

Child Support

MNCLE: The Complete Family Lawyer

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What Is Child support? (Minn. Ch. 518A)

- Child support is comprised of:
 - Basic support:
 - the dollar amount ordered for a child's housing, food, clothing, transportation, education costs, and other expenses related to the child's care.
 - Child Care Support (discussed later)
 - contribution toward the work related or education related childcare expenses that is based on the proportionate share of the parties' combined monthly PICS.
 - Medical Support (discussed later)

Contributions by a Parent (Minn. Stat. § 256.87 / 518A.81)

- **Parents** have a duty to support their children whether there is public assistance open:
 - A **parent** of a child is **liable for the amount of public assistance** . . . furnished to and for the benefit of the child (subd. 1)
 - A person or entity having physical custody of a dependent child **not receiving public assistance** . . . has a cause of action for child support **against the child's noncustodial parents.** (subd. 5)
- Parentage should be established before support.
- Maternity is hardly an issue
 - Generally, the biological mother is self-evident and listed on Birth Certificate (B.C.)
 - Maternity actions are allowed – Minn. Stat. § 257.71
- Paternity is usually the issue

How Paternity is Established to Request Child Support in Minnesota

Three Ways

- **Paternity Actions** – Minn. Stat. Ch. 257
 - “257 Action”
 - **Married at Birth** – Minn. Stat. Ch. 518
 - Dissolution is best to address support
 - Possible with establishment action, but
 - Limitations: Need custodial “consent” to order support for anything other than reimbursement on PA.
 - **Recognition of Parentage** – Minn. Stat. § 257.75
 - “256 Action”
- One of these three must be met prior to a father’s name being placed on the birth certificate
 - Every child support action should allege how paternity is established
 - Not just that father is listed on child’s birth certificate

Is Father's name on Birth Certificate Conclusive Evidence of Paternity?

- State's law differs whether father's name on B.C. is conclusive evidence of paternity.
- In Minnesota, it is NOT conclusive evidence of paternity.
- Need to know how father's name was placed on birth certificate:
 - ROP
 - Paternity adjudication
 - Legal marriage
- **Issue 1:**
 - Mother and father claim that they are married
 - Hospital staff do not verify marriages
 - Cultural – not legally recognized
 - Not married at all
 - Father is added B.C.
 - Paternity is not established
- **Issue 2:**
 - Mother is married
 - Mother does not report marriage
 - Mother and a different man sign a ROP at the hospital and is added to B.C.

Is the County involved?

(Minn. Stat. § 257.741 / 518A.82)

- **In General:**

- County is involved in ANY case in which PA is open. (Minn. Stat. § 257.741)
- Also, can be involved when we are enforcing the order.
 - “NPA application for services” (establishment, modification, paternity, enforcement)

- **Basic Support (257.741, subd. 2(a)):**

- Assigned when MFIP or TANF are open for the Joint Child

- **Child care support (subd. 2(c)):**

- Assigned when child care assistance is open for the Joint Child

- **Medical Support (subd. 2(b)):**

- ONLY Medical Assistance is considered public assistance for medical support.
 - **Public coverage = “MEDICAL ASSISTANCE” – 518A.41, subd. 1(f)**
 - Open for the Joint Child(ren). Not for the mother.
- Does NOT include:
 - Medicare
 - Federal subsidies
 - MNSure – MNSure is an insurance exchange/marketplace. NOT a form of coverage.
- Medicaid is the Federal program. MN calls it Medical Assistance.
- Practice Point:
 - These terms are confusing for clients, often you may need to ask follow up questions
 - to ensure “medical assistance is open for the joint child(ren).

Medical Support: The METS Problem

- Previously, MA (“Medical Assistance”) cases housed in MAXIS.
 - MAXIS→PRISM interface kept the agency updated.
- After ACA and implementation of MNSURE (MN’s Insurance Exchange).
 - MA information is housed through METS (Minnesota Eligibility Technology System).
 - METS holds new and recertified MA cases through MNSURE.
- METS does not communicate with PRISM in the same way (or as frequently).
 - Often MA can be open, but not interfacing with PRISM.
- Agency is advised to “trust the program” and treat the case as NPA until we receive a referral through METS.
- Parents will report they are receiving MA, and County says they are not involved.
- Practice Point:
 - Still relevant evidentiary (i.e., who carries coverage for the child and what is the cost)
 - Unless MA is interfacing with PRISM, County does not have assigned medical support.
 - County may be able to “push” referral if they reach out to METS. But, it still takes a few weeks, and not automated.

