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HOUSE OF REPRESENTATIVES

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SESSION

HOUSE FILE No. **2186**

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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; modifying requirements for six-month review;  
1.3 providing income information and enforcement remedies; amending Minnesota  
1.4 Statutes 2006, sections 518.1781; 518A.28; 518A.60; 518A.65; 518A.66;  
1.5 518A.68; 518A.69; 518A.74, subdivision 1.

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

1.7 Section 1. Minnesota Statutes 2006, section 518.1781, is amended to read:

1.8 **518.1781 SIX-MONTH REVIEW.**

1.9 (a) A request for a six-month review hearing form must be attached to a decree  
1.10 of dissolution or legal separation or an order that ~~initially~~ establishes or modifies child  
1.11 custody, parenting time, or support rights and obligations of parents. The state court  
1.12 administrator is requested to prepare the request for review hearing form. The form must  
1.13 include information regarding the procedures for requesting a hearing, the purpose of the  
1.14 hearing, and any other information regarding a hearing under this section that the state  
1.15 court administrator deems necessary.

1.16 (b) The six-month review hearing shall be held if any party submits a written request  
1.17 for a hearing within six months after entry of a decree of dissolution or legal separation or  
1.18 an order that establishes or modifies child custody, parenting time, or support.

1.19 (c) Upon receipt of a completed request for hearing form, the court administrator  
1.20 shall provide notice of the hearing to all other parties and the public authority. The court  
1.21 administrator shall schedule the six-month review hearing as soon as practicable following  
1.22 the receipt of the hearing request form.

1.23 (d) At the six-month hearing, the court must review:

1.24 (1) whether child support is current; and

2.1 (2) whether both parties are complying with the parenting time provisions of the  
2.2 order.

2.3 (e) At the six-month hearing, the obligor has the burden to present evidence to  
2.4 establish that child support payments are current. A party may request that the public  
2.5 authority provide information to the parties and court regarding child support payments. A  
2.6 party must request the information from the public authority at least 14 days before the  
2.7 hearing. The commissioner of human services must develop a form to be used by the  
2.8 public authority to submit child support payment information to the parties and court.

2.9 (f) Contempt of court and all statutory remedies for child support and parenting time  
2.10 enforcement may be imposed by the court at the six-month hearing for noncompliance by  
2.11 either party pursuant to this chapter, chapters 518A and 588, and the Minnesota Court  
2.12 Rules.

2.13 (g) A request for a six-month review hearing form must be attached to a decree or  
2.14 order signed on or after January 1, 2007, that initially establishes or modifies child support  
2.15 rights and obligations.

2.16 Sec. 2. Minnesota Statutes 2006, section 518A.28, is amended to read:

2.17 **518A.28 PROVIDING INCOME INFORMATION.**

2.18 (a) In any case where the parties have joint children for which a child support  
2.19 order must be determined, the parties shall serve and file with their initial pleadings  
2.20 or motion documents, a financial affidavit, disclosing all sources of gross income for  
2.21 purposes of section 518A.29. The financial affidavit shall include relevant supporting  
2.22 documentation necessary to calculate the parental income for child support under section  
2.23 518A.26, subdivision 15, including, but not limited to, pay stubs for the most recent three  
2.24 months, employer statements, or statements of receipts and expenses if self-employed.  
2.25 Documentation of earnings and income also include relevant copies of each parent's  
2.26 most recent federal tax returns, including W-2 forms, 1099 forms, unemployment benefit  
2.27 statements, workers' compensation statements, and all other documents evidencing  
2.28 earnings or income as received that provide verification for the financial affidavit. The  
2.29 commissioner of human services shall prepare a financial affidavit form that must be used  
2.30 by the parties for disclosing information under this section.

