

**Legislative Update
and
The State of Child Support
and
Case Law Update**

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Overview

- Legislative Update
- State of Child Support
- Case Law Update

Federal Legislative Update

Is there a Congress?

State Legislative Update

- What **did not** get passed:
 - Child support federal tax offset distribution modification (HF 100)
 - Child support obligation imposed on individuals whose parental rights have been terminated (HF 101)

State Legislative Update

- What **did not** get passed:
 - Suspension or reinstatement of medical support contributions (HF 163/SF 141)

State Legislative Update

- What **did not** get passed:
 - Assisted reproduction modifications to the Parentage Act (HF 291/SF 370)
 - UIFSA Update (HF 892/SF 347) (Passed in the Senate)

State Legislative Update

- What **did** get passed:
 - Health Exchange
 - 2013 Minn. Laws Ch. 9.

State Legislative Update

- What **did** get passed:
 - Case closure for uncollectable debts
 - 2013 Minn. Laws Ch. 108, Art. 3, Sec. 41 (Effective July 1, 2013)

Health Exchange

Implementation of the Affordable Care Act

Case Closure

- Allows the county to close cases:
 - When the debt is determined uncollectable.
 - Children are emancipated.
 - No payment in three years.
 - All enforceable tools attempted or not appropriate.
 - No known assets or income.
 - The underlying debt remains.
 - Counties do not have to close the case.

**Presumption
of
Joint Physical Custody**

Nary a word!

State of Child Support

Affordable Care Act

- Workgroup
- Some of the Issues
 - Reasonable cost
 - Increased caseload
 - Change in processes

Comprehensive State Wide Legal Plan

- Proposal to resolve legal issues across the state
- Committee composed of representatives from the Department of Human Services and MCAA

Comprehensive State Wide Legal Plan

- Work to do
 - Inventory issues
 - Assign work groups

Comprehensive State Wide Legal Plan

- Possible solutions:
 - Agreement
 - Litigation and Appeal
 - Legislation
- Best Practices Manual

Comprehensive Legal Vision (CLV)

- Executive Committee
- Inventory Subcommittee

Inventory Subcommittee

- Who?
 - **Kathleen Heaney**, Sherburne County Attorney
 - **Emmy Buboltz**, Assistant Blue Earth County Attorney
 - **Katie Nolting**, Assistant Beltrami County Attorney
 - **Melissa Rossow**, Assistant Ramsey County Attorney
 - **Diane Winscher**, Benton County
 - **Lisa Burkhartzmeyer**, Scott County
 - **Michele Schreifels**, Washington County

Inventory Subcommittee

- Who?
 - Leah Bruch, Washington County
 - Ruth Sundermeyer, Aitkin County
 - Bobby Jackson, Hennepin County
 - Carolyn Schworer, State DHS-CSED
 - Mark Ponsolle, Assistant Ramsey County Attorney

Inventory Subcommittee

- First Meeting - April 26, 2013
 - Themes
 - Court
 - Enforcement
 - Financial/Guidelines
 - Program Management
- Second Meeting
 - Refine
 - Communication Plan

Inventory Subcommittee

- Court
 - Subsequent Children
 - Court requiring certified ROPs
 - Facilitation of ROPs
 - Married but Separated
 - Subsequent Marriage after 256 or Paternity Action
 - What constitutes a Modification

Inventory Subcommittee

- Court
 - Parenting Time
 - Reasonable and liberal
 - No court order but visiting
 - Role Reversal
 - Paternity (disestablishment)
 - Subsequent Children under a 256 Action

Inventory Subcommittee

- Enforcement
 - Passport
 - Old Arrears (Statute of Limitations)
 - Satisfaction of Support
 - Automation of DNR License Revocation
 - Reinstatement of Recreation Licenses
 - Income Withholding plus 20%

Subcommittee

- Enforcement
 - Interest
 - Death of a Party
 - FIDM
 - Interest Forgiveness
 - Arrears and Entry and Docketing required before FIDM

Inventory Subcommittee

- Financial/Guidelines
 - Branch vs. Branch-Credit for prior orders
 - Setting Support on General Assistance
 - Non joint Children Calculation
 - Affordable Medical Insurance
 - Medical Offset

Inventory Subcommittee

- Financial/Guidelines
 - Imputation of income to TANF Recipient
 - Guidelines-determining income and deviations
 - Tribal Per Capita Income-when to use it
 - Relative Caretaker Cases
 - Charging Medical Support when NCP on MA/MNC

Inventory Subcommittee

- Financial/Guidelines
 - Self-Support Reserve
 - Koser Case-Social Security lump sum use for future support

Inventory Subcommittee

- Program Management
 - Redirection of Support
 - State Funded MFIP
 - Is Medical Insurance really "available" and really "insurance" if there is a high deductible?

Executive Committee

- Met on May 22, 2013
 - Prioritize
 - Establish Subcommittees
 - Establish Communication Plan

Subcommittees

Begin the Work!