If the County is involved ...

- Parties are required to provide notice to public authority (Minn. Stat. § 518A.44)
- Notice to public authority
- Contact County Attorney when:
 - Stipulation involving support
 - A hearing regarding support is set
 - Paternity is at issue (if open IV-D case)
- If parties fail to involve County,
 - County is entitled to de novo review of support (Minn. Stat. § 518A.45)

How is Basic Child support calculated (big picture) (Minn. Stat. § 518A.34)

Notes

- Minnesota uses “income shares model.”
 - Add both parties' gross income together.
 - Legal fiction of child’s household income as if parents resided together.
- Previously Noncustodial Parent’s Net Income
 - Only looked at NCP’s income and ordered support based on that.
- Gross income vs. net income
 - Gross – before any deductions
 - \$22/hr. x 40 hrs./wk. = \$880 gross weekly income
 - Net – after deductions
 - \$880 and subtract:
 - Taxes
 - Insurance
 - Retirement accounts
 - Etc. etc. etc.
- Calculator Tool: <https://childsupportcalculator-beta.dhs.state.mn.us/>

Calculation

- (1). Determine parties’ gross income
- (2). Calculate Parental Income for Child Support (“PICS”)
 - Gross income – deductions
 - nonjoint children
 - Spousal support
- (3). Determine each party’s PICS percentage / proportional share
 - CP: \$2500
 - NCP: \$7500
 - Combined PICS: \$10,000
 - CP: 25%
 - NCP: 75%
- (4). Determine COMBINED basic support obligation
- (5). Each parent pays proportional amount based on PICS Percentage
- (6). Reduce obligation by parenting time adjustment
- (7). Equals “Guidelines Support Obligation”

Child Care Support (Minn. Stat. § 518A.40)

- Contribution towards costs of **child care expenses**
- MUST be work or education related
 - Ambiguity: whether it applies to work search
- Contribution:
 - **NPA:** Parents contribute based on PICS Percentage
 - Example:
 - Child care costs \$1000/mo..
 - PICS: NCP – 48%; CP -52%
 - Obligation: \$480 (Self-support reserve applies)
 - **PA:** When child care assistance (“CCA”) is in place:
 - Calculator applies sliding fee scale as if NCP applies for assistance themselves.
 - CP often has a copay, amount used in calculator is only what the county is expending.
 - Support goes towards County expending assistance, not the parents’ copay
- Parents must provide written verification for court to consider
 - Can ask parents if they can provide documents if court left the record open

Medical Support (Minn. Stat. § 518A.41)

- Parents requirement to provide:
 - Health coverage
 - Share health coverage costs
 - Share costs for uninsured/unreimbursed (“UU) expenses
- Court determines if either party has appropriate health coverage.
 - If appropriate, affordable, party must carry coverage for the JC
 - If no appropriate coverage, court orders CP to apply for coverage.
- Cost of private coverage is apportioned based on PICS % split, (self-support reserve applies)
- Parent MUST provide written verification of premium costs for the court to consider medical support order.
- If public assistance (medical assistance (“MA”)) is open:
 - Calculator calculates obligation as if NCP is applying for MA, and pays premium they would pay.
 - Obligation Max: \$28/child for up to 3 children. Max: \$84.
 - Policy: anything less than \$25/mo.. is not worth the cost of enforcing, and we ask for a \$0 order

Legislative Medical Support Updates effective January 1, 2025

- **Definition of health care coverage to include public coverage.**
 - Prior to 1/1/25:
 - In MN Health care coverage **DOES NOT** include Public Coverage.
 - Public Coverage **ONLY** means Medical Assistance
 - In conflict with federal law.
- **Public coverage presumed appropriate.**
 - No longer a preference for private coverage.
 - Question: Whether the Court is still required to analyze both parties' private coverage if MA is in place.
- **Obligated parents' eligibility for public coverage.**
 - Replace eligibility amount w/ NCP's PICS is less than 200% poverty rate, no contribution.
- **Allow Administrative suspension of medical obligation if CP fails to maintain coverage as ordered.**
 - Inequity when ordered as an offset.
 - When roles are reversed, CP's offset can be administratively turned off
 - Does not explicitly allow support to turn off when MA closes, so best to continue to get conditional language
- **Define “reasonable in cost” as 5% of parties’ combined PICS and applies to cost to add the child to coverage.**
 - State policy for 5% did not apply to non-IVD cases.

