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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE No. 999

February 15, 2007

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The bill was read for the first time and referred to the Committee on Public Safety and Civil Justice

1.1 A bill for an act
1.2 relating to child support; requiring consideration of a child's residence in a
1.3 foreign country when deviating from the presumptive child support amount;
1.4 amending Minnesota Statutes 2006, section 518A.43, subdivision 1.

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

1.6 Section 1. Minnesota Statutes 2006, section 518A.43, subdivision 1, is amended to
1.7 read:

1.8 Subdivision 1. **General factors.** Among other reasons, deviation from the
1.9 presumptive child support obligation computed under section 518A.34 is intended to
1.10 encourage prompt and regular payments of child support and to prevent either parent
1.11 or the joint children from living in poverty. In addition to the child support guidelines
1.12 and other factors used to calculate the child support obligation under section 518A.34,
1.13 the court must take into consideration the following factors in setting or modifying child
1.14 support or in determining whether to deviate upward or downward from the presumptive
1.15 child support obligation:

1.16 (1) all earnings, income, circumstances, and resources of each parent, including real
1.17 and personal property, but excluding income from excess employment of the obligor or
1.18 obligee that meets the criteria of section 518A.29, paragraph (b);

1.19 (2) the extraordinary financial needs and resources, physical and emotional
1.20 condition, and educational needs of the child to be supported;

1.21 (3) the standard of living the child would enjoy if the parents were currently living
1.22 together, but recognizing that the parents now have separate households;

1.23 (4) whether the child is able to maintain a comparable standard of living with a lower
1.24 amount of child support because the child resides in a foreign country;

- 2.1 (5) which parent receives the income taxation dependency exemption and the
- 2.2 financial benefit the parent receives from it;
- 2.3 ~~(5)~~ (6) the parents' debts as provided in subdivision 2; and
- 2.4 ~~(6)~~ (7) the obligor's total payments for court-ordered child support exceed the
- 2.5 limitations set forth in section 571.922.