



Legislative Update

Lisa Kontz
Assistant Dakota County Attorney

MN Legislative Session 2017-2018



Bills that passed



Modification following change in law

- Enactment, amendment or repeal of law constitutes a substantial change in circumstances when the standards for modification are met
- Codification of *Rose v. Rose*, 765 N.W.2d 142 (2009)
- Session Law Chapter 118
- Effective August 1, 2018



Bills that passed (continued)



Joint Petition

- Parties agree on all issues related to custody, parenting time and child support
- File joint petition, agreement and proposed order
 - Attach copy of ROP that was filed with vital records
 - Documentation of income
- Must contain many of the same things as petition for dissolution
 - Incomes
 - Health insurance
 - Child care expenses
 - Nonjoint children
- Must be signed by public authority if 518A.44 applies (Notice to Public Authority)
- Session Law Chapter 127, Effective August 1, 2018

Bills that passed (continued)



Parenting Expense Adjustment Statute fix

- Minn. Stat. 518A.39, subd. 2
 - (2) if the parenting time was presumed equal but the parents' parental incomes for determining child support were not equal:
 - (i) multiply the combined basic support obligation under section 518A.34, paragraph (b), clause (5), by ~~0.075~~ 0.75;
 - (ii) prorate the amount under item (i) between the parents based on each parent's proportionate share of the combined PICS; and
 - (iii) subtract the lower amount from the higher amount.
- Session Law Chapter 182
- Effective August 1, 2018

Bills that passed (continued)



Federal Annual Fee

- Bipartisan Budget Act of 2018, February 9, 2018
- Effective October 1, 2018
 - Federal annual fee raised from \$25 to \$35
 - Threshold for cases that have to pay went from \$500 to \$550
- Minnesota's legislative session started after passage therefore we must comply by October 1, 2018



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Bills that did not pass



- Federal Annual Fee legislation
- Potential Income changes – not voluntarily unemployed or underemployed if:
 - eligible to receive general assistance or social security
 - incarcerated even if incarceration is due to nonpayment of support
 - Federal Final Rule Compliance
- Credit Bureau “clean up”
 - Delete requirement in 518A.685 that public authority report to consumer reporting agency that the obligor is currently paying child support as ordered by the court

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Bills that did not pass



- Modification of 518A.35

(d) If a child is in custody of either parent and a support order is sought by the public authority in an action involving only one parent under section 256.87, unless the parent against whom the support order is sought has court-ordered parenting time, the support obligation must be determined by referencing the guideline for the appropriate number of joint children and the parent's individual income without application of the parenting expense adjustment formula under section 518A.34.
- Paternity Disestablishment
- Eliminating collection of child support interest
 - Public authority shall not calculate or charge interest unless court has issued judgment for a specific dollar amount

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Bills that did not pass



- Lump Sum Consumer Credit Protection Act
 - Remove language that states CCPA does not apply to lump sum payments (inconsistent with federal law)
- Tribal Vital Records
 - Tribal child support programs shall have access to birth records for child support enforcement purposes
- Gross income changed to net income in guidelines statutes
- Parenting skills training for MFIP recipients

Bills that did not pass



- Amending effect of ROP to create equal custodial rights
- Rebuttable presumption of 40% parenting time (instead of 25%)
- Remove notice requirements in Appendix A
 - Address, telephone number, driver's license number, social security number, employer name, address and telephone number
- Firearms rights suspension
 - Obligor's rights may be suspended if in arrears greater than three times monthly support obligation and not in compliance with written payment agreement

Next Session

- Federal Annual Fee
- Potential Income
- Consumer Credit Reporting Change
- Lump sum Consumer Credit Protection Act
- Tribal Vital Records
- Interest
- Motion to Transfer to Tribal Court



Next Session

- PEA correction (518A.35)
- Certificate of Adjudication
- Statutory changes required by the Final Rule
 - medical
- Legislation recommended by Child Support Task Force
- Child Support Task Force Re-authorization
- Uniform Paternity Act





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MINNESOTA FAMILY SUPPORT & RECOVERY COUNCIL

2018 ANNUAL
CONFERENCE



Comprehensive Legal Vision

Shila Walek
Chief Deputy Isanti County Attorney



What is CLV?

