

Changing a Child Support Order in Your State

 **The information below applies only to Minnesota**

1. How can I find out if I have a “IV-D” child support case in this state?

Participants (or their designee with a release of information signed by the participant) can contact our State Help Desk by phone at 651-431-4400 or by email at: dhs.csed.letters@state.mn.us.

A Release of Information is here: <http://edocs.dhs.state.mn.us/lfserver/Legacy/DHS-5510-ENG>.

The child support liaison housed in the St. Cloud Prison can also assist participants in determining if they have a IV-D child support case.

2. How can I contact my child support agency?

Once the participant knows the county that handles their case they may contact them directly. The general child support information website, http://www.dhs.state.mn.us/main/idcplg?IdcService=GET_DYNAMIC_CONVERSION&RevisionSelectionMethod=LatestReleased&dDocName=id_000160, contains a link to a directory with county contact information, as well as other helpful information.

Mailing address:

Minnesota Department of Human Services
Child Support Enforcement Division
PO Box 64946
St. Paul, MN 55164-0946

Telephone: (651) 431-4400

3. If I am incarcerated, are there any barriers to having my order changed?

No.

4. Do you provide any materials online that I can use to ask for a change to my child support order?

Modification information is available at the link below including detailed instructions and the forms necessary to submit an online modification request:

http://www.dhs.state.mn.us/main/idcplg?IdcService=GET_DYNAMIC_CONVERSION&RevisionSelectionMethod=LatestReleased&dDocName=dhs16_155989.

5. Do you have any printed materials I could read to learn more about child support for parents who are incarcerated?

Yes, Minnesota has several fact sheets aimed at target audiences working with incarcerated individuals. These brochures, which are attached, include resources to support fathers returning from prison or jail to families in Minnesota.

Changing a Child Support Order in Your State

6. When can I ask to have my order changed?

Minnesota encourages modifications for incarcerated individuals. Child support case workers should review a case for modification upon learning that an individual is incarcerated. The child support program has an automated interface that notifies them of newly incarcerated individuals.

There is a streamlined modification process for parents without a means to pay support and who are expected to be incarcerated for six months or more. Parents who will be incarcerated for less than six months may be eligible for a modification if they meet one of the following criteria:

- The gross income of either parent has 'substantially increased or decreased'.
- The needs of either parent or the joint child(ren) have 'substantially increased or decreased'.
- Either parent, or the joint child(ren), receive public assistance.
- The cost-of-living for either parent changed as measured by the Federal Bureau of Labor Statistics.
- The joint child(ren) have incurred extraordinary medical expenses that were not provided for in the existing order.
- There was a change in the availability of appropriate health care coverage or a 'substantial increase or decrease' in health care coverage costs.
- Either parent has new work-related or education-related child care expenses, or there has been a 'substantial increase or decrease' in existing work-related or education-related child care expenses.
- A joint child has emancipated, and the existing order still covers at least one additional joint minor child.

If a case meets one of these criteria it must then be determined that the current order is unreasonable and unfair. That determination is based on the following:

- The new guidelines child support (total of Basic Support, Child Care Support, and Medical Support) is at least 20% *and* at least \$75.00 per month greater or less than the existing total support obligation.
- The current child support obligation is less than \$75.00 per month *and* the new guidelines child support increases or decreases the total child support at least 20%.
- Medical Support provisions of the existing order are not enforceable or the parent ordered to provide health care coverage for the child(ren) no longer has the health care coverage available.
- The current child support order is a percentage order and does not set a specific dollar amount.
- Either parent's gross income has decreased by at least 20% through no fault or choice of that parent.
- The existing order deviated from guidelines support calculations because the child(ren) resided in a foreign county for more than one year with a substantially higher or lower cost of living than in the United States, and the child(ren) no longer reside in the foreign country.

7. How do I request the change?

Child support case workers will commence a review of a case to determine if it is eligible for a modification upon request. The request can be submitted via online forms, verbal request or written request.

Incarcerated participants can either have their child support modified using our streamlined process or the regular modification process.

If the parties agree to the terms of the proposed order the matter can be completed by a stipulated order.

In contested matters the case will be set for hearing before a Child Support Magistrate. Arrangements can be made for the incarcerated individuals can attend this hearing telephonically or by interactive video if that technology is available.

8. What is the process after I've asked to have my order changed, and how long does it take?

The child support caseworker will review a case to determine if it meets requirements and if so will take action to modify the case. The length of time it will take to modify the order varies from case to case and is dependent upon the case circumstances as well as the individual county involved.

