

When is child support ordered?

If a married couple with minor children are divorced or legally separated, or parents are unmarried and not living together, a court must order one or both parents to pay child support. If a child's parents are not married, generally 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. A third party who has custody of a child may also petition a court to establish child support, and a county attorney's office may initiate a child support case in some circumstances when one or both parents receives public assistance for the child.

What does child support include?

Child support includes, at a minimum, **basic support**, which is an amount intended to cover the costs of a child's housing, food, clothing, education, and other necessities; **medical support**; and work- or education-related **child care support**. Child support also may include support arrears or reimbursement of public assistance payments made on behalf of the child.

Who pays child support, and who receives it?

"**Obligor**" is the legal term for the parent who pays money to the other parent or anyone else for the child's support. "**Obligee**" is the parent or other individual or entity who receives money on behalf of a child. The obligee is typically the parent with whom the child lives, and the obligor is the other parent. In some situations, however, the parents may have joint custody, each parent could have custody of one or more of the couple's children, or the child may not be in either parent's custody.

How is the child support amount calculated?

The **basic support obligation** is calculated based on the **gross income** of both parents. Gross income includes any form of periodic payment. Excluded from gross income are child support payments received by a party, public assistance, and in specific circumstances, overtime pay. Gross income does not include the income of an obligee's or obligor's spouse. A deduction from gross income is allowed when a nonjoint child resides in a parent's household, and the parent is not obligated to pay child support. The resulting amount is the **parental income for child support (PICS)**.

After each party's PICS is determined, the amounts are combined and the court determines the percentage contribution of each parent to the combined PICS. The court must compare the combined basic support obligation to the child support guidelines in statute. Each parent is responsible for the percentage of the basic support obligation represented by his or her percentage share of the combined PICS. In cases with court-ordered parenting time, the obligor is allowed a parenting expense adjustment, based on the number of overnights or overnight equivalents with the child granted by the court.

After determining the support amount under the statutory guidelines, the court may deviate upward or downward from the guidelines amount, if necessary. If a court deviates from the guidelines, it must make written findings stating the reasons for the deviation, and how the deviation serves the child's best interests. These reasons include the parents' earnings, income, resources, and debts, the child's needs, the child's standard of living if the parents were living together, whether the child lives in a

foreign country and that country's cost of living, and which parent receives the dependent income tax exemption. The court may reduce support payments for a low-income obligor.

How is child support enforced if payments are not made?

The state has several mechanisms in place to enforce child support, including parent locator services; the work reporting system; income withholding; occupational license sanctions; driver's license suspension and motor vehicle title liens; recreational license suspension; civil judgments; real property liens; seizure of or liens against financial assets; creditor's remedies; contempt of court; reports to credit agencies; intercepting state and federal tax refunds; holds on passports; state student grant holds; seeking employment orders; and criminal charges.

What are the roles of federal, state, and local governments and courts?

Federal Government. Minnesota Statutes have long provided for child support in cases where parents divorce or have never married. In 1975, the federal government also became involved in this issue. Congress enacted laws aimed at establishing uniformity across states and setting minimum standards in state child support enforcement systems. The federal government provides funding to states whose child support systems meet federal requirements.

State Government. The legislature sets child support policy in Minnesota. State policy is constructed to comply with requirements in federal law, in order to receive federal welfare and child support funds. However, the federal requirements are often general in nature, leaving the details up to the legislature.

The Department of Human Services (DHS) is the primary executive branch agency responsible for overseeing Minnesota's child support system. The agency:

- provides training and assistance to the counties;
- operates Minnesota's centralized child support payment center;
- runs the statewide computer systems and maintains statewide data on child support;
- manages and disburses federal and state child support funding; and
- provides overall monitoring and supervision for Minnesota's child support system.

Counties. Counties do the hands-on administration in Minnesota's child support system. Child support services are typically located within the county human services or social services department. The county caseworkers who manage 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.

Courts. The judicial branch interprets and applies the child support laws in individual cases, and establishes child support orders.

For more information: Anyone affected by a child support order can call his or her county child support office or the DHS Child Support Division at 651-431-4400. See also the DHS child support website at <https://mn.gov/dhs/partners-and-providers/program-overviews/child-support/>. See the House Research Department publication *Minnesota's Child Support Laws: An Overview* for more information about the law.



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