

History of and Introduction to IV-D Child Support

MFSRC Conference, October 9, 2024

A. Background

1. Title IV-D of the Social Security Act of 1975 and its amendments

[42 U.S.C. §§ 451 & 651](#) and [45 C.F.R. §§ 301-310](#)

2. Who Provides IV-D Services?

- a. Minnesota is State Supervised and County Administered
- b. Federal government – DHHS, ACF, Office of Child Support Engagement
 - Oversight, policy training and FFP¹ to States for IV-D expenditures
- c. State – Minnesota Department of Children Youth and Families (DCYF)
 - Operational support, policy, and training, automated systems, central registry and child support payment center
- d. Counties and Tribal IV-D
 - Program – Child Support Offices
 - Case management, work with parties, draft legal documents, data.
 - Legal – County Attorney and Tribal Attorney Offices
 - Legal services to the child support offices
 - Represents the county in legal matters
 - County attorneys do not represent the parties or the child and cannot provide legal advice to them
- e. Courts (Judicial) – Child Support Magistrates, Referees and Judges
 - Courts provide a forum for cases to be heard, issue orders, and provide self-represented litigant services, forms and instructions.

3. How to IV-D Cases Open and Close?

- a. Nonpublic Assistance Application
 - A person who is legally responsible for a child may request [nonpublic assistance child support services](#). There is no application fee. There may be collection fees. [Minn. Stat. §§ 518A.51](#) and [518A.53](#).
- b. Public Assistance Referral
 - Recipients assign their rights to child support when they receive certain public assistance. [Minn. Stat. § 518A.81](#)² formerly [§ 256.741, Subd. 2](#)
- c. Closing a IV-D Case (see attached case closure chart) [45 CFR § 303.11](#)
 - IV-D child support cases remain open until the applicant asks to close their case. A IV-D child support case cannot be closed if public assistance is open.
 - Closing a IV-D child support case does not modify or end a child support obligation.

4. Public assistance involvement

- a. Assignment ([Minn. Stat. § 518A.81](#) – formerly [256.741](#)) and Cooperation ([Minn. Stat. § 518A.81, subd. 5](#) – formerly [256.741, subd. 5](#))

¹ Federal Financial Participation = 66% reimbursement

² As of the date this was written, the Revisor of Statutes website had not updated the statute number changes.

- b. Noncooperation ([Minn. Stat. § 518A.81, subd. 7](#) – formerly [256.87, subd. 7](#)) and Sanctions
- c. Good Cause and Safety concerns ([Minn. Stat. § 256.741, subs. 9 – 13](#))
 - All child support activities must stop when good cause is pending or granted
 - Good cause must be renewed yearly; can be renewed without new proof
 - If good cause is granted for a child conceived by incest or rape, yearly renewal not required
 - If participating in the Safe at Home Program, good cause is automatically granted without additional proof

5. What are IV-D services?

- a. Locate
- b. Initiate court action
- c. Parentage (Genetic testing, Recognition of Parentage)
- d. Establish support
- e. Review and modification of orders
- f. Collect and distribute support
- g. Enforce orders

6. Types of Systems

- a. PRISM – State automated case management system
- b. SIR – State system for disseminating information, announcements and targeted links and content for PRISM uses
- c. MNCIS – Statewide court case management system
- d. MNDES – Digital exhibit system (became necessary with remote hearings)

7. Types of Legal Actions

- a. Establishment – [Minn. Stat. § 518A.82](#) (formerly [256.87](#))
- b. Parentage – [Minn. Stat. 257.51 – 257.74](#)
- c. Modification – [Minn. Stat. § 518A.39](#)
- d. Enforcement – Various statutes (see attached enforcement tools chart)

8. Types of child support

- a. Basic Support – [Minn. Stat. § 518A.26, subd. 4](#)
 - Monetary support for the child’s housing, food, clothes, transportation, educational cost and other costs for the child’s care. Not medical expenses or child care expenses (which are separately calculated and ordered).
- b. Child Care Support – [Minn. Stat. § 518A.40, subd. 1](#)
 - Verified work-related or educational-related child care expenses
- c. Medical Support – [Minn. Stat. § 518A.41](#)
 - Health care coverage; cost of health care coverage; proportionate share of uninsured/unreimbursed expenses; reimbursement of public coverage
- d. Past Support – [Minn. Stat. §§ 518A.82](#) (formerly [256.87](#)) and [257.66 subd. 4](#)
 - Liability for up to 2 years prior to commencement of the action or to the date of the child’s birth

B. Minnesota's IV-D Expedited Child Support Process

1. **Purposes of the Expedited Child Support Process** - [Minn R. Gen. Prac. 351.02, subd. 1](#), and [Minn. Stat. § 484.702, subd. 1\(e\)](#)
 - a. Streamlined
 - b. Uniform across the state
 - c. Easy for parties to access
 - d. Results in Timely and Consistent issuance of orders

2. **Goals of the Expedited Child Support Process** - [Minn R. Gen. Prac. 351.02, subd. 1](#)
 - a. Be a constitutional system
 - b. Be an expedited process
 - c. Be family and user friendly
 - d. Be fair to the parties
 - e. Be a cost-effective system
 - f. Address local administration and implementation concerns
 - g. Maintain simple administrative procedures and focus on problem cases
 - h. Comply with federal and state laws
 - i. Maximize federal financial participation
 - j. Ensure consistent decisions statewide
 - k. Have adequate financial and personnel resources

3. **Expedited Process - Court of Limited Jurisdiction**
 - a. Mandated Proceedings – When there is an open IV-D child support case, all proceedings to establish, modify and enforce child support must be conducted in the Expedited Process. [Minn. R. Gen. Prac. 353.01, subd. 1](#)
 - b. Permissive Proceedings – Parentage actions or civil contempt for nonpayment of child support may be heard in the Expedited Process or District Court. If initiated in the Expedited Process, CSMs can only adjudicate parentage or issue a 1st stage contempt order by agreement. [Minn. R. Gen. Prac. 353.01, subd. 2](#)
 - c. Prohibited Proceedings – Prohibited proceeding and issues include:
 - Hearing cases that do not have an open IV-D child support case
 - Establishing, modifying, or enforcing custody or parenting time, except where permitted under Subd. 2 (agreement in parentage actions)
 - Establishing or modifying spousal maintenance (spousal maintenance may be enforced if child support is also being enforced)
 - Issuing, modifying, or enforcing orders for protection (OFP), including the modification of child support ordered in an OFP
 - Ordering the division of marital property
 - Conducting contested evidentiary hearings for:
 - Establishment of custody, parenting time, or the child's legal name
 - Contempt matters or motions to change venue
 - Deciding issues relating to criminal contempt, criminal non-support, vacating parentage, or the constitutionality of statutes and rule [Minn. R. Gen. Prac. 353.01, subd. 3](#)

- d. What happens if there are prohibited issues?
- If prohibited issues are raised in an answer or responsive motion for a case venued in the Expedited Process, the CSM may either refer all issues to the District Court or determine temporary child support and refer the prohibited issues to the District Court. [Minn. R. Gen. Prac. 353, subd. 3](#)
 - If the matter was commenced in the District Court because of prohibited issues, the Judge “shall decide all issues before the court.” If an additional hearing is required to determine child support, the Judge may keep the child support issues or refer the child support to the Expedited Process. [Minn. R. Gen. Prac. 353, subd. 2](#)
 - If the District Court does not address the issue of permanent child support, the temporary support becomes permanent after 6 months. [Minn. R. Gen. Prac. 353, subd. 3\(b\)](#)
- e. Referral From the Expedited Process to the District Court – When the CSM refers prohibited issues to the District Court or the District Court refers child support issues to the CSM in the Expedited Process, the order must include:
- the date, time and location of the hearing, and
 - a clear statement of the issues to be heard.
- [Minn. R. Gen. Prac. 353, subds. 2 and 3](#)