- Purpose
 - Resolve statewide legal issues
- Groups involved
 - DHS, MCAA, County IV-D programs
- Four large groups and executive committee
 - Court
 - Enforcement
 - Guidelines
 - Medical
- Membership



What has been approved?

Court group

- | | |
|---|---|
| ✓ Minor ROPs | ✓ Facilitating ROPs at county IV-D offices |
| ✓ Filing paternity adjudication orders with MDH | ✓ Competing presumptions of paternity |
| ✓ Certified copies of ROPs not required | ✓ ROP signed and genetic tests indicate ROP father not bio father |
| ✓ Reconciliation | ✓ Parenting Expense Adjustment |
| ✓ Parenting Expense Adjustment without court ordered parenting time | |



What has been approved?



Court Group

- ✓ Deceased ALF
- ✓ Consent form for release of GT results
- ✓ Case closure
- ✓ CP case closure request and arrears remain
- ✓ Role reversal establishments and user doc
- ✓ Paternity Order Elements
- ✓ Basis for modification
- ✓ Multiple families



What has been approved?



Enforcement Group

- ✓ FIDM exemptions
- ✓ IW and 20%
- ✓ Termination of IW upon emancipation or TPR
- ✓ Judgments by Operation of Law
 - ✓ Policy manual rewrite
 - ✓ PRISM/Word forms
 - ✓ Training
- ✓ Interest distribution
 - ✓ Payments apply to principal first, then interest
- ✓ Recreational License



What has been approved?



Guidelines

- ✓ RSDI
- ✓ NCP on MA or MNCare
- ✓ High deductible healthcare coverage and definition of affordable difference in ACA and MN Law
- ✓ State funded MFIP
- ✓ Credit for Court ordered Arrears (Branch case)
- ✓ Imputation of Income for recipients of GA/SSI
- ✓ No income to NCP \$50 or \$0 obligation
- ✓ DHS will update web calculator to match PRISM calculator

Elements of Paternity Pleadings and Court Orders



- Minnesota Statute Section 257.66:
 - Parent-child relationship
 - Custody
 - Parenting time
 - Legal name of the child
 - Child Support
 - Past support/reimbursement



Elements continued



- Caselaw/Statutes

- Morey v. Peppin, 375 N.W.2d 19 (Minn. 1985)
 - The county attorney/child support office have an obligation to make sure there is a final custody order in a paternity case.
- Minn. Stat. § 257.541
 - The biological mother of a child born to a mother who was not married to the child's father when the child was born or conceived has sole custody of the child until paternity is established or until custody is determined in a separate proceeding.
- Minn. Stat. § 257.66
 - Order shall address custody and parenting time



Required Elements



- Parent-child relationship
- Physical and Legal custody
- Legal name of the child(ren)
- Percentage of parenting time
- Ongoing child support
- Past support
- Pregnancy and confinement expenses
- Genetic testing costs
- Social Security numbers
- Full names, dates of birth and places of birth
- The paternity order should also indicate that the birth record shall be updated with the father's information

Sample Language

THE COUNTY REQUESTS THAT THE COURT:

- Address the issues of legal and physical custody, parenting time, and the legal name(s) of the child(ren) involved in this action, as required by Minnesota Statutes, section 257.66, *Morey v. Peppin*, 375 N.W.2d 19, 24 (Minn. 1985) and *Latourell v. Dempsey*, 518 N.W.2d 564, 565-566 (Minn. 1994).

Unless either parent files an answer or appears at the hearing to request other relief, order that:

- "MOTHER NAME" retain sole physical and sole legal custody consistent with Minnesota Statutes, section 257.541, subdivision 1 subject to "FATHER NAME's" right to request custody under Minnesota Statutes, sections 257.541, subd. 2(b), 518.17 and 518.175; and
- The issue of parenting time be reserved, subject to "FATHER NAME's" right to request parenting time under Minnesota Statutes, sections 257.541, subd. 2(b), 518.17 and 518.175. The reservation of parenting time still allows for reasonable contact between "FATHER NAME" and the child(ren) as agreed to by the parties; and
- The child(ren)'s name shall remain as it is on the birth certificate(s).



