



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

Purpose:

This document:

- 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:

Applicant	An applicant is a person or agency who applies for support services or is referred for services by a public assistance agency.
Arrears/arrearage	Support obligation amounts that are overdue and unpaid.
Basic support	Support for expenses relating to the child's care, housing, food, clothing and transportation. The basic support obligation does not include payment towards arrears.
Child support	Money parents pay to help support their children. It may include a monthly court-ordered amount, medical and dental support, and child care support.
Child support agency/office	A county office that provides child support services or the state office of child support enforcement.
Current support	An ongoing court-ordered obligation for support due each month and is either received by the Minnesota Child Support Payment Center or withheld by the obligor's employer or other payor of funds.
Direct deposit	Support payments sent electronically from the Child Support Payment Center to the obligee's financial institution for deposit into the obligee's checking account, savings account, or stored value card account.
Establishing parentage	Determining the legal father of a child born to an unmarried woman; also called establishing "paternity."

Income withholding	The deduction of a current basic support, child care support, medical support or spousal maintenance obligation, and arrears from an obligor's wages or other sources of income.
Income Withholding-Only (Non-IV-D) Services	Limited service provided by the state and county child support agencies for the purpose of processing child support and spousal maintenance or both. Sometimes called "Non-IV-D services."
Obligee	A person to whom payments for maintenance or support are owed.
Obligor	A person obligated to pay maintenance or support. A person who has primary physical custody of a child is presumed not to be an obligor for the purposes of child support. For purposes of ordering medical support, a parent who has primary physical custody of a child may be an obligor subject to a payment agreement.
Public assistance	Public assistance is benefits from a state or federal program. Public assistance programs include the Diversionary Work Program (DWP); the Minnesota Family Investment Program (MFIP), which is Minnesota's Temporary Assistance to Needy Families (TANF) program; Tribal TANF; Child Care Assistance; Medical Assistance (MA); MinnesotaCare; and IV-E Foster Care services.
State	The State of Minnesota, 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-ordered obligation for the benefit of the obligor's child(ren), spouse, or former spouse who lives with the child. A support order may include child support, medical support, or child care support. A court order may also include spousal maintenance.

What do full child support services include?

- Locating parents
- Establishing parentage
- Establishing court orders for basic, medical and child care support
- Reviewing and asking the court to modify basic, 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. § 518a.735)
- 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/Public/DHS-1958-ENG>. Mail or take the completed form to your county child support agency with a \$25 nonrefundable application fee payable to the 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.
- If you are a noncustodial parent or alleged father, complete an application 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 cost recovery fee be paid by the applicant for full child support (IV-D) services. Only one person can be the applicant for services. The current cost recovery fee is two percent.

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

Example – If the two percent cost recovery fee is charged and the child support agency collects \$150.00 in a month, your fee is \$3.00. The amount sent to you is \$147.00.

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

Example – If you are eligible to be charged the two percent cost recovery fee and the court-ordered obligation is \$150.00 per month, your fee will be \$3.00 per month. The amount you will have to pay is \$153.00.

Who will not pay a cost recovery fee?

If you or your children receive public assistance, the 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), Tribal TANF 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, Tribal TANF 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 cost recovery fee on that case for the rest of the year.

Who pays the \$25 federal annual fee?

Federal law requires the State of Minnesota to collect a federal annual fee of \$25 on your case(s) if both of the following are true:

- Your child(ren) have never received IV-A(cash) assistance under your household, and
- The state collected and you received at least \$500 in child support collections.

If the state collects the annual \$25 fee on your case(s), it will do so by retaining the fee from support collected on your behalf, but not from the first \$500 collected and received.

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 accrues interest at a rate set annually by the state court administrator.

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/Public/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 income 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.** For full child support (IV-D) services, there is a one-time application fee of \$25, an ongoing cost recovery fee and a \$25 federal annual fee, if your case qualifies. 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?