2.31 (b) In addition to the requirements of paragraph (a), ~~at any time each year~~ after an  
2.32 action seeking child support has been commenced or when a child support order is in  
2.33 effect, ~~a party or the parties must provide~~ the public authority ~~may require the other party~~  
2.34 ~~to give them~~ with a copy of the party's most recent federal tax returns that were filed with  
2.35 the Internal Revenue Service. The ~~party~~ parties shall provide a copy of the tax returns

3.1 ~~within 30 days of receipt of the request unless the request is not made in good faith no~~  
3.2 ~~later than April 1 each year. A request under this paragraph may not be made more than~~  
3.3 ~~once every two years, in the absence of good cause.~~

3.4 (c) If a parent under the jurisdiction of the court does not serve and file the financial  
3.5 affidavit with the parent's initial pleading or motion documents, the court shall set income  
3.6 for that parent based on credible evidence before the court or in accordance with section  
3.7 518A.32. Credible evidence may include documentation of current or recent income,  
3.8 testimony of the other parent concerning recent earnings and income levels, and the  
3.9 parent's wage reports filed with the Minnesota Department of Employment and Economic  
3.10 Development under section 268.044. The court may consider credible evidence from one  
3.11 party that the financial affidavit submitted by the other party is false or inaccurate.

3.12 (d) If the court determines that a party does not have access to documents that are  
3.13 required to be disclosed under this section, the court may consider the testimony of that  
3.14 party as credible evidence of that party's income.

3.15 Sec. 3. Minnesota Statutes 2006, section 518A.60, is amended to read:

3.16 **518A.60 COLLECTION; ARREARS ONLY.**

3.17 (a) Remedies available for the collection and enforcement of support in this chapter  
3.18 and chapters 256, 257, 518, and 518C also apply to cases in which the child or children  
3.19 for whom support is owed are emancipated and the obligor owes past support or has an  
3.20 accumulated arrearage as of the date of the youngest child's emancipation. Child support  
3.21 arrearages under this section include arrearages for child support, medical support, child  
3.22 care, pregnancy and birth expenses, and unreimbursed medical expenses as defined in  
3.23 section 518A.41, subdivision 1, paragraph (h).

3.24 (b) This section applies retroactively to any support arrearage that accrued on or  
3.25 before June 3, 1997, and to all arrearages accruing after June 3, 1997.

3.26 (c) Past support or pregnancy and confinement expenses ordered for which the  
3.27 obligor has specific court ordered terms for repayment may ~~not~~ be enforced using  
3.28 drivers' and occupational or professional license suspension, credit bureau reporting, and  
3.29 additional income withholding under section 518A.53, subdivision 10, paragraph (a);  
3.30 ~~unless the obligor fails to comply with the terms of the court order for repayment.~~

3.31 (d) If an arrearage exists at the time a support order would otherwise terminate  
3.32 and section 518A.53, subdivision 10, paragraph (c), does not apply to this section, the  
3.33 arrearage shall be repaid in an amount equal to the current support order until all arrears  
3.34 have been paid in full, absent a court order to the contrary.

4.1 (e) If an arrearage exists according to a support order which fails to establish a  
4.2 monthly support obligation in a specific dollar amount, the public authority, if it provides  
4.3 child support services, or the obligee, may establish a payment agreement which shall  
4.4 equal what the obligor would pay for current support after application of section 518A.34,  
4.5 plus an additional 20 percent of the current support obligation, until all arrears have been  
4.6 paid in full. If the obligor fails to enter into or comply with a payment agreement, the  
4.7 public authority, if it provides child support services, or the obligee, may move the district  
4.8 court or child support magistrate, if section 484.702 applies, for an order establishing  
4.9 repayment terms.

