

Minnesota Child Support Guidelines - Talking Points

Effective 12/29/2005

- **Child Support/Basic Support**

- Guidelines changes become effective January 1, 2007.
- The term, “Child Support,” means the total support obligation, which includes amounts for Basic Support, Medical Support, and Child Care Support.
- The obligors’ support obligation may be adjusted based on the court-ordered percentage of time their children spend with them.
- Basic Support means the support obligation determined by applying the parent’s parental income for child support, or if there are two parents, applying their combined parental income for child support to the guidelines.
- A basic support table that represents the approximate cost of raising a child will be used to calculate basic support.
- There will be a child support calculator on our public website.

- **Medical Support**

- The new statute includes directions for the court on how to determine whether there is appropriate health care coverage, in addition to provisions about how to collect medical support obligations and unreimbursed/uninsured expenses from either parent.
- When basic support is ordered from one parent and the medical support is ordered from another parent, the obligations will offset to one charging amount for collection purposes.
- There may be cases when the medical support obligation is greater than the basic support obligation and cases when there will be no support obligation to offset.
- Includes a provision for medical support contribution when public coverage is available or expended. The obligor’s income is applied to the premium table for public coverage, and that is the medical support obligation.
- A policy will be developed on how to collect medical support obligations from custodial parents when the medical support obligation is greater than the noncustodial parent’s obligations.
- A party must initiate a request for reimbursement of unreimbursed or uninsured medical expenses within two years of the date the expense was incurred.

- **Six-Month Review**

- A six-month review hearing shall be held if any party submits a written request for a hearing within six months after entry of a decree of dissolution, legal separation, or order that initially establishes child custody, parenting time, or support.
- A request for a six-month review hearing form must be attached to the decree of dissolution, legal separation, or order that initially established child custody, parenting time, or support rights and obligations of the parents.

- Upon the request of either parent, the public authority must provide payment information. The information must be requested from the public authority at least 14 days prior to the hearing.
 - At the six month review hearing, the court must review: 1) Whether child support is current; and 2) Whether both parties are complying with the parenting time provisions of the order.
 - Contempt of court and all statutory remedies for the enforcement of child support/ parenting time may be imposed by the court at the six-month hearing if either party is not complying with the terms of the court order and if the proper motion has been filed.
- **Child Care Suspension and Resumption**
 - Upon notification by one of the parties, the public authority must suspend the collection of child care costs after verifying with both parties that no child care costs are being incurred.
 - The public authority will resume collecting child care costs without a court order when either party provides information that child care costs have resumed.
 - The public authority will continue or resume collecting child care costs if the parties provide conflicting information regarding whether child care costs are being incurred.
 - Either party may challenge the suspension or resumption of the collection of child care costs by filing a motion with the courts.
- **Child Support Arrears Management**
 - In order to reduce and otherwise manage support debts and arrearages, the parties, including the public authority where arrearages have been assigned to the public authority, may compromise unpaid support debts or arrearages owed by one party to another. These arrears may be reduced even if they have been docketed as a judgment. A party may agree or disagree to compromise only those debts or arrearages owed to that party.
- **Modification**
 - There may be no modification of an existing child support order during the first year following the effective date of the guidelines reform statute except as follows:
 - There is at least a 20 percent change in the gross income of the obligor;
 - There is a change in the number of joint children for whom the obligor is legally responsible and actually supporting;
 - The child supported by the existing child support order becomes disabled; or
 - Both parents consent to modification of the existing order in compliance with the new income shares guidelines.

The above criteria expire and will be replaced with new criteria on January 1, 2008.

- On the first modification under the income shares method of calculation, the modification of basic support may be limited if the amount of the full variance would create hardship for either the obligor or the obligee. *The court determines whether or not there is a hardship.*
- If either the obligor or obligee is laid off from employment or receives a pay reduction, child support may be modified, increased, or decreased. Any modification will only take effect when it is ordered by the court, and will only relate back to the time that a motion is served. Either the obligor or obligee may file a motion to modify child support, and may request the public agency for help. **The court has the authority to adjust the support obligation back to the date the motion to modify was filed and served.**
- **COLA - Cost of Living Adjustment**
 - The COLA is based on the court ordered obligation, not the offset amount.
 - COLA notices will be sent to the parent with the obligation.
 - We do not anticipate any change to the COLA process for 2007, however, if a situation occurs, manual intervention may be required. The 2008 COLA process will be modified to deal with changes to the COLA process due to the Guidelines changes. It is anticipated that the 2008 COLA process will remain fully automated.
- The statutes relating to child support will be recodified, meaning the child support statutes will need to be renumbered. 518C, the Interstate statute, will not have to be recodified. We expect the recodification to be completed by late 2006.

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