



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
- **Childcare support** – Part of your childcare 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 childcare and medical care help from the other parent.



How do they figure out the amount for child support?

Minnesota has guidelines for figuring out how much support payments should be. 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 legal children.

Basic Support: After each parent's gross income is figured out, their incomes are added together. The parent's total gross income is compared to the numbers on a set chart. The chart shows how much money parents at that income level spend on their children. The number from the chart is divided between the parents. It isn't 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:

- The more overnights a parent has with the children, the less basic support they pay.
- If each parent has the children about the same amount of time and their incomes are equal, no child support is paid.

- If each parent has the children about the same amount of time but their incomes are not equal, the parent with the higher income may have to pay some child support.
- If one parent has the children for more time than the other parent, the parent with less time may have to pay the other some child support even if they earn less.

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



If the non-custodial parent’s income is below poverty, they pay a minimum child support order. The minimum order is \$50 per month for 1 child, \$60 for 2 children, \$70 per month for 3 children, \$80 for 4 children, \$90 for 5 children, and \$100 per month for 6 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. You can do this by using Minnesota’s online child support calculator at <http://childsupportcalculator.dhs.state.mn.us>. Read the instructions. They tell you how to use it and what information you need. The more information you can fill in, the more accurate it is. 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.

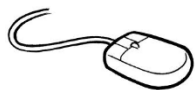
If a parent has remarried or has a roommate, the court **does not** count the income of a new spouse or roommate.

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”).

- If you are **getting MFIP or child care assistance**, you don’t need to apply for help from the IV-D Unit. MFIP sends your case to the IV-D Unit to start a child support case. You have to give some information to the IV-D Unit unless there is family violence.
- If you are **not on MFIP or getting child care assistance**, you have to apply to get help from the IV-D unit. Then the IV-D Unit works to start your child support case. To apply in Hennepin County, call (612) 348-3600.

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

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. * Except Hennepin County. You have to apply for IV-D services in Hennepin County online.
 - For Hennepin County, apply at: <https://www.hennepin.us/residents/human-services/child-support>
 - For any other Minnesota county, apply at: <https://edocs.mn.gov/forms/DHS-1958-ENG>
- They must take your application the day you complete it. There is no fee to apply.
- If you call them, they must send you an application within 5 working days.

After they get your application or get your referral 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 decide if 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 try to serve both parents with legal papers to start the child support case. They have to do this within 90 days after finding the non-custodial parent or setting paternity.

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 in district court 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 legal papers called 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 [Minnesota courts website](https://www.mncourts.gov/forms/). Go to <https://www.mncourts.gov/forms/>. Click on Child Support. Click on the form.

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 sets your child support based on other evidence.

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.



Either parent or the IV-D unit can ask for a hearing. 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. Lawyers sometimes represent parents but most of the time, parents attend child support hearings without one. 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 ask for support but the child support worker and lawyer do not represent either parent.

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

No. A district court judge or referee 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 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:

- Try to 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 a court ordered it
- 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 attaches 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 paycheck. If you get MFIP cash, you get your current child support, but your MFIP amount will be lower 2 months later by the amount of support you got.

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 childcare help, *or* Medical Assistance (MA), the IV-D unit keeps part of your child support money that is meant for childcare 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 have to apply for help. Call your county's IV-D office to apply. They 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 the money as an administrative fee. The administrative fee can't be more than \$950 per year.



You can ask the court to have the other parent pay you directly if you do not get MFIP or other public benefits, and:

- Past payments were 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 must the IV-D Unit send me child support payments they collect?

The IV-D Unit must pay you the child support within 2 days of the date they get it.

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 they don't get back to you or fix the problem within 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



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