4.10 Sec. 4. Minnesota Statutes 2006, section 518A.65, is amended to read:

4.11 **518A.65 DRIVER'S LICENSE SUSPENSION.**

4.12 (a) Upon motion of an obligee, which has been properly served on the obligor and  
4.13 upon which there has been an opportunity for hearing, if a court finds that the obligor has  
4.14 been or may be issued a driver's license by the commissioner of public safety and the  
4.15 obligor is in arrears in court-ordered child support or maintenance payments, or both, in  
4.16 an amount equal to or greater than three times the obligor's total monthly support and  
4.17 maintenance payments ~~and or~~ is not in compliance with a written payment agreement  
4.18 pursuant to section 518A.69 that is approved by the court, a child support magistrate, or  
4.19 the public authority, the court shall order the commissioner of public safety to suspend the  
4.20 obligor's driver's license. The court's order must be stayed for 90 days in order to allow the  
4.21 obligor to execute a written payment agreement pursuant to section 518A.69. The payment  
4.22 agreement must be approved by either the court or the public authority responsible for  
4.23 child support enforcement. If the obligor has not executed or is not in compliance with  
4.24 a written payment agreement pursuant to section 518A.69 after the 90 days expires, the  
4.25 court's order becomes effective and the commissioner of public safety shall suspend  
4.26 the obligor's driver's license. The remedy under this section is in addition to any other  
4.27 enforcement remedy available to the court. ~~An obligee may not bring a motion under this~~  
4.28 ~~paragraph within 12 months of a denial of a previous motion under this paragraph.~~

4.29 (b) If a public authority responsible for child support enforcement determines that  
4.30 the obligor has been or may be issued a driver's license by the commissioner of public  
4.31 safety and the obligor is in arrears in court-ordered child support or maintenance payments  
4.32 or both in an amount equal to or greater than three times the obligor's total monthly support  
4.33 and maintenance payments ~~and or~~ not in compliance with a written payment agreement  
4.34 pursuant to section 518A.69 that is approved by the court, a child support magistrate, or  
4.35 the public authority, the public authority shall direct the commissioner of public safety to

5.1 suspend the obligor's driver's license. The remedy under this section is in addition to any  
5.2 other enforcement remedy available to the public authority.

5.3 (c) At least 90 days prior to notifying the commissioner of public safety according  
5.4 to paragraph (b), the public authority must mail a written notice to the obligor at the  
5.5 obligor's last known address, that it intends to seek suspension of the obligor's driver's  
5.6 license and that the obligor must request a hearing within 30 days in order to contest the  
5.7 suspension. If the obligor makes a written request for a hearing within 30 days of the date  
5.8 of the notice, a court hearing must be held. Notwithstanding any law to the contrary, the  
5.9 obligor must be served with 14 days' notice in writing specifying the time and place of the  
5.10 hearing and the allegations against the obligor. The notice must include information that  
5.11 apprises the obligor of the requirement to develop a written payment agreement that is  
5.12 approved by a court, a child support magistrate, or the public authority responsible for  
5.13 child support enforcement regarding child support, maintenance, and any arrearages in  
5.14 order to avoid license suspension. The notice may be served personally or by mail. If  
5.15 the public authority does not receive a request for a hearing within 30 days of the date  
5.16 of the notice, and the obligor does not execute a written payment agreement pursuant to  
5.17 section 518A.69 that is approved by the public authority within 90 days of the date of the  
5.18 notice, the public authority shall direct the commissioner of public safety to suspend the  
5.19 obligor's driver's license under paragraph (b).

5.20 (d) At a hearing requested by the obligor under paragraph (c), and on finding that  
5.21 the obligor is in arrears in court-ordered child support or maintenance payments or both  
5.22 in an amount equal to or greater than three times the obligor's total monthly support  
5.23 and maintenance payments, the district court or child support magistrate shall order the  
5.24 commissioner of public safety to suspend the obligor's driver's license or operating  
5.25 privileges unless the court or child support magistrate determines that the obligor has  
5.26 executed and is in compliance with a written payment agreement pursuant to section  
5.27 518A.69 that is approved by the court, a child support magistrate, or the public authority.