When there is a referral from the Expedited Process to the District Court, parties are not required to file additional documentation before the hearing. But, if the county or parties do not appear at the District Court hearing, the case could be dismissed or defaulted. [Minn. Gen. R. Prac. 353.01, subds. 2\(b\)\(2\)\(B\)](#) and [353.02, subd. 3.](#)

- f. Referral from District Court to the Expedited Process - If the District Court Judge or Referee cannot make a decision about child support during the hearing, they may either hold a later hearing or refer the child support issues to the Expedited Process. If a referral to the Expedited Process is needed, the referral order must “include a clear statement of the issues referred and a description of additional information needed, and shall provide the date, time and location of the continued hearing.” [Minn. R. Gen Prac. 353.02, Subd. 2.](#) Counties should request this information to be included in the referral order. If there is a referral without a hearing date, the case may get lost and the hearing may not happen.
- g. TIPS:
- A District Court referral to the Expedited Process does not open a IV-D child support case. There must be an application or a public assistance referral
 - If all parties agree to refer a matter to District Court without a hearing in the Expedited process first, file a written agreement at least 7 days before the hearing. A referral order will be issued by the CSM
 - After the District Court issues an order, all subsequent child support motions must be brought in the Expedited Process for open IV-D Child Support Cases

C. Role of the County Attorney

1. [Minn. R. Gen. Prac. 369](#) and [Minn. Stat. § 518A.46](#)
 - a. What the county attorney is required to do and what the county attorney can delegate to nonattorney employees (CSOs and paralegals)
 - b. County attorney must review and approve as to form and content all legal forms used in Ex Pro or District Court
 - c. The county agency must appear through counsel
2. [Minn. R. Gen. Prac. 369](#)
 - a. County Attorney must approve legal documents (form and content)
 - b. Counties must appear through legal counsel
 - c. Child Support Officers (CSOs)³ cannot advocate for a position or make recommendations unless asked as a witness
 - d. “Under the direction of, and in consultation with, the county attorney... employees of the county agency may” meet with parties, explain process to parties, negotiate settlements, be a witness, present evidence, agreements, etc.
 - e. CSOs may perform duties listed in Minn. Stat. § 518A.46, Subd. 2 without the direction of the county attorney, and CSOs may testify at hearings at the request of a party or the CSM
 - f. If all of this is followed, the CSO is not engaging in the unauthorized practice of law
3. [Minn. Stat. § 518A.46](#)
 - a. [518A.46, Subd. 2\(b\)](#) provides that CSOs can do certain things with the direction from and consultation with County Attorneys
 - Meet with parties, explain things to parties, negotiate settlements, be a witness, and if asked by a CSM, present evidence, agreements, etc.
 - b. [518A.46, Subd. 2\(c\)](#) provides that CSOs can do certain things that do not require direction of the county attorney
 - gather information, prepare worksheets, serve and file documents, meet with parties, explain what things are to parties, etc.

D. Timeframes and Performance Measures

1. **Timeframes** – 42 U.S.C. 651 – 658, 659a, 660, et. al. and [45 C.F.R. § 303](#)
 - a. Case Initiation – Application/referral to opening the case
 - 20 days from the application or referral
 - b. Locate – Use all appropriate locate tools
 - Within 75 days of locate being needed, then quarterly
 - c. Paternity – Order established or service completed to commence an action
 - Service within 90 days of locating the last parent; Order established within 6 months of service (75%) and within 12 months of service (90%)

³ Child support officers is the generic term for nonattorney employees who are hired to perform IV-D child support work in counties. Could also be child support assistants, specialists, or support enforcement agents.

- d. Establishment – Order established or service completed to commence an action
 - Service within 90 days of locating the last parent; Order established within 6 months of service (75%) and within 12 months of service (90%)
 - e. Enforcement – Take appropriate enforcement actions
 - Within 30 days of non-compliance; 30 more days if service is required (e.g. contempt)
 - f. Intergovernmental – State Central Registry
 - g. Review & Adjust – Review and if appropriate, proceed with a modification
 - Every 36 months
 - COLA counts as a review and adjust for Federal Reporting, but is not a modification
 - h. Collection & Distribution – Collect support and disburse the collection to the parent or agency
 - Within 2 business days (exceptions)
2. **Performance Measures** – 42 U.S.C. 609, 652, 658 and 1302 and [45 C.F.R § 305](#)
- a. Paternity
 - Ratio of the number of children with a IV-D case born to unmarried parents with parentage established compared to the number of children with a IV-D case born to unmarried parents
 - b. Establishment
 - Number of child support cases with a child support order established (can be a \$0.00 order) compared with the number of child support cases
 - c. Current Support Collection
 - Current child collected compared to total current child support owed
 - d. Arrears Collection
 - Number of cases paying towards arrears compared to total number of cases with arrears payment (\$1 or more)
 - e. Cost Effectiveness
 - Total child support collected compared to every dollar spent on the IV-D program

E. Highlight of a Major Federal Act and Its Effects on Child Support - PRWORA

1. Many new enforcement tools

- a. Credit Bureau reporting
- b. License Suspension
- c. Passport denial
- d. Liens
- e. FIDM (bank seizures)
- f. Contempt push
 - Reminder – Cannot direct payments to one case in a contempt

2. Minnesota Driver's License Highlight

a. Old Law

- Mandatory if met threshold, payment agreement or payment in full required to stop it.
- Disparate impact on BIPOC and low-income obligors
- Harmful and counter-productive effects were not considered

b. New Law (2023)

- Individual circumstances can be considered
- Administrative power to stop when in process or reinstate
- Data from Pilot shows using individualized approach has decreased disparate outcomes
- Harmful and counter-productive effects are considered

3. Income withholding

- Direct income withholding through UIFSA
- National New Hire Directory

4. Cannot discharge child support in bankruptcy

5. State Disbursement Units Required (payments made to individual counties before this) and payments to be disbursed within 2 business days

6. Family First payment policy

7. Family Violence Indicator created

8. Paternity – Resulted in a significant increase in children having parentage established

- a. Genetic testing
- b. Age limit of age 18
- c. Putative Fathers have standing to bring paternity actions
- d. Voluntary Acknowledgments of Paternity – Minnesota ROP
- e. In-hospital acknowledgment process

9. Resources

- Evaluation of a Pilot to Reform Driver's License Suspensions in Child Support
<https://mn.gov/mmb/impact-evaluation/projects/drivers-license-suspension/>
- The Child Support Enforcement Program: Summary of Laws Enacted Since 1950, Congressional Research Service, July 19, 2023,
<https://crsreports.congress.gov/product/pdf/R/R47630>

F. Intergovernmental Cases

1. URESA – Uniform Reciprocal Enforcement of Support Act

- a. Passed in 1950 with several amendments
- b. Child support determined by laws of the obligor's state
- c. Unintended consequence = multiple orders in multiple states for the same time frames

2. UIFSA – Uniform Interstate Family Support Act – [Minn. Stat. Ch 518C](#)

- a. Passed in 1992, and replaced URESA
- b. States to have it in place by 1998 – Minnesota adopted it in 1994
- c. Amended in 1996
- d. Amended in 2008 - Minnesota adopted in 2015

