

Overview

The legislature sets child support policy in Minnesota. This publication provides introductory information and answers to common questions about laws on setting, modifying, paying, enforcing, and terminating child support. By providing a basic understanding of current law, it is intended to (1) help answer questions from individuals affected by a child support order and (2) help legislators understand proposals for changes in the law. All section and chapter references in this publication are to Minnesota Statutes as amended through the 2024 regular session.

Please note: This publication provides general information on child support laws. The House Research Department provides services to the Minnesota House of Representatives; it does not and cannot represent or provide legal services to individuals, private entities, or other government organizations. For advice with child support issues, an individual should ask his or her attorney, contact the local county child support office, or call the Minnesota Department of Children, Youth, and Families Child Support Division Help Desk, 651-431-4400 or 800-657-3890.

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The Players, Their Roles, and Getting Started

Federal Government

Minnesota Statutes have long provided for child support orders in cases where parents separate, divorce, or have never married. In 1975, the federal government also became involved in this issue. Congress enacted laws aimed at establishing uniformity and setting minimum standards in state child support enforcement systems, with the goal of reducing the demand for public assistance through effective enforcement of child support orders. The federal government began providing funding to states with child support systems that met federal requirements.

Over the years, to qualify for federal child support enforcement funding, as well as public assistance funding (Temporary Assistance for Needy Families – TANF), Congress has required states to enact various kinds of legislation on child support. States also must comply with a variety of federal regulations related to funding.

In fiscal year 2023, child support enforcement was mostly funded through Federal Financial Participation (FFP), provided at a flat rate of 66 percent of state and county spending. The remaining federal funding comes from financial incentives paid to the state and distributed to counties for paternity establishment, establishment of support orders, collections for both current support and arrears, and cost effectiveness. Failure to meet any of the federal performance measures risks loss of funding and penalties to the state's TANF grant. The state and Minnesota's counties bear the remaining costs of child support enforcement.¹

State Government

Legislature. The legislature sets child support policy in Minnesota. Minnesota's child support policies are heavily influenced by federal requirements in place that allow the state to receive federal public assistance and child support funds. However, the federal requirements are often general in nature, leaving the details up to the legislature.

Department of Children, Youth, and Families. The Department of Children, Youth, and Families (DCYF) is the primary executive branch agency responsible for overseeing Minnesota's child support system, which is administered by county child support offices.² The state agency:

- runs the statewide computer system and maintains statewide data on child support;
- provides training and assistance to the counties;
- operates Minnesota's centralized child support payment center;
- manages and disburses federal and state child support funding;
- maintains and manages administrative enforcement tools; and

¹ For more information on child support enforcement and funding, see the [2023 Child Support Performance Report](#), published by the Department of Human Services.

² DCYF became operational in 2024; previously the Department of Human Services oversaw Minnesota's child support system.

- provides overall guidance for Minnesota's child support system.

Counties. Counties do the hands-on work in Minnesota's child support system. Child support services are typically located within the county human or social services department. The county caseworkers who work on child support cases deal directly with the families involved and work closely with the county attorney, who provides legal advice and represents the county (not the child or parents) in child support actions.

Public Authority. Minnesota's child support statutes refer to the "public authority." The public authority means the local unit of government, acting on behalf of the state, that is responsible for child support enforcement or the division of DCYF responsible for child support enforcement.

Judicial Branch. The judicial branch interprets and applies the child support laws in individual cases. There are a few different types of decision-makers who preside over child support matters. The first is a district court judge—a regular judge having authority over all matters in district court. Second, Hennepin and Ramsey Counties utilize family court referees—similar to district court judges, but with jurisdiction limited to family law. Third are child support magistrates who hear only child support matters. ([Minn. Stat. §§ 484.64; 484.65; 484.702](#))

Obligor and Obligee

"Obligor" is the legal term for the person ordered to pay maintenance or support. "Obligee" is the person to whom maintenance or support is owed. For accuracy and clarity, this publication uses the terms obligor and obligee. ([Minn. Stat. § 518A.26](#), subds. 13 and 14)

Child Support Orders

If a married couple with minor children is divorced or obtains a legal separation, a court must enter a support order against one or both parents. If a married couple with minor children lives apart, one parent or the public authority may go to court to seek a support order against the other parent. ([Minn. Stat. § 518A.38](#), subd. 1)

If a child is born to parents who are not married to each other, paternity must be established before a court will order child support. Paternity can be established by court order or by the parents voluntarily executing a document called the Recognition of Parentage. ([Minn. Stat. §§ 257.66](#) and [257.75](#)) In most cases where paternity is uncontested, establishing paternity is relatively simple. However, if paternity is contested or involves multiple parties, establishing paternity can be complex. A court may order an alleged father to pay temporary child support if genetic tests indicate a likelihood of paternity of 92 percent or greater. ([Minn. Stat. § 257.62](#), subd. 5)

If a child is in the custody of an entity or an individual other than a parent, either by court order or parental consent, a support order can be entered against the parents in favor of the individual or entity who has custody. ([Minn. Stat. § 518A.82](#))

County Involvement in Child Support Cases

The county is not a party in all child support cases. Many child support obligations are set and paid without county involvement. There are two ways the county gets involved. First, an obligee who receives public assistance must assign to the county the right to receive child support. Public assistance recipients, as a condition of continued eligibility for public assistance, must cooperate in establishing paternity and enforcing child support. Recipients may be exempted from this requirement if they can show good cause, such as a likelihood of physical or emotional harm. ([Minn. Stat. § 518A.81](#))

The county also gets involved if the obligor or obligee applies for child support enforcement services. Any obligee or obligor who does not receive public assistance can obtain the county's services in establishing parentage, locating parents, and establishing and enforcing child support orders by completing an application. ([Minn. Stat. § 518A.51](#))

