

Family Law Reform Legislative Education Kit

For the Volunteer Citizen Activist

How to meet your legislator

What you can do

What you can say

What the process is like

Summary of Issues

Handouts



Center for Parental Responsibility

January 2007

Talk to Your 2 State Legislators

- ✓ MN State Representative (House) and MN State Senator (Senate)
- ✓ Share your story in 5 minutes or less (2 pages) – express problem to you and impact on kids & what needs to change
- ✓ Build relationship with legislator because, *relationship = accountability*

Create Our BILL(s)

Create Our BILL(s)

Create Our Amendment(s)

- ✓ Get bill written how you want it
- ✓ Get chief authors in House and Senate (*chief author must be passionate about issue*)
- ✓ Chief Authors generally must be in majority party
- ✓ Yellow Jacket (Senate) – bill formatted by Revisor's Office
- ✓ Green Jacket (House) – bill formatted by Revisor's Office
- ✓ Get co-authors in House and Senate – equal in both parties to show non-partisan
- ✓ Get bill introduced (*chief author will run it by the caucus before introducing it*)
- ✓ Stay in weekly contact with your chief author – provide them research and answers to objections being raised by opposition
- ✓ Learn what you can about caucus discussions on the bill

Opposition Bill(s)

Opposition Bill(s)

Opposition Amendment(s)

Opposition bills are something to be fighting against
Opposition is always casting a dark cloud over your bills
Know your opponents – their strengths & weaknesses

Talk to Your 2 State Legislators – about specific bill

- ✓ Know bill #s know their party "hot-buttons" and platform i.e. Republicans reduce taxes and DFL protect the needy
- ✓ Know what problem this bill will solve and how ... be able to express problem-impact-solution (the bill is the solution, have 1 page handout)

HOUSE KEY Committees (2-4)

- ✓ Find out what committees will hear your bill

House
Civil Law

House
HHS

CHAIR

CHAIR

Committee
Members

Committee
Members

TALK to KEY Committee CHAIRS

- ✓ Educate on need for bill
- ✓ Educate on bill itself – *what's in it, what's not*
- ✓ Know opponents and their arguments – be prepared to rebut
- ✓ Get their commitment on the bill
- ✓ Get their commitment for a hearing

SENATE KEY Committees (2-4)

Find out what committees will hear your bill

Senate
Judiciary

Senate
Judiciary
Family Law
Subcommittee

Senate HHS

CHAIR

CHAIR

CHAIR

Committee
Members

Committee
Members

Committee
Members

Talk to Every Member on a KEY Committee

- Remember you are lucky to get 15 minutes – provide same 1 page handout as above.
- Find out what members are for or against your bill – get commitment either way – keep list!
- Find out who's most influential on the committees, and who to trust, and who not to trust
- Find out who's talking to them in opposition of your bill
- Provide them FACTS and INFO whenever possible limit to one page and large font
- Provide them questions to ask their colleagues on the committee and their caucus and at the hearing (*questions they can ask you & questions they can ask opponents – help them look good - like they can ask the right/smart questions*)
- See each committee member at least 3 times (*if possible*) to stay in touch with how their position on the issue is evolving
- What legislators does your opposition have in their pocket?
- Who is worth trying to persuade and who is never going to be open to change?
- Who are leaders – who are followers? Who's been affected by family law?
- Affected constituent should be with for all legislator meetings (ideally – not always possible)
- Provide your chief author with all the information you are gathering in all these meetings with committee members
- Know all your committee votes before you go to hearing – the decisions are made BEFORE the committee hearing

Committee Hearings

Attend hearings to watch/observe the process
Testimony is usually planned a group – who will say what
Plan testimony – what will you say – who will say it?
Prepare and bring handouts
Get professionals on your side to testify –
 ○ *because citizen viewpoints don't really matter at the hearing*

Talk to Opposition

Try build relationships – know who they are & their position
Find out what they are saying – try converse/reason
Figure out what they'll say and who they get to testify
What do you agree on?

FLOOR VOTE on YOUR BILL

-or-

FLOOR VOTE on Omnibus BILL

Email legislators while on the House floor & Senate floor
Tell everyone to watch the floor vote & discussion on Local Cable Channel 17 – tape it!!! It may also be live on internet?

Sometimes call them out in the hall from the floor

Conference Committee – *if bills passed in the House and Senate are different*



How to Meet With Your State Legislators

GOAL: As a citizen activist and advocate for children and families, it is important to educate your legislator on these issues. If they don't hear from their constituents about the problems, they don't believe the problem exists.

★ STEP 1. Find out who your two state legislators are.

- Go to <http://geo.commissions.leg.state.mn.us/districts/start.html> and type in your address.
- The first two people listed will be your **state representative** and your **state senator**.
- There is no need at this time for you to talk to your U.S. legislators on these issues.
- Click on "member info" under each of their names to find out more about them.

★ STEP 2. Ask for and set up a meeting with each legislator

- **Call for an appointment.** Call to ask for a specific day and time to meet with your state representative and your state senator by calling their direct legislative office phone number listed with their name and address listed in the center of the screen when you click "member info" on the website mentioned above. Most of the time when you call you will get their legislative assistant (*known as "L.A." and more commonly known as an administrative assistant*).
- **Ask for a 30 minutes appointment, but hope for a 15 minute appointment.** While in session, the legislators are very busy and try to limit people to 15 minutes each so they can see more people and get more done. They are squeezing you in between committee meetings and other legislative duties. Try for a 30 minute meeting, but be respectful of their time.
- **Location.** During session it makes more sense to meet them at their legislative office, but they might be responsive to a meeting at a local coffee shop in the district.
 - **Meeting in District.** If you live far away from the capitol you could ask when they will be back in their district. If you are meeting them outside the capitol, make sure you will know how to recognize each other.
 - **Legislative Office.** If you meet at the Capitol (*Senators majority office*) or the State Office Building (*all representatives office and minority Senators*), bring plenty of quarters for parking. Be prepared to need extra time to find street parking. There is a lot on Rice Street, just across the street from the State Office Building. Ask the L.A. for the specific directions to find their office if you haven't been to see them at their legislative office before. Both buildings can be a little confusing.
- **Send an email request online.** Click on the "Member Info" under your state representative and this will take you to their legislative webpage. Then click on the legislator's e-mail address and this will take you to an online form asking for your name and address.
 - It is important you fill this form out completely because *legislators give priority to meeting with people in their district* and this is how they know you are a constituent. For the subject you can put "Family Law Reform – constituent request." (*add "constituent request" if you are a constituent - at least until they get to know who you are.*)
 - Type a very simple email message such as: "Hello, I am one of your constituents and I'd like to meet with you to discuss the problems in the Minnesota family courts and the effects it is having on children. There are legislative solutions I need your help with. Thanks."
 - The more emails they get with "Family Law Reform" in the subject line, the more they will realize there is a problem that needs to be fixed.
 - Legislators get as many as 500 or more emails a day, so it is not always possible for them to respond to all emails. Some L.A.'s will screen emails. Some legislators check their own email.

