

Child Support A to Z: Introduction to IV-D Child Support

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A. Background

1. **The Expedited Process** – The IV-D Child Support Program was established by Title IV-D of the Social Security Act of 1975. States receive federal funding for cash assistance (MFIP) and other public assistance programs when they comply with the Act. The expedited process is a quick and accessible way to establish parentage and child support, and to review and enforce child support, one of the requirements of the Act. [42 U.S.C. §§ 451 & 651](#) and [45 C.F.R. §§ 301-310](#).
2. **Who Provides IV-D Services?** - [The Federal Office of Child Support Services](#) provides policy, training and 66% reimbursement to States for IV-D expenditures. States and counties provide policy, systems, case management and the remaining funding. In Minnesota, the Department of Children, Youth and Families (DCYF)¹ provides policy, training, and automated systems. County child support offices provide case management and work directly with the parties. County attorney offices provide legal services to the county child support offices and represent the county in legal actions and motions. The courts provide the forum for cases to be heard, issue orders, and provide self-represented litigant services, forms and instructions.

B. Minnesota's Expedited Child Support Process

1. **How does a IV-D Child Support Case Open** – A child support case can open in two ways.
 - a. **Nonpublic Assistance Services** - A person who is legally responsible for a child may request [nonpublic assistance child support services](#). There is no application fee. There may be collection fees. [Minn. Stat. §§ 518A.51](#) and [518A.53](#).
 - b. **Public Assistance Services** – Recipients assign their rights to child support when they receive certain forms of public assistance. [Minn. Stat. § 256.741, Subd. 2](#)

TIP: IV-D child support cases remain open until the applicant asks to close their case. A IV-D child support case cannot be closed if public assistance is open. Closing a IV-D child support case does not modify or end a child support obligation.

¹ The Department of Human Services until July 1, 2024

2. What are IV-D Child Support Services? - The services provided to establish parentage and to establish and enforce child support are commonly referred to as “IV-D services.” Nonpublic assistance and public assistance cases receive the same IV-D services.

a. What is included in IV-D Services?

- Locating people and assets
- Gathering information²
- Establishing parentage
- Establishing and enforcing child support (basic, child care, medical)
- Reviewing and moving to modify child support orders
- Collecting, accounting for, and distributing child support
- Genetic testing for parentage cases
- Working with other States, Countries and Native American Tribes to accomplish all of the above

b. What is not included in IV-D services?

- Initiating dissolutions of marriage or legal separations
- Establishing, enforcing, or modifying spousal maintenance (exceptions)³
- Establishing or modifying custody and parenting time (exceptions)⁴
- Litigating attorneys fees
- Litigating property settlements
- Providing legal advice

c. What is the County’s Role in Minnesota? Child support offices provide case management services. County attorney offices provide legal services for county child support offices and represent the counties in court. County attorneys do not represent the parties or the child and cannot provide legal advice to them.

Counties initiate child support establishment and parentage actions and may intervene in existing family court actions. When a child support order is established, counties collect, distribute and account for payments, use both administrative and judicial enforcement remedies, and seek modifications of child support orders.

TIP: If your client has an open IV-D child support case, notify the county right away. Send any stipulation to the county attorney before your client signs.

² Examples of where counties get information: Affidavits and financial statements of the parties, discussions with parties and others, PRISM (child support system), MAXIS (public assistance system), location services, DEED Wage information, employer verification forms, salary surveys, obituaries and other public information.

³ Spousal maintenance can be enforced, but not established or modified, if child support is being enforced.

⁴ Custody and parenting time can be established, but not enforced or modified, in a parentage establishment case if the parties agree to the terms. If there is not an agreement, the issues will be referred to the District Court.

3. The Expedited Process is a Court of Limited Jurisdiction - Child Support Magistrates (CSMs) hear child support cases in the Expedited Process and have limited jurisdiction.

- a. Mandated Proceedings** - When there is an open IV-D child support case, all proceedings to establish, modify and enforce child support must be conducted in the Expedited Process. [Minn. R. Gen. Prac. 353.01, Subd. 1](#)
- b. Permissive Proceedings** - Parentage actions or civil contempt for nonpayment of child support may be heard in the Expedited Process or District Court. If initiated in the Expedited Process, CSMs can only adjudicate parentage or issue a 1st stage contempt order by agreement. [Minn. R. Gen. Prac. 353.01, Subd. 2](#)
- c. Prohibited Proceedings** - Prohibited proceeding and issues include:
 - Hearing cases that do not have an open IV-D child support case
 - Establishing, modifying, or enforcing custody or parenting time, except where permitted under Subd. 2 (agreement in parentage actions)
 - Establishing or modifying spousal maintenance (spousal maintenance may be enforced if child support is also being enforced)
 - Issuing, modifying, or enforcing orders for protection (OFP), including the modification of child support ordered in an OFP
 - Ordering the division of marital property
 - Conducting contested evidentiary hearings for:
 - Establishment of custody, parenting time, or the child’s legal name
 - Contempt matters or motions to change venue
 - Deciding issues relating to criminal contempt, criminal non-support, vacating parentage, or the constitutionality of statutes and rule[Minn. R. Gen. Prac. 353.01, Subd. 3](#)

