

**STATE OF MINNESOTA
IN SUPREME COURT
C4-99-404**

**ORDER ESTABLISHING TRANSITION RULES
FOR CHILD SUPPORT MATTERS**

WHEREAS, in 1995 the Minnesota Legislature enacted Minnesota Statutes § 518.5511 requiring implementation in each county of an administrative child support process to resolve child support matters involving the public authority; and

WHEREAS, in *Holmberg v. Holmberg* (Minn. Sup. Ct., File Nos. C7-97-926; C8-97-1132, C9-98-33; and C7-97-1512, filed Jan. 28, 1999), this Court held that the current structure of the administrative child support process violates the constitutional constraints on the separation of powers; and

WHEREAS, it is anticipated that during the 1999 session the Minnesota Legislature will enact legislation revising the child support system so that hearings to set, modify, and enforce child support are conducted by child support magistrates in an expedited process within the judicial branch; and

WHEREAS, in anticipation of the legislation this Court will promulgate Rules of Child Support Procedure; and

WHEREAS, a smooth transition from the existing administrative child support process to the new expedited child support process is important to both the executive and judicial branches, as well as to the litigants involved in the process;

NOW, THEREFORE, IT IS HEREBY ORDERED THAT the following transition rules shall govern the child support process when child support rights are assigned pursuant to Minnesota Statutes § 256.741, subd. 2, or when the public authority is providing services under an application for child support services (“IV-D matters”):

1. Through June 30, 1999, IV-D child support matters shall continue to be initiated and processed in the administrative process in conformity with Minnesota Statutes § 518.5511 and § 518.5512. All actions taken pursuant to Minnesota Statutes § 518.5511 and § 518.5512 prior to July 1, 1999, shall remain effective on and after July 1, 1999. If an administrative proceeding is properly commenced prior to July 1, 1999, no additional pleadings shall be required to maintain the action thereafter.

2. Through June 30, 1999, IV-D child support matters shall continue to be heard by administrative law judges operating through the Office of Administrative Hearings.

3. Any order issued by an administrative law judge in conformity with Minnesota Statutes § 518.5511 and § 518.5512 prior to July 1, 1999, shall remain effective and fully enforceable by the district courts on and after July 1, 1999.

4. Prior to July 1, 1999, the chief judge of each judicial district shall appoint the list of existing administrative law judges and family court referees currently serving the judicial district as hearing officers hearing IV-D child support matters to (a) act as child support magistrates for the expedited process through September 30, 1999, and (b) complete any matters pending before them as of September 30, 1999. All such appointments shall be submitted to the supreme court for confirmation.

5. During the period from July 1 through September 30, 1999, the Office of Administrative Hearings shall continue to schedule child support magistrates to conduct child support hearings.

6. Administrative law judges appointed as child support magistrates pursuant to paragraph 4 shall have authority to act on any matter which has been heard before the Office of Administrative Hearings by the end of the business day on June 30, 1999. All others matters pending but not heard before the Office of Administrative Hearings at the end of the business day on June 30, 1999, shall be heard by child support magistrates appointed pursuant to paragraph 4.

7. Commencing July 1, 1999, all IV-D child support matters shall be initiated and processed in the expedited process in conformity with Minnesota Statutes and any Rules of Child Support Procedure promulgated by this Court.

8. Any order of an administrative law judge issued in the administrative process pursuant to Minnesota Statutes § 518.5511 and § 518.5512 prior to July 1, 1999, shall be appealable to the court of appeals in the same manner as an order of the district court. The Rules of Child Support Procedure promulgated by this court will govern orders issued after June 30, 1999.

DATED: April 15, 1999

BY THE COURT:

Kathleen A. Blatz
Kathleen A. Blatz
Chief Justice

OFFICE OF
APPELLATE COURTS

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FILED