



## Now That I Have a Child Support Order

### What should I do after getting an order?

Each county has a child support office. The office is also called the IV-D Unit (“Four D Unit”). If you get help from the Minnesota Family Investment Program (MFIP) or other public aid, the IV-D Unit will automatically start collecting the support. If you do not get public aid, you must **apply** for help from the IV-D Unit. They will not help until you do this. The IV-D Unit must help you get child support. In Hennepin County, you can ask for IV-D services by calling (612) 348-3593.

### When will I start getting child support?

It can take about 3 months to start getting child support. If you have a court order that support can be taken from the other parent’s pay, and you apply for IV-D unit help to collect support, they have 20 days to open a file. Then they have 15 days to tell the other parent’s job to withhold the money.

The employer must take child support out of the paycheck within 14 days of receiving the child support order and send the money to the IV-D Unit within 7 days after that. Then the IV-D Unit has 2 days to send the child support to you.

If you get MFIP, you will get the child support money, but your MFIP cash grant will be reduced 2 months later.

You can collect child support of 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 will keep the part of your child support meant for child care or medical care.

**If you do not get MFIP**, County child care help, or MA, the IV-D unit will keep 2% of the child support it collects for you as administrative fees and may collect a yearly service fee of \$25.00.

### How can I find out if the IV-D Unit has any child support for me?

Minnesota has a child support hotline and a website to check on payments. You can call 7 days a week, 24 hours a day.

The hotline can tell you:

- The date of the latest child support payment;
- The payments made in the last 90 days;
- Your child support account balance; and
- Your child support worker's name and phone number.

Call:

- In the metro (651) 431-4340
- In greater Minnesota 1-(800)-657-3512
- If you are hearing-impaired call (651) 431-4342 in the metro or 1-(888)-234-1208 outside the metro area or use the MN Relay at 711.

Or go online to: [www.childsupport.dhs.state.mn.us/Action/Welcome](http://www.childsupport.dhs.state.mn.us/Action/Welcome)

### **Can the amount of child support change?**

Yes. Child support can change if the parent's finances or the child's needs change enough to make the old order unfair. Also, you can usually get a cost-of-living increase in child support every 2 years. You can't enforce an agreement to change the child support amount unless it is part of a court order.

### **What do I have to show to change the amount of child support?**

Minnesota has a guideline to set child support. The guideline 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.

Parents who want to change child support have to show that there have been big changes since the last order that make it necessary to change child support. These big changes could be:

- A big change in the income or needs of either parent
- A big change in the needs of the child
- Getting public assistance
- High medical costs for the child
- New or changed child care costs.



The court will not change the child support order unless the child support amount will go up or down by at least 20 percent and \$75.

### **How do I get a cost-of-living increase?**

All child support orders have cost-of-living adjustments (COLAs) written in them. This means the amount you get will go up sometimes. If the other parent does not get pay increases or if the order has other regular increases written in it, then the court can make an exception.

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

### **How do I change the amount of child support?**

To change child support, ask your child support worker for the Expedited Child Support Process. It helps parents work out their child support problems.

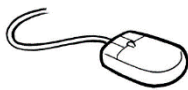
- Send a letter to your child support worker asking to change your child support order. Use the form at the end of this fact sheet. Keep a copy.
- The IV-D Unit will either start your case or send a “denial” letter saying they will not help you.
- If the IV-D Unit denies you, you can still go to court on your own.
- If they take your case they write the papers for a change in child support, and serve them on the other parent. If the other parent doesn’t object or ask for a hearing within 14 days, child support can change.
- If there is not enough information, or if the other parent objects, there will be a hearing.

At the hearing, both parents give facts about their income and expenses. The court sends an order. If either parent disagrees, s/he can file a motion for review within 20 days after getting the order. If the parents agree on child support, the IV-D can make the agreement into a court order.



### **How often must my order be reviewed?**

The IV-D Unit **must** review your whole child support order every 3 years. You can ask for a child support change if your order is less than 3 years old, but the IV-D Unit does not have to help you. You can go to court on your own. The [papers you need](#) to go to court on your own can be found at [www.mncourts.gov](http://www.mncourts.gov).



- Click on “Get Forms”
- Click on “Child Support”
- Click on “Motion to Modify Child Support” [packet].