	Full Child Support (IV-D) Services	Income Withholding-Only (Non-IV-D) Services
Available services	<p>Full child support services include:</p> <ul style="list-style-type: none"> ■ Locating parents ■ Establishing parentage ■ Establishing court orders for basic, medical and child care support ■ Reviewing and asking the court to modify basic, 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 support orders ■ Processing income withholding payments received by the Child Support Payment Center (CSPC) for child support and spousal maintenance. 	<p>Income withholding-only services include processing income withholding payments received by the Child Support Payment Center for child support, spousal maintenance or both.</p>
Criteria	<p>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.</p>	<p>The court order must include child support or spousal maintenance to qualify for income withholding-only services.</p>
Notice of income withholding	<p>Full child support services include the county child support agency serving a notice of income withholding on the obligor's employer.</p>	<p>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.</p>
Fees	<p>Applicants for full child support (IV-D) services must pay a \$25 nonrefundable application fee.</p> <ul style="list-style-type: none"> ■ If your children have never received IV-A (cash) assistance under your household and you have received at least \$500 in child support collections, you will also be assessed a \$25 federal annual fee. ■ When you apply for full child support (IV-D) services, you also agree to pay a cost recovery fee on your payments or on your obligation if eligible. <ul style="list-style-type: none"> ■ From 07/01/2004 until 12/31/2011 the cost recovery fee is one percent, ■ Effective 01/01/2012 the cost recovery fee is two percent. 	<p>A monthly \$15 fee is paid by the obligor through income withholding for income withholding-only services.</p>

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 website at www.dhs.state.mn.us or call the Child Support Information Line at (800) 657-3954 or (651) 431-4199.

Attention. If you want free help translating this information, ask your worker or call the number below for your language.

ملاحظة: إذا أردت مساعدة مجانية في ترجمة هذه المعلومات، فاسأل مساعدك في مكتب الخدمة الاجتماعية أو اتصل على الرقم 1-800-358-0377.

កំណត់សំគាល់ បើអ្នកចង់បានជំនួយបកប្រែព័ត៌មាននេះដោយមិនគិតថ្លៃ សូមសួរអ្នកកាន់សំណុំរឿងរបស់អ្នក ឬ ទូរស័ព្ទទៅលេខ 1-888-468-3787 ។

Pažnja. Ako vam je potrebna besplatna pomoć za prevod ove informacije, pitajte vašeg radnika ili nazovite 1-888-234-3785.

Ceeb toom. Yog koj xav tau kev pab txhais cov xov no rau koj dawb, nug koj tus neeg lis dej num (worker) lossis hu 1-888-486-8377.

ໂປຼດຊາບ. ຖ້າທ່ານຕ້ອງການການຊ່ວຍເຫຼືອໃນການແປຂໍ້ຄວາມດັ່ງກ່າວນີ້ຟຣີ, ຈົ່ງຖາມນຳພັນກາງານຊ່ວຍວຽກຂອງທ່ານຫຼືໂທຮັບາຕາມເລກໂທຮັບ 1-888-487-8251.

Hubaddhu. Yoo akka odeeffannoon kun sii hiikamu gargaarsa tolaa feeta ta'e, hojjataa kee gaafaddhu ykn lakkoofsa kana bilbili 1-888-234-3798.

Внимание: если вам нужна бесплатная помощь в переводе этой информации, обратитесь к своему социальному работнику или позвоните по следующему телефону: 1-888-562-5877.

Ogow. Haddii aad dooneyso in laga kaalmeeyo tarjamadda macluumaadkani oo lacag la'aan ah, weydii hawl-wadeenkaaga ama wac lambarkan 1-888-547-8829.

Atención. Si desea recibir asistencia gratuita para traducir esta información, consulte a su trabajador o llame al 1-888-428-3438.

Chú Ý. Nếu quý vị cần dịch thông tin này miễn phí, xin gọi nhân-viên xã-hội của quý vị hoặc gọi số 1-888-554-8759.

LB2-0001 (10-09)

ADA3 (5-09)

This information is available in alternative formats to individuals with disabilities by calling (651) 431-4199 or (800) 657-3954. TTY users can call through Minnesota Relay at (800) 627-3529. For Speech-to-Speech, call (877) 627-3848. For additional assistance with legal rights and protections for equal access to human services programs, contact your agency's ADA coordinator.