Consent to Release Voluntary GT Results

- Minn. Stat. § 257.62 allows release after a paternity action is commenced
- How can genetic test information be released before a paternity action is commenced?
 - Genetic information is private data – Minn. Stat. § 13.386
 - May be **collected, used, stored** and **disseminated** only with written informed consent of the individual.
 - Previous GT lab forms only addressed collection, use and storage, not dissemination.



Serving the GT Results on all Parties



- Should the GT results be served on all parties or just the parents?
- **Minn. Stat. § 257.62** states that “ a copy of the test results must be served on each party by first class mail to the party’s last known address.”



AUTHORIZATION FOR RELEASE OF PROTECTED GENETIC INFORMATION IN COUNTY CHILD SUPPORT/PATERNITY CASE

Name: _____ IV-D Case Number: _____

- I hereby authorize the county child support office to disclose protected genetic information for the following purposes:
 - To establish the existence or non-existence of a parent-child relationship.
 - To inform the parties involved of an exclusion or possible inclusion of a parent-child relationship.
- The genetic information to be disclosed is: Genetic test results showing genetic markers that are used to determine a parent-child relationship.
- The genetic information may be disclosed to: county child support office, county attorney’s office-child support section, the child’s mother, the alleged father in this genetic test, and the child’s caretaker (if applicable).
- I understand that if a legal action is or has been commenced to establish paternity for the minor child, the genetic information will be disclosed according to the applicable Minnesota laws and court rules.
- I understand that if I am the legal custodian of the child(ren) subject to the genetic testing, I consent to the release of the child(ren)’s protected genetic information.
- I understand that I am not required to submit to genetic testing or sign this Authorization. This Authorization expires one year from the date it is signed.
- I understand that if I do not agree to the terms of this voluntary genetic testing, the county attorney’s office reserves the right to proceed with a legal action to determine the paternity of the child(ren). If the legal action is commenced, the county attorney’s office may obtain a court order requiring the parties to submit to genetic testing, if deemed appropriate.

I voluntarily agree to the genetic testing. I hereby consent that a copy of the genetic test results may be mailed to all of the participants of this genetic test, as well as my child’s caretaker (if applicable).



Recreational Licenses



- Minn. Stat. § 518A.68(c) states: An obligor whose recreational license or licenses have been suspended or barred may provide proof to the court that the obligor is in compliance with all written payment agreements pursuant to section [518A.69](#). Within 15 days of receipt of that proof, the court shall notify the commissioner of natural resources that the obligor's recreational license or licenses should no longer be suspended nor should receipt be barred.

Recreational Licenses cont.



- CLV created Best Practices (located in DHS-SIR and also linked in policy)
- Motion/Order and Stipulation created
 - Do **NOT** use *Ex Parte* Motion

DHS - SIR SharePoint Page



- What is it?
 - Share information about CLV
 - Working site for CLV
 - Form for new CLV issues
- Includes
 - Submitted issues
 - Approved issues
 - Communications
 - New issue form
 - Updated issues list with status of each item
 - Contact info
 - Calendar



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New Issues Submission



- You can submit an issue to the CLV
 - CLV front page under announcements OR on the Executive Committee page
 - Directions are on the form
 - If you have a new idea, please feel free to reach out to any of the executive committee members, or large group chairs.
 - Keep in mind new issues will require homework and research prior to submission so that the people reviewing the issues can easily understand exactly what it is and determine where it best fits.