Changing a Child Support Order in Your State

9. Is this process different if the other parent agrees to the change in advance?

If both parties agree to the modification it can be done by a stipulated agreement. Generally this is faster than a non-stipulated modification.

10. Does it cost anything to try to have my order changed?

In county initiated modifications there are no costs charged by the counties to the participants. If the county determines the case is not eligible for a modification and the participant decides to pursue the modification on their own, there may be filing fees.

11. If I am incarcerated, do I need to do anything else to have my order changed?

No. Incarcerated individuals are not required to do anything different than any customer requesting a modification. If eligible for the streamlined process outlined above they may actually have fewer steps. They do not need to talk to the child support office and they can communicate any needed information by mail or via the child support liaison located in the St. Cloud Prison. Minnesota does have processes that permit incarcerated individuals to participate in hearings telephonically.

12. If I am incarcerated, does my state have any programs to help me with child support?

Yes, Minnesota has a child support liaison housed in our intake prison in St. Cloud. This individual explains the effect of incarceration on child support during inmate orientation. They also assist incarcerated individuals in requesting a modification, obtaining genetic testing and responding to any child support issue they may have. State and county child support staff attend prison transition fairs on a regular basis. It is common for county staff to reach out to individuals in county jails. The state office has provided extensive outreach and education of our child support program to the community.

13. Can I get help with child support questions from other sources?

Participants can use Minnesota's Pro Se process and information on that is available at our State Court's website, <http://www.mncourts.gov/selfhelp/?page=344> .

This includes legal forms to file to request a modification, <http://www.mncourts.gov/selfhelp/?page=1175>, and there is also a video that explains this process, <http://www.mncourts.gov/selfhelp/?page=4558>. There are different forms to use depending on whether the county child support office is involved in your case.

14. Is there anything else I should know about trying to change my order?

Unless the individual has means to pay support while incarcerated, Minnesota support establishment and modification actions for incarcerated individuals result in \$0 orders. Counties are encouraged to monitor cases post-release to determine when it is appropriate to modify the zero order.

Individuals who were incarcerated but did not obtain a modification may be eligible for an arrears management action to provide some relief for arrears that accumulated while incarcerated. Individuals in this situation should ask their child support case workers for more information on the Arrears Management Prevention Policy (AMPP).



The federal Office of Child Support Enforcement prepared this guide; however, your local child support agency can provide the most current information. This guide does not have any binding legal authority and does not constitute legal advice. You may wish to consult a lawyer before using the forms or information provided.





Photo: Rick Demopolis

Resources to support fathers returning from prison or jail to families in Minnesota



What can community agencies do?

Why should community organizations pay attention to fathers coming out of corrections and their families?

On any given day, there are about 77,000 children in the U.S. with a parent who is incarcerated. Research demonstrates that children benefit in a variety of ways when they have significant positive involvement with their father, including when he is incarcerated. Research also demonstrates that fathers accrue a variety of benefits by being positively involved. Community organizations can play a critical role in supporting and empowering fathers coming out of corrections to succeed as parents and in their own lives.

1. Understand employment and other needs in the context of fatherhood and child support responsibilities.

For many dads who are incarcerated or leaving incarceration, their children are a primary motivation and responsibility in their lives. Including programming that addresses parenting and direct programs for children can lead to better engagement and outcomes in other areas, such as employment.

2. Support engagement with child support in case management and other programming. When fathers proactively work with their child support workers, payment plans can often be adjusted to be more realistic, and the incentives for legal employment can increase.

Family support and employment

"play an important role for released offenders who succeed at reentering society and avoid returning to prison."¹

3. Build partnerships between your agency, child support, and corrections. Partnerships with corrections can allow essential pre-release relationship building with participants, as well as post-release collaboration to avoid recidivism. Your agency can help build bridges between participants and child support, such as by hosting child support workers to provide resources and information at your location.

4. Focus on positive outcomes for children. Effective support for fathers can lead to improved educational, health, and other well-being outcomes for their children. Help make this link by offering onsite early childhood education, child-friendly family activities, and other ways to integrate the well being of participants' children into your programming.

5. Coordinate services with the network of reentry and fatherhood programs in your area. No single organization can provide everything. Develop plans for referrals and collaborative services with related programs in your area. Directories of reentry and fatherhood programs in MN are listed on the website below.

For videos and connections to supportive resources for fathers and their families go to:

www.mnfathers.org/mindthegap

Funding. This publication was made possible by Grant Number 90FD0147 from The Federal Office of Child Support Enforcement. Its contents are solely the responsibility of the authors and do not necessarily represent the official views of the Federal Office of Child Support Enforcement.