TIP: Parties cannot stipulate to subject matter jurisdiction or agree to have prohibited issues included in Expedited Process Orders.

- d. What happens if there are prohibited issues?**
 - If prohibited issues are raised in an answer or responsive motion for a case venued in the Expedited Process, the CSM may either refer all issues to the District Court or determine temporary child support and refer the prohibited issues to the District Court. [Minn. R. Gen. Prac. 353, Subd. 3](#)
 - If the matter was commenced in the District Court because of prohibited issues, the Judge “shall decide all issues before the court.” If an additional hearing is required to determine child support, the Judge may keep the child support issues or refer the child support to the Expedited Process. [Minn. R. Gen. Prac. 353, Subd. 2](#)

- If the District Court does not address the issue of permanent child support, the temporary support becomes permanent after 6 months. [Minn. R. Gen. Prac. 353. Subd. 3\(b\)](#)

e. **Referral Order** – When the CSM refers prohibited issues to the District Court or the District Court refers child support issues to the CSM in the Expedited Process, the order must include:

- the date, time and location of the hearing, and
- a clear statement of the issues to be heard.

[Minn. R. Gen. Prac. 353, Subds. 2 and 3](#)

When there is a referral from the Expedited Process to the District Court, parties are not required to file additional documentation before the hearing.

[Minn. R. Gen. Prac. 353, Subd. 3](#)

TIP: If all parties agree to refer a matter to District Court without a hearing in the Expedited process first, file a written agreement at least 7 days before the hearing. A referral order will be issued by the CSM.

TIP: After the District Court issues an order, all subsequent child support motions must be brought in the Expedited Process for open IV-D Child Support Cases.

C. Your Client’s Open IV-D Child Support Case

1. **How to know if there is an open IV-D child support case?** - Ask your client whether they have an open IV-D child support case. You might have to ask some specific questions as it is not always obvious to the client:

- Do you receive MFIP, MA, or child care assistance, or is your child in foster care?
- Do you receive child support payments from the other parent through the state?
- Have you ever been to court about child support?
- Do you have a child support order (paying or receiving)?

TIP: When in doubt, call the county where your client lives. Provide a certificate of representation or consent so they can talk to you.

TIP: Know what kind of case(s) or file(s) your client may have. Do they have an:

- Open family court file but not an open IV-D child support case?
- Open IV-D child support case but not an open family court file?
- Open IV-D child support case and an open family court file?

2. **If your client has an open IV-D child support case, involve the county right away** – Counties are not automatically notified of legal actions involving child support in District Court. Parties must notify the county (the public authority) of all proceedings for dissolution of marriage, legal separation, determination of parentage, or custody of a

child, if either party receives public assistance or applies for it after the action is commenced. [Minn. Stat. § 518A.44](#). The Minnesota Judicial branch has form: [DIV813](#).

After notice is provided to the county, the county may waive its right to be involved in particular hearings. Even when that happens, always be sure to serve the county with anything that affects child support (including custody and parenting time changes).

The county may ask that the child support order to be vacated or modified if the county is not given an opportunity to review a stipulation. [Minn. Stat. § 518A.45](#).

D. Advocacy

1. Things for attorneys to keep in mind about the Expedited Process:

- a. **Certificate of Representation** - File your certificate of representation, and remember to withdraw when you no longer represent the client.
- b. **Quick Orders** - CSMs must issue decisions within 30 days of the close of the record; District Court Judges and Referees generally have longer to issue orders.
- c. **Relaxed Rules of Evidence** - The Expedited Process is a court designed for self-represented litigants. The rules of evidence are relaxed and there are some other differences than what happens in District Court. [Minn. Gen. R. Prac. 364.10](#)
 - The CSM may admit any evidence that is relevant to the matter before the CSM. Legal privileges apply.
 - Unless a party objects and the objection is sustained, all evidence received during the hearing, evidence submitted timely after the hearing based on CSM approval, testimony, affidavits and anything else that is related to the issue of child support will be considered.
 - Financial documents prepared by the child support officer are admissible without laying foundation.
 - Copies of documents or excerpts of documents instead of originals may be received unless the CSM requires the original or full document.
 - CSMs may take judicial notice of facts that “are not subject to reasonable dispute” on the record to allow the parties to contest the facts.
- d. **Testimony** - There is no need to request permission to present oral testimony as would be the case in district court proceedings. [Minn. R. Gen. Prac. 364](#) and [372](#). CSMs may ask questions during the hearing to “ensure sufficient evidence to make required findings.” [Minn. R. Gen. Prac. 364.13](#)
- e. **Discovery** - Allowable discovery is specifically enumerated and differs from District Court rules (i.e. depositions, interrogatories, requests for production of documents and requests for admissions require approval of the CSM). [Minn. Gen. R. Prac. 361.02, Subds. 1 and 3](#)