Fees for Child Support Collection

If the county provides full child support services to an obligee, the obligee will be charged a cost recovery fee of 2 percent of the amount of child support and spousal maintenance collected. If the county provides child support enforcement services to an obligor, the obligor will be charged a cost recovery fee of 2 percent of the monthly court-ordered child support and spousal maintenance obligation. This cost recovery fee does not apply to persons receiving public assistance or who received some forms of public assistance within the 24 months prior to getting support enforcement services. Applicants for child support services who are receiving some forms of public assistance will not be charged a cost recovery fee for up to 24 months after leaving the assistance program. ([Minn. Stat. § 518A.51](#))

If an applicant for full child support services does not wish to pay the 2 percent fee, that person may apply for income withholding-only services. A monthly fee of \$15 is charged to the obligor for this service. ([Minn. Stat. § 518A.53](#), subd. 4)

In addition, a fee of \$25 is assessed to an obligee not receiving public assistance for each successful federal tax interception. This fee is withheld prior to the release of the funds received from each interception and deposited in the general fund.

In cases where neither the obligee nor obligor has ever received public assistance, the county must assess an annual \$35 fee when at least \$550 of support has been collected. ([Minn. Stat. § 518A.51](#))

Title IV-D Cases and Services

Because the original federal legislation on child support added a "Title IV-D" to the Social Security Act, county child support offices, which are subsidized by the federal program, are sometimes called "IV-D agencies." Child support enforcement services provided by IV-D agencies are often referred to as "IV-D services." Cases in which the county is a party are called "IV-D cases." IV-D cases are divided into public assistance cases and those where the obligor or obligee simply applies for support enforcement. IV-D cases include spousal maintenance if the

child for whom child support is ordered is or was living with the obligee, and spousal maintenance-only cases when the only service needed is income withholding. A case that is for income withholding-only services is referred to as a “non-IV-D case.” ([Minn. Stat. §§ 518A.81; 518A.82; 518A.26](#), subds. 10 and 21; and various other provisions of chapters [518](#) and [518A](#))

Child Support Proceedings

As previously stated, child support is ordered by a district court judge, district court referee, or child support magistrate. Child support magistrates preside over IV-D cases only. Non-IV-D cases or IV-D cases where additional contested issues are involved (such as custody or parenting time), are heard by a judge or referee in district court. ([Minn. Stat. §§ 484.702](#) and [518A.46](#))

Child support cases heard by child support magistrates are governed by a set of rules aimed to expedite and simplify the process. Accordingly, the procedures are called the “expedited process” or the “expedited child support hearing process.” The rules for the expedited process are promulgated by the Minnesota Supreme Court. ([Minn. Gen. R. Prac. 351](#) to 379)

Magistrates, judges, and referees all have the power to establish, modify, or enforce child support orders. In every case, the orders can be appealed to the Minnesota Court of Appeals. In cases heard by magistrates, orders can be appealed to district court or directly to the Minnesota Court of Appeals. In Hennepin County, referee orders and decrees can be appealed directly to the Minnesota Court of Appeals. ([Minn. Stat. § 484.65](#), subd. 9) For simplicity, this publication uses the term “court” when referring to both the district court and the expedited process.

A person seeking to obtain, modify, or enforce a child support order should contact his or her county child support office or a private attorney for direction on how to proceed. Additionally, most county court administrators have forms available for people who represent themselves. There are a variety of court forms available on the Minnesota Judicial Branch website at <https://www.mncourts.gov/getforms.aspx?c=6>. General information about child support can also be obtained on the Department of Children, Youth, and Families website at <https://dcyf.mn.gov/individuals-and-families/family-services/child-support>.

Calculating and Modifying Child Support

Components of Child Support

- A monetary amount for the care, support, and education of the child, commonly referred to as “child support” or “basic support”
- Medical support
- Work- or education-related child care costs of the obligee, commonly referred to as “child care support”

- Support arrears or reimbursement of public assistance payments already made on behalf of the child

([Minn. Stat. §§ 518A.26](#), subds. 4, 20, and 21; [518A.34](#))

Basic Child Support Calculations

Basic child support is calculated based on the combined gross income of both parents and is allocated based on each parent's proportionate share of the combined parental income for child support (PICS). ([Minn. Stat. § 518A.34](#)) The parents must provide a financial affidavit disclosing all sources of gross income and supporting documentation of earnings and income at the time they file their initial pleadings or motion documents. ([Minn. Stat. § 518A.28](#))

A parent's gross monthly income includes any form of periodic payment including but not limited to:

- wages
- commissions
- workers' compensation benefits
- unemployment benefits
- annuity payments
- spousal maintenance received
- military and naval retirement payments
- pensions
- disability benefits
- self-employment income
- Social Security or veterans benefits for the parent and for the child if based on the parent's eligibility
- potential income
- expense reimbursements or in-kind payments received in the course of employment or self-employment if they reduce personal living expenses

Gross income is calculated before any deductions for taxes, employment benefits, or retirement plans. Gross income does not include child support received, public assistance received, or the parent's current spouse's income. Court-ordered spousal maintenance obligations are deducted from monthly gross income. ([Minn. Stat. § 518A.29](#))

The parents' monthly gross incomes after adjustments and credits are then added together to determine the combined parental income for child support (PICS). A combined basic support amount is determined by applying the combined PICS amount and the number of joint children to the guideline child support chart in [Minnesota Statutes, section 518A.35](#), subdivision 2. The chart provides the presumptive amount of combined basic support the parents should pay—this is a rebuttable presumption, meaning the court can set a different amount if certain criteria are met. ([Minn. Stat. §§ 518A.34](#) and [518A.35](#))

