

# Your Child Support Case Has Opened

## *What's Next? A Step-by-Step Guide*

### 1 Assess for Safety

**What we do:** We contact both parties by phone to conduct a safety assessment conversation about any safety concerns related to proceeding with child support services. We also discuss safety measures that are available.

**What you do:** Complete the safety assessment and share any concerns you may have. The assessment and conversation are confidential. You may also decline the assessment.

**What happens next?** We apply any requested safety measures to your case, document your concerns in our database, and provide information about next steps.

*! A safety assessment is conducted at the start of the process — but you can share safety concerns at any point.*



### 2 Gather Information About Who Is the Father

**What we do:** We review Minnesota birth records and court databases to find information about the legal father, and search for any existing child support orders. We ask for information about who the father is or may be and request any relevant documents from both parents.

**What you do:** If you are the mother: provide information about who the father is or may be and complete the Paternity Information Form or Paternity Affidavit. If you are either parent: provide any documentation requested by your child support worker.

**What happens next?** After gathering information about the father(s), we will schedule genetic testing appointments. If you completed a Paternity Affidavit, it will be filed with the court and copies provided to both parents.



### 3 Genetic Testing

**What we do:** We schedule separate genetic tests appointments for each parent to provide a genetic testing (cheek swab) sample, along with the children. If one or both parties do not attend, we obtain a court order requiring the genetic sample.

**What you do:** Attend your appointment and provide a genetic sample.

**What happens next?** If the man IS the biological father: we mail results to both parents, then gather parenting time, custody, and financial information from each parent. If the man is NOT the biological father: we mail the results to both parties and contact the mother to gather information about other possible fathers. The mother may need to complete a new Paternity Information Form or Paternity Affidavit.



### 4 Gather Financial Information

**What we do:** We ask each parent about their income and expenses. We review income and unemployment information from state records needed to calculate child support and ask both parents to complete a financial information form.

**What you do:** Provide financial information to your child support worker, and complete and return the financial information form about your current financial circumstances.

**What happens next?** We use state records and financial information forms from both parents to determine our recommendation to the court on child support amounts. The financial information form and any state records will be filed with the court and provided to both parents.



## 5 Gather Information About Parenting Time and Custody

**What we do:** We talk with each parent about how they can make requests to the court about who the child should live with and/or have parenting time with. We ask each parent to complete a Parenting Decisions Affidavit to indicate their custody and parenting time requests, and any requests to change the child's legal name.

**What you do:** Complete and return the Parenting Decisions Affidavit indicating your custody and parenting time requests.

**What happens next?** The completed affidavit will be filed with the court and provided to both parents. If parents are working with a professional mediator, we will wait for that process to complete before moving forward. If not, we will file paperwork with the court (start a legal action) with recommendations for child support, custody, and parenting time.



## 6 Starting a Legal Action

**What we do:** We serve each parent with legal paperwork explaining the county's recommendations for child support, describing each parent's custody and parenting time requests and requests for the child's legal name. The paperwork also includes a court hearing date, time, and location.

**What you do:** Read the paperwork carefully. The county makes a recommendation to the court, but your input matters. Contact your worker to discuss any questions or concerns. Complete a Consent to Service by US Mail form if you prefer to receive paperwork by mail rather than by a process server.

**What happens next?** Prior to the hearing, we will contact each parent to discuss what to expect at the hearing, your rights and responsibilities, and the role of the county attorney. We will also ask whether you and the other parent have reached any agreements about child support, custody, parenting time, or the child's legal name.



## 7 Court Hearing

**What we do:** The hearing is held in the Expedited Process, presided over by a Child Support Magistrate. The child support office will testify about the information used to calculate our recommended obligation, including financial documents and state employment/unemployment records. The magistrate can establish who the father is and can also include child support amounts in the court order. The magistrate will make the final decision about child support amounts and can issue a court order using the amounts recommended by us, or they can use different amounts after reviewing information provided to them, including parent input and information.

If both parents agree about custody, parenting time, and the child's legal name, the magistrate can include your agreement in the court order. The magistrate cannot make decisions about custody, parenting time, and the child's legal name or include it in the order if you do not agree. If there are no agreements, the magistrate can include a temporary child support amount and make a referral to the District Court where a referee or a judge makes decisions about custody and parenting time.

**What you do:** Attend and actively participate in the hearing. If you do not attend, the court may make decisions without your input. The hearing is held online via Zoom. The county attorney and the child support magistrate will ask each parent to give facts about their income and expenses to the court. Each parent will also be asked about any agreements they may have. A court appointed attorney may be available for you, if you request one and qualify based on income requirements. Each parent can request a court appointed attorney. A court appointed attorney may be limited in the help they can provide, but they must help you establish who the legal father is and who is named in the court order. You do not need to have a private attorney but can hire one to represent you if wanted.

**What happens next?** After the court hearing, the court will issue an order and provide it to us and both parents. The order is mailed to the address on file. This court order is public.



## 8 The Court Order from the Expedited Hearing process

- ✓ The magistrate will issue an order within 30 days.
- ✓ The order will name the legal father, or the alleged father in some cases.
- ✓ The order will determine a child support amount.
- ✓ Any agreements the parents have will be included.

### If there are still undecided issues

If there are still undecided issues, you will be sent information for a court hearing date and time in District Court. You may have to appear in person. This first court date is called an Initial Case Management Conference, where the judge or referee will determine outstanding issues and next steps. It is important that you attend all court hearings.

The child support agency doesn't always continue to appear at future hearings and may not be part of all subsequent proceedings.

You may be asked or ordered to participate in any of the following (some may have fees):

- **Social Early Neutral Evaluation** – You meet with trained evaluators who listen to each parent and provide feedback based on state-outlined factors around custody and parenting time. Confidential; only mutually approved parental agreements are shared with the court. Usually one long session (~3 hours) plus follow-up.
- **Custody and Parenting Time Evaluation** – You meet with a trained evaluator who gathers information from you, the other parent, and others involved with your family (teachers, doctors, counselors). A report with recommendations is provided to the court, providing detailed information on each of the best interest factors according to Minnesota law. Requires multiple appointments over several months.
- **Mediation** – (Both parents must agree.) A trained mediator helps resolve custody and parenting time disputes. Only mutually approved parental agreements go to the court. Usually one or two sessions of up to 2 hours each.
- **Other orders** – The court may order additional steps to assist in making a decision when parents don't agree.

### Getting to a final order

If you participate in court-ordered processes and reach an agreement, the court will issue an order. If disagreements remain, you and the other parent may be ordered to a pre-trial hearing and, if necessary, a trial before a judge or referee who will decide remaining issues — after which the court issues a final order.

## 9 Enforcing the final order

The child support agency will enforce the child support ordered as long as the case remains open. The agency cannot enforce parenting time schedules or additional expenses (such as activity fees) that may be included in the order.