★ STEP 3. Prepare for the meeting

- **Prepare what you will say** (*in the time you have been given.*) Tell your personal family law horror story, but condense your personal story into a two or three minute verbal summary. You will need to leave out a lot of details. They will get bored and irritated quickly with too many personal details – especially if you are unable to communicate your story in a logical sequence. You are trying to communicate the worst aspects of your case or the outrageous events that other people have trouble believing. The story will have to flow in a logical fashion and talk about the impact on your kids.
- **Prepare what you will leave behind.** Leave a one-page summary of your story – it will have more impact if on your story you also include at least one picture of you and your child(ren) – it humanizes what you are saying. Most legislators will never read anything that is longer than one page. If they ask for more supporting material, it gives you a very good excuse at a second meeting – you can then bring them more information the next time they are willing to give you an appointment. Bring a copy of the supporting information from CPR that you will leave with the legislator.

★ STEP 4. Arrive for the meeting

Arrive with the legislator's office number and phone number with you. If you are meeting at the capitol or state office building, arrive early, especially if you have never been to the capitol state office building before. There will be people at the desks to ask for directions to the rooms. If you are meeting somewhere else, still arrive a little early, you don't want to start off on the wrong foot by making the legislator wait.

★ STEP 5. The Meeting

- **Present yourself appropriately.** The most important thing is keeping the right tone. Anger is not acceptable in this setting. You are presenting them with a problem that you hope they will help you solve. Don't be accusatory or attacking of them or any of their colleagues (*i.e. you legislators don't care about regular people; you only worry about getting re-elected, etc.*). A good guideline is to stay away from sentences that start with the word "you." Remember, this is a non-partisan issue. Even if you belong to a different party than your elected legislator, they are still your representative/senator who is responsible for helping you. If you belong to a different party concentrate on what you have in common with the legislator instead of where you disagree with them. The idea is not to try and win an argument, but to win an ally and gain their support by getting them on our team to fight for a children's equal need and right to each parent.
- **Maximize your 15 minute appointment – you are in control.** When you sit down with the legislator, concentrate on getting four points across, with a strong, succinct, organized, purposeful message focused on a problem and a solution:
 1. **DEFINE PROBLEM: Tell your story** (the one you prepared in step 3). Don't be afraid to be emotional as long as you don't get angry. Emotions that display your grief are good – don't be hesitant to talk about your hurt. You are trying to put a personal face on a problem they may not have thought about.
 2. **EXPLAIN YOU WHO IS BEING HURT BY CURRENT FAMILY LAW PRACTICES: Let them know that you are not alone.**
 - a. Tell them that your story is only one of tens of thousands just like it across the state. There are over 265,000 non-custodial parents in Minnesota. Add in grandparents, second-spouses, grown children of divorce, etc, and there are over 1.5 million people in the state who are being hurt by the current practices in family law.
 - b. The ones who end up being hurt the most by the current situation are children. You are there because of the damage that the current family law system has done to a child you love. The current laws and attitudes of the courts need to change to help children.
 3. **SOLUTION: Tell them you support a change in statute.** (*it's best if you have bill numbers*)
 - a. Tell them you favor joint physical custody and ask them to do the same.
 - b. But even beyond that, attitudes of judges, evaluators, attorneys, etc. need to change to encourage both parents to be involved in a child's life. The people have lost faith in the judiciary.
 4. **COMMITMENT: Ask for their position on the issue.** See Family Law Reform Commitment Form to track their response.
 - a. Fill out the form – when they declare their position
 - b. Legislators prefer to not take a stand. Don't let them get by with that. They have been elected to take a stand on issues and your legislator owes you a commitment on what their stand is ... if not right away ... at some point in time.
 5. **Leave your handouts** - your story, a one page handout, and let them know that subject matter experts from CPR would like to visit with them. Make a note if the legislator wants the CPR information packet with more detailed information and tell them that CPR can provide more when that meeting occurs.
 6. **Thank them for their time** – let them know you need their continued help on this issue

★ STEP 6. Let CPR know how it went

- Help CPR track who is for and who is against our issues. Return the Family Law Reform Commitment Form to CPR's volunteer citizen lobbyist coordinator, Diane Anderson at cooperativeparenting@yahoo.com or call at 651/688-8238
- Let us know who you met with and how it was received by the legislator. We would like to know whether they voiced their support for the issue, or a joint physical custody statute.

★ STEP 7. Ongoing relationship building

Legislators "love" constituents who they see once and never again ... because they can feel like the "good hero" listening to your problems but never having to commit or be held accountable. You have the best impact if you stay in touch and let them know you are tracking what they are doing, and you are building a relationship with them in a way that they see you as someone they do have to work for.

Congratulations, you have just entered the political arena and you are working to make the state better for kids.

Center for Parental Responsibility
P.O. Box 130776, Roseville, MN 55113

What You Can Do:

A. How to obtain information:

1. Web site for the state capital is: www.house.leg.state.mn.us
 - a. Can see copies of bills- All bills will have a bill number, chief author in the House and the Senate, and a House version and a Senate version
 - b. Has information about committees and committee schedules
2. Obtain copy of bill:
 - a. Senate: 651-296-0504
 - b. House: 651-296-2314
3. Obtain a free copy of the Members Directory: 651-296-2146
4. Sign up for the weekly publications in the House and Senate
 - a. Senate Briefly: 651-296-8154
 - b. House Weekly: 651-296-2146

B. Legislators you should contact:

1. Rep. Joe Mullery- Chair of House Public Safety and Civil Justice Committee
2. Sen. Mee Moua- Chair of Senate Judiciary Committee
3. Child Support issues: Sen. Tom Neuville
4. Your own Representative and Senator
5. Representatives on the Public Safety and Civil Justice committee
6. Senators on the Judiciary committee

C. Ways you can help:

1. Meet with your state Representative and Senator and tell them the problems you are having with the Family Law system.
2. Write letters to your state Representative and Senator.
3. Write letters and meet with the legislators on the, "legislators you should contact list".
4. Write letters to the Governor.
5. Write a letter to the editor to your local paper.
6. Help recruit more members.
7. Help recruit professionals who support our issues- attorneys, judges, therapists
8. Send CPR your story. We would like to know the problems people are having with the Family Law system.

D. Let us know of you are willing to:

- a. Testify at a committee hearing.
- b. Help with the lobbying effort.

E. What to say when you meet with a legislator:

1. Tell them the problem
2. Tell them how this problem effects you
3. Tell them what needs to be done to solve the problem

F. Other issues:

- a. After you have contacted a legislator- let CPR know what they said.
- b. Get to know your Representative and Senator.
- c. Help recruit people who have JPC. Give us their names and phone number

