



Now That I Have a Child Support Order

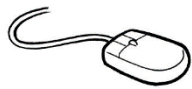
What should I do after getting an order?

Every county has a child support office. The office is also called the IV-D Unit (“Four D Unit”). If you get help from:

- Minnesota Family Investment Program (MFIP)
- Medical Assistance, or
- Child Care Assistance

the IV-D Unit automatically starts a child support case to collect child support from the other parent. If you don’t get public aid, you must apply for help from the IV-D Unit. They won’t help until you do this. The IV-D Unit must help you get child support. To ask for IV-D services call your [county child support office](#).

Go to dcyf.mn.gov.



- Under *Individuals and Families* (menu), click *Child Support*
- Click *Directory of county child support agencies*



When do I start getting child support?

It can take about 3 months to start getting child support. If you have a court order that the 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 getting the child support order. They 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 get the child support money, but your MFIP cash grant will be lower 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 assistance, or Medical Assistance (MA), the IV-D unit keeps the part of your child support meant for childcare or medical support.

If you don't get MFIP, county child care assistance, or MA, the IV-D unit keeps 2% of the child support it collects for you. This 2% is administrative fees. They may also 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 help desk and a website to check on payments. You can call Monday through Friday from 8 am to 4:30pm.

The Help Desk 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 [\(651\) 431-4400](tel:6514314400)
- In greater Minnesota [\(800\)-657-3890](tel:8006573890)
- If you are hearing-impaired dial 711 for the MN Relay TTY access or use the relay service you like best.

Or go online to: childsupport.dhs.state.mn.us/Welcome.request

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. It takes a court order to change child support. Also, you can usually get a cost-of-living increase (also known as a cost-of-living adjustment) 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. And that the changes 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 childcare costs or health care coverage costs for the child
- The child is over 18 and not enrolled in high school / secondary school



The court won't change the child support order unless the child support amount goes up or down by at least 20 percent and \$75.

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

Child support rules say that either parent can ask the other parent for a copy of their tax return. It needs to be in good faith and not more than once every 2 years. When you ask the other parent, they have 30 days to get it to you. If they don't, talk to your worker. There might be other documents you can ask for too. Talk to your worker.

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 goes 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 send out the notice for the increase. If you are not using IV-D, you need to send your own notice.

How often do they review my child support order?

If you have IV-D services for your child support case, 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.

How do I ask for a change in 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 attached to this fact sheet. Keep a copy.

- The IV-D Unit either starts your case or sends a “denial” letter saying they won’t help you.
- If the IV-D Unit denies you, you can still go to court on your own and ask them to change the amount of child support.
- If IV-D Unit takes your case, they write the papers for a change in child support, serve them on the other parent, and file them with the court. 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

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, parenting time (visitation), property division, or domestic abuse. You can also ask for a change in child support.

What happens at the hearing?

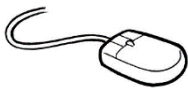
Both parents give facts about their income and expenses. The court sends an order. If either parent disagrees, they can file a motion for review within 20 days after getting the order. If the parents agree on the child support, the court can make the agreement into a court order.

What do I need for the hearing?

You may want a lawyer, but you can go to court on your own. Someone from the IV-D Unit may come to the hearing and ask for the change in child support. But the IV-D Unit does not represent either parent.

You need forms. You can ask for them at your court. There might be a filing fee. There are ways to get these forms online too.

You can find the [papers you need](#) on the court’s website at: www.mncourts.gov.



- Click on “Forms & Instructions”
- Click on “Child Support”
- Click on “Expedited Process Forms”
- Click on “Motion to Modify Child Support” [packet].

Make sure you read the instructions, so you know what forms you need. To avoid problems, right click on the form link and choose the “save as” command to download it to your computer.

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

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 can I do if the other parent doesn't pay?

Child support is not past due until it is 31 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 having the money taken from a paycheck any time support is 31 days late.
- **Contempt.** You can ask that the court find them in contempt of court if they are 3 or more months behind in child support. There must be a hearing. If the court finds the other parent could have paid child support but didn't, they can be held in contempt. Then if they don't pay the back child support, they can be put in jail or ordered to do community service.
- **Tax Refunds.** If the other parent owes at least \$500 in back child support, their 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 their state tax refund can be taken to pay it.
- **License Suspension.** When a parent owes at least 3 times the monthly support 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 don't pay child support to the credit bureau.
- **Liens.** The IV-D Unit might 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. You can only ask for this hearing within the first 6 months after the first order. 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.



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 they don't get back to you or fix the problem within 30 days, call [\(651\) 431-4400](tel:6514314400) or write a letter to:

DHS: Child Support Division
P.O. Box 64946
St. Paul, MN 55164-0946

- If that does not work, write to:

Administration for Children and Families
77 West Jackson Blvd
Chicago, IL 60604



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 other 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