The obligor is allowed a **parenting expense adjustment** to the basic support obligation based on the percentage of parenting time established by court order and according to the calculation under the statutory formula. When parenting time for the obligor and obligee is equal and parental incomes for child support are equal, no basic support will be ordered unless the court finds the expenses for the child are not equally shared. When the parenting times are equal,

but the parents have different incomes, the parent with the greater income will pay basic support to the other parent. ([Minn. Stat. §§ 518A.34](#) and [518A.36](#))

After the parenting time adjustment, the guideline amount is then split proportionately between the parents based on their proportionate share of the combined PICS. The obligor's proportionate share of the combined basic support amount is the amount of basic support the obligor will be ordered to pay. The court determines each parent's total child support obligation by adding together each parent's basic support, child care support, and health care coverage obligations. ([Minn. Stat. § 518A.34](#))

After determining the support amount under the statutory guidelines, the court may look at several statutory criteria that allow a departure from that amount. These criteria, commonly known as "deviation factors," include:

- 1) the earnings, income, circumstances, and resources of both parents,
- 2) the extraordinary financial needs and resources, physical and emotional condition, and educational needs of the child,
- 3) the child's living standard if the parents were living together, but recognizing the new existence of two households,
- 4) whether the child has resided in a foreign country for more than one year that has a substantially higher or lower cost of living than this country,
- 5) which parent gets the dependency income tax exemption and the financial benefit received,
- 6) the parents' debts,
- 7) the obligor's total payments for court-ordered child support, and
- 8) in cases involving court-ordered out-of-home placement, whether ordering and redirecting a child support obligation to reimburse the county for the cost of care, examination, or treatment would impair the parent's ability to comply with a reunification plan or meet the child's needs after reunification.

([Minn. Stat. § 518A.43](#), subd. 1)

When a significant income disparity exists, the court may deviate from the presumptive guidelines and choose not to order a party who has between 10 percent and 45 percent parenting time to pay basic support when such a significant disparity of income exists between the parties that payment would be detrimental to the parties' joint child. ([Minn. Stat. § 518A.43](#), subd. 1a)

Because of these factors for deviating from the guidelines, individuals with the same net income and number of children may be ordered to pay different amounts of child support. In any departure from the guidelines, the court must make specific written findings as to the reasons and why it is in the best interests of the child to deviate from the guidelines. ([Minn. Stat. § 518A.37](#), subd. 2)

The court must also subtract a monthly self-support reserve from the obligor's PICS, equal to 120 percent of the federal poverty guidelines for one person. If the obligor's income available

for support after the self-support subtraction is equal to or greater than the obligor's guideline support amount, the court must order child support; if it is more than the minimum support amount but less than the guideline amount, the court will reduce the support obligation until the amount is equal by first reducing medical support and child care support obligations, then the basic support obligation. If the obligor's gross income is less than 120 percent of the federal poverty guidelines for one person, a minimum support amount applies. A minimum monthly support order is \$50 for one child, \$60 for two children, \$70 for three children, \$80 for four children, \$90 for five children, and \$100 for six or more children. ([Minn. Stat. §518A.42](#))

The minimum basic support amount does not apply to an obligor who is incarcerated, or to an obligor who receives general assistance, Supplemental Security income, a Temporary Assistance for Needy Families (TANF) grant, or comparable state-funded Minnesota Family Investment Program (MFIP) benefits. It also does not apply if the court finds that the obligor receives no income and is completely unable to earn income. ([Minn. Stat. §518A.42](#))

Special Circumstances

Potential income. If a parent is voluntarily unemployed, underemployed, employed less than full-time, or there is no direct evidence of income, the court must calculate child support based on potential income of that parent. The court will determine potential income by imputing income based on the parent's probable earnings based on employment potential, recent work history, and occupational qualifications; or if the parent is receiving unemployment or workers' compensation, by using that amount as the individual's income; or by imputing income based on the full-time wages the parent could earn at 150 percent of the current federal or state minimum wage, whichever is higher. Imputed income is based on the income a parent could earn working 30 hours per week at 100 percent of the current federal or state minimum wage, whichever is higher.

A parent is not considered voluntarily unemployed, underemployed, or employed on a less than full-time basis if: the parent's circumstances are temporary or the result of a bona fide career change that outweighs the adverse effect of the parent's diminished income on the child; the parent is physically or mentally incapacitated or incarcerated; or, an authorized governmental agency determines that the parent is eligible to receive general assistance or supplemental Social Security income. ([Minn. Stat. § 518A.32](#))

Independent contractors; self-employed. Income from self-employment or operation of a business means gross receipts minus costs of goods sold minus ordinary and necessary expenses. "Ordinary and necessary expenses" for child support purposes does not include expenses such as accelerated depreciation expenses or investment tax credits allowed under the Internal Revenue Code, or expenses the court determines are inappropriate or excessive. The person seeking to deduct an expense, including depreciation, has the burden to prove the expense is ordinary and necessary. ([Minn. Stat. § 518A.30](#))

Expense reimbursements; in-kind payments. If received in the course of employment, self-employment, or operation of a business, expense reimbursements and in-kind payments are counted as income if they reduce living expenses. ([Minn. Stat. § 518A.29](#))

Social Security or veterans' benefits. If a child receives Social Security benefits, veterans' benefits, or veterans dependents' education assistance due to the eligibility of a parent, the amount will be included in the gross income of the parent on whose eligibility the benefits are based. If the obligee, as representative payee for the child, receives the benefits for the child, then the amount of benefit will be subtracted from the obligor's net child support obligation.