2007-08 Minnesota House of Representatives

District	Member/Party	Room*	Phone (651) 296-	District	Member/Party	Room*	Phone (651) 296-
48B	Abeler, Jim (R)	203	1729	40B	Lenczewski, Ann (DFL)	509	4218
19A	Anderson, Bruce (R)	201	5063	66A	Lesch, John (DFL)	537	4224
43A	Anderson, Sarah (R)	229	5511	30A	Liebling, Tina (DFL)	393	0573
3A	Anzelc, Tom (DFL)	417	4936	1B	Lieder, Bernard (DFL)	423	5091
39B	Atkins, Joe (DFL)	503	4192	55A	Lillie, Leon (DFL)	353	1188
35A	Beard, Michael (R)	207	8872	59A	Loeffler, Diane (DFL)	349	4219
43B	Benson, John (DFL)	517	9934	37A	Madore, Shelley (DFL)	507	5506
33B	Berns, John (R)	311	4315	22A	Magnus, Doug (R)	217	5505
57A	Bigham, Karla (DFL)	529	4342	67A	Mahoney, Tim (DFL)	591	4277
25B	Bly, David (DFL)	557	7065	65B	Mariani, Carlos (DFL)	563	9714
25A	Brod, Laura (R)	321	4229	9B	Marquart, Paul (DFL)	597	6829
27A	Brown, Robin (DFL)	337	8216	38A	Masin, Sandra (DFL)	527	3533
23B	Brynaert, Kathy (DFL)	421	3248	53B	McFarlane, Carol (R)	223	5363
35B	Buesgens, Mark (R)	307	5185	57B	McNamara, Denny (R)	271	3135
56A	Bunn, Julie (DFL)	521	4244	4A	Moe, Frank (DFL)	369	5516
45B	Carlson, Lyndon (DFL)	479	4255	40A	Morgan, Will (DFL)	531	4212
61A	Clark, Karen (DFL)	471	0294	23A	Morrow, Terry (DFL)	415	8634
24B	Cornish, Tony (R)	281	4240	58A	Mullery, Joe (DFL)	367	4262
62A	Davnie, Jim (DFL)	545	0173	64A	Murphy, Erin (DFL)	413	8799
52B	Dean, Matt (R)	327	3018	6B	Murphy, Mary (DFL)	343	2676
49A	DeLaForest, Chris (R)	323	4231	46A	Nelson, Michael (DFL)	569	3751
29A	Demmer, Randy (R)	225	9236	10A	Nornes, Bud (R)	277	4946
52A	Dettmer, Bob (R)	329	4124	29B	Norton, Kim (DFL)	387	9249
6A	Dill, David (DFL)	571	2190	1A	Olin, Dave (DFL)	593	9635
47A	Dittrich, Denise (DFL)	371	5513	16B	Olson, Mark (R)	301	4237
58B	Dominguez, Augustine "Willie" (DFL)	539	8659	11B	Otremba, Mary Ellen (DFL)	445	3201
12B	Doty, Al (DFL)	433	4247	37B	Ozment, Dennis (R)	283	4306
17A	Eastlund, Rob (R)	243	5364	42B	Paulsen, Erik (R)	309	7449
2A	Eken, Kent (DFL)	575	9918	64B	Paymar, Michael (DFL)	543	4199
19B	Emmer, Tom (R)	261	4336	31A	Pelowski Jr., Gene (DFL)	491	8637
41A	Erhardt, Ron (R)	245	4363	32A	Peppin, Joyce (R)	331	7806
16A	Erickson, Sondra (R)	279	6746	20A	Peterson, Aaron (DFL)	451	4228
8B	Faust, Tim (DFL)	567	0518	41B	Peterson, Neil W. (R)	213	7803
21B	Finstad, Brad (R)	251	9303	45A	Peterson, Sandra (DFL)	345	4176
26B	Fritz, Patti (DFL)	551	8237	27B	Poppe, Jeanne (DFL)	487	4193
53A	Gardner, Paul (DFL)	581	2907	5A	Rukavina, Tom (DFL)	477	0170
36B	Garofalo, Pat (R)	221	1069	26A	Ruth, Connie (R)	291	5368
15A	Gottwalt, Steve (R)	231	6316	42A	Ruud, Maria (DFL)	515	3964
54A	Greiling, Mindy (DFL)	381	5387	2B	Sailer, Brita (DFL)	577	4265
24A	Gunther, Bob (R)	289	3240	54B	Scalze, Bev (DFL)	357	7153
48A	Hackbarth, Tom (R)	209	2439	21A	Seifert, Marty (R)	267	5374
22B	Hamilton, Rod (R)	215	5373	5B	Sertich, Anthony "Tony" (DFL)	459	0172
39A	Hansen, Rick (DFL)	401	6828	14A	Severson, Dan (R)	233	7808
66B	Hausman, Alice (DFL)	453	3824	18A	Shimanski, Ron (R)	227	1534
15B	Haws, Larry (DFL)	473	6612	44A	Simon, Steve (DFL)	375	9889
13A	Heidgerken, Bud (R)	237	4317	10B	Simpson, Dean (R)	295	4293
46B	Hilstrom, Debra (DFL)	379	3709	55B	Slawik, Nora (DFL)	403	7807
8A	Hilty, Bill (DFL)	559	4308	63B	Slocum, Linda (DFL)	523	7158
36A	Holberg, Mary Liz (R)	303	6926	33A	Smith, Steve (R)	253	9188
34B	Hoppe, Joe (R)	317	5066	3B	Solberg, Loren (DFL)	443	2365
60B	Hornstein, Frank (DFL)	437	9281	28B	Sviggum, Steve (R)	247	2273
47B	Hortman, Melissa (DFL)	377	4280	56B	Swails, Marsha (DFL)	409	1147
14B	Hosch, Larry (DFL)	565	4373	65A	Thao, Cy (DFL)	359	5158
4B	Howes, Larry (R)	287	2451	63A	Thissen, Paul (DFL)	351	5375
7A	Huntley, Thomas (DFL)	585	2228	51B	Tillberry, Tom (DFL)	501	5510
7B	Jaros, Mike (DFL)	583	4246	49B	Tingelstad, Kathy (R)	255	5369
67B	Johnson, Sheldon (DFL)	549	4201	31B	Tschumper, Ken (DFL)	431	9278
13B	Juhnke, Al (DFL)	485	6206	18B	Urdahl, Dean (R)	239	4344
59B	Kahn, Phyllis (DFL)	365	4257	62B	Wagenius, Jean (DFL)	449	4200
17B	Kalin, Jeremy (DFL)	579	5377	61B	Walker, Neva (DFL)	553	7152
60A	Kelliher, Margaret Anderson (DFL)	463	0171	12A	Ward, John (DFL)	533	4333
50B	Knuth, Kate (DFL)	429	0141	38B	Wardlow, Lynn (R)	241	4128
20B	Koenen, Lyle (DFL)	439	4346	30B	Welti, Andy (DFL)	389	4378
34A	Kohls, Paul (R)	313	4282	11A	Westrom, Torrey (R)	273	4929
51A	Kranz, Scott (DFL)	411	4226	44B	Winkler, Ryan (DFL)	525	7026
50A	Laine, Carolyn (DFL)	407	4331	28A	Wollschlager, Sandy (DFL)	335	8635
9A	Lanning, Morrie (R)	259	5515	32B	Zellers, Kurt (R)	315	5502