3. Initiating and Responding States

4. What we can ask another state to do

- a. If no child support order
 - Establish paternity (not custody or parenting time)
 - Establish support
 - Set arrears
- b. If existing child support order - Either
 - Enforce or modify order and redirect support to Minnesota
 - Request responding state to register out of state order for enforcement or modification

5. Controlling Order and Continuing Exclusive Jurisdiction

- a. See Attached Chart

6. Incoming UIFSA Requests

- a. Central Registry reviews incoming UIFSA petitions and transfers case to a county
- b. County reviews the petition and determines next steps
 - County can administratively enforce, no registration
 - County needs judicial action, registration

7. International Cases

- a. [2007 Hague Child Support Convention](#)
 - Process to establish and enforce child support across international borders with countries that have adopted the convention
 - Support is converted into US dollars based on the exchange rate published in the Wall Street Journal
- b. foreign Reciprocating Countries – Countries and Canadian Provinces that have bilateral agreements with the U.S. but have not joined the Hauge Convention

G. Future of the IV-D Child Support Program

1. Moving to a family-centered child support program

- a. Paths to Parenthood Federal Grant
- b. Employment Federal Grant
- c. SAVES Federal Grant
- d. County-based partnerships and practices

2. Highlight on SAVES Grant

- a. Paternity Pilot
- b. Specialized Domestic Violence Triage Teams

- OFP Collaboration Pilot
- Coordinated Case Management Triage Pilot
- c. Hennepin County’s Family and Mediation Evaluation

3. Improved engagement with parents and realistic orders

- a. Education of parents
- b. Improved communication with parents
- c. Focus on safety
- d. Encourage parent participation throughout the process
- e. Establish realistic orders
- f. Modify orders to stay realistic and in the parent’s ability to pay

4. Moving towards engagement focused collection strategies

- a. Reduce child support debt owed to the government
- b. Adopt options for more support to families instead of to the government
- c. Automated systems to identify noncompliance earlier
- d. Notify payor of missed payments before enforcement actions
- e. Increased payment options

5. Individualized and Evidence-Based Approaches

- a. Intervene sooner
- b. Match enforcement tool to NCP
- c. Employment programs
- d. Procedural justice
- e. Behavioral economics

6. What can County Attorneys do to Help with the Evolution of the Program?

- a. Understand the program
- b. Parent education programs
- c. Encourage participation
- d. Realistic orders
- e. Appear at hearings and actively participate
- f. Keep safety in mind
- g. Utilize resources like MCAA forum to ask questions
- h. Build relationships
- i. Participate in MCAA lunch sessions

7. Resources:

- a. Child Support Learning Agenda: A Brief Synthesis of Select Child Support Literature, September 2023 OPRE Report #2023-213, <https://www.mathematica.org/publications/child-support-learning-agenda-a-brief-synthesis-of-select-child-support-literature>
- b. An Examination of the Use and Effectiveness of Child Support Enforcement Tools in Six States, 2019, Mathematica, <https://www.mathematica.org/publications/an-examination-of-the-use-and-effectiveness-of-child-support-enforcement-tools-in-six-states>

8. History Timeline of Major Events - Below

History Timeline of Major Events – Evolution of the IV-D Program

- 1950's – Bastardy Laws and Criminal Process for Parentage Adjudication
- 1975 – Social Security Act
- 1981 – [Omnibus Reconciliation Act of 1981](#) (Pub. L. No. 97-35, 95 Stat. 483)
 - Tax Intercept
 - NPA Fees
 - Non-dischargeability of child support in bankruptcy
 - Unemployment benefits withholding
- 1984 – [Child Support Enforcement Amendments of 1984](#) (Pub. L. No. 98-378, 98 Stat. 1305)
 - Mandatory practices like AIW, expedited order process, state tax intercepts, credit bureau reporting
 - All mandatory practices apply to interstate cases
 - Equal services for PA and NPA cases
 - Child Support Guidelines
 - Medical support added
- 1988 - [Family Support Act of 1988](#)
 - AIW for non-IV-D cases
 - Mandated child support guidelines
 - Timelines for review and adjust
 - Notice of collections for AFDC families (no pass through at that time)
 - Paternity – things like performance standards, GTs for contested cases, Federal matching rate of 90% (later changed to 66%), uniformity to Voluntary Acknowledgments (ROP in MN)
 - Timeframes for work
 - Statewide automated system required (PRISM in MN in 1997)
- **1988 – Minnesota Administrative Process Pilot in Dakota County**
- **1993-1995 – Expansion of Minnesota Administrative Process Pilot (58 counties)**
- **1995 – Minnesota Administrative Process Pilot Statewide (Ad Pro 1 of Ad Pro Nouveau)**
 - **Statute - County attorneys could not attend hearings unless invited by the ALJ or Program**
- 1996 – [PRWORA – Personal Responsibility & Work Opportunity Reconciliation Act of 1986](#)
 - Work requirements and time limits for welfare recipients
 - Receipt of TANF funds were tied to State child support programs and performance
 - New Hire Reporting System
 - UIFSA
 - Centralized collections unit
 - License suspensions
- **1997 – Minnesota Administrative Process Update (Ad Pro 2)**
 - **Statute repealed; County Attorneys more involved**
- **1997 – PRISM born**
- 1998 - [Child Support Performance And Incentives Act of 1988](#) and [Deadbeat Parents Punishment Act of 1998](#) –
 - Incentive payments tied to performance
 - Penalties for states failing data requirements

- Felony prosecution for willful failure to pay child support in interstate cases
 - National Medical Support Workgroup
- **1998 –**
 - **Minnesota Holmberg Court of Appeals rules it Unconstitutional**
 - **State Court Administration convened a multidisciplinary Child Support Workgroup anticipating legislative and rule changes coming**
- **1999 – Minnesota Holmberg Supreme Court rules it Unconstitutional**
 - **Supreme Court gave 6 months to come up with Rules and training (interim rules)**
 - **State Court Administration to oversee the judicial officers**
 - **Some ALJs became Child Support Magistrates**
 - **New Child Support Magistrates were hired**
- [2000 – Consolidated Appropriations Act](#)
 - State plans would not be approved if no central collections unit
 - Reduced Passport threshold from \$5k to \$2.5k
- **2001 – Minnesota Expedited Process Rules were implemented (interim from 7/1/99 – 6/30/21)**
- **2003 – Review of Minnesota Expedited Process Rules**
- 2005 - Deficit Reduction Act – reduced funding for IV-D Program by
 - Elimination of using performance incentives as a match for federal funding
 - Federal match for genetic tests reduced from 90% to 66%
 - Annual collection fee added - \$35 for never assistance cases after Oct 1 and after first \$550 collected
- **2005 – Minnesota Income Shares Guidelines Model (eff. 1/1/2007)**
- **2008 - Review of Minnesota Expedited Process Rules**
- **2015 – Most Child Support Magistrates, who were contractors, became Judicial Branch employees**
- **2016 – Minnesota Child Support Workgroup**
 - **Parenting Expense Adjustment Update (eff. 8/1/18)**
 - **Guidelines Task Force Recommended**
- 2016 - [Flexibility, Efficiency, and Modernization in Child Support Enforcement Programs Rules](#)
 - Rule changes to increase regular, consistent and timely payments of child support
 - Whole family focus (jobs programs for obligors as an example)
 - Improved customer services
 - Remove barriers to timely child support payments
- **2016-2019 – Minnesota Child Support Guidelines Task Force**
- 2021 – [Consolidated Appropriations Act of 2021](#) – Funding and less sanctions and enforcement during the COVID-19 State of Emergency
- **2021 – Minnesota Child Support Guidelines Updates (eff. 1/1/23)**
- **2023 – Minnesota Driver’s License Flexibility**
- **2023 – Update of Minnesota Expedited Process Rules (eff. 11/22/23)**
- **2024 – Minnesota Department of Human Services became 3 separate agencies. Child Support is located in the Department of Children, Youth and Families (DCYF) (eff. 7/1/24)**
- **2025 – Updates to various statutes including medical support and potential income**