Effective January 1, 2025, upon a motion to modify child support, any regular or lump sum payment of Social Security or apportioned veterans' benefit received by the obligee for the benefit of the joint child based upon the obligor's disability prior to filing the motion to modify may be used to satisfy arrears that remain due. Arrears may be satisfied for the period of time for which the benefit was received, if the derivative benefit was not considered in the guidelines calculation of the previous child support order. ([Minn. Stat. § 518A.31](#))

Commissions; bonuses; lump-sum payments. Commissions and bonuses are considered when determining gross income. Lump-sum payments may be withheld from an obligor to pay past due support or to pay future support if there is a history of willful nonpayment. ([Minn. Stat. §§ 518A.29](#), para. (a); [518A.53](#), subd. 11)

Seasonal employment. The court must construct support orders so that an obligor with seasonal income makes either the same monthly payments throughout the year or monthly payments that reflect variations in income. ([Minn. Stat. § 518A.38](#), subd. 2)

Overtime. Generally, it is assumed that obligors are not required to work overtime. However, if an obligor has a history of working overtime, the court may conclude that overtime is a normal, regular source of income for the obligor. In that case, the court can consider overtime earnings when setting child support. Similarly, if the overtime is a condition of employment, it is considered as income. Salaried employees may not deduct "overtime" for hours worked in excess of a 40-hour week. A court may also determine whether an obligor's compensation structure has been changed to manipulate a support obligation and may modify, or not modify, child support accordingly. Regardless of whether overtime is voluntary and regular or not, it may be withheld to pay existing arrearages. ([Minn. Stat. §§ 518A.29; 518A.39](#), subd. 2, para. (e)(2))

Joint physical custody. When parenting time and parental incomes for determining child support are equal, no basic support is owed unless the court determines the expenses for the child are not shared equally. When parenting time is equal, but parental incomes for determining child support are not equal, the parent with the higher income will pay child support. ([Minn. Stat. § 518A.36](#), subd. 3)

MFIP participants. When an obligee is a participant in the Minnesota Family Investment Program (MFIP), the state must distribute or pass through to the obligee all current child support that the obligee has assigned to the state. The state then reduces the obligee's MFIP grant by the total amount of the child support payment. ([Minn. Stat. § 518A.81](#)) For further information on MFIP, see the House Research publication [Minnesota Family Investment Program](#).

Medical Support

Medical support means providing health care coverage for the child by contributing to the cost of health care coverage, unreimbursed health-related expenses, and uninsured health-related expenses of the joint child. The court must determine whether a parent has appropriate health care coverage for the child. Public health care coverage is presumed to be appropriate. In making this determination, the court must consider the following factors:

- 1) Is the coverage comprehensive?
- 2) Is the coverage accessible?
- 3) Does the child have any special medical needs?
- 4) Is the coverage affordable?

([Minn. Stat. § 518A.41](#), subds. 1 and 3)

If a parent has the child enrolled in health care coverage, and if only one parent has appropriate health care coverage, the court must order that parent to continue coverage. If both parents have appropriate health care coverage available, the court must order the parent with whom the child resides to carry the health care coverage for the child, unless:

- 1) a party expresses a preference for private health care coverage through the other parent;
- 2) the parent with whom the child does not reside already carries dependent private health care coverage for other children and the cost of contributing to the premiums of the other parent's coverage would cause extreme hardship; or
- 3) the parties agree as to which parent will carry health care coverage and agree on the allocation of costs.

If neither parent has appropriate health care coverage available, the court must order the parents to contribute to the actual health care costs of the child on a pro rata basis, or may order the parent with whom the child resides to apply for public health care coverage for the child. The court must also consider whether dental coverage is available, and, upon a motion of a parent or the public authority, whether coverage of other health benefits is appropriate.

If the child is receiving any form of public health care coverage, the parent with whom the child does not reside must pay a monthly amount toward the actual cost of public health care coverage; contribution amounts are determined using a formula in statute, applying the noncustodial parent's PICS to the premium scale for MinnesotaCare under section [256L.15](#), subdivision 2, paragraph (d). When the noncustodial parent's parental income for determining child support (PICS) is less than 200 percent of the federal poverty guidelines for one person or the noncustodial parent receives public assistance, the parent must not be ordered to contribute to the cost of the child's public health care coverage. The custodial parent's obligation is determined under the statutory requirements for public health care coverage.

([Minn. Stat. § 518A.41](#), subds. 4 and 5)

Child Care Costs

The court must allocate work- and education-related child care costs to each parent in proportion to the parent's combined parental income for child support (PICS). The amount of child care costs is the total amount received by the child care provider from the obligee and any public agency for the joint child or children. The costs will be adjusted by the estimated federal and state child care credits.

If the obligor meets the income eligibility requirements for basic sliding fee child care assistance, the court will order the obligor to pay the basic sliding fee monthly co-payment amount, if less than the obligor's proportionate share of child care costs based on the combined PICS.

Upon the obligor's request, when child care support is ordered, the obligee must:

- give the child care provider the name and address of the obligor;
- give the obligor the name, address, and telephone number of the child care provider;
- by February 1 of each year, provide the obligor with verification (from the child care provider) of total child care expenses paid for the previous year;
- when there is a change in the child care provider, type of provider, or age group of the child, provide updated information to the obligor within 30 calendar days.

The obligee must notify the obligor and the public authority, if applicable, when the obligee is no longer incurring child care costs, and provide the date on which the child care costs ended. When the public authority provides child support enforcement services, the public authority may suspend collection of child care support when either party notifies the agency that the costs are not being incurred, and the agency has verified the information or the obligee fails to respond within 30 days to the public authority's written request for information on child care costs. The public authority will resume collection of child care support when the agency is informed that the costs are incurred. The amount allocated for child care is considered child support and is not subject to the automatic cost-of-living adjustment. It can be modified if costs substantially increase or decrease.