1. "Incarceration, Reentry, and Child Support Issues: National and State Research Overview." U.S. Department of Health and Human Services, Administration for Children and Families, Office of Child Support Enforcement. 2006.

Last updated: September 2012.



Photo: Rick Demopolis

Resources to support fathers returning from prison or jail to families in Minnesota



For fathers and their families

Being separated from your children can be hard under any circumstances, but prison or jail can make it even more challenging. Fathers are important and can support their children even when they are apart. The following actions can help fathers keep or start being part of their children's lives, both when incarcerated and after release:

1. A simple and age-appropriate explanation of why their dad is incarcerated can be helpful to your children. If your children don't understand why you are gone, they may fantasize their own explanation or blame themselves for their dad's absence. Tips for how to talk with your children about incarceration are on the website below.

2. Know your rights when it comes to your children. If you were never married to or aren't married to the mother of your children now, you don't necessarily have any legal rights to parenting time or custody. Understand how paternity was established if you are listed as the father on a child's birth certificate. Know if a court order gives you the right to spend time with your children or have a say in how they are raised. Ask for help if you haven't established paternity and get the answers to your questions before you sign. The child support office can help you establish paternity.

Family support and employment

"play an important role for released offenders who succeed at reentering society and avoid returning to prison."¹

3. Child support can be reduced or stopped while in prison or jail, but you have to request that change. It is not automatic. Write to your child support agency and ask them to review your support order. Tell them that you cannot pay child support because you are incarcerated. Ask them to send you a case summary so that you know the status of your child support. The sooner you act, the sooner things can change.

4. Talk to your child support officer before and after release. Contacting your child support officer can help you manage your case and make child support plans and reinstatement of driver's licenses more realistic for you. Check in every month or within 10 days of a change in your mailing address, your employment, school attendance, or living arrangements. Leave a message if you don't connect and give your full name, date of birth, social security number, child support case number, and your phone number.

5. Ask for help. Minnesota has people and programs that support fathers leaving corrections and their families. Through the website listed below, you can find programs that can help you reunite with your family and community, find employment and housing, and help you with other parts of your transition.

For videos and connections to supportive resources for fathers and their families go to:

www.mnfathers.org/mindthegap

Funding. This publication was made possible by Grant Number 90FD0147 from The Federal Office of Child Support Enforcement. Its contents are solely the responsibility of the authors and do not necessarily represent the official views of the Federal Office of Child Support Enforcement.

1. "Incarceration, Reentry, and Child Support Issues: National and State Research Overview." U.S. Department of Health and Human Services, Administration for Children and Families, Office of Child Support Enforcement. 2006.

Last updated: September 2012.





Resources to support fathers returning from prison or jail to families in Minnesota

Photo: Rick Demopolis



What can corrections workers do?

Why should corrections workers pay attention to the parenting and child support issues of offenders?

More than half (55%) of state inmates are parents. Half of these parents have an open child support case. Typically, parents owe \$10,000 entering prison and \$20,000+ upon release. Proactive engagement with parenting and child support issues from corrections workers increases the likelihood of positive family reunification, future child support payments, and the wellbeing of the children of offenders.

Upon entry into a correctional facility:

1. Review child support and parenting issues as a part of intake. Encourage offenders to deal with child support and paternity issues while they are incarcerated.

- The county can file a court action to suspend or modify a father's support to zero while incarcerated. This process takes time and is not retroactive.
- If the order is not from MN, the offender should contact the state which has jurisdiction to see if their laws allow modification while incarcerated.

Did you know?

- An offender's child support obligation does NOT automatically stop upon incarceration.
- Having a child support obligation does not mean that the offender has any custodial rights.

Prior to release from a facility:

2. Include child support, paternity, and family reunification as a part of pre-release programming.

A video is available on the Mind the Gap website (www.mnfathers.org/mindthegap) that you can use in this programming.

- Encourage offenders to update their county child support worker(s) about their housing and employment plans upon release.
- Inform fathers to establish paternity and secure their parenting rights. If the child was not born during a marriage unless they have a court order that pertains to custody and parenting time rights.
- Encourage fathers to take advantage of parenting classes in prison or jail.
- Encourage fathers to make and continue efforts to establish and maintain contact with their children.

On probation or parole:

3. Refer fathers to community agencies that provide reentry, parenting, and family services.

Some of these resources in MN are listed on the website below.

- Have a domestic violence protocol in place to prevent and respond to risks of violence.
- Offenders may owe thousands of dollars in child support arrears. Encourage offenders to explore arrears management options with their child support officer.