Medical support can be reviewed anytime if the child’s available insurance changes or if one of the parents or the child has a change to their eligibility for health insurance.

### **Do I need a lawyer?**

No. But if there is a hearing, you may want a lawyer. Someone from the IV-D Unit may come to the hearing and ask for child support but the IV-D Unit does not represent either parent.

### **Is using the IV-D the only way to change child support?**

No. A court can change child support any time it is dealing with custody, visitation, property division or domestic abuse or you can ask for a change in child support.

### **How can I find out if the other parent is making more money?**

Every 2 years you can require the other parent to give you a copy of his/her latest tax return.

### **What can I do if the other parent does not pay?**

Child support is not past due until it is 30 days late. Then the IV-D Unit can do many things to help you get the money:

- **Automatic Withholding.** If your child support order doesn't say that child support can be taken out of the other parent's paycheck, you can ask to start this any time support is 30 days late.
- **Contempt.** You can ask that the court find him/her in contempt of court. There must be a hearing. If the court finds the other parent could have paid child support but didn't, s/he can be held in contempt. Then if s/he doesn't pay the back child support, s/he can be put in jail.
- **Tax Refunds.** If the other parent owes at least \$500 in back child support, his/her federal and state tax refunds can be taken to pay the back child support. If the other parent owes more than 1 month of back child support his/her state tax refund can be taken to pay it.
- **License Suspension.** When a parent owes at least 3 times the monthly amount in back child support, the state can suspend their state licenses. This can be drivers or any work license issued by the state, such as a hairdresser, or barber's license.

The license is suspended until the parent starts paying child support. The state can suspend hunting, fishing, boating or other licenses also.

- **Credit Reporting.** The IV-D Unit reports parents who do not pay child support to the credit bureau.
- **Liens.** The IV-D Unit must place liens on real estate or personal property (car, boat, etc.) of a parent who does not pay child support. If there is a lien on a house, or other property, they can't sell it unless the lien is paid.



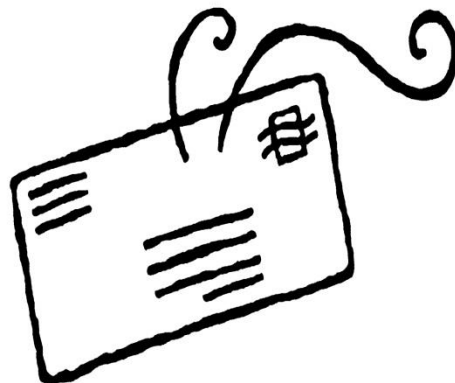
After the court sets child support for the first time, you can ask the court to have a hearing to make sure the other parent is paying support. You can only ask for this hearing within the first 6 months after the first order. The court will attach a copy of the form to your order. You must complete the form and send it to the court and the other party to ask for a hearing.

## How can I help make sure that I get my child support?

Give your worker **all** the facts that you have about the other parent. For example, if you know that they changed jobs or moved, tell that to your worker as soon as possible.

## 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. Say what things the IV-D Unit did and why you think they are wrong. **Include your address, the date and your case number. Keep a copy of the letter. If you live in Hennepin County, you can also call the Client Services Advocate at 612-348-3333.**
- 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](http://www.lawhelpmn.org/LASMfactsheets)

Find your local legal aid office at [www.lawhelpmn.org/resource/legal-aid-offices](http://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.*

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**CHANGE IN CHILD SUPPORT LETTER**

\_\_\_\_\_ Date: \_\_\_\_\_  
*child support worker's name*

\_\_\_\_\_  
*child support worker's address*

**RE:** \_\_\_\_\_  
*your file number*

Dear \_\_\_\_\_

I have a child support order that \_\_\_\_\_  
*name of absent parent*

is to pay me \_\_\_\_\_ per month.  
*amount of child support*

S/he should pay more child support because:

*(add the facts of your case here, such as, "I hear he got a raise", "She got a new job", "My expenses went up", or "My income went down")*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I ask you to start the Expedited Child Support Process to review my child support order. Please contact me at the address and number below. Thank you.

\_\_\_\_\_  
*Your name*

\_\_\_\_\_  
*Your address*

\_\_\_\_\_  
*Your phone number*