



# 2024 ANNUAL CONFERENCE

**Minnesota Family Support & Recovery Council**  
in partnership with **Minnesota County Attorney's Association**



## Comprehensive Legal Vision (CLV) Updates

Lisa Kontz – Child Support Division Head, Dakota County

Jessica Raymond – Policy Analyst, DCYF/CSD

Francine Mocchi – Family Law Division Chief Attorney, Anoka County

Catherine Miller – Assistant County Attorney, Rice County

## Executive Committee

Michele Schreifels Barb McFadden Lisa Kontz

Court Group

Guidelines Group

Enforcement Group

Co-Chairs:  
Jill Olson  
Francine Mocchi  
Gretchen Kewitsch

Co-Chairs:  
Lori Hoff  
Cathy Miller

Co-Chairs:  
Jen Cooklock  
Jessica Raymond



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## Child Support Comprehensive Legal Vision Project

A Comprehensive Legal Vision Project was created to bring child support professionals together to attempt to solve some of the most difficult child support legal issues facing the child support community. An Executive Committee was established to oversee this project. The Executive Committee is currently composed of Michele Schreifels (DHS-CSD), and MCAA Representatives, Barbara McFadden, Kanabec County Attorney and Lisa Kontz, Child Support Division Enforcement Head, Dakota County Attorney's Office.

This CLV project has been ongoing since 2014 and has been making great progress on the many issues submitted from workers, supervisors and attorneys statewide. There are four work groups: Court, Enforcement, Guidelines and Medical, described in more detail below. Each group is assigned a list of issues and then the group meets to discuss the issues and formulate a recommendation to submit to the Executive Committee. Many recommendations have been approved but there is continued work being done on the remaining issues, as well as new issues.

Some of the ideas are in our Legislative Parking lot. The four groups and the Executive Committee are reviewing them to determine if and who will bring these ideas to the Legislature. There has been a great deal of effort and commitment by the members of the work groups. All are to be commended. As the Executive Committee has said, many of the issues and recommendations helped foster passage of some of the legislative bills. The work of the groups has had an impact on state policy as well.

If you are interested in joining a Committee, please email Lisa Kontz at [Lisa.Kontz@co.dakota.us](mailto:Lisa.Kontz@co.dakota.us).

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### Submit a New Issue to CLV

If you have a new, legal-related child support issue that you would like to submit to the CLV, please complete the attached form and email it to a CLV co-chair. This document is used by anyone to submit a new, legal-related child support issue to the CLV groups.

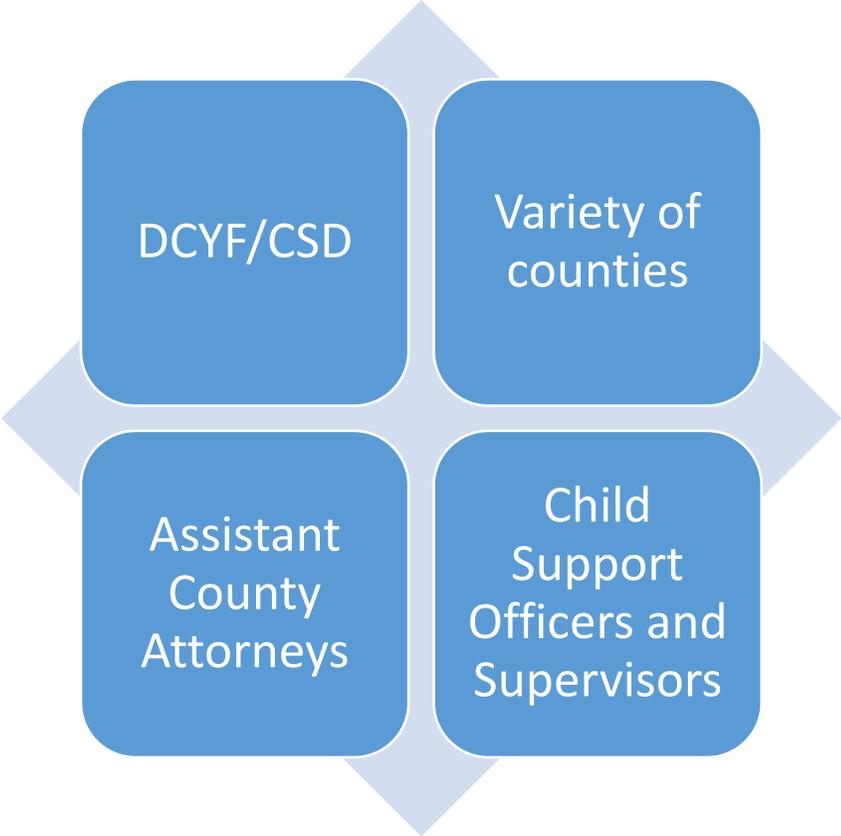
[Form - New Issue Submission to CLV.version 2.docx](#)