A court may allow the obligor (with whom the child does not reside) to care for the child while the parent with whom the child resides is working or attending school. This is not a reason to deviate from the guidelines. ([Minn. Stat. § 518A.40](#))

Changing a Child Support Order Amount

A child support order amount may change through a cost-of-living adjustment (COLA) or a modification. Arrearages may also affect the monthly support payment.

COLA. Every child support order must include a biennial COLA that is compounded.

In all IV-D cases, the COLA takes effect the first of May of every other year after the support order is first entered or the COLA clause is added to an existing order. In non-IV-D cases, the

COLA may take effect in any month, if it has been at least two years since the last adjustment. The court may use the Consumer Price Index for all urban consumers, Minneapolis-St. Paul (CPI-U); the Consumer Price Index for wage earners and clerical, Minneapolis-St. Paul (CPI-W); or any other cost-of-living indicator published by the U.S. Department of Labor it finds appropriate to determine the percentage change in the support amount. The obligor is given 20 days' notice before the COLA takes effect. The obligor may ask for a court hearing to oppose a COLA on grounds that the obligor has had an insufficient increase in income. If the obligor timely files a motion contesting the COLA, the COLA will be stayed pending the outcome of a court hearing. The court may order that the COLA go into effect in whole or in part, or not at all. If the obligor does not oppose the change, it goes into effect automatically. ([Minn. Stat. § 518A.75](#))

Modifications. Any party, including the public authority, may file a motion to modify a child support order. The court may modify a child support order based on a showing of one or more of the following that would make the terms of the order unreasonable or unfair:

- 1) substantially increased or decreased gross income of an obligee or obligor;
- 2) substantially increased or decreased needs of an obligee, obligor, or child;
- 3) receipt of public assistance;
- 4) change in the cost of living for either parent;
- 5) extraordinary medical expenses of a child not provided for through medical support;
- 6) a change in the availability of appropriate health care coverage or a substantial increase or decrease in health care coverage costs;
- 7) addition of or substantial increase or decrease in child care costs; or
- 8) emancipation of a child.

([Minn. Stat. § 518A.39](#), subd. 2, para. (a))

The medical support terms of the support order may be modified without modification of the full child support order if the full order has been established or modified within the previous three years, and:

- 1) there is a change in the availability of appropriate health care coverage, or health care costs have substantially increased or decreased;
- 2) there is a change in eligibility for medical assistance;
- 3) a party has failed to provide court-ordered coverage, or other medical support as ordered;
- 4) the federal tax dependency credit is not aligned with the parent who is providing health care coverage; or
- 5) the federal child dependent tax credit is not addressed in the order and the noncustodial parent is ordered to carry health care coverage.

([Minn. Stat. § 518A.39](#), subd. 8)

There is a presumption of a substantial change in circumstances, and the terms of a child support order are rebuttably presumed to be unreasonable and unfair if:

- 1) applying the guidelines would change the current order by at least 20 percent and at least \$75 higher or lower per month; or if the current order is less than \$75 per month, it results in an order at least 20 percent per month higher or lower;
- 2) the medical support provisions of the current order are unenforceable;
- 3) the health care coverage ordered is not available to the child;
- 4) the current order is for a percentage and not a specific dollar amount;
- 5) the gross income of an obligee or obligor has decreased by at least 20 percent through no fault or choice of the party; or
- 6) a deviation was granted because the child lived in a foreign country and the child no longer resides in the foreign country or the factor is no longer applicable.

([Minn. Stat. § 518A.39](#), subd. 2, para. (b))

A change in the law does not constitute a substantial change in circumstances for modifying a child support order. ([Minn. Stat. § 518A.39](#), subd. 2, para. (j))

If the court grants the request for modification, the support order is modified retroactively only from the date the parties were served with notice of the motion for modification, unless the parties have entered into a binding agreement for an alternate effective date. ([Minn. Stat. § 518A.39](#), subd. 2, paras. (f) and (l))

The birth of a subsequent nonjoint child is not automatically grounds for a modification of support owed to previous children. However, if a motion to modify support is based on other grounds, the court may consider the birth of the nonjoint child as a factor in determining the support obligation. ([Minn. Stat. §§ 518A.33; 518A.39](#), subd.2, para. (c))

If a parent has remarried, the new spouse's income cannot be considered in calculating the needs or resources of the parent. ([Minn. Stat. §§ 518A.29](#), para. (f); [518A.39](#), subd. 2, para. (e)(1))

Arrears. If a parent owes both current support and arrears, the support amount is increased by 20 percent of the monthly support obligation to cover the arrears, unless the court has ordered a specific payback amount for arrears. Information on forgiveness of arrearages may be found on page 19 within the discussion of defenses to nonpayment of child support. ([Minn. Stat. § 518A.53](#), subd. 10)

Payment and Enforcement

Making Child Support Payments

The Minnesota Child Support Payment Center, a centralized unit run by DCYF, must be used to collect and disburse support payments in all IV-D cases (when the obligee receives or has received public assistance or when the obligor or obligee has applied for support enforcement services from the county). The payment center may also be used in other cases when support is not paid directly from the obligor to the obligee, through the following payment methods. ([Minn. Stat. §§ 518A.54](#) to 518A.56)

Withholding of wages or other income. Income withholding is the preferred method of payment. The court must address income withholding in all cases by ordering that all support obligations are subject to income withholding or ordering a specific waiver of income withholding. If the court orders income withholding, either the obligee or obligor must apply for either full IV-D services or non-IV-D income withholding-only services. ([Minn. Stat. § 518A.53](#))

In IV-D cases, the court may waive income withholding if:

- 1) one parent demonstrates to the court there is good cause for the waiver, the court makes specific findings that income withholding would not be in the child's best interest, and past payments have been made on time, or
- 2) the obligee and obligor sign a written alternative agreement providing for an alternative payment arrangement that the court reviews and enters in the record. In non-IV-D cases, the court may waive automatic withholding if the parents sign a written agreement.