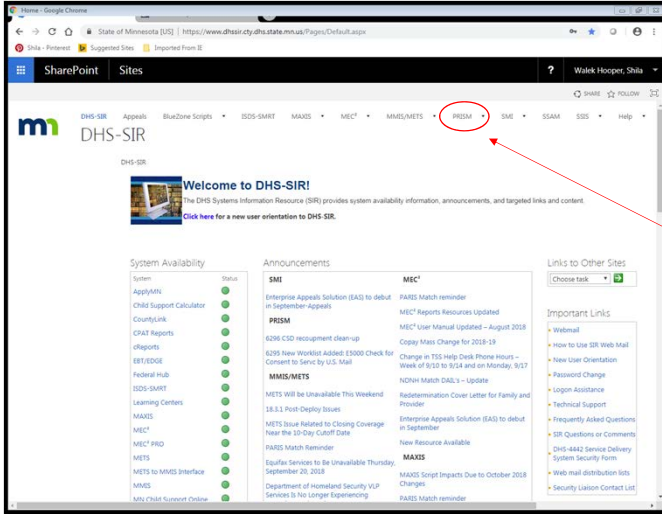


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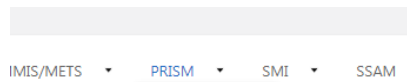
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DHS-SIR CLV Page



Click: PRISM

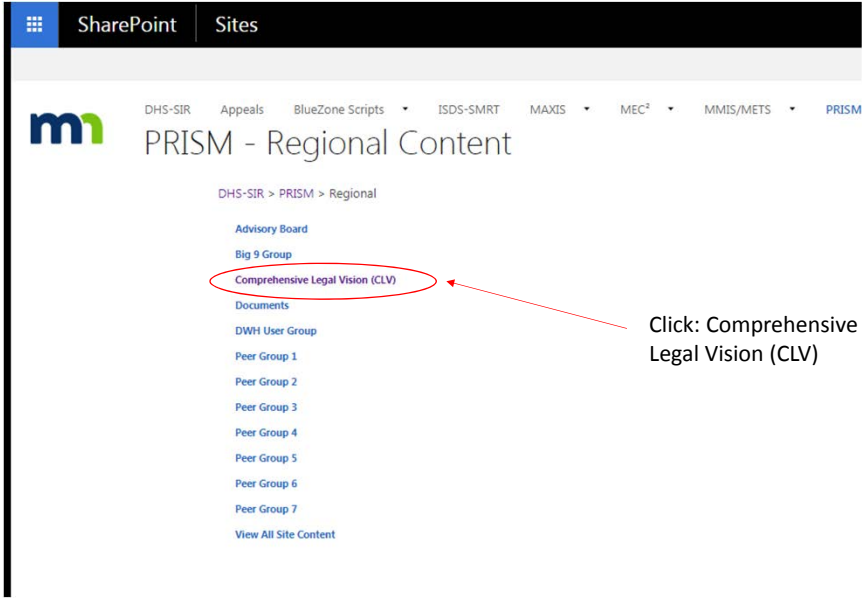


Click: Regional

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Link





SharePoint Sites

DHS-SIR Appeals BlueZone Scripts ISDS-SMRT MAXIS MEC² MMIS/METS PRISM

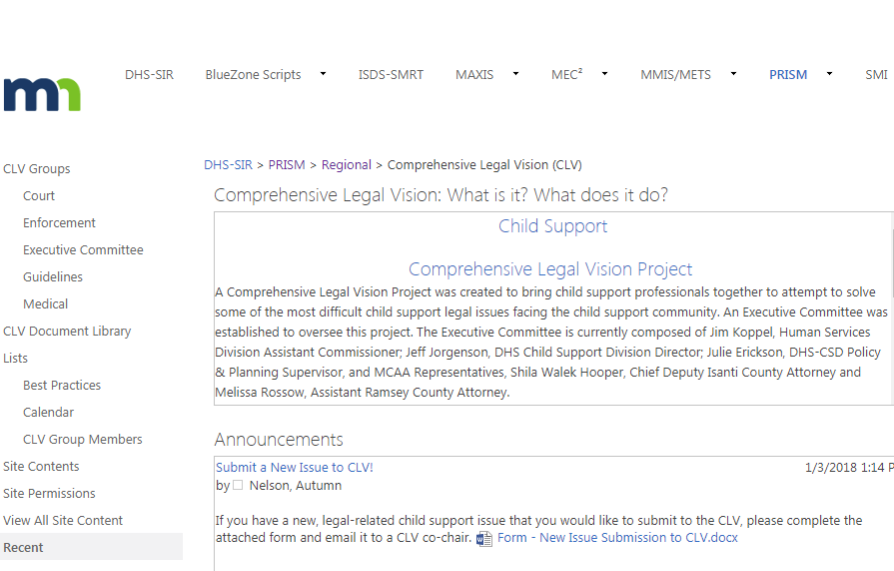
PRISM - Regional Content

DHS-SIR > PRISM > Regional

- Advisory Board
- Big 9 Group
- Comprehensive Legal Vision (CLV)**
- Documents
- DWH User Group
- Peer Group 1
- Peer Group 2
- Peer Group 3
- Peer Group 4
- Peer Group 5
- Peer Group 6
- Peer Group 7
- View All Site Content