# CLV Group Members



[printabletemplatecalendar.com](https://printabletemplatecalendar.com)





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## CLV Enforcement Group

Co –Chairs:

Jessica Raymond – Policy Analyst, DCYF/CSD

Jennifer Cooklock, Assistant Ramsey County Attorney

# Arrears Only Recommendation



- Issue: Inconsistencies in handling arrears only cases due to lack of statewide guidance.
- Enforcement CLV recommended:
  - AMPP review of cases when they become arrears only
  - Creation of Arrears Only Stipulation template
  - Creation of Statement to Forgive Non-Public Assistance (NPA) Arrears template
  - Uniform method of calculating the presumptive payback amount when modifying an arrears only case



# Arrears Only Recommendation

- Method to calculate presumptive payback amount on an arrears only case:
  - Use both parties' incomes
  - Use guideline amount for one joint child
  - Do not apply a parenting expense adjustment
  - Apply deduction(s) for parties' non-joint child(ren)
- Recommendations approved by Executive Committee and new [Arrears Only](#) topic in the manual published in February 2024.

# Contempt Lump Sum Recommendation



- Issue: Lack of clarity of when a lump sum payment in a contempt action may be applied to only to one case when an obligor has multiple cases.
- Enforcement CLV recommended:
  - Clarify that payments made in a contempt action will distribute the same as other payments, *unless* a non-recurring lump sum payment is court ordered in a specific contempt case
- Recommendation approved and [Multi-County Obligors](#) section of the Contempt topic updated.

# Lump Sum via Income Withholding Recommendation



- Issue: Does the lump-sum process under the income-withholding statute in the Minnesota Child Support Manual provide the requisite due process required by Minnesota law?
  - Short answer: Yes
- Enforcement CLV recommended:
  - Clarifying in the manual that the payor-of-funds must be served with an income-withholding order before the lump-sum may be intercepted to pay child support arrears.
- Recommendation approved and [Lump Sum](#) section of manual updated.

# Questions?





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## CLV COURTS GROUP

Co –Chairs:

Jill Olson – DCYF -CSD – Policy & Planning Supervisor

Gretchen Kewitsch – Dakota County Child Support Program Coordinator

Francine Mocchi – Anoka County Attorneys Office – Division Chief

# 2024 POLICY RECOMMENDATIONS PUBLISHED



- PA REIMBURSEMENT POLICY –
  - Seeking reimbursement of public assistance only in PA reimbursement cases
  - Excess Support Issue
  
- CHILD CARE ASSISTANCE POLICY –
  - CCA only cases

# POLICY RECOMMENDATIONS WAITING FORMAL PUBLICATION



- CHIPS orders and child support DHS policy updates – **Approved by Executive Committee** – policy publication coming.
- Subsequent Marriage & ROP - **Approved by Executive Committee** – announcement/policy publication coming.
- Child Care Assistance – (2 issues) both **Approved by Executive Committee** and 1 remaining policy publication coming.