"Research suggests two elements play an important role for released offenders who succeed at reentering society and avoid returning to prison: **Family support and employment.**"¹

For videos, procedural guidance, and connections to supportive resources for fathers, go to:

www.mnfathers.org/mindthegap

Funding. This publication was made possible by Grant Number 90FD0147 from The Federal Office of Child Support Enforcement. Its contents are solely the responsibility of the authors and do not necessarily represent the official views of the Federal Office of Child Support Enforcement.

1. "Incarceration, Reentry, and Child Support Issues: National and State Research Overview." U.S. Department of Health and Human Services, Administration for Children and Families, Office of Child Support Enforcement. 2006. Last updated: September 2012.





Resources to support fathers returning from prison or jail to families in Minnesota

Photo: Rick Demopolis



What can Child Support Agencies do?

Why should child support agencies pay attention to incarceration and reentry?

More than half (55%) of state inmates are parents. Half of these parents have an open child support case. Typically, parents owe \$10,000 entering prison and \$20,000+ upon release. Flexible and proactive management of child support obligations during incarceration increases the likelihood of legal employment after release, positive parent/child relationships, and long-term child support payments.

Upon entry into a corrections facility:

1. Child Support agencies should initiate child support modifications when parents are incarcerated because modifications lead to less arrears accumulation over time and a more realistic likelihood that they will be able to pay support when they get out of prison or jail.

- The barriers in prison or jail for filing pro se modification requests are insurmountable for most fathers. The child support agency can initiate the modification and use a streamlined procedure that doesn't require financial statements.
- Fathers leaving prison face many barriers to finding employment and housing and it is often unrealistic to assume that they can pay support soon after release. Unrealistic orders can lead to underground employment to avoid child support enforcement.
- Suspend orders while the parent is in a corrections facility. Reinstate orders when it is realistic for employment to begin again or set a hearing to review the ability to pay after release.
- If the order is unrealistic set the case for a review hearing.

Modifying orders for parents in prison and setting realistic orders after release will lead to better outcomes for families and agencies.

Prior to release from a corrections facility:

2. Prior to release, child support agencies should contact fathers to remind them what is going to happen with their case and let them know who their worker is.

- Don't wait until they are released. Sixty days prior to release, send child support information that the parent can use in release planning, such as the noncustodial parent case summary document from PRISM.
- Develop a local resource list for the fathers who are coming out of prison or jail and include that in the mailing.
- Consider releasing the hold on the driver's license to enable employment search.

After release from a corrections facility:

3. After release, focus on engagement first, then payment. Personal, face-to-face, and persistent communication pays off in long-term outcomes.

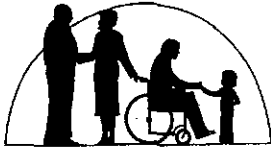
- Work in partnership with reentry organizations, and encourage these agencies to include a child support case management component. Become familiar with these organizations so you can refer as appropriate.
- Consider arrears management as a viable option.
- Full payment on some cases may be an unrealistic expectation. Previous orders may need to be modified to be fair and reasonable given the new circumstances. Graduated payment agreements can also be put in place to allow fathers time to get on their feet and have a driver's license that will help them seek and keep employment.

Learn more:

- Take opportunities to better understand the barriers parents face coming out of corrections.
- Watch videos, read research, and find supportive resources for fathers at:

www.mnfathers.org/mindthegap





Minnesota Department of **Human Services**

Child Support Information for Incarcerated Parents

Responsibilities of Incarcerated Parents

- It is your responsibility to notify your Child Support Officer (CSO) that you are incarcerated. You can call or send a letter. Don't assume that your CSO knows that you are currently incarcerated.
- If you have a court-ordered child support obligation, you are responsible to pay that amount every month. If you do not pay the full amount of child support each month, the unpaid portion becomes *arrears*. Interest is charged on the arrears at the rate of seven percent.
- If you cannot pay the full amount of the court-ordered child support, you may request an agency review of your case. You may also ask that the court stop the accrual of interest on your arrears while you are incarcerated. (See sample letter included in this packet.)
- Until you request an agency review or file a motion, your child support obligation will continue at the current level.

This matter requires your immediate attention because the court is not permitted to reduce your support retroactively.

