

**Minnesota Child Support Guidelines:
Frequently Asked Questions About Minnesota's New Child Support Legislation
February 13, 2006**

[** Due to high-interest in Minnesota's new child support guidelines, MFFN is forwarding these questions and responses, provided by the State of Minnesota to child support employees. MFFN cannot guarantee the accuracy of the information contained in this document. For further background about the overall child support legislation, visit www.mnfathers.org/ChildSupportChanges2005.html.]

1. Q. Will the 6 month review be done in ExPro or District Court?

A. No answer at this time.

Q. Is the County automatically a party to the 6-month review?

A. No. The filing of a request for a six-month review does not automatically make the County a party to the action. The County would be a party only if the County initiated the action or subsequently intervened... However, the county will need to provide financial information if it is requested 14 days prior to the hearing.

2. Q. Will 518C remain the interstate statute number?

A. Yes. 518C will not be recodified.

3. Q. When will worksheets be available?

A. By next fall we will have a worksheet on PRISM as well as a calculator on our public website.

4. Q. How accurate will the web based calculator be?

A. It will depend upon the accuracy of the information entered.

5. Q. Is there anything currently on the web that is similar to what our web calculator will look like?

A. Yes. Oregon has a web calculator that will give you some basic ideas of what our calculator will look like.

6. Q. Will we be able to print information from the web calculator?

A. That is our goal.

7. Q. Can personal calculations be saved on the public website?

A. No.

8. Q. How will the changes to guidelines affect self assessment?

A. To be determined.

9. Q. What will be the impact on collections?

A. To be determined.

10. Q. When will training start?

A. To be determined. *Training unit can provide this answer.*

11. Q. How will the courts handle the increased number of modification requests in 2007?

A. In order for a party to get a modification in January 2007 - January 2008, one of the following must occur:

- There is at least a 20 percent change in gross income of the obligor
- There is a change in the number of joint children for whom the obligor is legally responsible and actually supporting
- The child supported by the existing child support order becomes disabled; or
- Both parents consent to modification of the existing order in compliance with the new income shares guidelines.

12. Q. Do the regular modification criteria go back into effect on January 1, 2008?

A. Yes. The modification statute has been amended in the new bill. The criteria for modifying a support order are mostly unchanged (substantially increased or decreased income or needs, etc). However, the presumptions for substantial changes of circumstances making the current order unreasonable and unfair have changed slightly. When applying the guidelines to the current circumstances of the parties, the calculated support must change by 20 percent and at least \$75 per month higher or lower than the current support order. Also, if the gross income of an obligor or obligee has decreased by at least 20 percent through no fault or choice of the party, the order is presumed to be unreasonable and unfair.

13. Q. Is this statement true or false? Anyone can request a modification and a Child Support Officer will still have to review the request.

A. True. This is not a change from the current policy and procedures.

14. Q. What if the parties signed a Recognition of Parentage (ROP), which does not constitute a custody agreement, and want an order for support? Do you allow for a parenting expense adjustment when calculating child support?

A. Proceed to establish an order for support pursuant to 256.87 as you are doing now. Signing an ROP does not grant custody rights or parenting time to the father and M.S. 256.87 does not authorize addressing either issue. If there is no underlying order that addresses custody or grants parenting time to a parent, child support is calculated without allowing for a parenting time adjustment.

15. Q. Is MFIP considered part of gross income?

A. No

16. Q. Will the Guidelines Communication Form provided at MFSRC be turned into a use form?

A. Yes. It is now a use form.

17. Q. What if after working through the guidelines calculation the NCP owes zero and the CP ends up owing for medical support?

A CPOD is being reprogrammed to allow an accruing obligation for the CP to accommodate the CP's medical obligation in these situations.

18. Q. Are there still deviations from guidelines?

A. Yes.

19. Q. Will both the non-custodial parent (NCP) and the CP get credit for other orders?

A. Yes, the statute states that the amount of spousal maintenance that any party has been ordered to pay and the amount of any existing child support order for other nonjoint children is subtracted from the total of any gross income.