Advice to Private Attorneys

1. List all three obligations in sum certain amounts
 - Including reserving/setting \$0 for a specific obligation
 - No percentage orders
 - Do not use net orders
 - Affects COLA's and other enforcement issues.
 - Do not list child care support as an offset.
 - Even when Medical is offset, list the obligation as ordered:
 - “[CP] shall pay \$50/mo. for medical support...”
 - County will administratively enforce as an offset
2. Include language that when MA is open, medical support should only charge “for any month that PA is open.”
3. Always address unreimbursed/uninsured medical expenses.
4. Write simply and completely:
 - Some terms are at times so unclear that the IV-D agency can't enforce the order
 - Avoid insufficient findings in the order. If ambiguity agency uses whole document to resolve. If we can't, parties need another hearing.
 - Always attach guidelines worksheet, even if deviating.
 - Support should charge 1x per month on the 1st of the month: “Beginning August 1, 2024...”

Advice to Private Attorneys cont.

5. Avoid language about *automatic modification* of child support as children emancipate
 - If not per child order, an order is needed to modify support.
 - Agency cannot administratively recalculate child support.
6. Be clear on parenting time: include number of overnights whenever possible: 182.5 for Mother; 182.5 for Father.
 - Sharing holidays and other issues create calculating overnights impossible.
7. Do not call certain expenses “child support” that are not
 - Agency can only enforce basic, child care, and medical support.
8. Do not assess potential income against MFIP recipients.
 - Minn. Stat. § 518A.32, subd. 4.
9. Review Minn. Stat. 518A.32, subd. 2 when imputing
 - descending order of preference

Questions? (otherwise, there's
more...)

Definitions

- Custodial parent (“CP”): parent with whom child primarily lives
- Noncustodial parent (“NCP”): parent without primary custody
- Nonjoint children (“NJC”): Other children either parent has
 - Joint children (“JC”): children the parents have together
- Obligee: recipient of support (not always CP)
- Obligor: Parent obligated to provide support
- Parental Income for Child Support (“PICS”): gross income - deductions
 - PICS Percentage: Parents proportional income for support

Gross Income (Minn. Stat. § 518A.29)

- **INCLUDES:** Any form of periodic payment including but not limited to:

1. Salaries
2. Wages
3. Commissions and bonuses
4. Self-employment income
5. Worker's compensation benefits
6. Unemployment benefits
7. Annuity payments
8. Military and naval retirement
9. Pension payments
10. Disability payments (including RSDI and veteran)
11. Spousal maintenance payments
12. Potential income

- **EXCLUDES:**

- Public assistance benefits
 - MFIP / DWP
 - Childcare assistance
 - Medical Assistance
 - Minnesota Care, MNSURE, or other federally subsidized health care plans.
 - IV-E foster care
 - Any other forms of public assistance based on need. (GA, SSI, GRH, Section 8 housing allowance, MFIP housing grant, Food Support, MSA, TEFRA, etc.)
- Reimbursement of expenses made during employment.
- Overtime compensation paid for employment over 40-hours in a work week.
- Non-parent spouse's income
- Child support payments received by the parent.
- NOTE: Adoption assistance payments, guardian assistance payments and foster care subsidies are rebuttably presumed to not be gross income.

Note on Social Security

- RSDI:

- Included as income
- Based off parent paying taxes on income/employment history
 - So amount you receive is based on what you paid into the system
- Can have a “derivative benefit” to child
- RSDI can be received for disability or retirement
- Some people receive mix of both RSDI and SSI

- SSI

- Excluded as income
- “means tested” public assistance based on disability
 - Amount you receive is based on need.
- No derivative benefit
- Hennepin County never imputes income.
- Received due to disability

What if a parent is unemployed or underemployed? (Minn. Stat. § 518A.32)

- Rebuttable presumption:
 - Parents are capable of working 40 hours per week
- Potential income **MUST** be applied if parent is:
 - Voluntarily unemployed, underemployed, or employed on less than a full-time basis; or
 - No direct evidence of income
 - Example: self-employed truck drivers
- Potential income **CANNOT** be applied to parent if:
 - Recipient of MFIP-cash/TANF. – statute
 - Policy: includes household members of recipient of MFIP-cash
- When is a parent **NOT** voluntarily unemployed:
 - Temporary condition and ultimately will lead to an increase in income
 - Example: student
 - “Bona fide” career change that
 - Outweighs adverse effects that diminished income has on joint child
 - Physically or mentally incapacities
 - Policy: General Assistance (“GA”)/SSI recipients automatically qualify
 - Court may require proof of disability.
 - Incarcerated
 - Self-employment income is lower due to economic conditions
 - Parent cares for joint child. Court considers:
 - Started BEFORE support action began;
 - the cost of childcare is less than parent would earn; and
 - Child’s age and health; and
 - lack of availability of childcare providers