5.28 (e) An obligor whose driver's license or operating privileges are suspended may:

5.29 (1) provide proof to the public authority responsible for child support enforcement  
5.30 that the obligor is in compliance with all written payment agreements pursuant to section  
5.31 518A.69;

5.32 (2) bring a motion for reinstatement of the driver's license. At the hearing, if the  
5.33 court or child support magistrate orders reinstatement of the driver's license, the court or  
5.34 child support magistrate must establish a written payment agreement pursuant to section  
5.35 518A.69; or

6.1 (3) seek a limited license under section 171.30. A limited license issued to an obligor  
6.2 under section 171.30 expires 90 days after the date it is issued.

6.3 Within 15 days of the receipt of that proof or a court order, the public authority shall  
6.4 inform the commissioner of public safety that the obligor's driver's license or operating  
6.5 privileges should no longer be suspended.

6.6 (f) On January 15, 1997, and every two years after that, the commissioner of human  
6.7 services shall submit a report to the legislature that identifies the following information  
6.8 relevant to the implementation of this section:

6.9 (1) the number of child support obligors notified of an intent to suspend a driver's  
6.10 license;

6.11 (2) the amount collected in payments from the child support obligors notified of an  
6.12 intent to suspend a driver's license;

6.13 (3) the number of cases paid in full and payment agreements executed in response  
6.14 to notification of an intent to suspend a driver's license;

6.15 (4) the number of cases in which there has been notification and no payments or  
6.16 payment agreements;

6.17 (5) the number of driver's licenses suspended;

6.18 (6) the cost of implementation and operation of the requirements of this section; and

6.19 (7) the number of limited licenses issued and number of cases in which payment  
6.20 agreements are executed and cases are paid in full following issuance of a limited license.

6.21 (g) In addition to the criteria established under this section for the suspension of an  
6.22 obligor's driver's license, a court, a child support magistrate, or the public authority may  
6.23 direct the commissioner of public safety to suspend the license of a party who has failed,  
6.24 after receiving notice, to comply with a subpoena relating to a paternity or child support  
6.25 proceeding. Notice to an obligor of intent to suspend must be served by first class mail at  
6.26 the obligor's last known address. The notice must inform the obligor of the right to request  
6.27 a hearing. If the obligor makes a written request within ten days of the date of the hearing,  
6.28 a hearing must be held. At the hearing, the only issues to be considered are mistake of fact  
6.29 and whether the obligor received the subpoena.

6.30 (h) The license of an obligor who fails to remain in compliance with an approved  
6.31 written payment agreement ~~may~~ must be suspended. Prior to suspending a license for  
6.32 noncompliance with an approved written payment agreement, the public authority must  
6.33 mail to the obligor's last known address a written notice that (1) the public authority  
6.34 intends to seek suspension of the obligor's driver's license under this paragraph, and (2)  
6.35 the obligor must request a hearing, within 30 days of the date of the notice, to contest the  
6.36 suspension. If, within 30 days of the date of the notice, the public authority does not

7.1 receive a written request for a hearing and the obligor does not comply with an approved  
7.2 written payment agreement, the public authority must direct the Department of Public  
7.3 Safety to suspend the obligor's license under paragraph (b). If the obligor makes a written  
7.4 request for a hearing within 30 days of the date of the notice, a court hearing must be held.  
7.5 Notwithstanding any law to the contrary, the obligor must be served with 14 days' notice in  
7.6 writing specifying the time and place of the hearing and the allegations against the obligor.  
7.7 The notice may be served personally or by mail at the obligor's last known address. If  
7.8 the obligor appears at the hearing and the court determines that the obligor has failed to  
7.9 comply with an approved written payment agreement, the court or public authority shall  
7.10 notify the Department of Public Safety to suspend the obligor's license under paragraph  
7.11 (b). If the obligor fails to appear at the hearing, the court or public authority must notify  
7.12 the Department of Public Safety to suspend the obligor's license under paragraph (b).