([Minn. Stat. § 518A.53](#), subd. 16)

An employer may not discharge, refuse to hire, or otherwise discipline an employee because of a support withholding order against the employee. An employer who intentionally fails to withhold or transfer funds under a support withholding order is subject to paying interest on the funds, reasonable attorney fees in an enforcement action, sanctions, and fines, and can be found in contempt of court. ([Minn. Stat. §§ 518A.46](#), subd. 5; [518A.53](#), subd. 5, para. (c))

Escrow account. As an alternative to income withholding, an obligor may establish a savings (escrow) account in an amount equal to two months of child support. The public authority can withdraw from the account if the obligor misses a support payment by ten days. This option is not commonly used. ([Minn. Stat. § 518A.58](#))

Preauthorized transfer account. If an obligor obtains income through a method that makes income withholding ineffective (such as being self-employed), the court must order the obligor to establish and maintain an account in a financial institution in Minnesota for depositing support payments. Failure to establish the account, failure to deposit funds, stopping payment, or revoking authorization subjects the obligor to contempt of court proceedings. This option is not commonly used. ([Minn. Stat. § 518A.53](#), subd. 6)

Direct payment. In cases where the public authority is involved, direct payment from the obligor to the obligee is highly discouraged because it can result in problems tracking and crediting payments. In cases where the public authority is not involved, parties can make direct payments to one another if income withholding is waived.

Direct deposit. The Minnesota Child Support Payment Center sends child support payments through an electronic transfer to the obligee's checking account, savings account, or a stored

value card account.³ The obligee designates the account into which the payments will be deposited, but if the obligee does not sign up for direct deposit within 20 days of the opening of the child support case, the child support office will instruct its contracted vendor (U.S. Bank, as of November 2024) to open a stored value account in the obligee's name.

Enforcement Actions for Nonpayment

Six-month review. Each order that initially establishes custody, parenting time, or support that is signed on or after January 1, 2007, includes a form that allows either party to request a six-month review hearing six months after the initial order. If any party requests a review hearing, the court must review whether child support is current and whether the parties are complying with the parenting provisions of the order. ([Minn. Stat. § 518.1781](#))

Parent locator services. Often, the first step in enforcing a child support order is locating the obligor. The public authority has access to the records of many state agencies, businesses, and other organizations in order to locate obligors to establish paternity and child support, modify or enforce child support, or distribute collections. ([Minn. Stat. § 518A.83](#))

Work reporting system. Employers are required to report all hires to DCYF within 20 calendar days of the hiring date, except if an individual is hired for less than two months for gross earnings under \$250 per month. Information from the work reporting system is used for child support enforcement in Minnesota or interstate actions and to determine eligibility for applicants and recipients of public assistance programs. An employer who intentionally fails to comply is subject to a civil penalty of \$25 for each unreported employee. The penalty is \$500 if the noncompliance is a result of a conspiracy between the employer and the employee. ([Minn. Stat. § 142A.29](#))

Income withholding. If automatic withholding was not ordered, income withholding may later be implemented. In IV-D cases, income withholding may take effect without a court order. If the obligor requests income withholding, the obligor or obligee initiates it through the public authority, or the public authority starts it through its administrative authority under [Minnesota Statutes, section 518A.46](#), subdivision 5. In non-IV-D cases, the obligee can make a written motion to the court. Income withholding will then be implemented if the court finds that previous support has not been paid on a timely, consistent basis or that the obligor has threatened to stop or reduce payments. ([Minn. Stat. § 518A.53](#))

Payment agreements. An obligor who is behind in support payments can avoid child support enforcement actions, including occupational license sanctions, driver's and recreational license suspension, and motor vehicle title liens, by entering into and complying with a written payment agreement. When proposing or approving payment agreements, the court, child support magistrate, or public authority must consider the obligor's financial circumstances and consider a reasonable payment plan, which can be graduated, tailored to an obligor's individual financial circumstances. ([Minn. Stat. § 518A.69](#))

³ For more information on stored value cards, see: <https://mn.gov/dhs/people-we-serve/children-and-families/services/child-support/programs-services/stored-value-card.jsp>.

Judgment docketing/Real property lien. Minnesota law provides for a child support judgment by operation of law. Any support payment that is not paid becomes a judgment by operation of law (without court intervention) on and after the date it is due and is entitled to full faith and credit in Minnesota and any other state. ([Minn. Stat. § 548.091](#), subds. 1a and 2a)

Minnesota law provides a summary method for docketing a civil judgment against an obligor if an obligor defaults on the child support order. The obligee or public authority files required statements and affidavits with the court, and a judgment is entered and docketed in the amount of the unpaid child support obligation. As child support payments continue to become due and are unpaid, additional judgments against the obligor may be entered and docketed. After this happens, the judgment is a lien on any real property the obligor owns in the county where the judgment was docketed. The lien also attaches to the obligor's homestead, though it can only be enforced against the homestead by collecting from the proceeds if the property is sold. Registered land requires that a notice of judgment also be filed with the county recorder before the lien is effective. A lien is released upon payment of the child support amount due. ([Minn. Stat. § 548.091](#))