2007-08 Minnesota Senate

District	Member/Party	Room*	Phone (651) 296-	District	Member/Party	Room*	Phone (651) 296-
66	Anderson, Ellen R. (DFL)	120 Cap.	5537	39	Metzen, James P. (DFL)	322 Cap.	4370
6	Bakk, Thomas M. (DFL)	226 Cap.	8881	41	Michel, Geoff (R)	133 SOB	6238
61	Berglin, Linda (DFL)	309 Cap.	4261	67	Moua, Mee (DFL)	120 Cap.	5285
51	Betzold, Don (DFL)	111 Cap.	2556	28	Murphy, Steve (DFL)	325 Cap.	4264
43	Bonoff, Terri E. (DFL)	325 Cap.	4314	25	Neuville, Thomas M. (R)	123 SOB	1279
38	Carlson, Jim (DFL)	G-9 Cap.	7-8073	17	Olseen, Rick E. (DFL)	G-24 Cap.	5419
50	Chaudhary, Satveer S. (DFL)	205 Cap.	4334	33	Olson, Gen (R)	119 SOB	1282
15	Clark, Tarryl (DFL)	208 Cap.	6455	4	Olson, Mary A. (DFL)	124 Cap.	4913
64	Cohen, Richard J. (DFL)	121 Cap.	5931	34	Ortman, Julianne E. (R)	125 SOB	4837
26	Day, Dick (R)	113 SOB	9457	65	Pappas, Sandra L. (DFL)	120 Cap.	1802
60	Dibble, D. Scott (DFL)	111 Cap.	4191	36	Pariseau, Pat (R)	117 SOB	5252
18	Dille, Steve (R)	103 SOB	4131	59	Pogemiller, Lawrence J. (DFL)	235 Cap.	7809
40	Doll, John (DFL)	G-9 Cap.	5975	7	Prettner Solon, Yvonne (DFL)	G-9 Cap.	4188
31	Erickson Ropes, Sharon L. (DFL)	G-24 Cap.	5649	45	Rest, Ann H. (DFL)	205 Cap.	2889
14	Fischbach, Michelle L. (R)	153 SOB	2084	35	Robling, Claire A. (R)	143 SOB	4123
47	Foley, Leo T. (DFL)	G-24 Cap.	4154	24	Rosen, Julie A. (R)	109 SOB	5713
21	Frederickson, Dennis R. (R)	139 SOB	8138	53	Rummel, Sandy (DFL)	323 Cap.	1253
37	Gerlach, Chris (R)	129 SOB	4120	56	Saltzman, Kathy L. (DFL)	306 Cap.	4166
13	Gimse, Joe (R)	105 SOB	3826	3	Saxhaug, Tom (DFL)	124 Cap.	4136
42	Hann, David W. (R)	127 SOB	1749	46	Scheid, Linda (DFL)	G-9 Cap.	8869
58	Higgins, Linda (DFL)	328 Cap.	9246	29	Senjem, David H. (R)	147 SOB	3903
11	Ingebrigtsen, Bill G. (R)	132D SOB	7-8063	23	Sheran, Kathy (DFL)	G-24 Cap.	6153
49	Johnson, Debbie J. (R)	135 SOB	3219	57	Sieben, Katie (DFL)	321 Cap.	7-8060
48	Jungbauer, Michael J. (R)	121 SOB	3733	2	Skoe, Rod (DFL)	303 Cap.	4196
19	Koch, Amy T. (R)	115 SOB	5981	10	Skogen, Dan (DFL)	303 Cap.	5655
12	Koering, Paul E. (R)	131 SOB	4875	27	Sparks, Dan (DFL)	317 Cap.	9248
20	Kubly, Gary W. (DFL)	301 Cap.	5094	1	Stumpf, LeRoy A. (DFL)	208 Cap.	8660
9	Langseth, Keith (DFL)	122 Cap.	3205	5	Tomassoni, David J. (DFL)	317 Cap.	8017
63	Larson, Dan (DFL)	303 Cap.	7-8061	62	Torres Ray, Patricia (DFL)	124 Cap.	4274
44	Latz, Ron (DFL)	306 Cap.	7-8065	52	Vandever, Ray (R)	107 SOB	4351
32	Limmer, Warren (R)	141 SOB	2159	22	Vickerman, Jim (DFL)	226 Cap.	5650
8	Lourey, Tony (DFL)	205 Cap.	0293	16	Wergin, Betsy L. (R)	145 SOB	8075
30	Lynch, Ann (DFL)	G-24Cap.	4848	55	Wiger, Charles W. (DFL)	323 Cap.	6820
54	Marty, John (DFL)	328 Cap.	5645				

*Capitol or State Office Building, St. Paul, MN 55155

Minnesota House and Senate

1 A Rep. Dave Olin-(DFL) B Rep. Bernie Lieder-(DFL) Sen. LeRoy A. Stumpf-(DFL)	15 A Rep. Steve Gottwalt-(R) B Rep. Larry Haws-(DFL) Sen. Tarryl Clark-(DFL)	29 A Rep. Randy Demmer-(R) B Rep. Kim Norton-(DFL) Sen. David H. Senjem-(R)	43 A Rep. Sarah Anderson-(R) B Rep. John Benson-(DFL) Sen. Terri E. Bonoff-(DFL)	57 A Rep. Karla Bigham-(DFL) B Rep. Denny McNamara-(R) Sen. Katie Sieben-(DFL)
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KEY COMMITTEES



Center for Parental Responsibility
Family Law Reform
Commitment Form

Legislator's Name: _____
(PRINT)

Circle one: State Senator State Representative Other

Date of Discussion: _____

<u>Discussed:</u> <i>(circle topics)</i>	Joint Physical Custody <input type="radio"/>	IV-D Eligibility Standards <input type="radio"/>	Other <input type="radio"/>
<i>Commitment:</i> <i>(circle)</i>	<i>In Favor</i>	<i>In Favor</i>	<i>In Favor</i>
	<i>Opposed</i>	<i>Opposed</i>	<i>Opposed</i>
	<i>Don't Know</i>	<i>Don't Know</i>	<i>Don't Know</i>
	<i>Want More Information</i>	<i>Want More Information</i>	<i>Want More Info</i>

Legislative comments/objections/questions/etc: *(use back side if needed)*

Is this legislator interested or willing to meet with a CPR subject matter expert on these issues? Yes No

PRINT YOUR Name/Citizen Activist: _____

YOUR Phone: _____ *(if we need to follow-up with you)*

Return this form back to CPR at: *(so we can know where each legislator stands on this issues)*

Select any one of these options:

Mail this form to: CPR P.O. Box 130776 Roseville, MN 55113

Fax This form to: Diane Anderson at 651/452-5461

Email This form to: Diane Anderson at cooperativeparenting@yahoo.com

JPC

Joint Physical
Custody

* presumption of
JPC... unless proven
abuse, harm, or neglect.



Center for Parental Responsibility

Topic: Family Law (*Private Domestic Relations*)

Issue: Joint Physical Custody (*shared parenting, peer parenting*)

PROBLEM - Family Law Crisis - Current Situation:

The custodial/non-custodial parent model is outdated and is destroying children one divorce at a time. The status quo in divorce and paternity cases, is that one parent (usually the father), is stripped of custody by being arbitrarily labeled a “non-custodial parent,” even when they are a fit, loving, involved, responsible parent, wanting, willing, and able to take equal responsibility for the care and custody and upbringing of their child(ren).

The child is stripped of all daily nurturing from one parent, limited their contact to 4 days a month (every other weekend), plus a few hours on Wednesday nights. This model is very lopsided, giving one parent all the control 26 days of the month, and marginalized the influence and impact of the other parent.

