
Pemberton Law Firm Announces New Partners



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Attorneys Nick Heydt and Katrina Wass started off the New Year a little differently than they have in the past. They started 2007 as the two newest Partners of the Pemberton Law Firm. Heydt and Wass have both been with the firm since 2003, and have been an integral part of the firm's growth in recent years.

Heydt, who grew up in Alexandria, focuses his practice mainly in the areas of estate planning, probate law, land use law, and commercial/corporate law. Wass grew up on the family farm in nearby Underwood. She focuses her practice in the areas of personal injury litigation, school law, employment law, and family law. Both Heydt and Wass were recently named "Rising Stars" in the latest issues of Minneapolis/St. Paul Magazine and Minnesota Law and Politics.

Minnesota's New Child Support Law

-by Sue Ann Lind

As of January 1, 2007, the way child support is calculated in Minnesota changed. Prior to January 1st, child support was based on a percentage of the non-custodial parent's net income according to a table that was contained in the child support statute. The amount of time the parents spent with the child(ren) was usually irrelevant unless there was an award of joint physical custody. With the change in the law, the income of both parents is considered as well as the amount of time the parents spend with the child(ren). This is called the income shares approach. What follows are answers to common questions many people may have about the new child support law.

What is gross income?

Gross income is any form of periodic payment to an individual, including, but not limited to, salaries, wages, commissions, self-employment income, workers' compensation, unemployment benefits, annuity payments, military and naval retirement, pension and disability payments, and spousal maintenance. Gross income is calculated before any pre-tax dollars are deducted for retirement plans, flexible spending plans or health savings accounts.



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How is child support adjusted for the amount of parenting time?

There are essentially three tiers to the parenting expense adjustment. (1) If parenting time is less than 10%, there is no adjustment to the obligor's child support and no offset with the obligee's income. (2) If parenting time is 10% - 45%, the obligor's child support is reduced by 12%. (3) If parenting time is 45.1% - 50%, it is presumed that the parties have equal parenting time. In the case of equal parenting time, each parent's gross income is multiplied by 1.5 and the difference between them is multiplied by 50% to determine the obligor's child support obligation.

How is child support calculated?

Once gross income from both parents is determined, any credits they may be entitled to for non-joint children, such as a court ordered child support obligation for a prior child, are deducted. Then the gross incomes of the parents are combined and the percentage of contribution of each parent is determined. The combined income is located in a table in the statute to determine the Basic Support. Next, each parent's share of the Basic Support is determined by multiplying the Basic Support from the table by each parent's percentage of contribution to the combined income. Lastly, this amount is adjusted (or not adjusted) for the amount of time they have parenting time with the child(ren).

For example, John and Jane have 1 child and neither has any non-joint children. John has gross income of \$2,000 and Jane has gross income of \$1,500 for a combined gross income of \$3,500. According to the table in the statute, their combined Basic Support is \$664. John's percentage of the combined income and Basic Support is 57% ($\$2,000 \div \$3,500$) and Jane's is 43% ($\$1,500 \div \$3,500$). John's portion of Basic Support is \$378. John has parenting time with the child 50 days per year, which is 13.7% ($50 \div 365$). Therefore, John's child support is reduced by 12%, which is \$45 ($\$378 \times .12$). John's child support obligation is \$333 ($\$378 - \45) per month.

In conclusion, this is just a glimpse of the changes to Minnesota's new child support law stated in very simple terms. Some calculations can be more complicated. Anyone with questions concerning their rights under the new law should seek the advice of an attorney who practices in the area of family law.

Bits and Pieces

Our Three Locations

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Long-time attorney and Fergus Falls resident Oscar Sorlie has retired from the practice of law but he remains part of the firm as "Of Counsel" for 2007. Oscar has been with the firm since 1968 and has been instrumental in the firm's success over the years. Oscar still maintains an office and will be working a reduced schedule in 2007.

The Pemberton Law Firm recently had a booth at the Fergus Falls Crop and Forage show, and the Fergus Falls Business Expo. Nick Heydt was asked to speak at the crop show and his presentation on estate planning and handling situations with farmland was very well received by the audience.