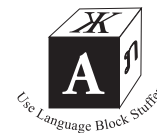




## Explanation of Child Support (IV-D) and Income Withholding-Only (Non-IV-D) Services in Minnesota

This information is available in other forms to people with disabilities by contacting us at (651) 296-2542 or toll free at (800) 657-3954. TTY/TDD users can call the Minnesota Relay at 711 or (800) 627-3529. For the Speech-to-Speech Relay, call (877) 627-3848.



### Purpose:

This form:

- Explains full child support (IV-D) services
- Explains income withholding-only (non-IV-D) services
- Offers information to help you decide which services to apply for
- Explains how to apply for services.

### Definition of terms:

<b><i>Applicant</i></b>	A person or agency who applies for support services or is referred for services by a public assistance agency.
<b><i>Arrears</i></b>	Past due, unpaid support owed by the obligor.
<b><i>Child support</i></b>	A court-ordered obligation for support that may include monetary support for the needs of a child(ren), medical insurance or support on behalf of a child(ren) and a contribution towards child care expenses.
<b><i>Current support</i></b>	The monthly court-ordered support obligation.
<b><i>Child support agency</i></b>	A county office that provides child support services or the state office of child support enforcement.
<b><i>Direct deposit</i></b>	Support payments sent electronically for deposit by the Child Support Payment Center. Support payments are deposited into a checking account, savings account or stored value account.
<b><i>Establishing parentage</i></b>	Determining the legal father of a child born to an unmarried woman; also called "paternity."
<b><i>Income withholding</i></b>	The deduction of support from an obligor's wages or other sources of income.
<b><i>Income Withholding-Only (Non-IV-D) Services</i></b>	Limited services provided by state and county child support agencies for the purpose of collecting and processing child support, spousal maintenance or both. Sometimes called "Non-IV-D services."
<b><i>Obligee</i></b>	A person or agency that is owed support.
<b><i>Obligor</i></b>	A person who is ordered to pay support.
<b><i>Public Assistance</i></b>	Benefits from a state or federal program. Public assistance programs include: Minnesota Family Investment Program (MFIP), Tribal Temporary Assistance for Needy Families (Tribal TANF), Medical Assistance (MA), MinnesotaCare, Diversionary Work Program (DWP), IV-E Foster Care and Child Care Assistance Program (CCAP).
<b><i>State</i></b>	The State of Minnesota, Department of Human Services, Child Support Enforcement Division (DHS - CSED).

## ***Support***

A court-ordered obligation for the benefit of the obligor's child(ren), spouse or former spouse.

## ***Support order***

A court order setting an obligation for the benefit of a child(ren), spouse or former spouse. A support order may include child support, medical support or child care support. A support order may also include spousal maintenance.

## **What do full child support services include?**

- Locating parents
- Establishing parentage
- Establishing court orders for child, medical and child care support
- Reviewing and asking the court to modify child, medical and child care support orders when appropriate
- Adjusting support orders based on the cost-of-living index
- Enforcing child support orders
- Working with other states to enforce child support orders
- Processing income withholding and other payments received by the Child Support Payment Center (CSPC) for child support and spousal maintenance.

## **What services are not provided?**

No matter what type of child support services you apply for (IV-D or Non-IV-D), the child support agency does not help with:

- Divorce assistance
- Parenting time or custody issues
- Spousal maintenance order establishment or modification
- Collection of:
  - Bills not related to support
  - Property settlements
  - Attorneys fees except in limited circumstances (Minn. Stat. § 518.14, subd. 2)
- Legal advice or counsel.

If you need any of these services, contact an attorney or legal services office.

## **How do I apply for Full Child Support (IV-D) Services?**

Complete the Full Child Support (IV-D) Services Application (DHS-1958). The application is available from your county child support agency or online at <http://edocs.dhs.state.mn.us/lfserver/Legacy/DHS-1958-ENG>. Mail or take the completed form to your county child support agency with a \$25 nonrefundable application fee payable to the Minnesota Child Support Payment Center.

- If you are applying for children who have different fathers or mothers, complete an application for each parent who lives away from the home and pay only one application fee of \$25.
- If you are not sure who the father of your child is, complete an application for each possible father and pay only one application fee of \$25.
- If you are not the parent of the child(ren) for whom you are applying for services, complete an application for each parent and pay only one application fee of \$25.