WHAT TO INCLUDE IN CHILD SUPPORT ORDERS

1. DEMOGRAPHIC INFORMATION:

- Names of parties and children. [Minn. Stat. § 256.87, Subd. 1a](#)
- Date of birth for parents and children (required for parentage orders). [Minn. Stat. § 257.66, Subd. 3](#)
- Addresses of the parties and children (required to be a qualified medical support order). [Minn. Stat. § 518A.41, Subd. 2](#)
- Social Security Numbers (SSN) of the parties and children. [Minn. Stat. § 518A.41, Subd. 2](#)
 - SSNs must be filed in the Confidential Information Form 11.1
 - The court may order that parents provide addresses and social security numbers to the administrator of the health plan instead of being in the order if there are concerns. [Minn. Stat. § 518A.41, Subd. 2](#)
- Gross income and parental income for child support (PICS) for each parent. [Minn. Stat. § 518A.37](#)
 - Do not include income from the spouse of a parent.
 - If the child is not residing with either parent, do not include income of a guardian, caretaker or agency who is caring for the child.
- Name and address of obligor's employer. [Minn. Stat. § 518A.56](#)
- Expenses of each parent. Not required but helpful when a deviation is requested and for future modifications because a showing of an increased or decreased need of a party of child is a basis for a modification. [Minn. Stat. § 518A.39, Subd. 2](#)
- The number of each parent's nonjoint children (NJC) regardless of where the NJC resides. If a parent is court ordered to pay child support for a NJC, that amount must be listed. It is also helpful to identify the nonjoint children by initials and dates of birth.

2. SEPARATELY DESIGNATED AMOUNTS [Minn. Stat. § 518A.34](#):

Having the order reflect only an offset amount will confuse future enforcement, COLA and modifications of the order. The court shall separately order:

- Basic Support** [Minn. Stat. § 518A.35](#):
 - Guidelines must be used unless there is an agreement or a deviation. Specifically state the guidelines amount for future modifications.
 - The basic support must be ordered in a specific dollar amount The court may order a percentage in addition to, or in lieu of if the obligor does not receive base pay for commissions, bonuses or other forms of compensation. [Minn. Stat. § 518A.44](#)
 - Annualize basic support for a seasonally employed obligor. [Minn. Stat. § 518A.38, Subd. 2](#)
- Childcare Support** [Minn. Stat. § 518A.40](#):
 - Child care must be educational or work-related. [Minn. Stat. § 518A.40, Subd. 1](#)
 - Verification of the costs are required. [Minn. Stat. § 518A.40, Subd. 3\(a\)](#)
- Medical Support** (insurance and uninsured/unreimbursed expenses) [Minn. Stat. § 518A.41](#):
 - Every order must expressly assign or reserve responsibility for maintaining healthcare coverage and the division of uninsured/unreimbursed healthcare expenses of the children.
 - If medical assistance is in place for the child, the order must address reimbursement for the actual costs of medical assistance when in place.
 - Orders must include findings regarding whether healthcare coverage is available, and if so, include additional findings as to the cost of the premium and the allocation of the cost between the parties.

3. INCOME WITHHOLDING [Minn. Stat. § 518A.53](#):

- Every child support order must address income withholding either in the body of the order or by incorporation of Appendix A.
 - NOTE: Income withholding may apply even if the order does not provide the required notice. Also, if specifically waived, income withholding may be administratively ordered in the future. See [Minn. Stat. § 518A.53, Subd. 7](#).

4. COST-OF-LIVING ADJUSTMENT [Minn. Stat. § 518A.75](#):

- Every child support order must provide for a biennial cost-of-living adjustment (COLA).
- The index to be applied and the effective date of the COLA must be specified in the order. [Minn. Stat. § 518A.75, Subd. 1\(a\)](#)
- All IV-D Child Support Cases have COLAs take place on May 1 the year of the COLA.

5. NOTICES REQUIRED BY “APPENDIX A” [Minn. Stat. § 518A.68](#):

- Every order that includes child support must either attach or specifically delineate the language in the “Appendix A.” If the notices are not in the order, the order is still subject to the statutes reflected in the notice.
- It is a best practice to reference the incorporation of “Appendix A” in the order.
- The court may waive specific provisions.

6. NOTICES REQUIRED BY STATUTES:

- Notice of address or residence change to the court and the public authority. [Minn. Stat. §§ 518A.27, 257.66, Subd. 6\(3\), 518A.68, Subd. 2](#) (in “Appendix A”)
- Address of the child support payment center (central collections unit). [Minn. Stat. § 518A.46, Subd. 5](#)
- Notice that payments not made become a judgment by operation of law. [Minn. Stat. §§ 257.66, Subd. 3](#) (parentage), [256.87, Subd. 6](#) (support), [518.68](#) (in Appendix A)

7. CHILD SUPPORT GUIDELINES WORKSHEET:

- Always attach a guidelines worksheet for clarity, transparency and future enforcement or modifications.
- Part of the required written findings are the guidelines calculation, which can be in part satisfied by attaching and incorporating a guidelines worksheet. [Minn. Stat. § 518A.37](#)
 - It is a best practice to also show the math in the findings.
- For interstate cases, UIFSCA requires a worksheet. [Minn. Stat. § 518C.305\(c\)](#)

8. DEVIATION FINDINGS:

- Deviations are intended to encourage regular and prompt child support payments and to prevent either party or the child from being impoverished.
- If the court orders a deviation, findings must be included:
 - Each parent’s gross income, PICS, the amount of the calculated support obligation (without the deviation), the reasons for the deviation and how the deviation serves the best interests of the child. [Minn. Stat. § 518A.37, Subd. 3](#)
 - If there is assigned public assistance [under Minn. Stat. § 256.741](#), (MFIP, medical assistance, childcare assistance, or IV-D foster care) the court must make a finding that failure to deviate would impose an extreme hardship on the obligor. [Minn. Stat. § 518A.43, Subd. 4](#)

9. REQUIREMENTS SPECIFIC TO DISSOLUTION DECREES [Minn. Stat. § 518A.43, Subd. 4:](#)

- Orders in dissolution proceedings (including temporary orders) must specify if monetary amounts ordered are child support or spousal maintenance.

10. REQUIREMENTS SPECIFIC TO PARENTAGE ORDERS [Minn. Stat. § 257.66, Subd. 3:](#)

- Determination of parentage (adjudication of the parent and child relationship)
- Name of the child
- Issuance of a new birth certificate
- Duty of child support
- Legal and physical custody
- Parenting time – a percentage or number of overnights or overnight equivalents
- Social security numbers of the parents and child (if available)
 - Remember to provide SSNs on Form 11.1

WHAT NOT TO INCLUDE IN CHILD SUPPORT ORDERS

1. THE OFFSET AMOUNT:

If the child support obligation is subject to an offset for medical support under [Minn. Stat. § 518A.41, Subd. 16](#), or another obligation:

- DO NOT have the child support order be the offset amount. The medical support offset will be applied administratively.
- DO separately order each parent’s obligations without reference to the offset amount to avoid issues with future enforcement, COLA or modifications
- DO NOT offset any other obligations if there is an open IV-D child support case. Medical support is the only obligation that can be offset in a IV-D case.