7.13 Sec. 5. Minnesota Statutes 2006, section 518A.66, is amended to read:

7.14 **518A.66 OCCUPATIONAL LICENSE SUSPENSION.**

7.15 (a) Upon motion of an obligee, if the court finds that the obligor is or may be  
7.16 licensed by a licensing board listed in section 214.01 or other state, county, or municipal  
7.17 agency or board that issues an occupational license and the obligor is in arrears in  
7.18 court-ordered child support or maintenance payments or both in an amount equal to or  
7.19 greater than three times the obligor's total monthly support and maintenance payments  
7.20 ~~and~~ or is not in compliance with a written payment agreement pursuant to section 518A.69  
7.21 that is approved by the court, a child support magistrate, or the public authority, the court  
7.22 shall direct the licensing board or other licensing agency to suspend the license under  
7.23 section 214.101. The court's order must be stayed for 90 days in order to allow the obligor  
7.24 to execute a written payment agreement pursuant to section 518A.69. The payment  
7.25 agreement must be approved by either the court or the public authority responsible for  
7.26 child support enforcement. If the obligor has not executed or is not in compliance with  
7.27 a written payment agreement pursuant to section 518A.69 after the 90 days expires, the  
7.28 court's order becomes effective. If the obligor is a licensed attorney, the court shall report  
7.29 the matter to the Lawyers Professional Responsibility Board for appropriate action in  
7.30 accordance with the Rules of Professional Conduct. The remedy under this section is in  
7.31 addition to any other enforcement remedy available to the court.

7.32 (b) If a public authority responsible for child support enforcement finds that the  
7.33 obligor is or may be licensed by a licensing board listed in section 214.01 or other  
7.34 state, county, or municipal agency or board that issues an occupational license and the  
7.35 obligor is in arrears in court-ordered child support or maintenance payments or both in

8.1 an amount equal to or greater than three times the obligor's total monthly support and  
8.2 maintenance payments ~~and~~ or is not in compliance with a written payment agreement  
8.3 pursuant to section 518A.69 that is approved by the court, a child support magistrate, or  
8.4 the public authority, the court or the public authority shall direct the licensing board or  
8.5 other licensing agency to suspend the license under section 214.101. If the obligor is a  
8.6 licensed attorney, the public authority may report the matter to the Lawyers Professional  
8.7 Responsibility Board for appropriate action in accordance with the Rules of Professional  
8.8 Conduct. The remedy under this section is in addition to any other enforcement remedy  
8.9 available to the public authority.

8.10 (c) At least 90 days before notifying a licensing authority or the Lawyers  
8.11 Professional Responsibility Board under paragraph (b), the public authority shall mail a  
8.12 written notice to the license holder addressed to the license holder's last known address  
8.13 that the public authority intends to seek license suspension under this section and that the  
8.14 license holder must request a hearing within 30 days in order to contest the suspension. If  
8.15 the license holder makes a written request for a hearing within 30 days of the date of the  
8.16 notice, a court hearing or a hearing under section 484.702 must be held. Notwithstanding  
8.17 any law to the contrary, the license holder must be served with 14 days' notice in writing  
8.18 specifying the time and place of the hearing and the allegations against the license holder.  
8.19 The notice may be served personally or by mail. If the public authority does not receive a  
8.20 request for a hearing within 30 days of the date of the notice, and the obligor does not  
8.21 execute a written payment agreement pursuant to section 518A.69 that is approved by  
8.22 the public authority within 90 days of the date of the notice, the public authority shall  
8.23 direct the licensing board or other licensing agency to suspend the obligor's license under  
8.24 paragraph (b), or shall report the matter to the Lawyers Professional Responsibility Board.

8.25 (d) The public authority or the court shall notify the Lawyers Professional  
8.26 Responsibility Board for appropriate action in accordance with the Rules of Professional  
8.27 Responsibility Conduct or order the licensing board or licensing agency to suspend the  
8.28 license if the judge finds that:

8.29 (1) the person is licensed by a licensing board or other state agency that issues  
8.30 an occupational license;

8.31 (2) the person has not made full payment of arrearages found to be due by the public  
8.32 authority; and

8.33 (3) the person has not executed or is not in compliance with a payment plan  
8.34 approved by the court, a child support magistrate, or the public authority.

