

State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. **3428**

1.1 A bill for an act
1.2 relating to family law; modifying child care support provisions; amending
1.3 Minnesota Statutes 2018, section 518A.40, subdivision 4, by adding a subdivision.

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

1.5 Section 1. Minnesota Statutes 2018, section 518A.40, is amended by adding a subdivision
1.6 to read:

1.7 Subd. 1a. **Child care support obligation.** (a) Unless there is a court order between the
1.8 parties or on behalf of a joint child under chapter 518B: (1) when child care support is
1.9 ordered to be paid by the obligor, the obligee must give the child care provider the name
1.10 and address of the obligor and must give the obligor the name, address, and telephone
1.11 number of the child care provider; and (2) the child care provider must release information
1.12 regarding child care expenses to the obligor including the annual child care expense report
1.13 for tax purposes.

1.14 (b) When child care support is ordered to be paid by the obligor, annually by January
1.15 15 each year, the obligee must provide the obligor with a child care expense report from
1.16 the child care provider that itemizes the total child care expenses paid for the previous year.
1.17 If there is a change in the child care provider, the type of child care provider, or the age
1.18 group the child is in changes, the obligee must give the obligor an updated child care expense
1.19 report. The child care expense report must be signed by the child care provider.

1.20 (c) When the obligee is no longer incurring child care expenses, the obligee must notify
1.21 the public authority, if the public authority provides child support enforcement services,
1.22 and the obligor within two weeks that the child care expense has ended and the date the
1.23 child care expense ended.

2.1 Sec. 2. Minnesota Statutes 2018, section 518A.40, subdivision 4, is amended to read:

2.2 Subd. 4. **Change in child care.** (a) When child care expenses end, the court must decrease
2.3 the child care support obligation as of the effective date the child care expenses ended.

2.4 (b) Title IV-D cases may use the expedited child support hearing process to get the child
2.5 care expenses removed from the child care support amount when child care expenses end.
2.6 The parties may contact the public authority about filing a stipulation.

2.7 ~~(a)~~ (c) When a court order provides for child care expenses, and child care support is
2.8 not assigned under section 256.741, the public authority, if the public authority provides
2.9 child support enforcement services, may suspend collecting the amount allocated for child
2.10 care expenses when either party informs the public authority that no child care ~~costs~~ expenses
2.11 are being incurred and:

2.12 (1) the public authority verifies the accuracy of the information with the obligee; or

2.13 (2) the obligee fails to respond within 30 days of the date of a written request from the
2.14 public authority for information regarding child care costs. A written or oral response from
2.15 the obligee that child care costs are being incurred is sufficient for the public authority to
2.16 continue collecting child care expenses.

2.17 The suspension is effective as of the first day of the month following the date that the public
2.18 authority either verified the information with the obligee or the obligee failed to respond.

2.19 The public authority will resume collecting child care expenses when either party provides
2.20 information that child care costs are incurred, or when a child care support assignment takes
2.21 effect under section 256.741, subdivision 4. The resumption is effective as of the first day
2.22 of the month after the date that the public authority received the information.

2.23 ~~(b)~~ (d) If the parties provide conflicting information to the public authority regarding
2.24 whether child care expenses are being incurred, the public authority will continue or resume
2.25 collecting child care expenses. Either party, by motion to the court, may challenge the
2.26 suspension, continuation, or resumption of the collection of child care expenses under this
2.27 subdivision. If the public authority suspends collection activities for the amount allocated
2.28 for child care expenses, all other provisions of the court order remain in effect.

2.29 ~~(e)~~ (e) In cases where there is a substantial increase or decrease in child care expenses,
2.30 the parties may modify the order under section 518A.39.