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CHILD SUPPORT CHANGES

Child support changes are coming. Will these changes make it easier and less conflict ridden, or will it be more of the same? In this article, we take a look at what we are leaving behind and what is in our near future.

To begin, Minnesota Statute § 518A.36 is the new child support law that goes into effect **August 1, 2018** and is supposed to make this area of Family Law fairer to the parents, to stop parents from fighting over minimum overnights, and to help reduce parents from continuously bringing new modification motions. That is the intended goal.

To give you an idea of what the current law is, in 2007, the Minnesota Legislature modified the state child support law to include exceptions and factors to help determine the amount of child support.

These five factors at issue, which is the main change, are what is called the Parenting Expense Adjustment (PEA).

They are:

1. Parent A's gross income;
2. Parent B's gross income;
3. Monthly cost for day care, if there is any;
4. Monthly cost for medical and dental insurance coverage, if there is any;
5. The percentage of parenting time that parents have, which are separated in three tiers
 - a. Less than 10%
 - b. 10%-45%
 - c. 45.1%- or more



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Soon After Implementation,

Soon after implementation, attorneys, and parents alike, realized this created what is called the child support “cliff”. What this means is that the non-custodial parent can have drastic child support differences depending on which tier they fall into. Parents who have less than 10% will have an obligation to pay more child support than the others. A parent who receives less than 45.1% of overnights will have to pay drastically more monthly child support than someone who receives more than 45.1%. This also means that parents who have only 11% of the overnights get the same offset as parents who have 45%.

Legislatures knew this was an issue, and because of this, in 2016, the Minnesota Legislature again modified the state child support law.

Another Major Change

Another major change with this statute is that there will be a presumption that if a parent has more than 55% parenting time, that parent’s child support obligation will be set at \$0.

This is a drastic change from the current model, which still required a parent with a majority of parenting time to pay child support in certain circumstances.



Child Support Cliff

Their intent was to eliminate this “cliff” and have it more on a slope, which is similar to the State of Michigan’s model. They did this by changing the fifth percentage factor to a much more complex, mathematical equation with gradual increase or decrease.

With the new law, child support will take into consideration the number of court ordered overnights the parents have with the children over a two (2) year period.

The plan is that this will result in a more gradual increase or decrease in support depending on the parenting time. The Legislature also hopes that this will reduce the amount of conflict experienced between parents in negotiating parenting time schedules and a fairer and consistent child support order.

But will this really do what it is intended?

It sounds like it will not completely eliminate “cliffs” and will likely create a lot more mini “cliffs”. In addition, because every overnight counts, this could make parents more prone to fighting over one overnight.



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Feel free to contact us to set up a **FREE** consultation to discuss these changes and how they affect you.

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Lastly, because of the change in the law, that does not mean that you can automatically request a change in your current Order.

In order to request a modification to a current order, there needs to be a substantial change in circumstances for the purposes of modifying an existing child support order. There still needs to be some other reason to bring the motion to modify child support and not just because the law changed.

In all, we will have to wait and see how this affects parents. It does look like there are other nuances that could make this change same or similar to the prior statute. This isn't to say that our current law did not have issues and need amendments, but this may not rectify those and it may cause more mini-cliffs and conflict between parents.

Only time will tell.

If you believe these new changes may affect you or you have questions concerning child support, contact our office to set up a **FREE** thirty (30) minute consultation with one of our family law attorneys.

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