Expedited Process

- After you request an agency review, your Child Support Officer assigned to your case will determine if your current financial situation meets the requirements for a review. If so, your CSO may request complete financial statements from the custodial parent and you.
- Based on the financial information received from both parents, your child support worker prepares a modification motion and proposed order, which must be approved by the county attorney and served by mail on both parties.
- This modification order may request a reduction in the amount of child support due each month or it may request a suspension of child support until your release. The order may also stop the accrual of interest on your arrears while you are incarcerated.
- If both parents agree with the proposed modification order, or if the parent who did not request the review does not respond to the proposed order, the order proceeds to default. This means that your child support worker will submit all required documents for the child support Magistrate's approval.

- Once the Magistrate signs the proposed order, the modification is complete. There is no hearing before the Magistrate. The effective date of the new order is usually the first day of the month following the date of service.
- If one or both of the parents disagree with the terms of the proposed order, the child support worker schedules a hearing. Incarcerated parents may be allowed to participate in the hearing by phone. If you receive a notice of hearing, you should request participation by phone and give your child support worker the phone number you will be using to participate in the hearing.
- If your case does not meet the requirements for an agency review, your Child Support Officer will send you a denial letter. If you still want a review, you can file a motion asking the court to modify the order.

The Court Process

The Child Support Enforcement Division recommends that parents obtain legal representation before starting a legal action. However, if you choose to, you may file a "pro se" motion, which means "on your own behalf."

- Court forms are available in the Court Administrator's office in the county where your order is filed. A list of court administrators is listed in your folder. Forms are also available online at: <http://www.courts.state.mn.us>.
- You may be required to pay a filing fee. If you can't afford to pay, you may ask the county to waive the filing fee by completing an *In Forma Pauperis* application and sending it to Court Administrator's office. The application is included in your folder.
- The motion to modify packet should include the following documents:
 - Notice of Motion and Motion to Modify Child Support and/or Spousal Maintenance
 - Affidavit in Support of Motion to Modify Child Support and/or Spousal Maintenance
 - Affidavit of Service by Mail
- Follow the instructions carefully. If you do not know your child's other parent's mailing address, you may request that the court order the county child support agency to send copies of the court documents to the most recent address they have.

Parents Behind Bars: Tips for Staying Connected to Your Child

- v Establish and maintain a positive relationship with the other parent of your children. Even if your relationship has ended, try to find ways to connect respectfully for the sake of your children.
- v Ask prison staff about the policies regarding how you can stay connected with your children such as: visitation, letters, phone calls, audio tapes, etc.
- v Establish a plan of how you will connect with each of your children and follow that plan.
- v Be honest with your children regarding why you are not living with them but respect their ability to understand, depending on their age.
- v Let your children know how important they are to you but remember they may not necessarily respond the way you want them to. They may be angry because you did something wrong and cannot be there with them.
- v Be prepared to make amends, to say you're sorry to those you need to apologize to. This can smooth the way for establishing and maintaining family relationships.
- v Take your time. Don't expect big changes from family members overnight.
- v As much as possible find ways to support your children emotionally, financially, and spiritually.
- v Be realistic with your goals and expectations. Don't expect too much, too soon.
- v Be consistent in your approach and your contact schedule. Your children need to be able to rely on you to call or write regularly.
- v Observe family celebrations, special occasions, and cultural events from the inside. Make gifts, if you are able, using the classroom, carpentry, craft, or metal shop. Create a game to play long distance. Make up a story for the children to finish. Draw pictures and make the pictures into a coloring book that tells a story.
- v Purchase small gifts from the canteen or commissary to send to your children. It may help if they have a stuffed animal to hug or talk to when they miss you.
- v If the rules permit, make an audio tape of your kids' favorite stories to send home. These can be favorite memories of them or stories about you as a child.

- v Focus on clearing up any outstanding legal problems before your release, especially things like unpaid fines and tickets, which can affect your driver's license. If you have a court-ordered child support obligation, contact the child support officer assigned to your case.
- v Be patient with your children's questions. They may not know how to say what they are thinking or feeling.
- v Develop a realistic plan to reconnect with your children after you are released.
- v Locate and use resources that help you with parenting skills, job seeking skills, housing, legal problems, rebuilding damaged credit, etc.
- v Connect with others inside who share your situation as a parent behind bars trying to connect with their children.
- v Don't be afraid to ask for counseling from the prison psychologist, the chaplain, or your case manager.
- v Look at your relationship with your parents to see what you've learned, both good and bad. Make healthy decisions about how you want to parent and about your future as a parent.
- v If possible, take some time to read about becoming a better parent. Look in the library or on the Internet for parenting information.

Compiled by Neil Tift, National Practitioners Network for Fathers and Families (NPNFF) and Jon Harper, Adventure in Fathering, Inc.