Most people who apply for full child support enforcement services must pay a \$25 nonrefundable application fee. However, you do not have to pay the application fee if:

- You received public assistance and you are requesting continued services
- You are a minor caretaker

- You are enrolled in a public secondary school, area learning center or approved alternative learning center
- You had a support case in Minnesota that was closed fewer than three months ago
- You currently have an open child support case in which you are the applicant.

### **Are there other fees?**

In addition to the \$25 nonrefundable application fee, Minnesota law requires a one percent (1%) cost recovery fee be paid by the applicant for full child support (IV-D) services. Only one person can be the applicant for services.

- **Obligee fees** – If you are the obligee, the applicant for services, and you or the children do not receive public assistance, a one percent (1%) cost recovery fee will be deducted from the amount of your child support, medical support, child care support and spousal maintenance collected.

*Example* – If the child support agency collects \$150.00 in a month, your fee is \$1.50. The amount sent to you is \$148.50.

- **Obligor fees** – If you are the obligor, the applicant for services, and you do not receive Medical Assistance (MA) or MinnesotaCare for yourself, a one percent (1%) cost recovery fee will be added to the amount of your court-ordered child support, medical support, child care support and spousal maintenance.

*Example* – If the court-ordered obligation is \$150.00 per month, your fee will be \$1.50 per month.

### **Who will not pay a cost recovery fee?**

If you or your children receive public assistance, the one percent (1%) cost recovery fee is waived until after public assistance ends.

- **Obligees** – The child support agency will not collect a cost recovery fee if you are the obligee, the applicant for services and you or the children living with you receive public assistance from:
  - Minnesota Family Investment Program (MFIP) or Diversionary Work Program (DWP). The child support agency will begin collecting a cost recovery fee after 24 consecutive months have passed from the date MFIP or DWP ended.
  - Medical Assistance (MA), MinnesotaCare or Child Care Assistance. The child support agency will begin collecting a cost recovery fee one month after you or the children no longer receive benefits from any of these programs.
  - IV-E Foster Care. If you are the parent or custodian of a child who left your home to enter foster care and that child receives IV-E Foster Care benefits, the child support agency will begin collecting a cost recovery fee after 24 consecutive months have passed from the date the IV-E Foster Care benefits ended.
- **Obligors** – The child support agency will not charge a cost recovery fee if you are the obligor, the applicant for services and you receive Medical Assistance (MA) or MinnesotaCare for yourself. You must tell the child support agency when MA or MinnesotaCare begins or ends. The child support agency will begin charging you a cost recovery fee one month after you no longer receive benefits from any of these programs.

### **Is there a limit on the amount of cost recovery fees I pay?**

A maximum cost recovery fee limit will be set annually based on the average cost per case. Once your case reaches the limit, you will no longer pay the one percent (1%) cost recovery fee on that case for the rest of the year.

### **What if I no longer want Full Child Support (IV-D) Services?**

If you are the applicant for services and you want to close your case and stop collection services, you must tell the county child support agency *in writing*. The county child support agency will stop services only if you do not receive public assistance. If you close your case, the child support agency will continue to collect any amounts owed to the state or county.

## **What is income withholding?**

Most support obligations are collected through income withholding from wages. Once the child support agency identifies the obligor's employer or payor of funds, they send a notice to withhold support. Employers have 14 days to process an order or notice to withhold. Employers must begin withholding no later than the first pay period following this 14-day time period. Employers must continue withholding until the child support agency notifies them in writing of any changes to the order.

The child support agency makes collecting current support a priority. The child support agency also collects past due support. Past due support has an interest rate at two percent (2%) above the statutory judgment rate. Judgments for fees and spousal support have an interest rate at the statutory judgment rate and are not subject to the two percent (2%) additional interest rate.

## **What if I do not want income withholding?**

If the child support agency is providing child support and maintenance enforcement services and child support or maintenance is not assigned, the court may waive income withholding if:

- One of the parties shows there is good cause to waive income withholding and the court makes written findings giving reasons that income withholding would not be in the best interests of the child. In cases involving modifications of support, the court must also make findings that payments have been made timely, or
- The obligee and obligor sign a written agreement providing for an alternative payment arrangement which is reviewed and entered into the court record.

If the child support agency is not providing child support and maintenance enforcement services and child support or maintenance is not assigned, the court may waive income withholding if the parties sign a written agreement.

If the court waives income withholding, the obligee or obligor may at any time request income withholding.