Click: Comprehensive Legal Vision (CLV)

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DHS-SIR BlueZone Scripts ISDS-SMRT MAXIS MEC² MMIS/METS PRISM SMI

Comprehensive Legal Vision (CLV)

DHS-SIR > PRISM > Regional > Comprehensive Legal Vision (CLV)

Comprehensive Legal Vision: What is it? What does it do?

Child Support

Comprehensive Legal Vision Project

A Comprehensive Legal Vision Project was created to bring child support professionals together to attempt to solve some of the most difficult child support legal issues facing the child support community. An Executive Committee was established to oversee this project. The Executive Committee is currently composed of Jim Koppel, Human Services Division Assistant Commissioner; Jeff Jorgenson, DHS Child Support Division Director; Julie Erickson, DHS-CSD Policy & Planning Supervisor, and MCAA Representatives, Shila Walek Hooper, Chief Deputy Isanti County Attorney and Melissa Rossow, Assistant Ramsey County Attorney.

Announcements

Submit a New Issue to CLV! 1/3/2018 1:14 P
by Nelson, Autumn

If you have a new, legal-related child support issue that you would like to submit to the CLV, please complete the attached form and email it to a CLV co-chair. [Form - New Issue Submission to CLV.docx](#)

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Minnesota Family Support & Recovery Council
MFSRC

CLV Groups
 Court
 Enforcement
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 Best Practices
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 Site Contents
 Site Permissions
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 Recent

Court CLV Group

Announcements

new announcement or edit this list

Title	Body
Court Group Issues List	Court Group Issues List.docx This document contains a list of the pending issues with the Court group as well as previous issues that have been resolved.
Court Group Members List	Click on the link in the left column titled 'CLV Group Members'. Choose the view for Court CLV Group.

Approved Proposals from Court Group

Name	Approval Status	Document Type	Modified	Modified By
CLV - Court - Establishment - PEA Lonnemann	Approved	Proposal/Recommendation	December 28, 2017	Nelson, Autumn
CLV - Court - Establishment - Role Reversal	Approved	Proposal/Recommendation	December 28, 2017	Nelson, Autumn
CLV - Court - Modif - Case Closure Forms Recommendation	Approved	Proposal/Recommendation	December 28, 2017	Nelson, Autumn

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Membership List

- Andrew Abruzzese
- Amy Anderson
- Karla Bauer
- Ashley Benson
- Janell Boeckermann
- Tara Borton
- Cindi Bratton
- Beth Cone
- Jennifer Cooklock
- Jim Demgen
- Jessica Dettman
- Richard Diffatte
- James Donehower
- Rachelle Drakeford
- Crystal Emerson
- Julie Erickson
- Theresa Farrell-Strauss
- Carrie Gjerde
- Heidi Haefner
- Kim Hamill
- Susan Hanstad
- Kristie Hermanson
- Lori Hoff
- Karen Holt
- Tina Isaac
- Bobby Jackson
- Rhonda Jaeger
- Tom Kelly
- Gretchen Kewitsch
- Jeanette Koehler-Harris
- Lisa Kontz
- Jim Koppel
- Sara Lauthen
- Juan Martinez
- David McLeod
- Holly Mikeworth
- Catherine Miller
- Tina Morrison
- Autumn Nelson
- Sandy Nordman
- Jill Olson
- Scott Orrey
- Crysta Parkin
- Tracy Pederson
- Angela Petroske
- Kristi Phetdara
- Jessica Raymond
- Brynn Rhodes
- Melissa Rossow
- Sandy Ruhland
- Patti Salic
- Brett Schading
- Annette Schneckloth
- Sherry Schwarzkopf
- Ruth Sundermeyer
- Kerri Sutton
- Brad Thiel
- Julie Thompson
- Mary Vangerud
- Shila Walek
- Karen Wangler
- Casey White
- Jackie Wise

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Thank you!