2. STEP-DOWN REDUCTIONS:

- DO NOT have orders automatically reduce by a percentage when one child emancipates.
 - Percentage reductions were at one time ordered pursuant to *Beltz v. Beltz*, 466 N.W. 2d 765 (Minn. Ct. App. 1991). At the time of the *Beltz* decision, Minn. Stat. § 518.64 (later recodified as [Minn. Stat. § 518A.39](#)) addressed the effect of emancipation differently than the current statute, referring to an “automatic” reduction, which was based on the former percentage of obligor’s income child support guidelines. There is not an automatic reduction in income shares child support guidelines, which Minnesota currently has in place.

3. AUTOMATIC ADJUSTMENTS:

- DO NOT include provisions that the county or the parties will automatically adjust child support upon certain conditions.
- DO include a temporary amount that can change to a permanent amount if dates for those changes can be specified. An example of when this can happen is when the child will change from full-time child care to after-school ages care within the next few months, and the date of the change and amount of the school age care is known.

4. PERCENTAGE, CONTINGENT OR FLUCTUATING ORDERS:

- DO NOT order child support in the form of a percentage.
- DO NOT order child support that provides for changes being automatic or based on specific events. The order may not be enforceable by the county and are difficult to enforce by the parties.
- DO order child support obligations in a specific dollar amount. [Minn. Stat. § 518A.44](#)
- DO annualize child support if employment is seasonal.
- DO annualize the childcare obligation if childcare is seasonal.

5. PROHIBITED ISSUES:

If the case is heard in the Expedited Child Support Process, the jurisdiction of the Child Support Magistrate cannot be expanded even if the parties are in full agreement of the prohibited issue. Child Support Magistrates have limited jurisdiction over the establishment, enforcement and modification of child support. [Minn. R. Gen. Prac. 353](#) spells out what issues are mandated to be heard, may be heard and cannot be heard in the Expedited Process. Prohibited issues will be referred to the District Court. The Child Support Magistrate may rule on what they have jurisdiction over or refer all issues.

Specifically, [Rule 353.03](#) lists the issues that cannot be heard in the Expedited Process, including:

- Property issues;
- Attorney's fees;
- Tuition;
- Custody and parenting time (there is a full agreement in a parentage case);
- Establishment and modification of spousal maintenance (can be enforced if there is child support is being enforced too);
- Child support for cases that do not have an open IV-D cases;
- Constitutional issues.

6. OPTIONAL INITIATION OF CONTEMPT AND PARENTAGE ACTIONS:

If there is an open IV-D case, at the election of the county, the initiation of

- Contempt for nonpayment support may be heard in the Expedited Process, but only the first stage (*Hopp*). Second stage (*Mahady*) must be brought in the District Court.
 - If there is not an admission to contempt or an agreement as to the terms, the matter must be referred to the District Court.
- Parentage actions may be heard in the Expedited Process, but a Child Support Magistrate may not rule on contested issues other than child support issues. The adjudication and establishment of custody and parenting time and the child's name may only be ordered by a Child Support Magistrate if there is a full agreement. If not, those issues must be referred to the District Court.

This document was developed and has been updated over the years to be shared with attorneys outside of the child support system by Sandra Torgerson (Dakota County, retired), Melissa Rossow (in her Ramsey County role), and Ben Olson (Anoka County and Otter Tail County).

CASE CLOSURE CRITERIA LIST

CODE	DESCRIPTION	60-DAY NOTICE	When to Use
901	'NCP DECEASED' (Federal Criteria #2)	Y	Child Support Officer (CSO) has verified the noncustodial parent's (NCP's) death and the NCP has no assets to levy. If this is a public assistance (PA) case, notify IV-A of the death.
902	'NCP TOTALLY AND PERMANENTLY DISABLED' (Federal Criteria #5)	Y	The NCP is not institutionalized in a nursing home or hospice care, but there is no potential for support due to the NCP'S verified, total and permanent disability.
903	'NCP IN FOREIGN JURISDICTION' (Federal Criteria #6)	Y	NCP lives in a foreign jurisdiction and there is no reciprocity with the foreign jurisdiction, the NCP is not a US citizen, there are no reachable domestic assets or income, and the NCP is not employed with the federal government or a company with headquarters or offices in the US.
904	'NCP INSTITUTIONALIZED' (Federal Criteria #5 – modified by 2016 Final Federal Rule)	Y	The NCP is incarcerated, in a psychiatric facility, or is institutionalized with a verified permanent and total disability and is unable to pay support. The NCP also has no income or assets to legally obtain, attach or levy for support.
905			Inactive - do not use.
906	'GOOD CAUSE' (Federal Criteria #9)	N	Close the case upon good cause approval.

907	'UNABLE TO LOCATE NCP' (Federal Criteria #4 – modified by 2016 Final Federal Rule)	Y	The case has been in the 'LO' - locate function for two consecutive years and regular attempts using multiple sources to locate the NCP have been unsuccessful.
908	'NPA / APPLICANT REQUEST CLOSE' (Federal Criteria #8)	N	The applicant requested closure, there are no assigned arrears, the Custodial Parent Obligation Detail (CPOD) and the Employer Obligation Detail (EMOD) screens do not have balances, and this is not a public assistance case.
909	'INSUFFICIENT INFO TO LOCATE' (Federal Criteria #4 – modified by 2016 Final Federal Rule)	Y	Unable to locate the NCP for 6 months, NCP's name is known but the social security number (SSN) and the date of birth (DOB) are unknown.
910	'BIOLOGICAL FATHER UNKNOWN' (Federal Criteria #3)	Y	The agency has made diligent efforts to determine the biological father. Those efforts must include at least one interview with the custodial parent (CP).
911	'ALF IS EXCLUDED' (Federal Criteria #3)	Y	The alleged father (ALF) was excluded by genetic/blood tests or by the court.
912	'NPA – CP LOST CONTACT' (Federal Criteria #10)	Y	The agency has been unable to locate the CP for 60 days. The agency has attempted to contact the CP and has sent at least one letter by first class mail. Send the Postal Verification and check the CP locate sources.
913	'LOCATE ONLY CASE' (Federal Criteria #7)		This code is for state staff use only.

914			Inactive – do not use.
916	'EMAN & NO PATERNITY' (Federal Criteria #3)	Y	This is a paternity case with no presumed father and the child is 19 years old or older.
919	'NO CURR ORDER & ARRS < \$500' (Federal Criteria #1)	Y	The current charging on the case is equal to \$0 and arrears are less than \$500.
920	'NO CURR ORDER, ALL CHILDREN EMANCIPATED, & ARRS UNENFORCEABLE' (Federal Criteria #1)	Y – to both CP and NCP plus additional notice to CP 7 days later	The current charging on the case is equal to \$0. All the children are emancipated. The arrears are under \$500 or have been determined to be unenforceable.
921	'NO ARREARS/NO OBLIGATION' (Federal Criteria #1)	Y	The current and arrears charging on the case are equal to \$0. There is no order, and it is not cost effective to pursue a reimbursement order.
923	'NOT IN CHILD'S BEST INTEREST' (Federal Criteria #3)	Y	For situations when the County Attorney or the child support agency determines that due to incest, forcible rape, or pending legal adoption proceedings, it is not in the child's best interest to pursue support.
924	'INITIATING JURIS - FAILCOOP' (Federal Criteria #12)	Y	Interstate case where Minnesota (MN) is the responding state and the other state fails to provide information essential for MN to take the next step to provide services.

