



**DEPARTMENT OF
HUMAN SERVICES**

An Overview of Minnesota's Child Support Division

Presented by Elizabeth Rusinak Mowers

Federal History

- 1950 First Child Support Legislation
- 1975 Title IV-D of the Social Security Act
- 1988 Family Support Act
- 1996 PRWORA
- 1998 UIFSA

The Social Security Act

Title I: Grants to States for Old-Age Assistance for the Aged

Title XII: Advances to State Unemployment Funds

Title II: Federal Old-Age, Survivors, and Disability Insurance Benefits

Title XIII: Reconversion Unemployment Benefits for Seamen

Title III: Grants to States for Unemployment Compensation Administration

Title XIV: Grants to States for Aid to the Permanently and Totally Disabled

Title IV: Grants to States for Aid and Services to Needy Families with Children and for Child-Welfare Services

Title V: Maternal and Child Health Services Block Grant

Title XV: Unemployment Compensation for Federal Employees

Title VI: Temporary State Fiscal Relief

Title XVI: Grants to States for Aid to the Aged, Blind, or Disabled

Title XVI: Supplemental Security Income for the Aged, Blind, and Disabled

Title VII: Administration

Title XVII: Grants for Planning Comprehensive Action to Combat Mental Retardation

Title VIII: Special Benefits for Certain World War II Veterans

Title XVIII: Health Insurance for the Aged and Disabled

Title IX: Miscellaneous Provisions Relating to Employment Security

Title XIX: Grants to States for Medical Assistance Programs

Title X: Grants to States for Aid to the Blind

Title XX: Block Grants to States for Social Services

Title XI: General Provisions, Peer Review, and Administrative Simplification

Title XXI: State Children's Health Insurance Program

Title IV: Grants to States for Aid and Services to Needy Families with Children and for Child-Welfare Services

- Part A: Block Grants to States for Temporary Assistance for Needy Families
- Part B: Child and Family Services
- Part C: Repealed
- **Part D: Child Support and Establishment of Paternity**
- Part E: Federal Payments for Foster Care and Adoption Assistance

Title IV-D of the Social Security Act

- Established under Title IV-D of the Social Security Act, the Child Support Enforcement (CSE) program is charged with:
 - locating noncustodial parents,
 - establishing paternity, and
 - obtaining and enforcing orders for support owed by noncustodial parents to their children.
- This Federal legislation places responsibility for the program at both the Federal and State levels

MN DHS: IV-D State Agency

- Minn. Stat. § 256.01
 - Establishes the Commissioner of Human Services as the “State Agency” for the purposes of the Social Security Act.
 - Requires Commissioner to “administer and supervise all forms of public assistance”
 - Allows for County participation with oversight from Commissioner

Local Social Services Agency

- Minn. Stat. § 393.07 & Minn. Stat. § 518A.26
 - Confers the duties of administration of public assistance programs to the local social service agencies
 - Establishes the "Public authority": the local unit of government, that is responsible for child support enforcement, acting on behalf of the state.

Three Partners

Federal

- Establishes State programs through the Social Security Act Title IV-D
- Provides oversight and program support
- Provides partial funding for operational costs

State

- Provides policy and operational support
- Manages payment system
- Provides system maintenance and customer service to County workers

County

- Provides direct case management through case initiation and paternity establishment
- Provides direct enforcement services
- Provides customer service to families

Division of Labor: State

Services Provided or Functions Performed	Description
Policy Development	CSD develops the policies necessary to implement federal or state law, or to support program initiatives as well as preparing proposed legislation and supporting fiscal notes.
System Operation and Maintenance	CSD operates and maintains the statewide case management system (PRISM) required by federal law.
Federal Compliance and Reporting	CSD maintains the federally mandated state plan which evidences compliance with federal requirements and provides the required federal reports to OCSE on a quarterly or annual basis.
Budget Management	Preparation and management of the CSD budget.
Central Registry	CSD acts as the central clearinghouse for incoming interstate referrals.
County Office Support	Policy and Technical Help Desks, Regional Performance Advisors, SHLIF Coordinator, and In-Hospital Paternity Coordinator
Customer Service	CSD maintains Minnesota Child Support Online (MCSO), the statewide child support website, and the Interactive Voice Response (IVR) system providing telephonic access to child support information. Additionally, CSD provides customer service by responding to customer inquiries received by telephone or from walk-in customers
Collecting and Disbursing Child Support Payments	Operation of the Child Support Payment Center (CSPC) with vendor participation
Administrative Support	Centrally printed forms and mailings, data warehouse reports
Contract and Grant Management	Management and oversight of CSD contracts with other entities and grant application and management
Direct Enforcement Services	<p>CSD provides the following direct enforcement services (with a varying degree of county involvement in case management):</p> <ul style="list-style-type: none"> • Federal Income Tax Refund Intercept (Project Intercept) • State Income Tax Refund Intercept (Revenue Recapture) • Passport Denial • Credit Bureau Reporting

