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InfoSheet 6: Child Support Forms

The Minnesota Fathers & Families Network seeks to support social service agencies, community-based organizations, faith-based institutions, and other family service providers in their efforts to meet the needs of all members of Minnesota's families. This document attempts to remove a bit of the mystery around helping parents with child support modifications. Written with the presumption that the father is the noncustodial parent who is paying child support, this same information can be applied to all noncustodial parents whether they are fathers or mothers.



Many fathers need help with Pro Se (for self) Court Forms. Before beginning the court forms to modify child support, the father needs to know some basic pieces of information about his case including the county, judicial district, title of case, amount of the current order (be sure to distinguish between the current obligation and any back child support owed), the date of the last court order, and the case number. This information can be obtained from the child support worker, child support papers sent to the father by the county, or by calling county court administration. When calling the county court administration office, provide the names of the parties involved.

The Minnesota Pro Se Court Forms are available from the Minnesota State Court Clerks Office web site: www.courts.state.mn.us/ctforms, or at county court administration offices in Minnesota. The forms on the web site are in alphabetical order. These forms have instructions, the Motion, an Affidavit in Support of the Motion and also a Proof of Service by Mail or Personal Service form.

Court Forms to Modify Child Support Payments

To fill out the form to Modify Child Support, fill out the top section of the form the same way the top of the last order was completed. For instance, the petitioner always stays the same, so if the Mom was the petitioner she will be petitioner again even if the father is the moving party.

To modify child support, a person must let the court know of the change in circumstances; if everything is the same there will be no grounds for changing child support. The change can be increased or decreased earnings, a change of residence of the child/children, increased living expenses of a party, etc. If the reason the father is requesting a change in child support is due to a decrease in his earnings, the difference between the old child support obligation and the new one calculated using his new earnings must be at least 20 percent and at least \$50 per month lower than the current order before the court will consider modifying the child support obligation.

The forms should be filled out as completely as possible. If the answer to a question is not known, it is best to fill in "I do not know". If you leave a question blank, the magistrate may think you forgot to answer it. So even if the answer is zero, fill that in. Once the form is completely filled in, call the court

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administration office and get a date and time for the hearing (which goes on the first page of the Notice of Motion and Motion to Modify Child Support). Next, the moving party needs to have his signature notarized on the last page of the Affidavit. Now, if the person is low income, he could fill out an In Forma Pauperis form to request that the filing fee be waived (not required). The signature on this form also must be notarized.

When that is completed, four copies of the Notice of Motion, the Motion and the Affidavit in Support of the Motion should be made, along with copies of proof of income, such as copy of pay stub(s) or tax forms. One copy is for the County Attorney in the county where the case is filed, another is for the county child support office, the third is for the other parent and the last copy is for the person who filled out the forms. The original forms must be filed at the court administration office. The person who filled out the forms is not allowed to be the person who mails the copies to the other party, county attorney and child support office. Another person who is of legal age must mail the copies and complete the Affidavits of Service forms stating the day mailed, forms mailed and to whom they were mailed. This person needs to have that Affidavit notarized and sent to the court administration office along with the other original forms.

More detailed instructions for motions to modify child support are included on the court's webpage and should be read thoroughly. This includes information about filing and service deadlines and how service of the motion should be accomplished. Noncustodial parents filing to modify child support should understand that their request to change child support can only be applied retroactively to the date that the other parties were *served* with the motion. (There are only a few, and very narrow, exceptions to this law.)

Visit the Minnesota Fathers & Families Network online at www.mnfathers.org/resources.html for additional InfoSheets about engaging fathers in family service programs.

A father who is in prison would want to file to have child support set at zero because he is not capable of earning enough to pay child support. Also a person in alcohol or chemical abuse treatment who is not allowed to have a job while receiving in-patient treatment would want to file these forms to explain why he cannot pay child support as ordered. When released from prison or treatment, he must notify the child support office when he secures employment and where he resides.

The information presented is not a substitute for legal advice on the particulars of any case. Child support hearings are legal proceedings, and although the vast majority of participants are self-represented, some issues may require the services of an attorney. Self-represented litigants are expected to know and follow the law just like an attorney. Court Administration staff and county child support staff are not allowed to help fill out these forms. By following the instructions and having a friend, relative or lawyer assist and mail the forms a parent can successfully file a petition to the court to change child support.

Child Support Resources Available Online:

Child Support Laws in Minnesota : An Overview: Posted by the nonpartisan House Research Department of the Minnesota Legislature. A 16-page overview of the state laws setting, modifying, paying, enforcing, and terminating child support, October 2003, www.house.leg.state.mn.us/hrd/pubs/chldsupp.pdf.

Minnesota Question and Answer Handbook for Noncustodial Parents: A question and answer resource on paternity establishment and child support designed specifically for Minnesota's laws and guidelines. Available at www.cffpp.org/legal/minnesota_en.html.

Child Support Enforcement Division: This division of the Minnesota Department of Human Services supervises the child support program. County child support offices administer it by working with parents to establish and enforce support orders, www.dhs.state.mn.us/ECS/ChildSupport/Default.htm.

Center for Law and Social Policy (CLASP): This page highlights CLASP's publications geared toward issues of child support and low-income fathers, http://www.clasp.org/Pubs/Pubs_ChildSupport.

The Minnesota Fathers & Families Network does not provide legal advice or counsel. This document has been compiled to educate family service practitioners and fatherhood advocates about the basic process of using some of the Minnesota Court Forms related to child support issues, available online as of 2004 at www.courts.state.mn.us/ctforms. **For legal advice or questions, please contact a lawyer.**

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