925	'INITIATING JURIS – REQUEST CLOSE' (Federal Criteria #10)	N	Interstate case where MN is the responding state and the other state sends a written request to close the case.
927	'NPA / CP FAIL COOP' (Federal Criteria #11)	Y	CP cooperation is essential to provide the next step for service and the CP is uncooperative.
928	'NON IV-D CASE' (State Code)	N	Income withholding is no longer in effect for this non IV-D case.
929	'SMO CASE' (State Code)	N	The IV-D case only has spousal maintenance obligations remaining and all the children have emancipated. There are no child support obligations due. Close the case and reopen as non IV-D.
930	'INAPPROPRIATE REFERRAL' (2016 Final Federal Rule)	N	A case is referred from other means-tested assistance programs and the IV–D agency deems it inappropriate to establish, enforce, or continue to enforce a child support order in the case and the custodial parent has not applied for IV–D services.
931	'NCP IN LONG TERM CARE ARRANGEMENT' (2016 Final Federal Rule)	Y	An arrearages-only case against a non-custodial parent (NCP) who is entering or has entered a long-term care arrangement and whose child(ren) have reached the age of majority if the NCP has no income or assets available above the subsistence level that could be levied or attached for support.
932	'NCP PRIMARY CAREGIVER/INTACT FAMILY' (2016 Final Federal Rule)	Y	An NCP is either living with the minor children as the primary caregiver or is part of an intact two-parent household, and the IV-D agency has determined that services either are not appropriate or are no longer appropriate.

934	'TRANSFER CASE TO IVD TRIBAL AGENCY' (2016 Final Federal Rule) ***DO NOT USE***	Y	The recipient of services requests or agrees to closure of the state's IV-D case and transfer to a Tribal IV-D program. Do not close a case with this code or add the related activity M0937 APPLICANT NOTIFIED OF TRANSFER until further notice.
935	'NCP ON SSI OR CONCURRENT SSI/RSDI/SSR' (2016 Final Federal Rule)	Y	When the NCP is receiving SSI or a combination of SSI and RSDI or SSR benefits.
940	'DUPLICATE MCI' (State Code)	N	One of the participants has a duplicate MCI number.
950	'CASE OPENED IN ERROR'	N	Case opened due to county or state error. Use this code minimally.

IV-D Enforcement Remedies

TOOL	APPLICATION	NOTICE	WHERE TO CONTEST
Income Withholding: 42 U.S.C. §666(b); 15 U.S.C. §1673(b)(2); M.S. §518A.53	Every order must address income withholding (order or waive)	Administrative notices by the public authority; Notice of Motion and Motion by the obligee	Expedited Process*
Federal Tax Offset: 42 U.S.C. §664; 45 C.F.R. §303.72	May be applied if public assistance support arrears are \$150 or non-public assistance arrears are at least \$500	Administrative notice by the public authority	Administrative review through the public authority
State Tax Offset (Revenue Recapture): 42 U.S.C. §666(a)(3)(A); 45 C.F.R. §303.102; M.S. Ch. 270A.01, 270A.12, and §518A.61	May be applied if support arrears are at least \$25 and greater than one month's obligation, or if the arrears are less than one month's obligation, the arrears have been entered and docketed as a judgment	Administrative notice by the public authority	Administrative review through the public authority
Credit Bureau Reporting: 42 U.S.C. §666(a)(7)(A); M.S. 518A.685	Arrears may be applied if support are 3 times the monthly obligation; 2021 change in the statute allows discretion by counties before the first report and the use of a payment agreement before reporting	Administrative notice by the public authority	Administrative review through public authority if dispute is before report sent to credit bureau agency; otherwise, contest through credit bureau agency
Driver's License Suspension: 42 U.S.C. §666(a)(16); M.S. §§518A.65 and 171.186	May be applied if support arrears are 3 times the monthly obligation and the obligor is not in compliance with a written payment agreement; 2023 statute allows for more discretion by counties	Administrative notices by the public authority; Notice of Motion and Motion by the obligee	Expedited Process*
Financial Institution Data Match (FIDM): 42 U.S.C. §666(a)(17)(A); M.S. §§552.04, 552.06, and 13B.06	May be applied if support arrears are at least 5 times the monthly obligation, has been submitted to either Federal or State Tax Offset, and the obligor is not in compliance with a previously executed payment agreement	Administrative notice by the public authority	Expedited Process*
Motor Vehicle Lien: 42 U.S.C. §666(a)(4); M.S. §518A.67	May be applied if support arrears are 3 times the monthly obligation and the obligor is not in compliance with a written payment agreement	Administrative notices by the public authority; Notice of Motion and Motion by the obligee	Expedited Process*
Occupational License Suspension: 42 U.S.C. §666(a)(16); M.S. §§518A.66 and 214.101	May be applied if support arrears are 3 times the monthly obligation and the obligor is not in compliance with a written payment agreement	Administrative notices by the public authority; Notice of Motion and Motion by the obligee	Expedited Process*
Passport Hold: 42 U.S.C. §§654(31) and 652(k); 22 C.F.R. §51.70	May be applied if support arrears are at least \$2,500 in arrears for all of the obligor's cases combined	Administrative notice by the public authority	Administrative review through the Department of Human Services