## **What are Income Withholding-Only (Non-IV-D) Services?**

Income withholding-only (non-IV-D) services include processing payments for child support, spousal maintenance or both. Income withholding-only services do not include serving an original or amended notice of income withholding on the obligor's employer or payor of funds. The obligee, or a representative of the obligee, must serve the notice of income withholding on the employer or payor of funds. There is no application fee for non-IV-D services. However, the child support agency must collect a \$15 monthly fee from the obligor. This fee is in addition to the monthly support ordered and is collected through income withholding.

If the court orders spousal maintenance and the case does not include child support, you are not eligible for full child support (IV-D) services, but you may apply for income withholding-only (non-IV-D) services.

## **How do I apply for Income Withholding-Only (Non-IV-D) Services?**

Complete an Income Withholding-Only (Non-IV-D) Services Application (DHS-3164). The application is available from the county child support agency or online at <http://edocs.dhs.state.mn.us/lfserver/Legacy/DHS-3164-ENG>. Mail or take the completed form to the county child support agency. It is your or your attorney's responsibility to start, modify and end incoming withholding on your case. When the child support agency receives notice that income withholding has been implemented on an income withholding-only (non-IV-D) case, it will process payments.

If you have a full child support (IV-D) case and all child support obligations are fully satisfied, leaving only spousal maintenance obligations owing, your case will automatically become an income withholding-only (non-IV-D) case unless the applicant for services chooses to close the case.

## What is direct deposit?

To increase the efficiency, convenience, speed and safety of payments, the state sends support by direct deposit. Through direct deposit, you may choose to have your support payments electronically deposited into a checking account, savings account or stored value card account. After your support case is open, your child support agency will send you more information on how to set up direct deposit.

## Which service is better?

Only you can decide this. You may want to consider the following:

- **Are any children involved?** If you have a court order for child support or want to get an order for child support, you are eligible for either full child support (IV-D) services or income withholding-only (non-IV-D) services. You are not eligible for full child support (IV-D) services if your court order sets spousal maintenance but not child support. However, you may apply for income withholding-only (non-IV-D) services.
- **The fees for these two services are different.** There is a one-time application fee of \$25 and an ongoing one percent (1%) cost recovery fee for full child support (IV-D) services. For income withholding-only (non-IV-D) services, the obligor must pay a monthly fee of \$15.
- **The actual services are different.** Full child support (IV-D) services include locating parents, establishing paternity, establishing support orders, working with other states to enforce support orders, and collecting and processing payments for support orders. Income withholding-only (non-IV-D) services include only processing payments.

## What do Full Child Support (IV-D) Services and Income Withholding-Only (Non-IV-D) Services include?

	<b>Full Child Support (IV-D) Services</b>	<b>Income Withholding-Only (Non-IV-D) Services</b>
<b>Available services</b>	Full child support services include: <ul style="list-style-type: none"><li>• Locating parents</li><li>• Establishing parentage</li><li>• Establishing court orders for child, medical and child care support</li><li>• Reviewing and asking the court to modify child, medical and child care support orders when appropriate</li><li>• Adjusting support orders based on the cost-of-living index</li><li>• Enforcing child support orders</li><li>• Working with other states to enforce support orders</li><li>• Processing income withholding payments received by the Child Support Payment Center (CSPC) for child support and spousal maintenance.</li></ul>	Income withholding-only services include processing income withholding payments received by the Child Support Payment Center for child support, spousal maintenance or both.
<b>Criteria</b>	The court order must include child support or paternity issues to qualify for full child support services. The court order may also include spousal maintenance.	The court order must include child support or spousal maintenance to qualify for income withholding-only services.

	<b>Full Child Support (IV-D) Services</b>	<b>Income Withholding-Only (Non-IV-D) Services</b>
<b>Notice of income withholding</b>	Full child support services include the county child support agency serving a notice of income withholding on the obligor's employer.	Income withholding-only services do not include serving a notice of income withholding on the obligor's employer. The applicant, or a representative of the applicant, must serve the original and amended income withholding notice(s) or order(s) on the employer.
<b>Fees</b>	A one-time \$25 application fee and an ongoing one percent (1%) cost recovery fee are paid by the applicant for full child support services.	A monthly \$15 fee is paid by the obligor through income withholding for income withholding-only services.

### **Where can I get more information?**

Contact the county child support agency in the county where the divorce or separation action was filed or in the county where you live. The child support agency is usually part of the county human services department.

For additional information on the child support program, visit the Minnesota Department of Human Services Web site at [www.dhs.state.mn.us](http://www.dhs.state.mn.us) or call the Child Support Information Line at (800) 657- 3954 or (651) 296-2542.