20. Q. Are there any changes to the medical language?

A. Yes. The new law will bring many changes to the way medical support is established and collected, including, guidelines for determining "appropriate" coverage; guidelines for ordering coverage, methods to establish reimbursement for costs of coverage, and addressing "unreimbursed" and "uninsured" expenses, including allocation of expenses and how they will be collected.

21. Q. Is there a time limit for collecting unreimbursed or uninsured medical expenses?

A. Yes. In general, requests for collection of unreimbursed or uninsured expenses must be initiated within two years of the date that the party incurred the expenses.

22. Q. Must a CP receive Child Care Assistance to use the sliding fee method?

A. Yes

23. Q. Which box on the W2 form should be used to determine gross income?

A. Generally, it is the Medicare gross income amount.

24. Q. Do pretax benefits have an effect on gross income?

A. No.

25. Q. If the NCP has the children in the summer, should support stop during that time?

A. Generally, no. The parenting expense adjustment will account for parenting time on an annual basis, so the expense adjustment will already reflect summer schedules.

26. Q. What are the minimum basic support amounts?

A. \$50.00 a month for 1 or 2 children, \$75.00 a month for 3 or 4 children, and \$100.00 a month for 5 or more children.

27. Q. What is PICS?

A. PICS stands for Parental Income for Child Support. It's gross income plus specific types of other income minus specific deductions. This is the figure applied to the guidelines chart to determine the combined child support obligation.

28. Q. What is the Parenting Expense Adjustment?

A. The Parenting Expense Adjustment is an adjustment to an obligor's child support obligation based on the amount of parenting time granted to an obligor in a court order. If parenting time is 10 percent or greater, an obligor is entitled to this deduction. The adjustment percentages are as follows:

- Less than 10 % = No parenting time adjustment
- 10 % to 45 % = a 12 percent parenting time adjustment
- 45.1 percent to 50 % = presume that parenting time is equal. If parenting time is equal, use the equal parenting formula to determine the parenting time adjustment.

29. Q. What is the definition of parenting time?

A. "Parenting time" means the amount of time a child is scheduled to spend with the parent according to a court order. Parenting time includes time with the child whether it is designated as visitation, physical custody, or parenting time.

30. Q. How is parenting time calculated?

A. The percentage of parenting time may be calculated by calculating the number of overnights that a child spends with a parent, or by using a method other than overnights if the parent has significant time periods where the child is in the parent's physical custody, but does not stay overnight.

31. Q. Is there a rebuttable presumption of parenting time?

A. Yes there is. It is 25percent for each parent. However, when establishing an order based on 256.87, this presumption does not apply. There is no authority within M.S. 256.87 to address custody or parenting time.

32. Q. What is the definition of a joint child?

A. "Joint child" means the dependent child who is the son or daughter of both parents in the support proceeding. In those cases where support is sought from only one parent of a child, a joint child is the child for whom support is sought.

33. Q. What is the definition of a non-joint child?

A. "Nonjoint child" means the legal child of one, but not both of the parents subject to this determination.

34. Q. Will a credit be given for non-joint children?

A. Yes, if that child is residing in the parent's home. To calculate this credit, use the guidelines as established in section 26 to determine the basic child support obligation for the nonjoint child or children who actually reside in the parent's household. Apply the gross income of the parent for whom the credit is being calculated and use the number of nonjoint children actually in the parent's immediate household. If the number of nonjoint children is more than two, use the number two instead of the larger number. The credit for nonjoint children shall be 50percent of the guidelines amount as calculated based on that parent's gross income.

35. Q. What should we tell CPs and NCPs who ask whether their support will go up or down?

A. We can't say whether an individual's support will go up or down without a thorough assessment. The amount of support depends on many variables specific to both parents' circumstances.

36. Q. Can the current proposed worksheet be used for relative caretaker/foster care cases? If so, whose income is used on the worksheets?

A. Yes it can. Sec. 26, Subd. 1 (c) addresses use of only the worksheets in situations where you are seeking support from just one of the parties. Only the parental income for child support is applied to the guidelines.

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