If a party fails to comply with a discovery request for items that are requested without the requirement of CSM approval, the party may serve and file a motion. The other party may serve and file a response within 7 days. There is no hearing. Examples of CSM discovery orders include the exchange of information, ordering other discovery, setting or continuing a hearing, or denying the motion.

[Minn. Gen. R. Prac. 361.04](#)

TIP: Effective 11/22/23, parties must file a motion to get a subpoena for a witness or production of documents

- f. **Filing deadlines** – Expedited Process filing and response timelines are found in [Minn. Gen. R. Prac. 372](#). Some timelines are different from motion practice in other family court proceedings.
- g. **Review and Appeal** - In the Expedited Process, a party may choose to appeal directly to the Court of Appeals or seek a Motion for Review either before the CSM who heard the case or a District Court Judge. A party also may request a Motion to Correct Clerical Mistakes with a Motion for Review. [Minn. R. Gen. Prac. 377](#). The order granting or denying the Motion for Review may be appealed to the Court of Appeals.
- h. **Automatic COLA** - IV-D child support cases are subject to automatic cost-of-living adjustments (COLA) every two years. A notice is sent automatically in late March or early April and parties must contest COLA by timely filing a motion before May 1st, which is the effective date of the COLA. When there is a contest, the COLA is stayed until the CSM files their decision granting the COLA in whole or in part or denying the COLA.
- i. **Effective Dates** - Generally, the effective date of a child support order is the date the motion was served. Exceptions include:
 - The initiation of a parentage or establishment of child support action may include a request for past support for up to two years prior to the initiation of the case. [Minn. Stat. § 256.87, Subds. 1 and 5](#)⁵
 - Where a legal guardian has custody of the child(ren) with the consent of the parents or by court order
 - A decrease in child care is the only child support obligation that can be retroactively modified. [Minn. Stat. § 518A.39, Subd. 7](#)

TIP: Counties may propose an effective date of the first of the month following the date of the court order is issued to avoid overpayments or past support.

⁵ Minn. Stat. § 256.87 is renumbered as of July 1, 2024 to Minn. Stat. § 518A.82 to align with the new Department of Children Youth and Families. See the Revisor Instruction in Sec. 68 of Minn. Laws Ch. 80 (HF 3646).

- j. **Enforcement Remedies** - Enforcement remedies can include civil contempt, driver's license suspension and Financial Institution Data Match. There are different thresholds for the different enforcement remedies (i.e. an obligor must be in arrears in an amount equal to three months of child support before a driver's license suspension enforcement action may commence).

2. Preparing your client for a hearing in the Expedited Process:

a. **Does your client want representation at the Expedited Process hearing?**

Factors to consider:

- Cost of representation and financial issues at stake, and the complexity of the issues such as self-employment, voluntary or involuntary underemployment/unemployment, or a request for deviation
- Client's ability to answer and ask questions and advocate for themselves
- Client's ability to understand the issues
- Client's ability to remain calm and respectful

b. **Gather information** - Gather all documents relevant to the hearing (i.e. paycheck stubs, tax documents, proof of child care expenses, information about health care coverage, information about public assistance, list of monthly expenses).

c. **Can there be an agreement on all or some of the issues?** - Reach out to the other party and the county to discuss an agreement before the hearing. If this is not possible, sometimes CSMs will allow parties to use some limited hearing time for settlement negotiations in a Zoom breakout room.

TIP: Note that there are differences, sometimes significant, between how different county attorney offices handle IV-D cases procedurally. If you have not appeared in the Expedited Process in a county before, reach out to other practitioners or the county attorney office to find out preferences and local practices.

3. Preparing your client who elects to appear in the Expedited Process without representation - Make sure they understand the process and their responsibilities, including:

- The County does not represent the client, the child or the other party and they will not provide legal advice.
- It will be helpful to talk to their child support case worker prior to the hearing to understand the recommendations of the county.
- They will need to testify regarding their employment, public assistance (if any), their income, living expenses and parenting time.
- The CSM will probably ask additional questions.
- A basic understanding of the child support guidelines and possible deviation factors. For example, non-overnight parenting time (overnight equivalents) and parenting time travel expenses.