How do we “impute”? (determining potential income) (Minn. Stat. § 518A.32)

1. A parent’s “probable earning” is based on:
 - Employment potential
 - Recent work history
 - Occupational qualification considering job opportunities and earning levels in communities
2. Actual amount of unemployment benefits “UI” or “REI”
 - Only applies to people who were fired/involuntarily terminated
3. Imputing 30 hours at 100% of federal or state min. wage (whichever is higher)
 - Fed: \$7.25
 - MN: \$10.85
 - Use Min. Wage/Federal Min. wage for out of state parents
- Should I Impute at 30 hours or 40 hours? (opinion)
 - Rebuttably presumed can work full time / 40 hours/wk..
 - Depends on work history.
 - If history of work 40 hours (which is 1st prong).
 - If NO history of work 30 hours (which is 3rd prong)
 - Salary Survey information can always be included:
 - [Career & Education Explorer \(state.mn.us\): https://apps.deed.state.mn.us/lmi/cpt/Search](https://apps.deed.state.mn.us/lmi/cpt/Search)

“Evidence of Lifestyle”

22. Minnesota courts permit adverse inferences against a party failing to produce information within their possession or control. *Federated Mut. Ins. Co. v. Litchfield Precision Components, Inc.*, 456 N.W.2d 434, 436-37 (Minn. 1990). In family proceedings, the Minnesota Supreme Court recognizes a party's failure to supply essential information in the process justifies inferences adverse to that party. *Bollenbach v. Bollenbach*, 175 N.W.2d 148, 155 (Minn. 1970), see also *Doering v. Doering*, 629 N.W.2d 124, 132-33 (Minn. App. 2001).

- Tax returns are self-reported and therefore often do not carry high probative value.
- “The opportunity for a self-employed person to support himself yet report a negligible income is too well known to require exposition.” **Ferguson v. Ferguson, 357 N.W.2d 104 (Minn.App.1984)**
- “Party has duty to supply financial information ... to the trial court... failing to do so justifies adverse inferences.” **Spoooner v. Spoooner**, 410 N.W.2d 412, 413 (Minn. Ct. App. 1987) and **Bollenbach v. Bollenbach**, 175 N.W.2d 147 (Minn. 1970). (**County of Ramsey v. Shir**, 403 NW 2d 714 (Minn. App. 1987): Where obligor has failed to produce adequate documentation of his income, court has wide latitude in determining income.). In re the Marriage of Jennifer Marie Gran, f/k/a Jennifer Marie-Gran Barkley, petitioner, Respondent, vs. Craig William Barkley, Appellant, (Unpub.), (Gran v. Barkley, A06-1887, 2007 Minn. App. Unpub. LEXIS 774 (Minn. Ct. App. July 31, 2007)
- **District court has broad discretion to consider other evidence, such as cash flow and the lifestyle of a sole business owner**, in determining appellant's net monthly income, and is not required to reopen the record for submission of additional income evidence. **Gemberling v. Hampton**, No. A07-0074, 2008 WL 135000, at *2 (Minn. Ct. App. Jan. 15, 2008)

Nonjoint children deduction (Minn. Stat. § 518A.33)

- Determined gross income of parties, now what?
 - Deduction for spousal maintenance paid and NJC
- Parents get a deduction to their PICS based on having NJC
 - Parent must be a legal parent (i.e., paternity must be established)
 - Important to gather:
 - Initials / Date of birth / how paternity was established / whether county verified
 - Child in home or lives outside of parents' home
 - Whether the parent pay child support and what that amount is
 - Two places in calculation to add a deduction:
 - Amount of child support expended OR
 - A standard deduction for the child
 - Up to 6 children
 - Whether or not they live in the parents home
 - Note: if parent has a \$0 order for the child, standard duction applies.

