

Enforcement of Child Support and Spousal Maintenance Responsibilities

This material is educational only. It does not constitute legal advice.

Benjamin G.A. Olson • Anoka County Attorney's Office • Anoka

Enforcement Tool	May Be Used to Enforce Child Support Obligations	May Be Used to Enforce Spousal Maintenance Obligations	Statutory Authority	Threshold	Judicial or Administrative Remedy	County Involvement Required?
Income Withholding	Yes	Yes	Minn. Stat. § 518A.53	N/A	Administrative	Yes*
State Tax Offset (Revenue Recapture)	Yes	Yes	Minn. Stat. §§ 270A.01–270A.12; 518A.61	(1) Arrears total at least \$25; and (2) Arrears are greater than one times the monthly obligation, or the arrears have been reduced to judgment	Administrative	Yes
Federal Tax Offset (Project Intercept)	Yes	Yes	42 U.S.C. § 664; 45 C.F.R. § 303.72	(1) Public assistance arrears are greater than \$150; or (2) Non-public assistance arrears are greater than \$500	Administrative	Yes
Financial Institution Data Match (FIDM)	Yes	Yes	Minn. Stat. §§ 552.01–552.06; 13B.06	(1) Arrears are at least five times the monthly obligation; (2) Obligor is not compliant with an approved payment plan; and (3) There have been efforts to collect arrears using state or federal tax offsets	Administrative	Yes
Credit Bureau Reporting	Yes	Yes	Minn. Stat. § 518A.685	(1) Arrears are at least three times the monthly obligation; and (2) Obligor is not compliant with an approved payment plan	Administrative	Yes
Passport Hold	Yes	Yes	42 U.S.C. § 654(31); 42 U.S.C. § 652(k)	Arrears are at least \$2,500	Administrative	Yes
Student Grant Denial	Yes	Yes	Minn. Stat. § 136A.121, subd. 2(a)(5)	(1) Arrears are greater than one times the monthly obligation; and (2) Obligor is not compliant with an approved payment plan	Administrative	Yes
Driver's License Suspension	Yes	Yes	Minn. Stat. § 518A.65	(1) Arrears are at least three times the monthly obligation; and (2) Obligor is not compliant with an approved payment plan OR Obligor has failed to comply with a subpoena relating to a paternity or child support case	Both	No
Occupational License Suspension	Yes	Yes	Minn. Stat. § 518A.66	(1) Arrears are at least three times the monthly obligation; and (2) Obligor is not compliant with an approved payment plan OR Obligor has failed to comply with a subpoena relating to a paternity or child support case	Both	No
Recreational License Suspension	Yes	Yes	Minn. Stat. § 518A.68	(1) Arrears are at least six times the monthly obligation; (2) Obligor is not compliant with an approved payment plan; and (3) Other substantial enforcement remedies have failed to elicit compliance	Judicial	No
Constructive Civil Contempt	Yes	Yes	Minn. Stat. § 518A.72	(1) Arrears are at least three times the monthly obligation; and (2) Obligor is not compliant with an approved payment plan	Judicial	No
Employer Contempt	Yes	Yes	Minn. Stat. § 518A.73	The employer intentionally fails to withhold or remit support payments	Judicial	No

continued on reverse



Enforcement Tool	May Be Used to Enforce Child Support Obligations	May Be Used to Enforce Spousal Maintenance Obligations	Statutory Authority	Threshold	Judicial or Administrative Remedy	County Involvement Required?
Motor Vehicle Lien	Yes	Yes	Minn. Stat. § 518A.67	(1) Arrears are at least three times the monthly obligation; and (2) Obligor is not compliant with an approved payment plan	Both	No
Administrative Seek Employment Orders	Yes	Yes	Minn. Stat. § 518A.64	(1) Employment cannot be verified; (2) Arrears are at least three times the monthly obligation; and (3) Obligor is not compliant with an approved payment plan	Judicial	Yes
Security / Sequestration	Yes	Yes	Minn. Stat. § 518A.71	N/A	Judicial	No
Criminal Contempt	Yes	No	Minn. Stat. § 588.20	(1) Obligor willfully fails to pay court-ordered child support; and (2) Obligor had ability to pay	Judicial	Yes
State Criminal Prosecution	Yes	Yes	Minn. Stat. § 609.375	(1) Obligor knowingly fails to pay obligation; and (2) There has been an attempt to obtain a civil contempt order relating to the same obligation	Judicial	Yes
Federal Criminal Prosecution	Yes	No	18 U.S.C. § 228	(1) Obligor willfully failed to pay a child support obligation for a child residing in another state; and (2) The obligation has remained unpaid for longer than one year or the arrears are greater than \$5,000	Judicial	Yes

* Parents receive standard income withholding services when they have an open IV-D case. Parents can also apply for something called income withholding-only services. Income withholding-only cases are considered non-IV-D cases, and the services provided are limited to processing and accounting for payments made to the Minnesota Child Support Payment Center. Parents remain responsible for starting, modifying, and ending income withholding which requires parents to work directly with employers.