# CHIPS & FLIPS – Juvenile Court Orders



Policy to address cases with CHIPS/FLIP orders where support is ordered/enforced in a different court file/county – Summary of Recommendations:

- Encouraging communication agency/agency – Using SMI access/info
- CS Agency needs to monitor cases if they learn of pending action
- If receive an order suspending from juvenile court in different county– follow the order (Minn. Stat. Section 484.01 subd 1(5)) –adjust charging.
- If need to address other issues (medical/arrears payback) bring motion
- Best practices if no other motion needed – at minimum file a letter with the order into the child support court file and copy parties with letter. Letter should reference juvenile court file number and support provisions.

\*\* This is general summary – see future policy publication for actual and specific CSD policy

# SUBSEQUENT MARRIAGE -ROP



- Subsequent Marriage & ROP - Approved by Executive Committee – announcement/policy publication coming.
  - SUMMARY - If parties signed a ROP and subsequently marry, the ROP is no longer controlling – Simplified here.....but
    - If there is a 256/Custody-PT order you are enforcing, the county will no longer collect under the previous child support order and order cannot be reinstated
    - Counties are required to initiate a new action for support under Married but Separated Policies if a subsequent or initial support order is needed
      - See Schaff v. Schaff 466 N.W. 2d 28 (N.D. 1989)

\*\* This is general summary – see future policy publication for actual and specific CSD policy

# CHILD CARE ASSISTANCE -



- Child Care Assistance – CCAP approved by Executive Committee and 1 remaining policy publication coming.
  - 2 related issues considered – mandatory cooperation with full IV-D Services for CCA recipients and whether cooperation was required for all cases including applicant's child not receiving CCA but in household
  - Summary for CCA and IV-D cooperation – must cooperate – Agency/ACA may request all support obligations but a request for deviation (basic/med) is not a failure to cooperate
  - Summary for the latter – applicant has multiple children (separate cases) –one child is not enrolled in childcare but is technically on CCAP grant because they are in the household.
    - Treat PRISM case with child who is not enrolled in childcare as NPA case and case closure is option available for that case.
- \*\* This is general summary – see future policy publication for actual and specific CSD policy

# VISUAL AID ISSUE 1



## Childcare Assistance – CLV Recommendations – Visual Aid

**Issue #1:** Childcare Assistance<sup>1</sup> open for joint child and CP does NOT want basic support (this is a PA case)

| Action         | Cooperation  | Agency request   | Legal action   | Court Order  | Assignment   |
|----------------|--|--|--|--|--|
| Decision-maker | CP and IVD/IVA agencies                                    | IVD agency   | Assistant County Attorney  | Court / CSM  | IVD/IVA agency and federal regs  |
| Details        | CP must cooperate with items <i>required</i> for IVD case. | IVD agency may request that all child support obligations (basis, medical, ccc) be set in court. | <p>ACA should make a motion for all child support obligations including CCC, and may plead deviations as appropriate. If one or both parties object to basic support, CSM can decide whether or not to deviate. The County may object to, or agree with the deviation on any of the child support obligations (including basic support), based on the facts of the case.</p> <p>ACA must consider the agency request, statutes, appellate caselaw, recent IVD Court Order decisions, and case circumstances.</p> | <p>Court must review all facts, the legal action, and the law. No requirement to consider state agency policies.</p> <p>Recent court orders by 5 different CSMs saying "the request is supported by policy, but not supported by the law."</p> | Childcare support payments, if ordered, are automatically assigned to the State. |

(Case timeline) →

<sup>1</sup> Per DHS-Childcare Assistance staff: The childcare assistance program benefits are a benefit to the *child*, and not to the *CP/parent*.

