

STATE OF MINNESOTA
IN SUPREME COURT
C4-99-404

OFFICE OF
APPELLATE COURTS
MAR 1 2 1999

FILED

**ORDER ESTABLISHING THE ADVISORY COMMITTEE
ON THE RULES OF CHILD SUPPORT PROCEDURE**

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 in three ways:

- The administrative process infringes on the district court's jurisdiction in contravention of Minnesota Constitution article VI, § 1;
- Administrative Law Judge jurisdiction is not inferior to the district court's jurisdiction as mandated by Minnesota Constitution article VI, § 3; and
- The administrative process empowers non-attorneys to engage in the practice of law thereby infringing on the court's exclusive power to supervise the practice of law; and

WHEREAS, it is anticipated that during the 1999 session the Minnesota Legislature will enact legislation revising the child support system to place it within the judicial branch; and

WHEREAS, in anticipation of the placement of the child support system within the judicial branch it is necessary to promulgate rules of child support procedure;

NOW, THEREFORE, IT IS HEREBY ORDERED THAT the Advisory Committee on the Rules of Child Support Procedure is hereby established. The Advisory Committee shall:

1. Review all relevant federal and state constitutions, statutes, rules, regulations, and case law;
2. Draft for consideration by this Court Proposed Rules of Child Support Procedure; and
3. Submit the Proposed Rules of Child Support Procedure to this Court on or before June 1, 1999.

IT IS FURTHER ORDERED THAT the Honorable Gary Meyer is appointed as Chair of the Advisory Committee, and that the following persons are appointed as members of the Advisory Committee:

Lou Anderson
Crow Wing County Child Support Supervisor
Ninth Judicial District

Judith Besemer
Brown County Court Administrator
Fifth Judicial District

Julie Brunner
St. Louis County Administrator
Sixth Judicial District

Sue Dosal
State Court Administrator
St. Paul

Hon. Bruce Douglas
District Court Judge
Tenth Judicial District

Hon. Diana Eagon
District Court Judge
Fourth Judicial District

Shawn Fremstad
Legal Services Advocacy Project
Second Judicial District

Lucinda Jesson
Assistant Hennepin County Attorney
Fourth Judicial District

Hon. Gregg Johnson
District Court Judge
Second Judicial District

Laura Kadwell
Director, Child Support Enforcement Div.
Department of Human Services

Hon. Gary Meyer, Chair
District Court Judge
Tenth Judicial District

Mike Moriarity
Special Courts Administrator
Second Judicial District

Mark Ponsolle
Assistant Ramsey County Attorney
Second Judicial District

Ruth Sundermeyer
Aitkin County Child Support Supervisor
Ninth Judicial District

Mark Gardner
Attorney at Law
Fourth Judicial District

Hon. Sharon Hall
District Court Judge
Tenth Judicial District

Hon. Duane Harves
District Court Judge
First Judicial District

Beverly Heydinger
Supervising Administrative Law Judge
Office of Administrative Hearings

Hon. James Hoolihan
District Court Judge
Seventh Judicial District

Sandra Torgerson
Assistant Dakota County Attorney
First Judicial District

Katie Trotzky
Legal Analyst
Department of Human Services

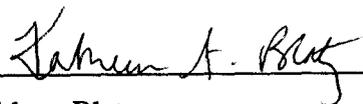
Hon. Renee Worke
District Court Judge
Third Judicial District

Staff:
Judith C. Nord
Staff Attorney
State Court Administration

Tori Jo Wible
Staff Attorney
State Court Administration

DATED: 3/12/99

BY THE COURT:



Kathleen Blatz
Chief Justice