- If your client needs to file a motion in the Expedited Process, someone else needs to serve the other party and whoever serves the other party must provide an affidavit of service that must be filed with the court. This is not a requirement for attorneys representing clients and it is not a rule in the District Court.
- Any proposed exhibits needs to be served on the other party and proposed exhibits must be submit in MNDES.
- The court may leave the record open for additional or updated documentation.
- They can file a motion for review of the order before either the CSM or a District Court judge within 21 days of service of the order upon the parties. This gives the client a chance to have you or another attorney review the order too.

E. Other Helpful Information

1. **Parenting Time Orders** - Make sure there is a clear parenting time order with specific language regarding the number of court ordered overnights or overnight equivalents with each parent and the joint child. The CSM will apply the parenting expense adjustment based upon the court-ordered time, so if it's not current get it updated.
2. **Address Child Support in All Family Court Orders** - Child support is a non-bargainable right of the child. [Aumock v. Aumock](#), 410 N.W.2d 420 (Minn. Ct. App. 1987). If child support will be reserved, the guidelines child support obligations must be stated in the order along with findings to support the reservation of support.
3. **Child Support Referred to the Expedited Process** - If you are in a District Court hearing where the Judge decides to refer the child support cases to the Expedited process, please ask that the order contain a statement about the issues being referred, a description of additional information needed, and the date, time and location of the hearing. [Minn. R. Gen Prac. 353.02, Subd. 2](#). If there is a referral does not have a hearing date, the case may be lost and the hearing may not happen.

TIP: A District Court referral to the Expedited Process does not open a IV-D child support case. One of the parties must apply for IV-D child support services before the case can be heard in the Expedited Process.

4. **Written Findings** - Written findings are required in every order, even in an agreement. [Minn. Stat. § 518A.37, Subd. 3](#). Findings provide the foundation for future enforcement and modification actions. Represented clients may not be represented in the future. The lack of findings that explain the basis of the order may result in the order being interpreted differently than intended. Showing the math helps the parties and future judicial officers to understand how the calculations were determined.

TIP: Attach a guidelines worksheet to the order. While not required, it will help reduce interpretation issues and for future modifications and when there are deviations.

5. **Avoid Creativity** – Your client can start receiving public assistance or request nonpublic assistance IV-D child support services to assist in at any time. The more creative the child support order, the more difficult it will be for the county to assist and may leave the order subject to interpretation. Court-ordered obligations to pay for things like extra-curricular activity fees, private school tuition, car insurance are not within the definition of child support and the county cannot collect or enforce these obligations.

F. Some Helpful Resources

1. Minnesota Courts

- [Child Support Overview](#) (FAQs, Forms, links to laws, videos for SRLs)
- [Preparing for Your Remote Hearing](#) (Minnesota Judicial Branch 2-minute video explaining remote court expectations)
- [Minnesota Court Self-Help Centers](#) Website

2. Minnesota Department of Human Services

- [Child Support Guidelines Calculator](#)
- [Child Support Programs and Services](#)
- [County Child Support Offices](#) (Alphabetical List)
- [Minnesota Child Support Parenting Time Calendar Tool](#)
- [Recognition of Parentage](#) (video, forms, information)
- [Understanding Child Support: A Handbook for Parents](#)

3. Minnesota CLE Publications

- [Child Support Calculation Summary Guide](#) – published November 2022
- [Comparison of 2017 Uniform Parentage Act and Minnesota Parentage Act](#) Legal Quick Sheet – published March 2020
- [Important Differences Between the Expedited Child Support Process and District Court](#) Summary Guide – published March 2023
- [Minnesota Divorce Practice Deskbook](#) – published October 2023
- [Minnesota Family Law Financial Deskbook](#) – published May 2022
- [Minnesota IV-D Child Support Summary Guide](#) – published March 2019
- [Social Security Benefits & Family Law](#) Legal Quick Sheet – published March 2021

4. Other

- [Child Support Basics](#) by Education for Justice (LawHelpMN.org)
- [Getting Child Support](#) by Education for Justice (LawHelpMN.org)
- [A Guide to Child Support & Spousal Maintenance Cost-of-Living Adjustments](#) – published in September 2014 by the Office on the Economic Status of Women
- [Essentials for Attorneys in Child Support](#) (from the perspective of IV-D Attorneys)
- [Office of Child Support Services](#) (Federal Office of Child Support)