11. What is the total amount each parent is ordered to pay for monthly <u>child support</u> for <u>nonjoint child(ren)</u> ?	\$	<input type="text"/>	\$	<input type="text"/>
12. What is the number of <u>nonjoint child(ren)</u> not included in question 11?		<input type="text"/>		<input type="text"/>

- Child support calculator has imbedded programming to apply deduction for NJC

Calculating Combined Child Support Obligation (Minn. Stat. § 518A.35)

- **Income cap:**

- Parents with income over the max. normally cannot be ordered to pay above that limit. Except if:

- **(1). Disability/substantial need:**

- Court can order above limit if it finds that:
 - a child has a disability or other substantial, demonstrated need AND
 - Additional support will directly benefit the child.

- **(2). More than six children.**

- the court may derive a support order without specifically following the guidelines.
- Court must consider the basic principles encompassed by the guidelines and must consider both parents' needs, resources, and circumstances.

Parenting Expense Adjustment (“PEA”) (Minn. Stat. § 518A.36)

- Court ordered parenting time is used to adjust basic support obligation.
- As long as it is court ordered, it is used in the calc.,
 - **regardless of whether its being used**
 - Some parents complain they care for the child and aren’t getting credit
 - Some parents complaint the other parent isn’t using court ordered parenting and getting credit.
 - Not fair: calculator is rigid, could be a reason to deviate
- Calculated based on number of “overnights” the child has
 - Does not matter if NCP cares for the child after school from 4-8 pm. Must be overnight.
 - Statute references “overnight equivalents.” Caselaw does not clearly define this, so best to rely on overnights alone.
- Court calculates number of overnights based on 2 year schedule, includes holidays/vacations.
- Web Calculator available:
 - <https://mn.gov/dhs/child-support-calendar/>
- **There is a rebuttable presumption that parent with more than 55% of parenting time will not pay other parent child support (Minn. Stat. 518A.26)**

Ability to Pay / Self-Support Reserve / Min. Support Order (Minn. Stat. § 518A.42)

- Rebuttable presumption that obligation will not exceed a parent’s ability to pay.
- Self-Support Reserve (“SSR”) is subtracted from PICS to determine income available for support.
- SSR is 120% of federal poverty guidelines
 - 2024: \$1506
- If income for support is less than guidelines support obligation, it is reduced to that amount.
- If obligor’s income is less than SSR then min order applies.

Computing a Final Obligation	14. Total Child Support Obligation	\$242	\$0	----
	15a. Parental Income for Determining Child Support (PICS)	\$1622	\$1850	----
	Amount Minnesota law allows to support yourself	\$1506	\$1506	----
Ability to Pay Calculation	15b. Income Available for Support (Line 15a - 120% of monthly FPG)	\$116	\$344	----
	16. Monthly Child Support Obligation - No Adjustment Necessary		\$0	----
	17. Amount of Reduction	\$126	\$0	----

Min. Support Order:

- \$50 – 1 JC
- \$60 – 2 JC
- \$70 – 3 JC
- \$80 – 4 JC
- \$90 – 5 JC
- \$100 – 6 JC

Ability to Pay / Self-Support Reserve / Min. Support Order (Minn. Stat. § 518A.42) (Cont.)

- Min. support obligation is required to be applied to all obligors except:
 - (1). Incarcerated obligor
 - (2). Recipient of SSI
 - (3). Recipient of GA
 - (4). Recipient of MFIP/TANF
 - (5). Courts finds the obligor has:
 - (a). No actual income; and
 - (b). No ability to earn income
- In these circumstances support order is \$0/mo.. (or reserved).
- Min. support obligation does not apply when applying the parenting expense adjustment reduces support below the min. support order.
 - For example, if guidelines support without PEA is \$100/mo., but after applying the PEA, the obligation is \$7. A \$7 basic support obligation can be ordered.

Deviations (Minn. Stat. § 518A.43)

- Guidelines calculation is a rebuttable presumption
- After rigid calculation is made, Court can consider whether to deviate to a lower or higher obligation.
 - Calculation is rigid, humans and families are complicated
- Deviation is intended to encourage prompt and regular payment and to prevent either parent/child living in poverty.
- Deviation factors must include:
 - All income/resources of parents
 - Extraordinary needs (physical, emotional, educational) of child
 - Standard of living child would enjoy if parents lived together
 - If child lives in foreign country with higher or lower cost of living
 - Which parent receives income tax credit
 - Parents debt
 - Parents support obligations exceed Consumer Credit Protection Limits (“CCPA”)
 - Can only withhold up to 65% of obligors income
 - If child is in out of home placement (child protection) whether redirecting support would impact parents’ ability to reunify

Deviations (Minn. Stat. § 518A.43) (Cont.)