# VISUAL AID ISSUE 2



**Issue #2: Childcare Assistance open for CP's non-joint child and CP does NOT want IVD services (this is a NPA case, regardless of PRISM code)**

| Action         | Cooperation  | Agency request   | Legal action  | Court Order  | Assignment                      |
|----------------|--|--|---|--|---------------------------------|
| Decision-maker | CP and IVD/IVA agencies  | IVD agency   | Assistant County Attorney   | Court / CSM  | IVD/IVA agency and federal regs |
| Details        | CP must cooperate with items <i>required</i> for IVD case, because IVA and §119B defines "family" as all children in the home. | IVD agency may request that all child support obligations (basis, medical, ccc) be set in court. | <p>ACA decision on whether to initiate a legal action.</p> <p>ACA must consider the agency request, statutes, appellate caselaw, recent IVD Court Order decisions, and case circumstances.</p> <p>*Rule 11 concern raised due to conflicting statutes, no assignment, recent denials by Court for issue #1 which is an even stronger case for IVD's position. And it is contrary to family's request.</p> | <p>Court must review all facts, the legal action, and the law. No requirement to consider state agency policies.</p> <p>*Conflicting statutes: §518A.53, subd. 4(d) allows closure; §119B.09 requires cooperation for all children in the CP's home.</p> <p>§645.26, subd. 1 – if statutes conflict and irreconcilable, then special provision prevails over the general provision. Special/specific statute is §518A.53 that allows case closure for NPA case. General provision is "cooperation" in general, for all children in a CP's household, and exists outside of 518A/child support chapter.</p> | *No assignment.                 |

(Case timeline)

So.. then it got complicated



# 2024 POLICY RECOMMENDATIONS UNDER FURTHER REVIEW



- PA REIMBURSEMENT POLICY – \*\* Under Further Review
  - Seeking reimbursement of public assistance only – past v. ongoing
    - Clarifying what PA Reimbursement Is: 518A.82 (256.87) 1 vs 1a
  - Excess Support
    - Clarifying what definition of Excess Support is and whether it applies in continuing support contributions situations
- CHILD CARE ASSISTANCE POLICY – Under Review to the extent we are looking at PA Reimbursement update may be needed.

# 2024 POLICY ISSUES ON DECK FOR REVIEW in 2024-2025



- Past Support – Best practices for both PA or NPA establishment actions
  - GT costs, MA and Confinement Expenses
  - Guidelines vs. current and past ability and 518A.82 (256.87) sub 1
  - Debt v. Arrears and enforcement impacts
- Judgment by Operation of Law (JOL) Developing language for CORD docs related to MOD/Contempt that is consistent with statute

# 2024 POLICY ISSUES ON DECK FOR REVIEW in 2024-2025 cont.



- GT after ROP
- Paternity Training/Resources – Competing Presumptions
- PA REIMBURSEMENT POLICY – \*\* Under Further Review

# PA REIMBURSEMENT REVIEW – Questions we are pondering



## **256.87 SUB1&1A RENUMBERED 518A.82**

- Past Support– Sub 1 Reimbursement Of PA
  - Limited to PA expended?
- Continuing Support Contributions Sub 1a
  - Support according to guidelines vs. PA Reimbursement
  - Does support remain in effect until case closure/modification?

## **256.87 SUB 5 RENUMBERED 518A.82**

- NPA – Consent – Is consent an option and if so, what does that look like?
- Relative Caretaker v. Married But Separated
  - Are they treated the same?
  - According to GLS & v. both parents when RC Case?



# PA REIMBURSEMENT -Questions we are pondering cont.

## What are our obligations under Federal Regulations - UIFSA

- Would policy that doesn't pursue NPA support establishment comply with federal requirements?
- Continuing Support Contributions under 518A.82 (256.87) Sub 1a; how that differs from Sub 5 – and can support continue when under Sub 5 can't be brought?

