND SUPPORT PAYMENTS MADE TO WELFARE AGENCIES.** Notwithstanding any law to the contrary, any court having jurisdiction over proceedings for dissolution shall direct that all payments ordered for alimony and support shall be made to the agency responsible for the welfare payments, when it appears that the party who is to receive the alimony and support payments will receive public assistance. Amounts so received by the board over and above the amount granted to the party receiving public assistance shall be remitted to that party.

The agency responsible for the welfare payments shall be notified by the petitioner of all proceedings for dissolution, separate maintenance or for the custody of a child if either party is receiving aid to families of dependent children or applies for such aid subsequent to the commencement of such proceeding. Failure of such notification shall not affect the validity of the proceeding for dissolution, separate maintenance, or custody of the child.

[1971 c 961 s 21; 1974 c 107 s 20]

**518.56** [Repealed, 1969 c 1028 s 9]

**518.57 MINOR CHILDREN, MAINTENANCE.** Upon a decree of dissolution or annulment, the court may make such further order as it deems just and proper concerning the maintenance of the minor children as is provided by section 518.17, and for the maintenance of any child of the parties as defined in this act, as support money, and may make the same a lien or charge upon the property of the parties to such proceeding, or either of them, either at the time of the entry of such judgment or by subsequent order upon proper application therefor.

[1951 c 551 s 4; 1974 c 107 s 21]

**518.58 DISPOSITION OF PROPERTY ACQUIRED DURING COVERTURE.** Upon a dissolution of a marriage, or upon an annulment, the court may make such disposition of the property of the parties acquired during coverture as shall appear just and equitable, having regard to the nature and determination of the issues in the case, the amount of alimony or support money, if any, awarded in the judgment, the manner by which said property was acquired and the persons paying or supplying the consideration therefor, the charges or liens imposed thereon to secure payment of alimony or support money, and all the facts and circumstances of the case.

[1951 c 551 s 5; 1974 c 107 s 22]

**518.59 HOUSEHOLD GOODS, FURNITURE, AND OTHER PROPERTY.** Upon a dissolution of a marriage, the court may also award to either spouse the household goods and furniture of the parties, whether or not the same was acquired during coverture, and may also order and decree to either spouse such part of the real and personal estate of the other not acquired during coverture, not exceeding in present value one-half thereof, as it deems just and reasonable, having regard to

the amount of property decreed under section 518.58, the amount of alimony and support money awarded, if any, and all other circumstances of the case.

[1951 c 551 s 6; 1969 c 1028 s 5; 1974 c 107 s 23]

**518.60** [Repealed, 1969 c 1028 s 9]

**518.61 TRUSTEES.** The court may appoint trustees, when it is deemed expedient, to receive any money ordered to be paid as alimony or support money, or as an award under section 518.58 or section 518.59, upon trust to invest the same, and pay over the income in such manner as the court shall direct, or to pay over the principal sum in such proportions and at such times as the court shall order, regard being had in all such cases to the situation and circumstances of the recipient, and the children, if there are any, and such trustees shall give such bond, as the court shall require, for the faithful performance of their trust.

[1951 c 551 s 8; 1969 c 1028 s 6]

**518.62 TEMPORARY ALIMONY.** Temporary alimony may be awarded as provided in section 518.14, and temporary support money may be awarded as provided in section 518.16, for the support of any children of the parties, including children as defined in section 518.54; and the court may also award to either party to the proceeding, having due regard to all the circumstances and the party awarded the custody of the children, the right to the exclusive use of the household goods and furniture of the parties pending the proceeding and the right to the use of the homestead of the parties, exclusive or otherwise, pending the proceeding; and the court may order and direct either party to remove from the homestead of the parties upon proper application to the court for such order, pending the proceeding.

[1951 c 551 s 9; 1969 c 1028 s 7; 1974 c 107 s 24]

**518.63 HOMESTEAD, OCCUPANCY.** The court, having due regard to all the circumstances and the custody of any children of the parties, may award to either party the right of occupancy of the homestead of the parties, exclusive or otherwise, upon a final decree of dissolution, or proper modification thereof, for such period of time as may be determined by the court, and such award of the right of occupancy of the homestead, whether exclusive or otherwise, may be in addition to the maximum amount which may be awarded under section 518.59.

[1951 c 551 s 10; 1969 c 1028 s 8; 1974 c 107 s 25]

**518.64 ALTERATION OF ORDERS OR DECREES.** After an order or decree for alimony or support money, temporary or permanent, or for the appointment of trustees to receive and hold any property awarded as alimony or support money, the court may from time to time, on petition of either of the parties revise and alter such order or decree respecting the amount of such alimony, or support money, and the payment thereof, and also respecting the appropriation and payment of the principal and income of the property so held in trust, and may make any order respecting these matters which it might have made in the original proceeding, except as herein otherwise provided. Except for an award of the right of occupancy of the homestead, all divisions of real and personal property provided by sections 518.58 and 518.59 shall be final, and subject only to the power of the court to impose a lien or charge thereon at any time while such property, or subsequently acquired property, is owned by the parties or either of them, for the payment of alimony or support money, or to sequester the property as is provided by section 518.24.

[1951 c 551 s 11; 1974 c 107 s 26]

**518.65 PROPERTY; SALE, PARTITION.** In order to effect a division or award of property as is provided by sections 518.58 and 518.59, the court may order any such property sold or partitioned. Personal property may be ordered sold in such manner as shall be directed by the court, and real estate may be partitioned in the manner provided by Chapter 558, Minnesota Statutes of 1949 insofar as the same is applicable.

[1951 c 551 s 12]

**518.66 POWER OF COURT NOT LIMITED.** Nothing contained in sections 518.54 to 518.67 shall be construed as limiting the power of the court in appropriate cases to make adequate provision for the support and education of any children of the parties to any dissolution or annulment action where such dissolution or annulment is denied.

[1951 c 551 s 13; 1974 c 107 s 27]

**518.67 APPLICATION.** Sections 518.54 to 518.67 shall not apply to any case in which there has heretofore been entered a judgment of divorce or annulment.

[1951 c 551 s 14]