



Getting Child Support

What is child support?

If you have custody of a child, the courts can make the other parent pay you money to help with your child's expenses. This is called child support. You can get an order for child support in a divorce, legal separation, paternity case, custody case, or as part of an Order for Protection (OFP). **Buying gifts, clothes or food for the child does not count as child support.**

"Child support" has 3 parts:

- **Basic support** – Part of your child's expenses like food, clothing, housing and transportation
- **Child care support** – Part of your child care costs when you work or go to school
- **Medical support** – All or part of health insurance and other medical costs for your child

Be sure to ask your child support worker or lawyer, or the judge about child care and medical care help from the other parent.



How much support should be paid?

Minnesota has guidelines for how much support should be paid. It is called *income shares*. Income shares sets child support by looking at the gross income of both parents. Gross income is your total income before taxes are taken out.

They also look at things like other child or spousal support, and a parent's other children living with them.

Basic Support: After each parent's gross income is figured out, their incomes are added together. This total is compared to a set chart that shows how much money parents at that income level spend on their children. The number from the chart is then divided between the parents. It is not always divided equally. It is divided based on each parent's percent of income that made up the total income number. For example, one parent's income might be 60% of the income total and the other's is only 40%. The number from the chart would be divided 60% and 40%.

Time spent with the children affects the amount of child support. If the non-custodial parent has the children less than 10% of the time, child support won't be lowered. But if the non-custodial parent has the children 10% to 45% of the time, child support will be lowered by 12%.

If each parent has the children at least 45.1% of the time and their incomes are equal, no child support is paid. If the parents' incomes are not equal, the parent with the higher income will have to pay the other some child support.

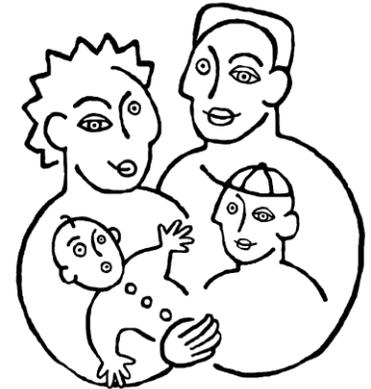
Medical and Child Care Support: In addition to basic child support, the parents will each be responsible for part of their children’s medical expenses and child care costs. Again, this amount will be figured out based on their income.

If the non-custodial parent’s income is below poverty, he or she will pay a minimum child support order. The minimum order is \$50 per month for 1 or 2 children, \$75 per month for 3 or 4 children and \$100 per month for 5 or more children.

If you know how much money the other parent makes you can get an idea of how much child support a court might order by using Minnesota’s online child support calculator at

<http://childsupportcalculator.dhs.state.mn.us>. Read the

instructions. They will tell you how to use it and what information you need. The more information you can fill in, the more accurate it will be. It can be confusing but might give you an idea of what to expect in court.



Does support always go by the guidelines?

Child support can be set above or below the guidelines depending on:

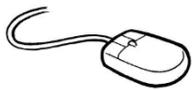
- The income, assets, expenses, and needs of both parents, and,
- The needs and expenses of the children.

If a parent has remarried, the court **does not** count the income of a new spouse.

How do I start getting child support?

Each county has a child support office. The office is also called the IV-D Unit (“Four D Unit”).

The IV-D Unit must help you get child support. You can [find your IV-D Unit](#) at www.mn.gov/dhs.



- Under *People We Serve* (top menu) click on *Children and Families*
- On left menu click on *Services*
- On main part of that page click on *Child Support*
- Click on *Contact Us*
- At the end of first paragraph, click on *county child support office*

In Hennepin County, the IV-D Unit is at (612) 348-3600.

- If you **are getting MFIP**, you do not need to apply or pay a fee for help from the IV-D Unit. MFIP will send your case to the IV-D Unit. You will be required to provide some information to the IV-D Unit, unless there is family violence.
- If you are **not on MFIP**, you must apply and pay a \$25 fee. Then the IV-D Unit will work on your case. To apply in Hennepin County, call (612) 348-3593. **Note:** They will stop charging a fee after June 30, 2016.

What is the process for setting child support?

If the IV-D Unit is helping you, they use the Expedited (Fast) Support Process. Other things like visitation or custody can't be decided this way. You must file another case for those things. The Expedited Child Support Process helps parents work out child support problems quickly and easily.

The IV-D unit starts by serving both parents with a Summons and Complaint. These papers state both parents' income and expenses, and may also ask for a specific amount of child support.

Whether the IV-D Unit helps with your case or not, you must serve and file a financial affidavit. You can get the affidavit form from the Department of Human Services website. There are important things that must be attached to the financial affidavit, like

- Pay stubs for the most recent 3 months
- A statement of receipts and expenses, if you are self-employed
- A copy of your most recent tax return including your W-2, 1099 forms, unemployment or worker's compensation statements
- Any other documents that show any other income.

If you do not file the financial affidavit, the court will set your child support based on other evidence. You will not be allowed to testify about your income unless the court determines that you did not have access to the documents.