## Policy v. Best Practices

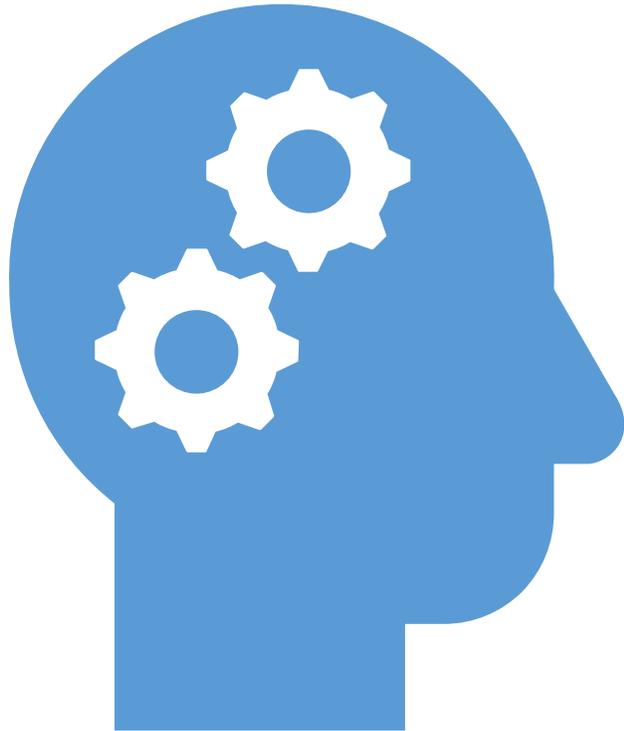
- NPA – Consent – Is consent an option and if so what that looks like?
- Relative Caretaker v. Married But Separated
  - Are they treated the same?
  - Reasons for treating differently?

# IS EXCESS SUPPORT AN ISSUE ?



- 518A.50 - Provides that any support paid in excess of public assistance expended is owed to the Obligee
- PA Reimbursement Policy – \*\* Under Further Review
- Depending on CLV PA Reimbursement review – this issue may resolve within that policy recommendation
- Letsos v. Letsos – Unpublished C3-99-233 9-21-99 WL732431
- Nicollet County v. Larson 421 N.W. 2d 717 1988

# LIKE WE SAID – ITS COMPLICATED



# WORKING HARD - LOOK FOR UPDATED POLICY SOON





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## CLV GUIDELINES GROUP

Co –Chairs:

Catherine Miller – Assistant Rice County Attorney

Lori Hoff – Program Supervisor, Dakota County

# Guideline CLV-Changes Coming



- The results of the Guideline CLV work often takes YEARS to implement as they require policy and/or statute changes
- Often recommendations have a short-term resolution and a long-term resolution (i.e. deviations short term/law change long term)
- Some recommendations offer best practices/resources to complete work (i.e. tribal best practices)



# Guideline CLV-Did you know?



These are three examples of changes we are sharing today that the guideline CLV influenced that have been completed

Example 1: The Child Support Guideline changes effective 1/1/2023, including particulars such as

- \*self support application
- \*counting non-joint children in the home
- \*low income families (including inequities w/relative caretaker calculations)
- \*minimum orders

This statute change was a big accomplishment as resolved several issues brought forward from child support professionals to the Guideline CLV to resolve (starting in 2014-yes almost 10 years!)

# Guideline CLV-Did you know (continued)?



Example 2: Setting orders at \$0 for non-custodial parents on social security/SSI, general assistance, state funded MFIP and other types of assistance (effective 1/1/2025)

- The statute presumed minimum orders in the past. Many counties were able to deviate or provide facts of inability to earn to get to \$0. Not all counties were consistent on how this was applied prior to the statute change.
- This recommendation was brought forward by the CLV in 2016 and brought to the legislature on several occasions before it passed.
- Don't give up on your work! Thanks to all the members and other partners who influenced these changes.