- Opinion: Not explicitly stated in the statute but factors all revolve around:
 - Whether its in the child's best interest to deviate
- Public Assistance is Open:
 - If payment is assigned to public authority:
 - "Court may not ... deviate downward ... unless the court specifically finds failing to deviate downward would impose an extreme hardship on the obligor."
- Evidence:
 - Often relates to expenses (bills) of NCP to question whether they can afford support
 - Can relate to facts that do not fit well into the calculation
 - Parenting time that is not court ordered
- Because calculator is rigid, deviation can be appropriate

Past Support (Minn. Stat. § 256.87)

- CP can ask for support prior to commencement of action
 - Up to two years prior to case beginning (or from date of birth of child if less than two years old)
 - Commencement of action = after last party is served (if waived service, date of signing the waiver)
- Hennepin County Practice:
 - Will NOT calculate unless we have verified income. We will NOT impute income.
 - Will NOT calculate unless we have an affirmative request from CP
 - In any establishment action, must ask CP whether they are requesting or waiving past support
- Depending on status of public assistance, all or a portion of past support is owed to the county
 - From date MFIP-cash opened, basic support is assigned to county. Child support officer (“CSO”) will calculate past support obligation and total amount of public assistance expended in that time.
 - If PA expended > support = ALL owed to county
 - If PA expended < support = excess is owed to CP
 - Example: past monthly support obligation is \$500/mo. for 12 months. Total Past support = \$6000
 - PA expended = \$4000. \$4000 is owed to County. \$2000 is owed to CP
- Additional considerations:
 - Direct Support
 - Whether NCP has provided any direct support (money or items) for the benefit of that child. If so, that should reduce past support obligation
 - Date of separation of the parties
 - if they lived together at some point. No past support owed for times when they reside together

Child Support Orders

- No net orders. Each obligation should be listed separately.
 - Support ordered 1x/mo. on the first of the month.
 - Example:
 - Beginning January 1, 2024, Father shall pay support as following:
 - \$525 per month for basic support.
 - \$250 per month for child care support.
 - \$28 per month for medical support for any month that public assistance is open in the form of medical assistance.
 - Best practice to address payback on past support in certain monthly amount
 - Otherwise, collected at additional 20% of obligation
 - Parents CANNOT make direct payments to each other. Must go through payment center if IV-D case is open
- \$0 vs. Reserved orders
 - Reserved – no court order. Court reserves the issue for a later date
 - \$0 order = child support order
 - Reserved orders
 - Easier to set support. Do not need to meet modification standard
 - \$0 order
 - MUST meet modification standard (discussed later)
 - Extra burden

Cost of Living Adjustments (“COLA”) (Minn. Stat. § 518A.75)

- COLA applies only to basic support and spousal maintenance
 - Does not apply to child care and medical support
- Biannual increase to child support based on consumer price index
- May 1st for cases enforced by IV-D agency
- 2023: ~13% increase
- 2024: ~11% increase
- Motions to contest filed and heard in ex pro
 - Generally, we do not appear

Modification of Child Support (Minn. Stat. § 518A.39)

- Party seeking modification must show one of following:
 - Substantial increase/decrease in income of either party
 - Substantial increase/decrease in need of JC
 - Receipt of PA
 - Change in cost of living
 - Extraordinary medical expenses
 - Change in medical insurance/premiums
 - Change in child care expense
 - Emancipation of child
- Court then must determine whether existing order is “unreasonable and unfair.”
 - Rebuttable presumption: order is at least 20% and at least \$75/mo.. different
- Mod is only retroactive as far back as date of service motion
 - Exception: An obligation can be deemed satisfied if:
 - Child is living with obligor
 - With the consent of the obligee and
 - Support was not assigned to county
 - Policy: county would not object
 - Minn. Stat. 518A.38, § subd. 3
- County has no authority to forgive arrears owed to CP
- County attorney has no authority to forgive arrears owed to county.
 - AAMP program exists, and NCP can speak with CSO after the hearing to see if they qualify.

Miscellaneous Other Scenarios

- 3rd Party Custodians
 - 3rd party custodian's income is NEVER included in the calculation.
 - Despite whether PA is open or not.
 - 3rd party HAS a custody order for the child
 - You can ask for support regardless of PA status.
 - 3rd Party DOES NOT have custody
 - We can only ask for support for any month that public assistance is open.
- Married at Birth / No dissolution
 - If PA is open: can ask for support for any month that PA is open.
 - If NPA: can only ask for support if NCP provides "consent" for living arrangement.
 - Otherwise, dissolution proceedings should commence.