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Case Law Update

October 2017 – September 2018

Patrick M. Hest
Assistant Director, Ramsey County Attorney's Office
Human Services Legal Division

Special Thanks!

- Sara Lauthen, Assistant Ramsey County Attorney
- Alexa Grapentine, Becca Hanscom, Katie Rawls, Rebecca Scephaniak, Ramsey County law clerks
- Tristian Wienke, Kendra Bengtson, Ramsey County paralegals
- Trevor Buttermore, Dakota County law clerk



Minnesota Supreme Court



- **Order Promulgating Amendments to the Rules of Civil Procedure**, ADM04-8001, 3/13/18
- Effective July 1, 2018 Rule 3.01(b) provides action is commenced once the waiver of service is signed.
- Effective July 1, 2018 the former acknowledgment procedure in Rule 4.05 is replaced with the new waiver procedure. Form 22b or a substantially similar form must be signed in order for defendant to waive service.

Minnesota Supreme Court



- **Cox v. Mid-Minnesota Mut. Ins. Co.**, 909 NW2d 540, A16-0712, 01/24/2018 (Anderson, J., dissenting)
- **Issue** – Whether faxing a summons to the sheriff's office satisfies the personally delivery requirement to commence an action under 3.01(c)?
- **Holding** – No, a summons must be personally delivered to the sheriff to be effective service under 3.01(c) and cannot be faxed.

Minnesota Supreme Court



- **Cox v. Mid-Minnesota Mut. Ins. Co.**, 909 NW2d 540, A16-0712, 01/24/2018 (Anderson, J., dissenting)
- Personal service can be completed by the sheriff's office under 3.01(a) regardless of how the sheriff receives the summons. Timing issue of when service is completed.
- **Dissent, J. Anderson** – "Deliver" and "delivery" do not hold special meaning that involve a personal handoff. Under the rule, fax transmission to a sheriff for subsequent personal service should be proper and permitted.

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Minnesota Supreme Court



- **Hansen v. Todnem**, 908 NW2d 592, A16-0698, 03/14/2018
- **Issue** - When considering requests to modify parenting time under 518.175, subd. 8, is the DC required to make specific, detailed findings on all best interest factors listed in the statute?
- **Holding** - No, the DC is only required to consider the relevant best-interest factors. In this case the DC adequately address the three factors associated with 518.175, subd. 8.

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Minnesota Supreme Court



- **Matter of Custody of M.J.H.**, 913 NW2d 437, A16-1056, 06/20/2018
- **Issue** – When is a party’s motion to modify parenting time a de facto motion to modify physical custody that triggers the endangerment standard?
- **Holding** – The court should decide whether the endangerment standard applies under the totality of the circumstances to determine if the proposed parenting time is a substantial change that modifies the parties’ custody arrangement.

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Minnesota Supreme Court



- **Matter of Custody of M.J.H.**, 913 NW2d 437, A16-1056, 06/20/2018
- Some of the factors to consider:
 - Apportionment of parenting time, the child’s age, the child’s school schedule, and the distance between the parties’ homes.
 - This list is not exhaustive.
 - Simply asking for 50% or more parenting time does not automatically trigger the endangerment standard.

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Minnesota Supreme Court



- **Kremer v. Kremer**, 912 NW2d 617, A15-2006, 05/30/2018
- **Issue** – Whether the antenuptial agreement in this case satisfied the common law test for procedural fairness?
- **Holding** – No, the agreement must be supported by adequate consideration and must not be made under duress. In this case, the agreement was presented to the future wife three days prior to their destination wedding in the Cayman Islands, which created circumstances of duress.

Published Court of Appeals



- **Mattson v. Mattson**, 903 NW2d 233, A16-1535, 10/02/2017 (review denied 12/27/2017)
- **Issue** – Whether the DC can adopt the parties' stipulated agreement that divided military disability compensation as marital property?
- **Holding** – No, federal law precludes the state courts from dividing military disability compensation as military property regardless of the parties' agreement.