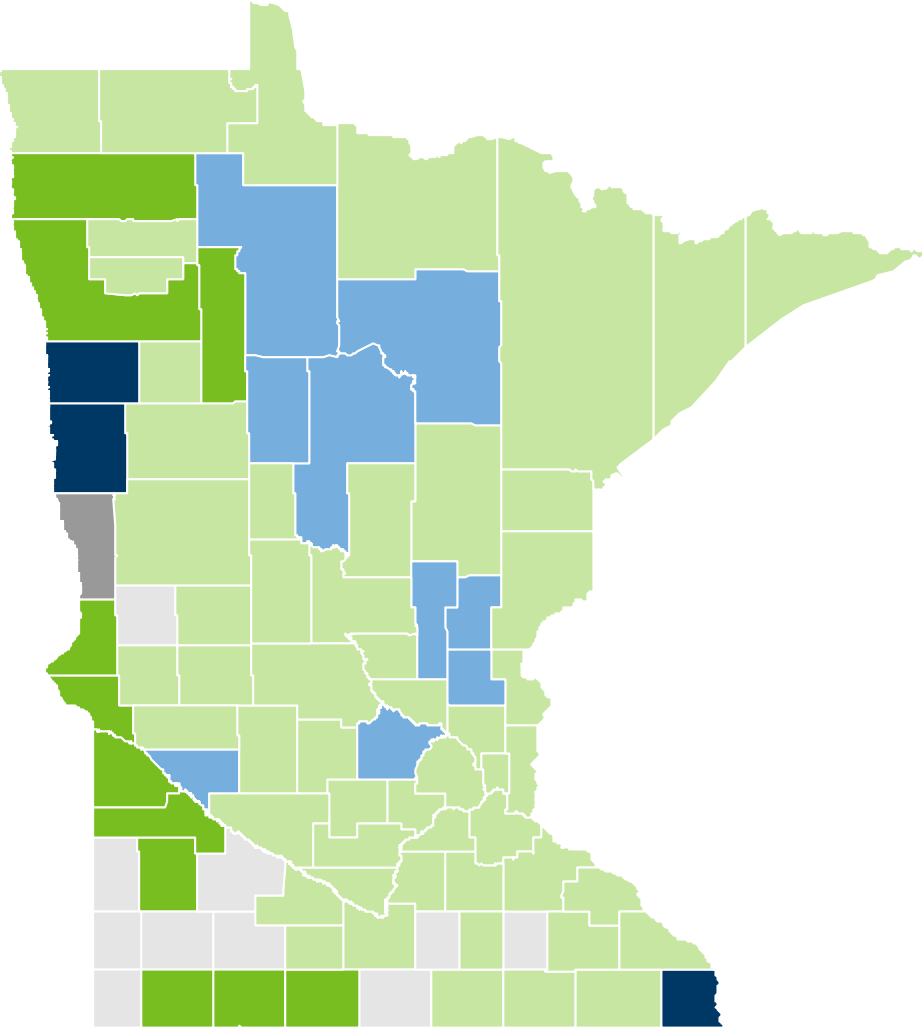
IV-D Enforcement Remedies

TOOL	APPLICATION	NOTICE	WHERE TO CONTEST
Recreational License Suspension: 42 U.S.C. §666(a)(16); M.S. §518A.68	May be applied if the support arrears are 6 times the monthly obligation, the obligor is not in compliance with a written payment agreement, and other substantial enforcement mechanisms have been attempted and failed to result in compliance	Notice of Motion and Motion by the public authority or obligee	Expedited Process*
Student Grant Denial: M.S. §136A.121, subd. 2(5)	May be applied if support is in arrears by at least 30 days and the obligor is not in compliance with a written payment agreement	Notice at time of denial	Administrative review through the public authority
Constructive Civil Contempt: M.S. §§518A.72, Ch. 588	May be applied if support arrears are 3 times the monthly obligation and the obligor is not in compliance with a written payment plan	Order to Show Cause, Notice of Motion and Motion	1 st stage hearings may be held in the Expedited Process; All 2 nd stage and contested 1 st stage hearings must be in District Court
Administrative Seek Employment Orders: 42 U.S.C. §666(a)(15); M.S. §518A.64	May be applied in any open IV-D case if the obligor's employment cannot be verified, if support arrears are 3 times the monthly obligation and the obligor is not in compliance with a written payment agreement	"Proper notice...given to the obligor" (usually means in pleadings or motion)	Expedited Process*
Criminal Contempt: M.S. §588.20, subd. 2(8)	May be charged as a misdemeanor if the obligor willfully failed to pay child support when the obligor had the ability to pay	Criminal citation or complaint	District Court
Employer Contempt: M.S. §518A.73; Ch 588	May be applied if the employer, trustee, or payor of funds intentionally failed to withhold support after receiving the order or notice for income withholding or notice of enforcement of medical support; or withheld support but failed to remit support	Order to Show Cause, Notice of Motion and Motion	District Court
Federal Criminal Prosecution/Criminal Non-Support: 18 U.S.C. §228	May be charged if arrears have remained unpaid for more than 1 year or are more than \$5,000, and the obligor had the ability to pay support, willfully failed to pay, and the child lives in another state	Criminal complaint by the U.S. Attorney's Office	Federal District Court
State Prosecution/Criminal Non-Support: M.S. §609.375	May be charged as a misdemeanor, gross misdemeanor, or felony if the obligor knowingly fails to pay support without lawful excuse, and if there has been an attempt made to get an order for constructive civil contempt	Criminal citation or complaint	State District Court
Security and Sequestration: 42 U.S.C. §666(a)(6); M.S. §518A.71	May be applied in all cases when child support payments are ordered	Notice of Motion and Motion (or in pleadings)	Expedited Process* or District Court

* Contest in the Expedited Process unless there are prohibited issues included in the motion to contest the enforcement tool. If so, contest in District Court.