If the parents do not respond to the papers or ask for a hearing, the IV-D unit can ask the court to order child support based on the information in the papers.

If either parent or the IV-D unit asks for it, a hearing is set. The hearing is held by a child support magistrate or a district court judge. Hennepin County uses a support magistrate. At the hearing, both parents have a chance to give facts about their income and expenses.

After hearing the evidence, the child support magistrate or judge must send out an order within 30 days. If either parent is unhappy with the order, that parent can ask for a review within 20 days of getting the order.

The parents can agree on child support at any time and the IV-D unit can help you turn your agreement into an order.



Do I need a lawyer?

No. But if your case goes to a hearing, you may want one. A worker and lawyer from the IV-D Unit may come to the hearing and will ask for support but the IV-D worker and lawyer do not represent either parent.

Is the IV-D Unit the only way to get child support?

No. A court can order child support in other cases:

- Custody
- Parenting time (visitation)
- Property division
- Domestic abuse

This includes divorce, legal separations, and Orders for Protection.

How can I get a cost-of-living increase?

All child support orders include cost-of-living adjustments (COLAs). The court can leave out the COLA only if the other parent does not get pay increases or if the Court orders other regular increases in support.

The amount of the COLA depends upon inflation. You can get an increase every 2 years. If you are using the IV-D unit, they will get it for you automatically. If you are not using IV-D, you should go to court to get an increase.



How can I get help collecting the child support?

You can hire a private lawyer to help you collect child support, but you do not have to. The IV-D unit must help you:

- Find a missing parent
- Establish paternity if needed
- Get a court order setting the amount of child support
- Collect current and past-due support (even if the other parent lives out of state)
- Get an order for medical insurance if the other parent could get it at a reasonable cost
- Collect current spousal maintenance (alimony) if it has been ordered by a court
- Change support orders (in some cases)
- Enforce your support order

These services are for all families, no matter who has custody.

6 months after you get your order you can ask the court to have a hearing to make sure the other parent is paying support. The court will attach a copy of the form to your order. You must complete the form and send it to the court and the other party to ask for a hearing.

How is current child support collected?

- **If you get MFIP or other public assistance:**

The IV-D unit must help you collect support, free of charge. Once the court orders support, the IV-D Unit should collect it by withholding it from the other parent's pay check. If you get MFIP cash, you will get your current child support but your MFIP will be reduced 2 months later by the amount of support you got.

Starting October 1, 2015, you can collect child support up to \$100 per month for 1 child and up to \$200 per month for 2 or more children and **not** have your MFIP reduced.

If you get MFIP, county child care help, or Medical Assistance (MA), the IV-D unit keeps part of your child support money that is meant for child care or medical care.

- **If you do not get MFIP or other public assistance:**

The IV-D Unit must help you if you have an order for support. You must apply and may have to pay a yearly fee of \$25. Call your county's IV-D office to apply. They will get a court order to take the child support from the other parent's pay check and send it to the IV-D unit. Then they send it to you. They keep 2% of what is collected as an administrative fee.



You can ask the court to have the other parent pay you directly if:

- Past payments have been made on time
- The court finds that direct payment of child support is in your child's best interest and
- The other parent agrees, and the court approves your agreement

How fast should the IV-D Unit work?

When you first ask for help:

- If you go to their office, they must give you the application that day.
- They must take your application the day you complete it and pay the fee.
- If you call them by phone, they must send you an application within 5 working days.

After they get your application or get your file from your MFIP worker:

- IV-D has 20 days to open a case file for you.
- In this time, the IV-D Unit must decide what help you need and get the facts needed for the file. They must decide whether they need to find the other parent, to set paternity, or to get a child support order.
- They have time limits for each step. For example, the county must file a case to get a support order within 90 days after finding the missing parent or setting paternity.

How fast must the IV-D Unit send me child support?

The IV-D Unit must pay you the child support within 2 days of the date they get it. They must send you a notice every month that states when it got support payments for you and how much they were. **If you see a mistake, you need to ask for a review within 30 days.**

What if I have problems with the IV-D Unit?

- Write a letter to the head of your county's child support (IV-D) agency. Be specific as to what things the IV-D Unit did wrong and why. **Include your address, the date and your case number. Keep a copy of your letter.**
- If the problem is not explained or fixed in 30 days, write a letter to:
DHS: Child Support Enforcement Division
P.O. Box 64946
St. Paul, MN 55164-0946
- If that does not work, write to:
Administration for Children and Families
Child Support Enforcement
233 N. Michigan Ave., #400
Chicago, IL 60601-5519



Find more fact sheets at www.lawhelpmn.org/LASMfactsheets

Find your local legal aid office at www.lawhelpmn.org/resource/legal-aid-offices

Fact Sheets are legal information NOT legal advice. See a lawyer for advice.

Don't use this fact sheet if it is more than 1 year old. Ask us for updates, a fact sheet list, or alternate formats.

© 2017 Minnesota Legal Services Coalition. This document may be reproduced and used for non-commercial personal and educational purposes only. All other rights reserved. This notice must remain on all copies. Reproduction, distribution, and use for commercial purposes are strictly prohibited.