8.35 (e) Within 15 days of the date on which the obligor either makes full payment of  
8.36 arrearages found to be due by the court or public authority or executes and initiates good

9.1 faith compliance with a written payment plan approved by the court, a child support  
9.2 magistrate, or the public authority, the court, a child support magistrate, or the public  
9.3 authority responsible for child support enforcement shall notify the licensing board or  
9.4 licensing agency or the Lawyers Professional Responsibility Board that the obligor is no  
9.5 longer ineligible for license issuance, reinstatement, or renewal under this section.

9.6 (f) In addition to the criteria established under this section for the suspension of an  
9.7 obligor's occupational license, a court, a child support magistrate, or the public authority  
9.8 may direct the licensing board or other licensing agency to suspend the license of a party  
9.9 who has failed, after receiving notice, to comply with a subpoena relating to a paternity  
9.10 or child support proceeding. Notice to an obligor of intent to suspend must be served by  
9.11 first class mail at the obligor's last known address. The notice must inform the obligor  
9.12 of the right to request a hearing. If the obligor makes a written request within ten days  
9.13 of the date of the hearing, a hearing must be held. At the hearing, the only issues to be  
9.14 considered are mistake of fact and whether the obligor received the subpoena.

9.15 (g) The license of an obligor who fails to remain in compliance with an approved  
9.16 written payment agreement ~~may~~ must be suspended. Prior to suspending a license for  
9.17 noncompliance with an approved written payment agreement, the public authority must  
9.18 mail to the obligor's last known address a written notice that (1) the public authority  
9.19 intends to seek suspension of the obligor's occupational license under this paragraph, and  
9.20 (2) the obligor must request a hearing, within 30 days of the date of the notice, to contest  
9.21 the suspension. If, within 30 days of the date of the notice, the public authority does not  
9.22 receive a written request for a hearing and the obligor does not comply with an approved  
9.23 written payment agreement, the public authority must direct the licensing board or other  
9.24 licensing agency to suspend the obligor's license under paragraph (b), and, if the obligor  
9.25 is a licensed attorney, must report the matter to the Lawyers Professional Responsibility  
9.26 Board. If the obligor makes a written request for a hearing within 30 days of the date of  
9.27 the notice, a court hearing must be held. Notwithstanding any law to the contrary, the  
9.28 obligor must be served with 14 days' notice in writing specifying the time and place of  
9.29 the hearing and the allegations against the obligor. The notice may be served personally  
9.30 or by mail to the obligor's last known address. If the obligor appears at the hearing and  
9.31 the court determines that the obligor has failed to comply with an approved written  
9.32 payment agreement, the court or public authority must notify the occupational licensing  
9.33 board or other licensing agency to suspend the obligor's license under paragraph (b) and,  
9.34 if the obligor is a licensed attorney, must report the matter to the Lawyers Professional  
9.35 Responsibility Board. If the obligor fails to appear at the hearing, the court or public  
9.36 authority must notify the occupational licensing board or other licensing agency to

10.1 suspend the obligor's license under paragraph (b), and if the obligor is a licensed attorney,  
 10.2 must report the matter to the Lawyers Professional Responsibility Board.

10.3 Sec. 6. Minnesota Statutes 2006, section 518A.68, is amended to read:

10.4 **518A.68 RECREATIONAL LICENSE SUSPENSION.**

10.5 (a) Upon motion of an obligee or the public authority, which has been properly  
 10.6 served on the obligor by first class mail at the last known address or in person, and if at  
 10.7 a hearing, the court finds that (1) the obligor is in arrears in court-ordered child support  
 10.8 or maintenance payments, or both, in an amount equal to or greater than ~~six times~~ the  
 10.9 obligor's total monthly support and maintenance payments ~~and or~~ is not in compliance  
 10.10 with a written payment agreement pursuant to section 518A.69, or (2) has failed, after  
 10.11 receiving notice, to comply with a subpoena relating to a paternity or child support  
 10.12 proceeding, the court may direct the commissioner of natural resources to suspend or bar  
 10.13 receipt of the obligor's recreational license or licenses. ~~Prior to utilizing this section, the~~  
 10.14 ~~court must find that other substantial enforcement mechanisms have been attempted but~~  
 10.15 ~~have not resulted in compliance.~~