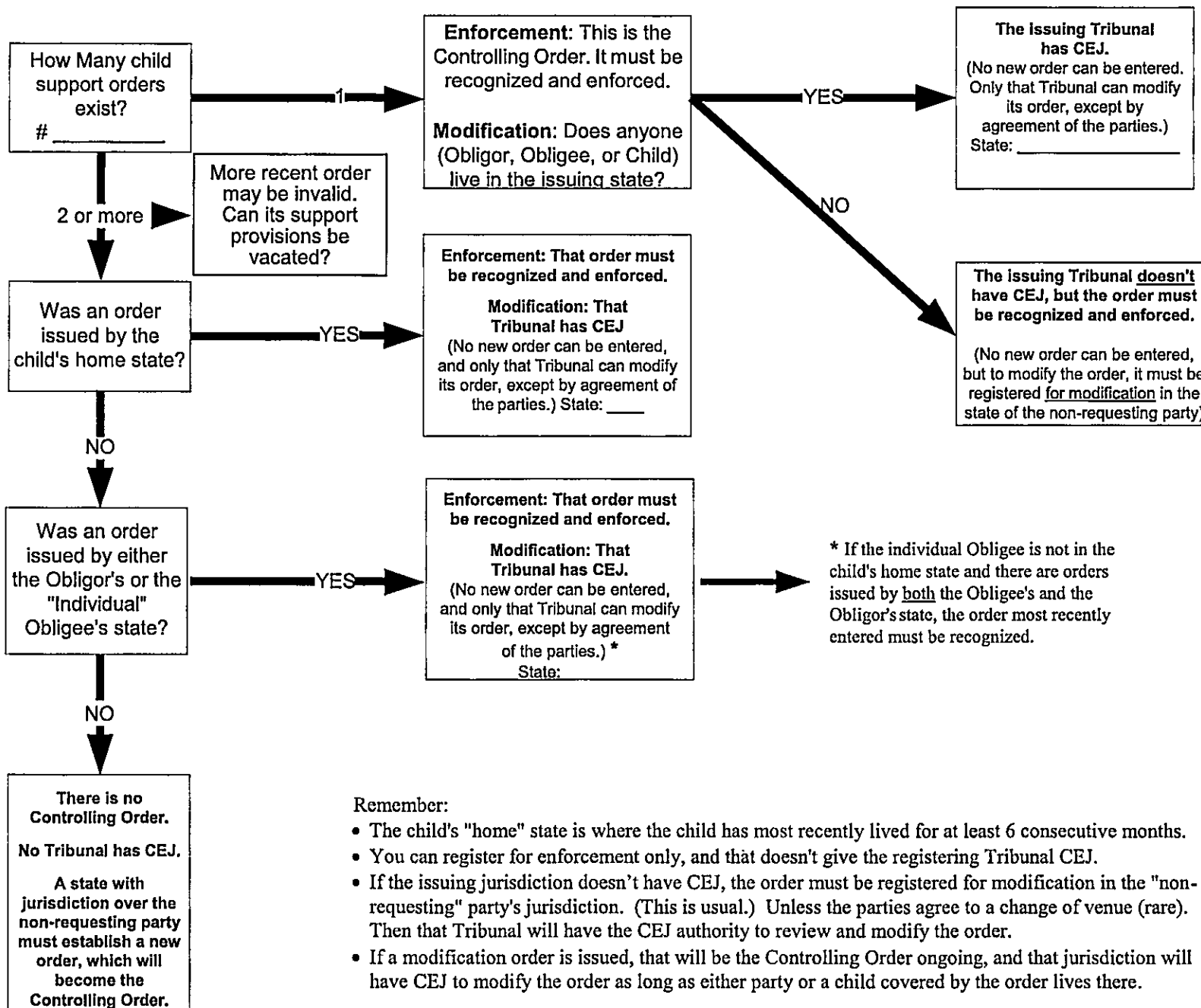
County Intergovernmental Cases

Percent of cases that are intergovernmental - FFY23



● 0-9% ● 10-19% ● 20-29% ● 30-39% ● 40+ ● Merged

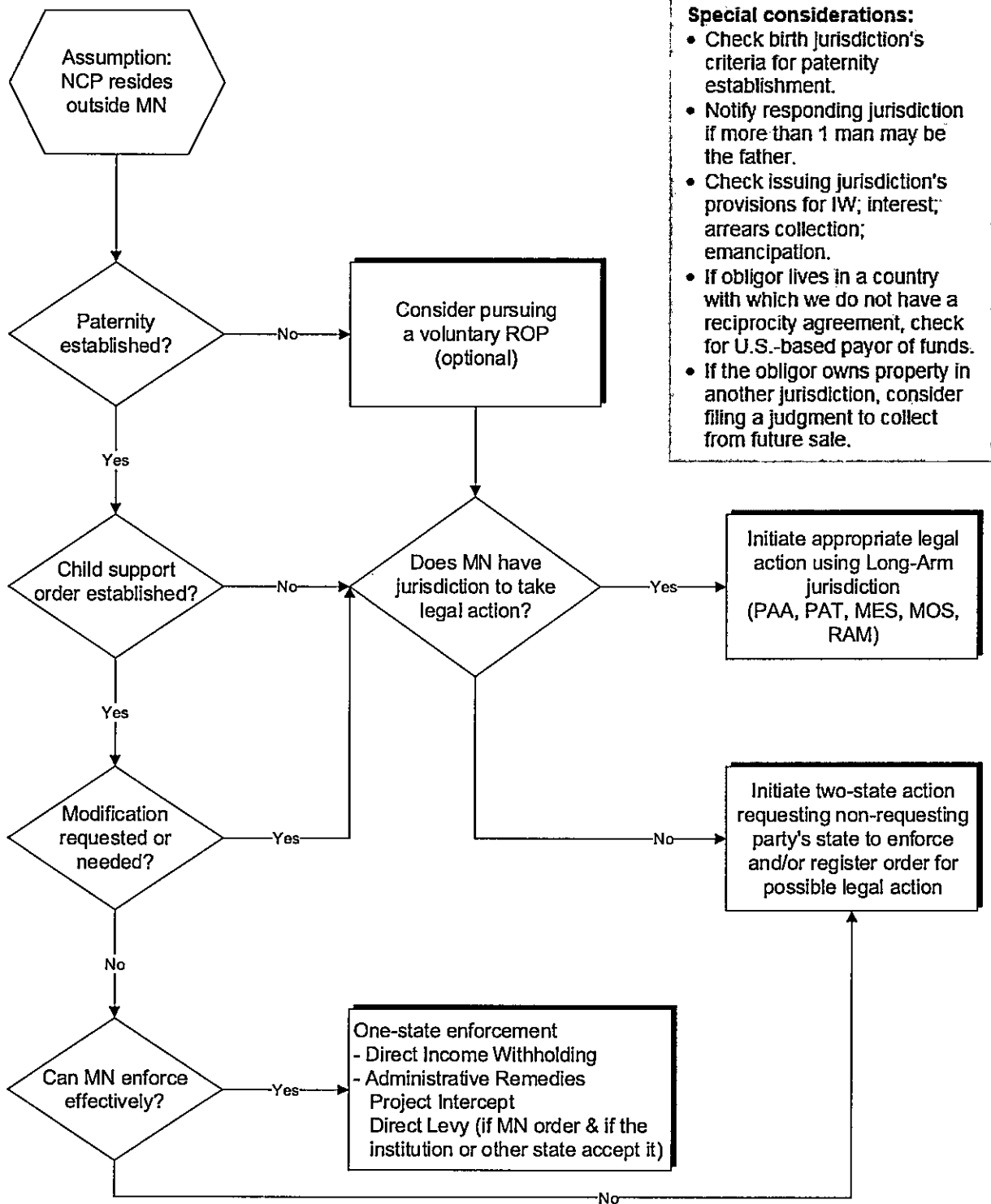
UIFSA – Controlling Order and CEJ Determination



Remember:

- The child's "home" state is where the child has most recently lived for at least 6 consecutive months.
- You can register for enforcement only, and that doesn't give the registering Tribunal CEJ.
- If the issuing jurisdiction doesn't have CEJ, the order must be registered for modification in the "non-requesting" party's jurisdiction. (This is usual.) Unless the parties agree to a change of venue (rare). Then that Tribunal will have the CEJ authority to review and modify the order.
- If a modification order is issued, that will be the Controlling Order ongoing, and that jurisdiction will have CEJ to modify the order as long as either party or a child covered by the order lives there.

Intergovernmental Decision Flow Chart



Helpful Resources

1. Minnesota Courts

- [Calculating the Number of Overnights Worksheet](#)
- [Child Support Overview](#) (including definitions, FAQs, Forms, Rule/Law links, and videos for Self-Represented Litigants)
- [Does the Parenting Expense Adjustment \(PEA\) Apply?](#) (Flowchart)
- [Court Self-Help Centers](#) Website

2. Minnesota Department of Human Services

- [Child Support Guidelines Calculator](#)
- [Child Support Webpage](#) (topics A-Z)
- [Child Support Programs and Services](#)
- [Child Support Online](#) (for parties that have open IV-D cases)
- [County Child Support Offices](#) (Alphabetical List)
- [Minnesota Child Support Parenting Time Calendar Tool](#)
- [Minnesota Voluntary Recognition of Parentage \(ROP\)](#) (Form)
- [Minnesota Voluntary Recognition of Parentage ROP](#) (video, forms, information)
- [Understanding child Support: A Handbook for Parents](#)

3. Minnesota CLE Publications (for purchase)

- [Child Support Calculation Summary Guide](#)
- [Comparison of 2017 Uniform Parentage Act and MN Parentage Act](#) – Legal Quick Sheet,
- [Important Differences Between the Expedited Child Support Process and District Court](#) Summary Guide
- [Minnesota Divorce Practice Deskbook](#)
- [Minnesota Family Law Financial Deskbook](#)
- [Minnesota IV-D Child Support Summary Guide](#)
- [Social Security Benefits & Family Law](#) Legal Quick Sheet

4. Federal Office of Child Support

- [Essentials for Attorneys in Child Support](#) (4th Version available – Written IV-D Attorneys)
- [Income Withholding Form](#)
- [Office of Child Support Services](#) and about [International Cases](#)
- Grant Examples: [Advancing Equity in Child Support](#); [PJAC - Informed Alternatives to Contempt \(PJAC\)](#); [SAVES \(Safe Access for Victims' Economic Security\)](#)

5. Other

- Enforcement Remedies Chart (separate document)
- What to Include in Child Support Orders (list with legal citations) (separate document)
- County Intergovernmental Cases Map (separate document)
- UIFSA – Controlling Order and CEJ Determination Flowchart (separate document)
- [Minnesota County Attorney's Association Selected Child Support and Related Statutes – Code Book](#) (order from MCAA and a [keywords index](#) is available on the MFSRC website)
- [MFSRC Case Law Summaries](#) (updated quarterly)
- [Child Support Basics](#) by Education for Justice (LawHelpMN.org)
- [Getting Child Support](#) by Education for Justice (LawHelpMN.org)
- [A Guide to Child Support & Spousal Maintenance Cost-of-Living Adjustments](#) – published in September 2014 by the Office on the Economic Status of Women