Driver's license suspension and motor vehicle title liens. An obligor who is behind in support payments in an amount equal to at least three times the monthly support obligation and is not complying with a written payment agreement approved by the court may be subject to suspension of their driver's license. The court and the public authority may consider circumstances listed in statute to determine whether such a suspension is an appropriate remedy that is likely to induce child support payment. The public authority may not administratively reinstate a driver's license suspended by the court unless specifically authorized to do so in the court order. ([Minn. Stat. §§ 171.186; 518A.65](#))

An obligor whose driver's license is suspended for nonpayment of support may seek a onetime 90-day limited license. To qualify for a limited license, the obligor must meet certain eligibility requirements and establish that the obligor's livelihood, attendance at a substance use disorder treatment or counseling program, role as a family homemaker, or attendance at a postsecondary educational institution depends upon the use of the driver's license. ([Minn. Stat. §§ 171.186](#), subd. 4; [171.30](#), subd. 1; [518A.65](#))

An obligor who is behind in support payments in an amount equal to at least three times the monthly support obligation and is not complying with a written payment agreement approved by the court is also subject to a lien on the obligor's equity in a motor vehicle. The obligor can avoid suspension by entering into and complying with a written payment agreement. ([Minn. Stat. §§ 518A.67; 518A.69](#))

Recreational license suspension. An obligor who is behind in support payments in an amount equal to at least six times the monthly support obligation and is not complying with a written payment agreement (or an obligor who does not comply with a subpoena) is subject to loss of hunting and fishing privileges. Before utilizing this enforcement tool, the court must find that other substantial enforcement mechanisms have been attempted but have proven unsuccessful. ([Minn. Stat. §§ 518A.68; 518A.69](#))

Occupational license sanctions. The occupational license of an obligor who fails to make child support payments may be suspended upon the request of the obligee or public authority. Arrearages must be at least three times the monthly support obligation. The obligor can avoid suspension by entering into and complying with a written payment agreement approved by the court. Failure to comply with a written payment agreement will result in a suspension. ([Minn. Stat. §§ 518A.66; 518A.69](#))

Action against employer. If a withholding order is in effect but the employer is not following it, the obligee or public authority can take action against the employer to require compliance. ([Minn. Stat. § 518A.53](#), subd. 5, para. (c)) The public authority can also sanction the employer for noncompliance. ([Minn. Stat. § 518A.46](#), subd. 5, para. (a)(5))

Financial Institution Data Match (FIDM). FIDM is an enforcement tool that allows the child support agency to match obligors who owe child support arrears to the financial assets the obligors own, such as bank accounts. If an obligor is behind in support payments by at least five times the monthly support obligation, the obligor is not complying with a written payment agreement approved by the public authority or the court, and the arrears have been submitted for federal or state tax intercept, the account assets may be seized by an FIDM levy and applied to the child support arrears. ([Minn. Stat. §§ 13B.06; 552.04; 552.06](#))

Contempt of court. Contempt of court is another enforcement tool available to the obligee or the county. If the court finds that the obligor is in arrears in an amount equal to or greater than three times the obligor's total monthly support payments and is not in compliance with a written payment plan approved by the court, and refuses to pay a court-ordered support order they are able to pay, the court may impose a fine or conditional jail sentence. ([Minn. Stat. §§ 518A.72; 588.02](#))

Tax refunds and credits. The Minnesota Department of Revenue (DOR) has the authority to intercept the tax credit or refund of an obligor who owes child support arrears and forward it to the public authority or obligee as reimbursement for the support owed. This is known as tax refund offset or revenue recapture. The child support office may send a revenue recapture notice to an obligor if the obligor owes arrears amounting to more than one month of the obligor's total monthly support payments, at least \$25, or has had a judgment docketed for support owed. ([Minn. Stat. §§ 270A.01](#) to 270A.12; [289A.50](#), subd. 5)

The public authority may also intercept an obligor's federal tax refund to collect child support arrears if the obligor owes arrears amounting to more than one month of the obligor's total monthly support payments and other minimum amount requirements are met. ([31 U.S.C. § 3720A](#); [42 U.S.C. § 664](#))

Reports to credit agencies. The public authority may report to credit agencies any obligor who has not paid the monthly child support obligation plus any required arrears for three months. An obligor may prevent this reporting by, within 21 days of receiving written notice of intent to report: (1) paying the arrears in full; (2) requesting administrative review; or (3) entering into an approved written payment agreement. ([Minn. Stat. § 518A.685](#))

Creditor's remedies. The public authority may try to collect the judgment using traditional creditor's legal remedies such as levy, execution, and garnishment against any other property the obligor may own that could help pay the arrears, such as a bank account or boat. In some cases, the public authority may collect money from a person or entity indebted to the obligor. The public authority may also intercept or seize reemployment assistance or workers' compensation payments, lottery winnings, judgments, settlements, or other lump sum payments. ([Minn. Stat. §§ 13B.06; 393.07](#), subd. 9; [518A.46](#), subd. 5; [518A.50](#), para. (b); [552.06](#))

Passport hold and denial. When the public authority certifies to the U.S. Department of State that a parent owes more than \$2,500 in arrears, the State Department can place a hold on a parent's passport, which prevents the parent from receiving or renewing a passport. ([42 U.S.C. §§ 652\(k\) and 654\(31\)](#))

Publication of names. DCYF, in consultation with the Attorney General's Office, may publish a list of names and other identifying information of up to 25 child support obligors who are at least \$10,000 in arrears, are not in compliance with an approved written payment agreement regarding both current support and arrearages, cannot currently be located by the public authority, and have not made a support payment, except tax intercept payments, in the past 12 months. ([Minn. Stat. § 518A.74](#))

Seek employment orders. The public authority may pursue a court order requiring an unemployed obligor in arrears to seek employment if: (1) the obligor's employment cannot be verified; (2) the obligor is in arrears in support payments in an amount equal to at least three times the monthly support obligation; and (3) the obligor is not complying with a written payment plan. ([Minn. Stat. § 518A.64](#))