Published Court of Appeals



- **Palmquist v. Devens**, 907 NW2d 204, A17-0268, 12/26/17
- **Issue** – Whether the DC properly calculated child support using only one parent’s income when the child did not reside with either parent?
- **Holding** – No, the DC only used the father’s income when calculating child support. Because both the mother, father, and grandmother had joint legal and physical custody, both the mother and father’s incomes must be used to calculate child support owed to the grandmother. Reversed and remanded to DC.

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Published Court of Appeals



- **Palmquist v. Devens**, 907 NW2d 204, A17-0268, 12/26/17
- DC entered order consistent with Court of Appeals on 5/11/18.
- Both mother and father’s incomes used to calculate child support payable to grandmother with father receiving 45.1% PEA.
- Father overpaid since 12/16 and 50% of mother’s obligation re-directed to father until overpayments paid.

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Published Court of Appeals



- **Amarreh v. Amarreh**, __ NW2d __, 2018 WL 3826604, A18-0198, 08/13/2018
- **Issue** – Did the DC err in denying an evidentiary hearing on a motion to modify custody?
- **Holding** – Yes, the father’s allegations, if true, made a prima facie showing of interference with the parenting-child relationship and child emotional endangerment. As a result, he is entitled to an evidentiary hearing on the motion.

Published Court of Appeals



- **Medvedovski v. Medvedovski**, 903 NW2d 646, A17-0915, 11/06/2017
- **Issue** – Did the DC err in denying an evidentiary hearing on a motion to modify custody?
- **Holding** – No, a motion to modify custody is procedurally barred under 518.18(b) if the motion is filed within two years after disposition of the prior motion. The motion may be heard under 518.18(c) if the court finds there is a persistent and willful denial or interference with parenting time or if the child is endangered.

Published Court of Appeals



- **Cook v. Arimitsu**, 907 NW2d 233, A17-0861, 1/22/18
- **Issue** – Was the DC correct in ruling it had subject-matter jurisdiction based on MN being the child’s home state to address the child custody dispute under the UCCJEA?
- **Holding** – Yes, a child’s home state under the UCCJEA is the current home state of the child or the home state of the child within six months before commencement of the proceeding. In cases of temporary absence, the six-month period begins when the other parent receives notice that the child’s out of state absence will be permanent.

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Unpublished Court of Appeals



- **In re Custody of M.M.L.**, 2018 WL 1787698, A17-1240, 04/16/2018
- **Issue 1** – Did the DC calculate imputed income correctly?
- **Holding 1** – No, the DC used the obligor’s prior employment to impute income at \$20/hour but the record contained no evidence to support the imputation. Reversed and remanded with instructions to impute income at minimum-wage.

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Unpublished Court of Appeals



- **In re Custody of M.M.L.**, 2018 WL 1787698, A17-1240, 04/16/2018
- **Issue 2** – Did the DC err in awarding attorney fees due to the obligor’s failure to pay child support?
- **Holding 2** – Yes, the DC did not state the statutory authority for awarding attorney fees and do not explain how the obligor’s conduct contributed unreasonably to the length of the proceedings. In the parties’ prior agreement, attorney fees were reserved unless the obligor willfully terminated employment to avoid the consequences of contempt.

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Unpublished Court of Appeals



- **Olstad v. Olstad**, 2018 WL 2470941, A17-1074, 06/04/2018
- **Issue 1** – Did the DC properly calculate respondent’s gross monthly income and expenses according to the motion to modify spousal maintenance?
- **Holding 1** – Yes, the DC made a credibility when determining income and expenses and found the Respondent’s affidavit more credible.

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Unpublished Court of Appeals



- **Olstad v. Olstad**, 2018 WL 2470941, A17-1074, 06/04/2018
- **Issue 2** – Did the DC abuse its discretion by refusing to modify the stipulated child support order, which stated the appellant is required to pay 10% of any bonus he receives as child support?
- **Holding 2** – No, appellant contended that because one of the children emancipated, the order was unreasonable and unfair. The court must give the plain and ordinary meaning to the unambiguous terms of a stipulated J&D, therefore, the bonus obligation continues until the last child’s emancipation.