# Guideline CLV-Did you know (continued)?



## Example 3: How to Apply Lump Sum Social Security RSDI Payments **(effective 1/1/2025)**

- There was no previous legislative guidance on how to account for the derivative benefit lump sum (the amount the cp received for the child based on ncp's disability). There were a few cases that may apply for precedence but sometimes had conflicting opinions
- Minn. Stat. 518A.31 (e) now provides
  - Upon a motion to modify child support, any regular or lump sum payment of Social Security or apportioned veterans' benefit received by the obligee for the benefit of the joint child based upon the obligor's disability prior to filing the motion to modify may be used to satisfy arrears that remain due for the period of time for which the benefit was received. This paragraph applies only if the derivative benefit was not considered in the guidelines calculation of the previous child support order.
- This recommendation was brought forward by the Guideline CLV in 2018 and brought to the legislator on several occasions before it passed
- Don't give up on your work! Thanks to all the members and other partners who influenced these changes.



# Guideline CLV-What we are currently working on



- Multiple Families/Multiple Orders
- Have you struggled with how to calculate child support or how to arrange legal actions/court cases for multiple families with multiple orders (sometimes in multiple counties)?

**WE ARE  
HERE TO  
HELP**



# Guideline CLV-Coming Soon!

Our membership is working on a recommendation for what to do with multiple families/multiple orders/multiple counties in three areas:

1. County Cooperation
2. How to Calculate Child Support (aka the Math)
3. Court and Child Support Magistrate Recommendations



# Guideline CLV-PREVIEW Multiple Families- County Cooperation



- If either parent has multiple cases on PRISM, the review must consider all of the affected cases and orders
- Inform the other counties involved that you are bringing a legal action
- Counties are encouraged to work together by taking the appropriate steps, which may include: coordinating incomes used for guideline calculations, the timing of the legal action, service considerations and any court dates, changing venue, credits for non-joint children, etc.
- Be sure to list the other counties' obligation and indicate there is a pending action when that is known
- If there are not agreements among counties on issues, follow your county policies or legal direction on the issue
- Also see the Maintaining County topic about issues relating to legal actions



NOTE: This has not been vetted through the approved process!!! It is only a preview of what may be to come.....

# Guideline CLV-PREVIEW Multiple Families- How to Calculate (MATH)



- Best Practice to work together to bring legal actions and have Child Support Magistrate decide the calculations.
- Counties have tried various scenarios depending on specifics of case but there is not consistency. These are calculation methods that have been used in the past
  - Set for hearing without calculations
  - Consider net income/income after self support reserve and use percentages for each family (i.e. each family gets 1/3 of income left over for support)
  - Average cp's incomes for the worksheets, use ncp's income and total number of children. Get an obligation and divide by number of children to have an amount for each family
  - Use deviations
  - Use income from prior court orders
  - Round robin calculating with credits for the other cases until something reasonable works out
  - Do some calculations to know it will meet 20%/\$75 if a modification but do not serve or include the calculations in the pleadings if allowed by your county attorney.
- Ultimately the case particulars vary too much to have one way to do the math which is why the recommendation is to collaborate and bring to court.

NOTE: This has not been vetted through the approved process!!! It is only a preview of what may be to come.....



# Guideline CLV-PREVIEW

## Multiple Families- Court/CSM



- Let the court know that there are other legal actions pending and/or if another county was informed that your legal action is pending.
- When CSMs are informed there is another action in another county, request they **TAKE JUDICIAL NOTICE**.
- Ask CSMs to coordinate on multiple cases in multiple counties that are in court at similar times so a fair and equitable order is in place for all families.
- Consider bringing the legal action to a hearing rather than default to:
  - decide the issue if more than one action is pending at the same time.
  - decide if the guideline calculations seems unfair or if should use deviations (see previous Math section)

NOTE: This has not been vetted through the approved process!!! It is only a preview of what may be to come.....





## On the Guideline CLV

Check out our contact information and all our work online via SIR: [Comprehensive Legal Vision - Guidelines \(state.mn.us\)](https://state.mn.us)

# Contact Info

Lisa Kontz

[lisa.kontz@co.dakota.mn.us](mailto:lisa.kontz@co.dakota.mn.us)

## Enforcement:

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## Guidelines:

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