

**MFSRC 2009  
LEGISLATIVE AND  
CASE LAW UPDATE**

September 15, 2009

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**OVERVIEW**

- ◉Federal Legislation
- ◉State Legislation
- ◉Federal Data Protection Regulations

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**OVERVIEW**

- ◉Joint Physical Custody Report
- ◉Passport Renewal Process Policy
- ◉Case Law Update

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**FEDERAL LEGISLATION**

- American Recovery and Reinvestment Act of 2009 (Pub. L. 111-5)
- Signed by President Obama on February 17, 2009

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**FEDERAL LEGISLATION**

- During the period October 1, 2008 and ending September 31, 2010 incentive payments may be expended and receive 66% reimbursement.

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**FEDERAL LEGISLATION**

- Responsible Fatherhood and Healthy Families Act of 2009 (Proposed Legislation)

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**FEDERAL LEGISLATION**

- Funding Restoration
- Repeal of Fees
- Distribution Rules

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**FEDERAL LEGISLATION**

- Birthing Costs
- Incarceration
- Debt Forgiveness

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**FEDERAL LEGISLATION**

- Grants
  - Court Supervised or IV-D Supervised Employment Programs
  - Transitional Jobs
  - Career Pathways Partnerships

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### FEDERAL LEGISLATION

- ◉ State Policy Review Commission
  - Policy Barriers to employment and financial support of children
  - Grants

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### STATE LEGISLATION

- ◉ No child support proposals passed during 2009.
- ◉ One Data Practices Bill was passed concerning child support.

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### STATE LEGISLATION

- ◉ Still in play for 2010
  - Redirection (HF 1771/SF 1508)
  - 20% Income Withholding Amendment (HF 1571)

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### STATE LEGISLATION

- ◎ Still in play for 2010
  - Parenting Time Presumption to 40% (HF 1003)
  - Presumption of Joint Physical Custody (HF 3013)
  - No Custody Presumptions (HF 1183/SF 1248)

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### STATE LEGISLATION

- ◎ Still in play for 2010
  - Repeal of Statute of Limitations on Child Support Judgments (SF 1292)
  - Fees for Child Support shifted to Custodial Parent (HF 887/SF 135)

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### FEDERAL DATA PRIVACY REGULATIONS

- ◎ Federal Register, Vol. 73, No. 188, September 26, 2008 (Delayed until December 30, 2010).
- ◎ Corresponds to 2009 *Minn. Laws* Ch. 163, Art. 2, Sec.1 (Also delayed until December 30, 2010).
- ◎ Expands ability of welfare agencies, including the IV-D Agency to exchange information.

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### JOINT PHYSICAL CUSTODY REPORT

- [http://www.mncourts.gov/Documents/0/Public/NewsPostings/MN\\_Joint\\_Physical\\_Child\\_Custody\\_Presumption\\_Study\\_Group\\_Report\\_2009.pdf](http://www.mncourts.gov/Documents/0/Public/NewsPostings/MN_Joint_Physical_Child_Custody_Presumption_Study_Group_Report_2009.pdf)

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### JOINT PHYSICAL CUSTODY REPORT

- Recommendations:
  - Amend current statutes to provide for not presumption of or against physical custody (exception for domestic violence).
  - If a presumption is enacted there should be a clear definition of what it means as well as how it relates to the determination of parenting time.

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### PASSPORT RENEWAL PROCESS POLICY

- Centralized at State Child Support Enforcement Division effective July 21, 2009.
- A County Child Support Officer may not release a Passport Hold.

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## PASSPORT RENEWAL PROCESS POLICY

- A County Child Support Officer may suppress Passport Denial:
  - As part of the implementation of a arrears management strategy; or
  - Where a court order prohibits use of this remedy; or
  - Where a court order directs release of the Passport Denial Hold.
- Court actions to be handled by counties

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## CASE LAW UPDATE

*The Case Law Update will be included in the live September 15, 2009 Presentation and will be posted on the MFSRC WEB Site after the Conference.*

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**END**

Questions???

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