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Unpublished Court of Appeals



- **Adam v. Adom**, 2017 WL 5985393, A17-0246, 12/04/2017
- **Issue** – Did the CSM properly calculate the obligor’s income?
- **Holding** – Yes, father testified that he could earn \$120 - \$130 per day and that he worked five days per week. Father provided no other evidence regarding his income or inability to work, therefore the CSM properly calculated his income using the \$120 per day income for five days a week.

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Unpublished Court of Appeals



- **Setegn v. Assefa**, 2018 WL 2090625, A17-1516, 05/07/2018
- **Issue** – Did the CSM err by using a party’s student loan income in a gross monthly income calculation?
- **Holding** – No, the party did not provide any documentation as to how the student loan distribution was used and failed to meet the burden of showing there was a substantial change in circumstances.

Unpublished Court of Appeals



- **Clifton v. Clifton**, 2018 WL 414309, A17-0477, 01/16/2018
- **Issue 1** – Did the DC err by modifying the support obligation after the parties stipulated that gaining employment does not trigger a “substantial change?”
- **Holding 1** – No, the parties stipulated that gaining employment commensurate with their former employment would not trigger a substantial change. In this case, CP gained substantially more income than at the time of the stipulation which warranted a modification.

Unpublished Court of Appeals



- **Clifton v. Clifton**, 2018 WL 414309, A17-0477, 01/16/2018
- **Issue 2** – Did the DC make sufficient findings as to whether the presumption that the current order is unreasonable and unfair was rebutted?
- **Holding 2** – No, the DC found that there was a substantial change in circumstances which leads to a rebuttable presumption that the order is unreasonable and unfair. The NCP argued that the original order was not unreasonable or unfair, but the DC failed to make findings as to whether the presumption is rebutted.

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Unpublished Court of Appeals



- **Vue v. Vue**, 2018 WL 1701847, A17-0740, 04/09/2018
- **Issue 1** – Did the DC act within its discretion when deviating from the guidelines due to the unique custody arrangement?
- **Holding 1** – Yes, the DC supported its decision with sufficient findings for this case because the parties and their joint children required two separate child support guidelines calculation, which were then offset in order to credit the Father for the joint child residing with him.

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Unpublished Court of Appeals



- **Vue v. Vue**, 2018 WL 1701847, A17-0740, 04/09/2018
- **Issue 2** – Did the DC err by applying the new PEA law prior to its effective date?
- **Holding 2** – No, the DC used the new PEA law as persuasive authority to exercise its use of discretion to deviate from the guidelines.

Unpublished Court of Appeals



- **Matter of Application of J.M.M. O/B/O Minors for a Change of Name**, 2018 WL 2470701, A17-1730, 06/04/2018
- **Issue 1** – Whether the biological father was entitled to receive notice of a name change application?
- **Holding 1** - Yes, a presumed father is entitled to receive notice of the name change under the MN Parentage Act. In this case the father was presumed under the holding out provisions of the paternity statutes.

Unpublished Court of Appeals



- **Matter of Application of J.M.M. O/B/O Minors for a Change of Name**, 2018 WL 2470701, A17-1730, 06/04/2018
- **Issue 2** – Whether providing notice was practicable when the party seeking a name-change had safety concerns regarding the respondent?
- **Holding 2** – Yes, providing notice may still be practicable even when there are safety concerns.

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Unpublished Court of Appeals



- **In re Custody of J.K.L.**, 2018 WL 3614583, No. A17-1067, 07/30/2018
- **Issue 1** – Did the DC properly calculate father's income as it relates to overtime income?
- **Holding 1** – No, the DC used the wrong statute in determining whether the overtime income should be counted or not.

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Unpublished Court of Appeals



- **In re Custody of J.K.L.**, 2018 WL 3614583, No. A17-1067, 07/30/2018
- **Issue 2** – Did the DC properly deduct obligations for his non-joint children in calculating support?
- **Holding 2** – No, the DC failed to include the cost-of-living adjustments for the non-joint child support obligations.
- Also good discussion of several of the best interest factors that go into setting parenting time schedules.

Contact Information



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