10.16 (b) For purposes of this section, a recreational license includes all licenses, permits,  
 10.17 and stamps issued centrally by the commissioner of natural resources under sections  
 10.18 97B.301, 97B.401, 97B.501, 97B.515, 97B.601, 97B.715, 97B.721, 97B.801, 97C.301,  
 10.19 and 97C.305.

10.20 (c) An obligor whose recreational license or licenses have been suspended or barred  
 10.21 may provide proof to the court that the obligor is in compliance with all written payment  
 10.22 agreements pursuant to section 518A.69. Within 15 days of receipt of that proof, the court  
 10.23 shall notify the commissioner of natural resources that the obligor's recreational license or  
 10.24 licenses should no longer be suspended nor should receipt be barred.

10.25 Sec. 7. Minnesota Statutes 2006, section 518A.69, is amended to read:

10.26 **518A.69 PAYMENT AGREEMENTS.**

10.27 In proposing or approving proposed written payment agreements for purposes of  
 10.28 this chapter, the court, a child support magistrate, or the public authority shall take into  
 10.29 consideration the amount of the arrearages, the amount of the current support order, any  
 10.30 pending request for modification, the number and status of prior payment agreements, and  
 10.31 the earnings of the obligor. The court, child support magistrate, or public authority shall  
 10.32 consider the individual financial circumstances of each obligor in evaluating the obligor's  
 10.33 ability to pay any proposed payment agreement and shall propose a reasonable payment  
 10.34 agreement tailored to the individual financial circumstances of each obligor. The court,

11.1 child support magistrate, or public authority also shall consider a graduated payment plan  
11.2 tailored to the individual financial circumstances of each obligor.

11.3 Sec. 8. Minnesota Statutes 2006, section 518A.74, subdivision 1, is amended to read:

11.4 Subdivision 1. **Making names public.** At least once each year, the commissioner of  
11.5 human services, in consultation with the attorney general, ~~may~~ must publish a list of the  
11.6 names and other identifying information of ~~no more than 25~~ persons who (1) are child  
11.7 support obligors, (2) are at least \$10,000 in arrears, (3) are not in compliance with a  
11.8 written payment agreement regarding both current support and arrearages approved by the  
11.9 court, a child support magistrate, or the public authority, (4) cannot currently be located by  
11.10 the public authority for the purposes of enforcing a support order, and (5) have not made a  
11.11 support payment except tax intercept payments, in the preceding 12 months.

11.12 Identifying information may include the obligor's name, last known address, amount  
11.13 owed, date of birth, photograph, the number of children for whom support is owed, and  
11.14 any additional information about the obligor that would assist in identifying or locating  
11.15 the obligor. The commissioner and attorney general may use posters, media presentations,  
11.16 electronic technology, and other means that the commissioner and attorney general  
11.17 determine are appropriate for dissemination of the information, including publication  
11.18 on the Internet. The commissioner and attorney general may make any or all of the  
11.19 identifying information regarding these persons public. Information regarding an obligor  
11.20 who meets the criteria in this subdivision will only be made public subsequent to that  
11.21 person's selection by the commissioner and attorney general.

11.22 Before making public the name of the obligor, the Department of Human Services  
11.23 shall send a notice to the obligor's last known address which states the department's  
11.24 intention to make public information on the obligor. The notice must also provide an  
11.25 opportunity to have the obligor's name removed from the list by paying the arrearage or by  
11.26 entering into an agreement to pay the arrearage, or by providing information to the public  
11.27 authority that there is good cause not to make the information public. The notice must  
11.28 include the final date when the payment or agreement can be accepted.

11.29 The Department of Human Services shall obtain the written consent of the obligee  
11.30 to make the name of the obligor public.