Children are the biggest losers in divorce because the family court system divorces them from one of their parents. Children are being used as weapons of revenge against the non-custodial parent. The majority of pathologies children have are a result of fatherless homes. The current system which forces the custodial/non-custodial model forces involuntarily fatherlessness.

Attorney’s tell dads, “don’t even bother to fight for joint physical custody. NO matter how fit and involved you are, you can spend \$150,000 and you still won’t get joint physical custody in Minnesota if the mom doesn’t agree to it.”

PERSONAL IMPACT – Tell Your Story: (*insert your personal story here*)

Who Else is Affected:

- ✓ Approximately 10,000 new divorces in Minnesota each year
- ✓ Estimated 15,000 children of new divorce in Minnesota each year.
- ✓ Approximately 250,000 broken families being unnecessarily “micro-managed” by the government
- ✓ Approximately 1.5 million people in Minnesota negatively affected by current divorce laws.

SOLUTION: A bill that would require a presumption of joint physical custody

BENEFITS OF JOINT PHYSICAL CUSTODY:

- 1) Promotes gender equity
- 2) Encourages cooperation
- 3) Reduces conflict – reduces power struggles
- 4) Reduces litigation – reduces financial hardship on family and burden on courts
- 5) Strengthens families
- 6) Improves child support compliance
- 7) Reduces welfare dependency
- 8) Lowers divorce rates
- 9) Lowers out of wedlock births
- 10) Healthier and happier parents = healthier and happier children (*parents required to put their oxygen mask on first*)
- 11) Promotes, allows, and expects responsible fatherhood
- 12) Reduces domestic violence – reduces anger
- 13) Reduces pathologies in children: reduces substance abuse and dependency, reduces teenage pregnancy, reduces teenage suicide (*statistics and sources available upon request*)

History at Legislator: JPC passed in 2006 in the house, but “they” refused to add it to the bill in the Senate

House Supporters of JPC: Eastlund, Mahoney,

Senate Supporters of JPC: no commitments that we are aware of

SUBJECT: GENDER NEUTRAL, MINNESOTA FAMILY LAWS.

**SUBMITTED BY: MN STATE COUNCIL OF MACHINISTS
WHEREAS:**

The problem here in Minnesota is basically of one that is an issue of fairness, Current law Pitts one parent against the other fighting for custody of their children. One parent walks out of family court as the winner, the other parent is turned into a parent with only visitation rights and a monthly support obligation that has no reflection of his/her child's needs: and

WHEREAS: The losers are our children. Our children have the right and need the love and support from both of his/her fit parents. Only when both parents are actively involved in the child's upbringing is that child most likely not to become a statistic: and

WHEREAS: Minnesota laws have continued negative effects on fit middle class parents, Current laws do not promote parental involvement with children or give any credit to a parent who is committed to his/her children's needs. Non-custodial parents with extensive parenting time pay the same as a parent with no parenting time: and

WHEREAS: We believe a very high percentage of the Minnesota labor force would agree that equally fit parents have an equal right to custody and to be an equal part of their children's life: now therefore be it

RESOLVED: That the 46th constitution convention of the Minnesota AFL-CIO go on record making gender neutral family law reform a legislative initiative for the upcoming session: and, be it further

RESOLVED: That the 46th Constitution Convention of the Minnesota AFL-CIO goes on record supporting the Presumption of Joint Physical custody of childrento be the "Best Interest of Children standard" and become the law in Minnesota.



Minnesota Senate

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S.F. No. 2786, as introduced - 84th Legislative Session (2005-2006) Posted on Mar 02, 2006

1.1 A bill for an act

1.2 relating to family law; modifying the standard for removal of a child's residence

1.3 from the state; creating a presumption of joint physical custody; requiring the

1.4 use of parenting plans in certain cases; specifying terminology in absence of

1.5 designations in parenting plans; modifying timelines for hearing requirements

1.6 in certain order for protection proceedings;amending Minnesota Statutes

1.7 2004, sections 518.003, subdivision 3; 518.17, subdivisions 1, 2; 518.1705,

1.8 subdivisions 3, 4; 518.175, subdivision 3; 518.18; 518B.01, subdivision 5;

1.9 repealing Minnesota Statutes 2004, section 518.1705, subdivision 7.

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

1.11 Section 1. Minnesota Statutes 2004, section 518.003, subdivision 3, is amended to read:

1.12 Subd. 3. **Custody.** Unless otherwise agreed by the parties:

1.13 (a) "Legal custody" means the right to determine the child's upbringing, including

1.14 education, health care, and religious training.

1.15 (b) "Joint legal custody" means that both parents have equal rights and

1.16 responsibilities, including the right to participate in major decisions determining the

1.17 child's upbringing, including education, health care, and religious training.

1.18 (c) "Physical custody and residence" means the routine daily care and control and

1.19 the residence of the child.

1.20 (d) "Joint physical custody" means that the routine daily care and control and the

1.21 residence of the child is structured between the parties. Joint physical custody does not

1.22 require an equal or nearly equal division of time between the parties.

1.23 (e) Wherever used in this chapter, the term "custodial parent" or "custodian" means

1.24 the person who has the physical custody of the child at any particular time.

2.1 (f) "Custody determination" means a court decision and court orders and instructions

2.2 providing for the custody of a child, including parenting time, but does not include a

2.3 decision relating to child support or any other monetary obligation of any person.

2.4 (g) "Custody proceeding" includes proceedings in which a custody determination is

2.5 one of several issues, such as an action for dissolution, divorce, or separation, and includes

2.6 proceedings involving children who are in need of protection or services, domestic abuse,

2.7 and paternity.

2.8 Sec. 2. Minnesota Statutes 2004, section 518.17, subdivision 1, is amended to read:

2.9 Subdivision 1. **The best interests of the child.** (a) "The best interests of the child"

2.10 means all relevant factors to be considered and evaluated by the court including:

2.11 (1) the wishes of the child's parent or parents as to custody;

2.12 (2) the reasonable preference of the child, if the court deems the child to be of

2.13 sufficient age to express preference;

- 2.14 (3) the child's primary caretaker;
- 2.15 (4) the intimacy of the relationship between each parent and the child;
- 2.16 (5) the interaction and interrelationship of the child with a parent or parents, siblings,
- 2.17 and any other person who may significantly affect the child's best interests;
- 2.18 (6) the child's adjustment to home, school, and community;
- 2.19 (7) the length of time the child has lived in a stable, satisfactory environment and
- 2.20 the desirability of maintaining continuity;
- 2.21 (8) the permanence, as a family unit, of the existing or proposed custodial home;
- 2.22 (9) the mental and physical health of all individuals involved; except that a
- 2.23 disability, as defined in section 363A.03, of a proposed custodian or the child shall not be
- 2.24 determinative of the custody of the child, unless the proposed custodial arrangement is not
- 2.25 in the best interest of the child;
- 2.26 (10) the capacity and disposition of the parties to give the child love, affection,
- 2.27 and guidance, and to continue educating and raising the child in the child's culture and
- 2.28 religion or creed, if any;
- 2.29 (11) the child's cultural background;
- 2.30 (12) the effect on the child of the actions of an abuser, if related to domestic abuse,
- 2.31 as defined in section 518B.01, that has occurred between the parents or between a parent
- 2.32 and another individual, whether or not the individual alleged to have committed domestic
- 2.33 abuse is or ever was a family or household member of the parent; and
- 3.1 (13) except in cases in which a finding of domestic abuse as defined in section
- 3.2 518B.01 has been made, the disposition of each parent to encourage and permit frequent
- 3.3 and continuing contact by the other parent with the child.
- 3.4 The court may not use one factor to the exclusion of all others. The primary
- 3.5 caretaker factor may not be used as a presumption in determining the best interests of the
- 3.6 child. The court must make detailed findings on each of the factors and explain how the
- 3.7 factors led to its conclusions and to the determination of the best interests of the child.
- 3.8 The court must make detailed findings regarding the rationale for a deviation from the
- 3.9 rebuttable presumptions in subdivision 2.
- 3.10 (b) The court shall not consider conduct of a proposed custodian that does not affect
- 3.11 the custodian's relationship to the child.