Division of Labor: Counties

Services Provided or Functions Performed	Description
Case Initiation	Counties perform the tasks necessary for the creation of a new child support case on PRISM.
Paternity Establishment	Counties gather the necessary information to identify alleged fathers, arrange genetic testing, and obtain legal determinations of paternity.
Support Order Establishment	Often performed in conjunction with paternity establishment, counties gather financial information from both parties, prepare proposed support orders, and obtain court orders for financial and medical support.
Direct Enforcement Services	<p>The counties provide the following direct enforcement services (with a varying degree of CSD system or other support):</p> <ul style="list-style-type: none"> • Income withholding • Contempt of court • License sanctions • Financial Institution Data Match (FIDM) and levy
Customer Service	Counties provide front-line customer service. Notices and correspondence mailed to customers provides the caseworker's direct telephone number as the point of contact.
Case Management	County caseworkers are primarily responsible for the management of child support cases, including reviewing and modifying child support orders and working with other states to help enforce orders.

What makes a Child Support case IV-D?

- If a child receives public assistance assigned to the State under Minn. Stat. §256.741, subd. 2, the case is automatically IV-D, OR
- A person not on Public Assistance has completed a IV-D application to request full Child Support services.

What makes a Child Support case “non IV-D”?

- Term of art
- If the only obligation is spousal maintenance OR
- A person applies for “income withholding only services”
- In either situation, payments are managed by CSD
 - Does not include other enforcement services
 - Payments are made through and tracked by the Child Support Payment Center
 - All notices required for income withholding must be initiated by the applicant for services
 - A monthly service fee of \$15 is charged to the obligor (Minn. Stat. §518A.53, subd. 4)

What can the IV-D program do?

- Locate parents
- Establish support orders
- Establish and enforce medical support
- Establish parentage
- Enforce support orders
- Review and bring motions to modify support
- Collect and disburse support

Enforcement Tools

- Tax refund intercept
- Income withholding
- Driver's license Suspension
- Civil contempt
- FIDM
- New Hire Reporting
- Other remedies

IV-D agencies do NOT

- Assist with divorce actions
- Assist with parenting time or custody
- Collect non-support items (property settlements or attorney's fees)
- Establish or modify spousal maintenance orders
- Provide legal advice

Role of the Child Support Officer

- Minnesota Statute Section 518A.46, subdivision 2(b):
- In consultation with the County Attorney, Child Support Officers have the authority to
 - make financial decisions about cases
 - forgive arrears owed to the state
 - negotiate settlement agreements
 - enforce court orders
 - support the County Attorney by drafting pleadings and preparing and signing affidavits
 - County Attorneys review and sign all pleadings.

Role of the Child Support Officer

- Minnesota Statute Section 518A.46, subdivision 2(c) outlines the duties a CSO can take without direction from the county attorney:
 - gather information on behalf of the CSD;
 - prepare financial worksheets;
 - obtain income information from the Department of Employment and Economic Development and other sources;
 - serve documents on parties;
 - file documents with the court;
 - meet and confer with parties by mail, telephone, electronic, or other means regarding non-legal issues;
 - explain to parties the purpose, procedure, and function of the expedited child support process and the role and authority of non-attorney employees of the county agency regarding non-legal issues; and
 - perform such other routine non-legal duties as assigned

Role of the County Attorney

- Rule 369.01 outlines the Role of the County Attorney
 - Represents CSD (NOT the individual parents) and offers legal advice to the CSO
 - Reviews and approves all legal documents prepared by CSO

Expedited Process (Judicial Branch)

- Most IV-D proceedings are heard by a Child Support Magistrate in the Expedited Process
 - Hearing dates are usually set within a month (as opposed to over 3 months in District Court)
 - Evidentiary rules are relaxed
 - Magistrate specializes in Child Support Matters
- The Child Support Magistrate has limited subject matter jurisdiction that prohibits hearing issues such as custody or parenting time



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Questions?!?

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