Criminal charges. Under certain circumstances, obligors who knowingly fail to pay court-ordered support can face criminal charges for nonsupport of a child ranging from misdemeanors to felonies. ([Minn. Stat. § 609.375](#))

It is also a federal crime to willfully fail to pay child support for a child living in another state. The child support agency may refer a case for federal criminal prosecution if the obligor: (1) willfully fails to pay support for a child living in another state and the support obligation has remained unpaid for at least one year or is greater than \$5,000; (2) travels in interstate or foreign commerce with the intent to evade a support obligation and the support has remained unpaid for at least one year or is greater than \$5,000; or (3) willfully fails to pay support for a child living in another state and the obligation has remained unpaid for at least two years or is greater than \$10,000. ([18 U.S.C. § 228](#))

Child Support Enforcement When a Party Lives in Another State

Minnesota has adopted the Uniform Interstate Family Support Act (UIFSA), which provides procedures for interstate and international child support enforcement. The act authorizes Minnesota courts to: (1) request assistance from other states (including Tribal Nations) and countries to enforce the rights of an obligee living here when the obligor lives in another state or country; and (2) enforce the obligation of an obligor living in Minnesota whose children live in another state or country. Support enforcement authorities and other government agencies

have wide latitude in sharing information for the purpose of locating parents who owe child support. ([Minn. Stat., ch. 518C](#))

There are many practical difficulties in enforcing a legal obligation against someone who lives in another state or country. Individuals in this situation may seek help from either a private attorney with experience in interstate or international enforcement or from their county child support office.

Defenses to Nonpayment of Child Support

There are essentially no defenses to nonpayment of child support. By statute, interference with parenting time is expressly not a defense to failure to pay child support. ([Minn. Stat. § 518.612](#)) Unemployment or other decrease or loss of income is not a defense, though may be grounds for a modification as detailed on page 12. If an obligor does not pay the support obligation, arrearages will accumulate until the obligor files a motion to **modify the existing support order** or comes to some other legally enforceable compromise or payment agreement with the public authority or obligee.

In all cases, an obligor must seek an order to modify, suspend, or terminate the support obligation if the obligor obtains custody of the child. Otherwise, the obligor will continue to owe child support, and any nonpayment will result in the accrual of arrears.

Termination of Child Support Orders

A support order typically ends when the child turns 18 or completes secondary school, but not later than when the child reaches age 20. Support can continue indefinitely for a child incapable of self-support because of a physical or mental condition. ([Minn. Stat. § 518A.26](#), subd. 5). Parents can negotiate a written agreement that provides for support to continue longer, such as through the child's college education, if adopted by the court. Privately negotiated agreements can be altered by the court if the court determines the agreement is not in the best interests of the child.

If the obligor is in arrears in support payments when the child reaches the age of majority, income withholding or other legal and administrative mechanisms to enforce a judgment for arrears can continue until the arrearage payments are complete. However, the public authority may discontinue child support services if the arrearage is less than \$500. ([Minn. Stat. § 518A.60](#))

More Information

Anyone affected by a child support order can get more information about the process by calling the county child support office or the Department of Children, Youth, and Families Child Support Division Help Desk, 651-431-4400 or 800-657-3890. General information about child support can also be obtained on the Department of Children, Youth, and Families website at <https://dcyf.mn.gov/individuals-and-families/family-services/child-support>. Any individual with an existing IV-D case may access current payment or case information at <https://www.childsupport.dhs.state.mn.us/Welcome.request>.

Selected Chapters in the Minnesota Statutes Relating to Child Support

Chapter	Title: topics contained in the chapter related to child support
13	Government Data Practices: classification and accessibility of child support data
13B	Matching Programs; Computerized Comparison of Data: child support or maintenance obligor data matches
16D	Debt Collection: state debt collection, including child support arrearages
142A	Department of Children, Youth, and Families: work reporting system
171	Drivers' Licenses and Training Schools: license suspension/nonpayment of support
214	Examining and Licensing Boards: license suspension/nonpayment of support
257	Children; Custody, Legitimacy: establishing parentage; promises to render support
259	Change of Name, Adoption: putative fathers adoption registry
268	Department of Economic Security: withholding of unemployment benefits for child support
270A	Revenue Recapture Act: allowing the Department of Revenue to intercept the tax credit or refund of an obligor who owes child support arrears and forward it to the public authority or obligee as reimbursement for the support owed
299C	Bureau of Criminal Apprehension: use of criminal justice data communications network in child support cases
393	Local Social Services Agency: duties/powers of local support enforcement agency; contempt proceedings
484	District Courts: expedited child support hearing process
518	Marriage Dissolution: divorce; parenting time; parenting education programs; six-month review
518A	Child Support: setting child support amount; determining gross income; modifications; medical support; child care support; enforcement mechanisms; income withholding; child support payment center

Chapter	Title: topics contained in the chapter related to child support
518C	Uniform Interstate Family Support Act: personal jurisdiction; multi-state proceedings; multi-state support orders; international support orders; application/choice of law; registration, enforcement, and modification of support orders; determination of parentage; determining controlling child support order; multiple obligees
548	Judgments: docketing of judgments for child support arrearages
550	Executions, Redemption, Exemptions: levy and execution on personal property, money, earnings, and financial institutions
551	Attorney's Summary Executions: child support collection by levy and execution
552	Support Judgment Debts Summary Execution: child support collection by levy and execution
571	Garnishment: child support collection by garnishment
588	Contempt: willful failure to pay child support constituting contempt of court
609	Criminal Code: criminal nonsupport of child



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