3.12 Sec. 3. Minnesota Statutes 2004, section 518.17, subdivision 2, is amended to read:

- 3.13 Subd. 2. **Factors when joint custody is sought** **Rebuttable presumptions in**
3.14 **child custody disputes.** ~~In addition to the factors listed in subdivision 1, where either~~
3.15 ~~joint legal or joint physical custody is contemplated or sought, the court shall consider the~~
3.16 ~~following relevant factors:~~
- 3.17 ~~(a) the ability of parents to cooperate in the rearing of their children;~~
 - 3.18 ~~(b) methods for resolving disputes regarding any major decision concerning the life~~
 - 3.19 ~~of the child, and the parents' willingness to use those methods;~~
 - 3.20 ~~(c) whether it would be detrimental to the child if one parent were to have sole~~
 - 3.21 ~~authority over the child's upbringing; and~~
 - 3.22 ~~(d) whether domestic abuse, as defined in section 518B.01, has occurred between~~
 - 3.23 ~~the parents.~~
 - 3.24 ~~The court shall use a rebuttable presumption that upon request of either or both~~

3.25 ~~parties, joint legal custody is in the best interests of the child. However,~~
3.26 (a) The court shall use a rebuttable presumption that joint legal and physical custody
3.27 is in the best interests of the child.
3.28 (b) If the court determines that joint legal and physical custody is not feasible even
3.29 with provisions in the judgment and decree to resolve disputes between the parents, the
3.30 court shall use a rebuttable presumption that the best interests of the child will be served
3.31 by granting legal and physical custody to the parent more disposed to encourage and
3.32 permit frequent and continuing contact with the child by the other parent.
3.33 (c) Notwithstanding paragraph (a) or (b), the court shall use a rebuttable presumption
3.34 that joint legal or physical custody is not in the best interests of the child if domestic
4.1 abuse, as defined in section 518B.01, has occurred between the parents or by a parent
4.2 against the child who is the subject of the matter before the court.
4.3 ~~If the court awards joint legal or physical custody over the objection of a party, the~~
4.4 ~~court shall make detailed findings on each of the factors in this subdivision and explain~~
4.5 ~~how the factors led to its determination that joint custody would be in the best interests of~~
4.6 ~~the child.~~

4.7 Sec. 4. Minnesota Statutes 2004, section 518.1705, subdivision 3, is amended to read:

4.8 Subd. 3. **Creating parenting plan; restrictions on creation; alternative.** (a)
4.9 ~~Upon the request of both parents, a parenting plan must be created in lieu of an order for~~
4.10 ~~child custody and parenting time. The court shall adopt a parenting plan proposed by~~
4.11 both parents unless the court makes detailed findings that the proposed plan is not in the
4.12 best interests of the child.
4.13 (b) If both parents do not agree to a parenting plan, the court ~~may~~ shall create one on
4.14 its own motion, ~~except that the court must not do so if it~~ unless the court:
4.15 (1) makes detailed findings that use of a parenting plan is not feasible; or
4.16 (2) finds that a parent has committed domestic abuse against a parent or child who is
4.17 a party to, or subject of, the matter before the court. If the court creates a parenting plan
4.18 on its own motion, it must not use alternative terminology unless the terminology is
4.19 agreed to by the parties.
4.20 (c) If an existing order does not contain a parenting plan, the parents must not be
4.21 required to create a parenting plan as part of a modification order under section 518.64.
4.22 (d) A parenting plan must not be required during an action under section 256.87.
4.23 (e) If the parents do not agree to a parenting plan and the court does not create one
4.24 on its own motion, orders for custody and parenting time must be entered under sections
4.25 518.17 and 518.175 or section 257.541, as applicable.

4.26 Sec. 5. Minnesota Statutes 2004, section 518.1705, subdivision 4, is amended to read:

4.27 Subd. 4. **Custody designation.** ~~A final judgment and decree that includes a~~
4.28 ~~parenting plan using alternate terms to designate decision-making responsibilities or~~
4.29 ~~allocation of residential time between the parents must designate whether the parents have~~
4.30 ~~joint legal custody or joint physical custody or which parent has sole legal custody or sole~~
4.31 ~~physical custody, or both. This designation is solely for enforcement of the final judgment~~
4.32 ~~and decree where this designation is required for that enforcement and has no effect~~
4.33 ~~under the laws of this state, any other state, or another country that do not require this~~
4.34 ~~designation.~~ If the parenting plan substitutes other terms for legal and physical custody
5.1 and if a designation of legal and physical custody is necessary for enforcement of the
5.2 judgment and decree in another jurisdiction, it must be deemed solely for that purpose
5.3 that the parents have joint legal and joint physical custody.

THE N-D Eligibility Standard

- * establishes means-testing for this welfare program
- * does not impact child support, but defines who should get (nearly free) govt collection services.
- * clarifies in law that N-D is limited to those on welfare (cost recovery) and those at risk of falling on welfare (cost avoidance) - to make our law consistent with congressional intent.



Center for Parental Responsibility

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Prepared by: Molly K. Olson Date: October 2004

Title IV-D Eligibility Standards are Justified for Minnesota **The U.S. Supreme Court held that services are not required for all applicants**

Title IV-D: Child Support Collection and Enforcement, Welfare Service Program

Premise: In difficult economic times, when all levels of government are facing cuts, when welfare to the poor, needy, and vulnerable are in jeopardy, we need courageous public officials to consider suitable options and shatter unsubstantiated paradigms.

Background: Child support is good public policy. Both parents have an equal duty to support and ensure the basic needs of their children. In cases of divorce or paternity, some custodial parents have difficulty collecting their child support, causing them to be in poverty or at risk of being in poverty without government intervention to protect the financial needs of the children. The Title IV-D program is a set of directives from the federal government instructing the state how to deal with child support issues for the states "needy" families. Government subsidized child support collection and enforcement services must remain in place for those who meet the eligibility criteria Congress intended to cover. In Minnesota, the federal program is state supervised and county administered. The program is not a stand-alone program; it is not an entitlement program; it creates no individual rights.

Problem: Due to unwarranted, indefensible, and misguided program creep, the program has expanded so far beyond the intent of Congress, that bureaucrats appear to be scrambling to change the mission of the agency in the absence of qualified recipients. Even the GAO and the US DHHS have indicated such unfettered expansion will cause county programs to go bankrupt. The purpose of the program has been lost as these welfare services are provided to everyone who applies, regardless of need or circumstance. The *Title IV-D welfare service program* is unnecessarily and unlawfully costing taxpayers billions at the federal, state, and county level because of an *unauthorized over-reach of IV-D agency authority* into private domestic relations matters, even when there is NO compelling state interest and no pecuniary interest that is validly protectable by tax dollars.

A projected \$1 billion budget deficit in Minnesota will require some difficult decisions in the 2005 legislative session. While programs for the needy are being cut, Title IV-D welfare services to the rich and affluent remain untouched. Why? Many legislators do not know or understand the history and evolution of the IV-D program and are not aware that IV-D welfare services are being subsidized by public aid to provide these welfare services to people who earn over \$75,000 a year and who live in homes valued in excess of \$500,000. In effect, the state is *inviting self-sufficient*, affluent, and non-needy individuals to become *dependent on government aid*, contrary to the purpose of welfare. Upon completion of the IV-D application by one parent, the agency has NO way to distinguish whether the other parent is: a) a deadbeat (*someone who has an ability to pay but doesn't pay and subsequently leaves his family on public assistance*) or b) a loving, caring, involved, fit parent who fought hard to be equally involved and was denied equal access because of a system that requires, in every case, that one parent be labeled the *custodial parent* and one parent be labeled the *non-custodial parent*, denying that fit parents right and desire to be equally involved in the lives of their children. Too frequently, in the eyes of the court, and the agency, a non-custodial parent is a non-parent.

Title IV-D services include a list of up to 100 services subsidized by the government: wage-withholding, caseworkers, help desk workers, county attorneys, monthly invoicing, tracking debits and credits, asset seizure, free court costs, and a plethora of collection and enforcement services. Public aid is being spent to provide a *government funded collection system for a purely private purpose*, when private remedies are available. Federal law requires an assessment process. Absent a IV-D eligibility standard, no assessment of need is completed.

Financial Impact: The October 2003 Minnesota DHS Child Support Performance Report indicates that 76% (189,474) of IV-D recipients are potentially ineligible based on the criteria outlined by the Congress. Estimates show that the Title IV-D system is unnecessarily costing Minnesota in excess of \$100 million a year, because services are provided to the affluent and non-needy. While the federal government provides funding, program costs far exceed federal reimbursements and incentives. The county bears most of the excess burden. In 2002 Hennepin County required a \$5 million tax levy just to pay for the IV-D program.

Solution: A law to clarify eligibility standards for Title IV-D welfare services is needed, because currently NO eligibility standards exist and anyone who fills out an application is provided the welfare services. Much research is available to support the fact that the Title IV-D welfare service program eligibility should be based on congressional intent to limit services to two classes of people: 1) those on welfare (*cost recovery*), and 2) former or potential welfare recipients at risk of falling on welfare if they don't get their child support payments (*cost avoidance*). For anything above poverty, the decision of eligibility lies with the state.

Challenge: Minnesota is at an economic crossroads. Will we continue to rob from the poor to subsidize services to the rich?



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Title IV-D Eligibility Standards are Justified for Minnesota

The U.S. Supreme Court held that services are not required for all applicants – the local agency decides!

- Minnesota Budget Problem:** \$1.4 billion dollar **deficit** (or, aka \$700,000, whichever you prefer)
- Governor Pawlenty:** “no more fat to cut”
- Legislators Fear:** harmful cuts to nursing homes, schools, more county tax levies, medical assistance, etc
- Social Impact/Danger:** Poor, Needy, Vulnerable to be put at further risk
- General Philosophy:** Return to **Fiscal Responsibility**, Spending Smart, Creative Solutions
- Current Problem:** Minnesota has NO eligibility standard for Title IV-D welfare services
- Current IV-D Eligibility:** NONE, everyone who applies gets all the services, there is **NO means testing**. Kirby Puckett’s ex wife Tanya would get accepted as a IV-D welfare recipient. Chief Justice, Kathleen Blatz would get accepted as a IV-D welfare recipient. State Auditor, Pat Anderson would get accepted as a IV-D welfare recipient.
- Specific Solution:** **Clarify an Eligibility standard for Title IV-D** Welfare Services consistent with Federal law and congressional intent of the program
- What is the federal standard:** Because there is a **pecuniary interest**, states must provide IV-D services for:
1) those on welfare (*cost recovery*), and
2) those at risk of falling on welfare if they don’t get their support (*cost avoidance*)
- Goal of the bill:** Maintain IV-D welfare services and provide *better* services to those who need the service, by eliminating from the program those who can afford to pay for the services privately, without government assistance and subsidies.
- How much money could this save:** **\$100 million a year savings** – as many because 60% of recipients may not be eligible
- What is Title IV-D:** Government subsidized child support enforcement and collections. Federal program that is state supervised and county implemented.
- Who gets services that shouldn’t:** Wealthy, affluent, upper-middle class, those of means, and non-needy.
- If no IV-D, what is the alternative:** If those not eligible for IV-D services have a support collection problem, the custodial parent can assert their rights and handle the lack of compliance in the same way the non-custodial parent enforces their visitation order which is not government subsidized. There are **private remedies for relief**, such as:
- ✓ Non IV-D Wage-withholding only is still available, and any **private electronic funds transfer** will suffice
 - ✓ Hire a private **attorney** – if you can afford it
 - ✓ Hire legal aid attorney - on a sliding fee scale consistent with your ability to pay
 - ✓ Hire attorney from women’s advocacy organization
 - ✓ Fill out pro se court documents, readily available at every county
 - ✓ **Motion the court for contempt** of court for the other parents violation of a court order
 - ✓ If the person doesn’t show for court, the **Judge issues a warrant** for their arrest
 - ✓ If the person shows up for court, the **Judge orders sanctions, jail, judgment, or a lien** on all property.
 - ✓ In the alternative, instead of litigation, parents can take **personal responsibility** and use **mediation**.

518.551

MARCH 2006
IV-D amendment

- 1.1 Senator moved to amend S.F. No. 644 as follows:
1.2 Page 13, after line 26, insert:
1.3 "Sec. 13. Minnesota Statutes 2004, section 518.551,
1.4 subdivision 9, is amended to read:
1.5 Subd. 9. ASSIGNMENT OF RIGHTS; JUDGMENT. (a) The public
1.6 agency responsible for child support enforcement is joined as a
1.7 party in each case in which rights are assigned under section
1.8 256.741, subdivision 2. The court administrator shall enter and
1.9 docket a judgment obtained by operation of law under section
1.10 548.091, subdivision 1, in the name of the public agency to the
1.11 extent that the obligation has been assigned. When arrearages
1.12 are reduced to judgment under circumstances in which section
1.13 548.091 is not applicable, the court shall grant judgment in
1.14 favor of, and in the name of, the public agency to the extent
1.15 that the arrearages are assigned. After filing notice of an
1.16 assignment with the court administrator, who shall enter the
1.17 notice in the docket, the public agency may enforce a judgment
1.18 entered before the assignment of rights as if the judgment were
1.19 granted to it, and in its name, to the extent that the
1.20 arrearages in that judgment are assigned.
1.21 (b) The public authority is a real party in interest in any
1.22 IV-D case where there has been an assignment of support. In all
1.23 other IV-D cases, the public authority has a pecuniary interest,
1.24 as well as an interest in the welfare of the children involved
1.25 in those cases based upon a showing of evidence proven to
1.26 support that interest. The public authority may intervene as a
1.27 matter of right in those cases to ensure that child support
1.28 orders are obtained and enforced which provide for an
1.29 appropriate and accurate level of child, medical, and child care
1.30 support. If the public authority participates in a IV-D case
1.31 where the action taken by the public authority requires the use
1.32 of an attorney's services, the public authority shall be
1.33 represented by an attorney consistent with the provisions in
1.34 section 518.255."
1.35 Renumber the sections in sequence and correct the internal
1.36 references
2.1 Amend the title accordingly
2.2 The motion prevailed. #did not prevail. So the amendment
2.3 was #not adopted.

* Defines/clarifies

Pecuniary interest

* Its not absolute

MUST follow MN Rules of Civil Procedure
Rule 24.01



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KEY: ~~stricken~~ = removed, old language. underscored = added, new language.

Authors and Status

List versions

H.F. No. 530, as introduced - 84th Legislative Session (2005-2006) Posted on Jan 27, 2005

- 1.1 A bill for an act
- 1.2 relating to human services; changing provisions of
- 1.3 certain child support services; amending Minnesota
- 1.4 Statutes 2004, sections 256J.08, by adding a
- 1.5 subdivision; 256J.09, subdivision 2; proposing coding
- 1.6 for new law in Minnesota Statutes, chapter 256J.
- 1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.8 Section 1. Minnesota Statutes 2004, section 256J.08, is
- 1.9 amended by adding a subdivision to read:
- 1.10 Subd. 90. [NON-PUBLIC ASSISTANCE IV-D.] A "non-public
- 1.11 assistance IV-D" child support case means a case where services
- 1.12 under title IV-D of the Social Security Act, United States Code,
- 1.13 title 42, section 654(4), are provided to an applicant who is
- 1.14 eligible for child support collection and enforcement services
- 1.15 as defined in section 256J.091, due to the potential eligibility
- 1.16 for public assistance under section 256.741, if child support is
- 1.17 not received.
- 1.18 Sec. 2. Minnesota Statutes 2004, section 256J.09,
- 1.19 subdivision 2, is amended to read:
- 1.20 Subd. 2. [COUNTY AGENCY RESPONSIBILITY TO PROVIDE
- 1.21 INFORMATION.] When a person inquires about assistance, including
- 1.22 assistance under section 256J.091, a county agency must:
- 1.23 (1) explain the eligibility requirements of, and how to
- 1.24 apply for any assistance for which the person may be eligible;
- 1.25 and
- 1.26 (2) offer the person brochures developed or approved by the
- 2.1 commissioner that describe how to apply for assistance.
- 2.2 Sec. 3. [256J.091] [NON-PUBLIC ASSISTANCE IV-D CHILD
- 2.3 SUPPORT SERVICES.]
- 2.4 Subdivision 1. [ELIGIBILITY DETERMINATION.] Verification
- 2.5 of eligibility for non-public assistance IV-D child support
- 2.6 services is based upon an assessment by the local agency. The
- 2.7 public authority has a pecuniary interest when verified by a
- 2.8 determination of need, based on a showing that if the support
- 2.9 payments are not received on a regular and timely basis, the
- 2.10 applicant would be entitled to receive public assistance under
- 2.11 section 256.741.
- 2.12 Subd. 2. [WHERE TO APPLY.] An individual must apply for
- 2.13 non-public assistance IV-D child support services at the county
- 2.14 agency in the county where the applicant lives.
- 2.15 Subd. 3. [SUBMITTING APPLICATION.] An application under
- 2.16 this section must be submitted using application procedures that
- 2.17 conform to section 256J.09, subdivision 3.
- 2.18 Subd. 4. [NOTICE AND VERIFICATION OF INFORMATION ON
- 2.19 APPLICATION.] The parties must be notified of the receipt of the
- 2.20 application and the verification process via United States mail
- 2.21 at the last known address or at the address of the closest known
- 2.22 relative within 30 days. If no known address or relatives exist

2.23 for either parent or other custodial third party, proof of a
2.24 good faith effort by the county agency to determine an address
2.25 must be shown. The notification must also include an
2.26 explanation of the legal and administrative implications of
2.27 participation in the program. If by mistake or inadvertence the
2.28 agency fails to send the notification to the other parent, the
2.29 application is void. For the purposes of determining
2.30 eligibility, an assessment must be completed by the public
2.31 authority to verify the accuracy of all information provided by
2.32 the applicant and the non-applicant parent. The local agency
2.33 must document the steps taken in the verification process on a
2.34 form prescribed by the commissioner. The documents must be
2.35 approved and signed by the county attorney as to form and
2.36 content before issuing the final determination. Upon completion
3.1 of the assessment, the agency must notify the parties of the
3.2 final decision, the date on which the services will become
3.3 effective, and the procedures for contesting the approval or
3.4 denial of services according to section 484.702.

3.5 Subd. 5. [HEARING.] Upon approval or denial of the
3.6 application and upon motion of either parent or the person
3.7 standing in loco parentis, a hearing must be granted within 30
3.8 days of notification of the application, pursuant to section
3.9 256.045, subdivision 3, for a party to contest the assessment
3.10 determination.

3.11 Subd. 6. [RIGHT TO APPEAL THE APPROVAL OR DENIAL OF
3.12 APPLICATION.] An applicant, the other parent, or the person
3.13 standing in loco parentis aggrieved by an action or inaction of
3.14 a county agency has a right to an appeal hearing under section
3.15 256.045, subdivision 3.

3.16 Subd. 7. [REVIEW PROCESS.] Recipients of services under
3.17 this section are subject to annual review for eligibility and
3.18 applicants must provide updated information as requested by the
3.19 agency. Based upon agency review, if there has been a
3.20 determination that the recipient is no longer eligible for
3.21 non-public assistance IV-D child support services, the agency
3.22 shall notify both parents or the person standing in loco
3.23 parentis of the change in circumstances and close the case.

3.24 Subd. 8. [AGENCY DUTIES.] The commissioner shall promptly
3.25 instruct all local county service agencies to review all
3.26 non-public assistance IV-D child support cases to ensure
3.27 compliance with eligibility under this section within a time
3.28 period prescribed by the commissioner. The local agency shall
3.29 immediately serve termination notice to all ineligible
3.30 non-public assistance IV-D child support cases.

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General questions or comments.

last updated: 01/16/2007

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LOBBYING QUESTIONNAIRE

I would like to help with Lobbying: _____

I would like to help with the following bills:

_____ Joint Physical Custody
_____ IV-D Child Support Enforcement and Collections
_____ Other

I would be willing to meet with my State Senator and Representative: _____

My State Rep. is _____ My State Sen. is _____

I would be willing to contact my legislators: _____

I am willing to write a letter or e-mail my legislators: _____

I would be willing to attend a lobbying training meeting: _____

I am available to come to a meeting on these days of the week: _____

I would be willing to testify at a hearing: _____

I have met with the following legislators: _____

I know the following legislators: _____

I have contacted the following legislators: _____

NAME: _____

ADDRESS: _____

e-mail: _____

PHONE: _____