

**INSTRUCTIONS FOR NOTICE OF MOTION AND MOTION TO
STOP COST-OF-LIVING ADJUSTMENT**

People who pay child support and/or spousal maintenance obligations may ask the court to stop the cost-of-living adjustment to a child support and/or spousal maintenance order. The Notice of Motion and Motion to Stop Cost-of-Living Adjustment **must be filed before the effective date of the adjustment**. The effective date should be stated in your court order. If you receive the notice of the cost-of-living adjustment from the child support enforcement agency, the cost-of-living adjustment is effective on May 1st.

**STEP 1
FILL OUT THE “NOTICE OF MOTION AND MOTION TO STOP
COST-OF-LIVING ADJUSTMENT” FORM**

The information to fill in the boxes and blanks at the top of the form can be found at the top of your current child support order, or your divorce or paternity decree, including:

- The county where your case is located (which may be different from the county where you live).
- The number of the judicial district.
- The court file number.
- The name of the Petitioner.
- The name of the Respondent.

If you are the Petitioner in the current order or decree, you will be the Petitioner in this motion. If you are the Respondent in the current order or decree, you will be the Respondent in this motion.

Fill in the name and last known address of the other party and the county attorney’s office.

Contact court administration for a hearing date. You can find contact information online at www.mncourts.gov/Find-Courts.aspx. List the following:

- Hearing date and time.
- Courthouse address. You need to list the address even if you think the hearing will be held remotely. If the hearing is not going to be held at the courthouse, court administration will send a notice with information about how to participate in the hearing.
- Telephone number for court administration.

Sign and date the motion.

Helpful materials may be found at your public county law library. For a directory, see <http://mn.gov/law-library/research-links/county-law-libraries.jsp>. For more information, contact your court administrator or call the Minnesota State Law Library at 651-297-7651.

STEP 2
**FILL OUT THE “AFFIDAVIT IN SUPPORT OF MOTION TO STOP
COST-OF-LIVING ADJUSTMENT” FORM**

Fill in the top of the form the same way you did on your “Notice of Motion and Motion to Stop Cost-of-Living Adjustment” form.

By signing the Affidavit under penalty of perjury, you are stating that the information in the Affidavit is true to the best of your knowledge. Perjury is the crime of intentionally lying or misrepresenting the truth, punishable by jail or other sanctions.

STEP 3
FILL OUT THE “COVER SHEET FOR NON-PUBLIC DOCUMENTS” FORM 11.2
FILL OUT CONFIDENTIAL INFORMATION FORM 11.1 WHEN NECESSARY

NOTE! Most documents filed with the court are considered public documents and are available to the public. Certain information that is filed with the court may be considered confidential based on court rule and not available to the public. To keep this information confidential and not available to the public, you take certain steps that are described below.

The steps listed below are for filers who are filing paper documents. Filers who are using eFS to submit their court documents must identify and designate their filings as required in Minn. Gen. R. Prac. 11.03 and 14.06.

Confidential Information Form 11.1

All social security numbers, employer identification numbers, and financial account numbers (also called “restricted identifiers”) must not be listed on papers you file with the court. This is to protect your privacy, the other parties and your children. Only provide social security numbers, employer identification numbers, and financial account numbers when the court requires this information to be provided to the court. For example, if you must provide the court with bank account numbers, or medical account numbers, do not include any account number in your document (your motion, supporting affidavit, etc.). Instead, you must use Form 11.1 to list these confidential numbers.

If account numbers are not required to be provided to the court, and the numbers appear on documents that are considered available to the public, (such as medical invoices or credit account numbers on statements) you must remove the number on the document before filing the document with the court.

Cover Sheet for Non-Public Documents Form 11.2

Most documents filed with the court are public. However, some documents are considered non-public documents based on court rules. You **must** identify these documents as non-public at the time you file

the documents with the court. You must complete and file the “Cover Sheet for Non-Public Documents Form 11.2 (also called Form 11.2 cover sheet) when you file non-public documents. The most common non-public documents are called “financial source documents.” Examples of financial source documents include:

- Paycheck stubs, employer statements, W-2 forms, or business income and business expenses
- Copies of your tax returns and schedules
- Bank statements
- Credit card statements
- Check registers

You may also need to submit other documents that court rules identify as non-public documents, such as a medical record. For example, a report from a doctor that provides a medical diagnosis or treatment plan for you or your child would qualify as a medical record.

You must use the Form 11.2 cover sheet when filing other non-public documents, such as medical records, with the court. One Form 11.2 cover sheet can be used for submitting all non-public documents.



The failure to use Form 11.2 or Form 11.1 may result in your document being rejected by court administration, being available to the public, stricken from the court record, and sanctions from the court.

See Rule 11 of the Minnesota General Rules of Practice for more information about how to file documents containing social security numbers, financial account numbers, “financial source documents” and other non-public documents.

Form 11.1 and Form 11.2 can be found at www.mncourts.gov/forms under the court forms category of “Confidential Information” and is court form number CON111 and CON112.

**STEP 4
MAKE COPIES OF FORMS**

After the forms are completely filled out, make three copies of the motion form and three copies of your affidavit and three copies of all documents that support your motion (for example, tax returns, tax schedules, employer statements, W-2 forms, and paycheck stubs). **Do not** make copies of Forms 11.1 or 11.2, unless you want copies for your own records.

Keep one copy of each form and one copy of all supporting documents for yourself (remember to bring your copies with you to court on the day of your hearing).

**STEP 5
HAVE COPIES OF THE FORMS SERVED ON THE OTHER PARTY AND COUNTY
ATTORNEY’S OFFICE, IF COUNTY AGENCY IS A PARTY**

NOTE! YOU CANNOT HAND DELIVER OR MAIL THE DOCUMENTS YOURSELF. YOU MUST HAVE SOMEONE ELSE OVER THE AGE OF 18 WHO IS NOT A PARTY TO THE CASE HAND DELIVER OR MAIL THE DOCUMENTS FOR YOU.

If you received notice of the cost-of-living adjustment from the child support enforcement agency, your motion, supporting affidavit, and supporting documents must be served upon all parties before MAY 1ST.

You must arrange for the other parties to receive complete copies of all forms and supporting documents you have prepared for the hearing. This is called “service of process.” If you received the notice of the cost-of-living adjustment from the child support enforcement agency, the county agency is a party and you must serve the county attorney’s office. A copy of the motion, affidavit, and any supporting documents must be served upon all parties, either personally or by mail. If the other party is represented by an attorney, the documents must be served on the attorney instead of the party.

Personal service: documents are hand-delivered to the other party personally or leaving them at the other party’s place of residence with some person who is of suitable age or discretion who also lives at the same residence. Documents must be hand-delivered no later than April 30th if the county agency is a party.

Mail service: documents are mailed by first class U.S. mail to the other party no later than April 30th if the county agency is a party.

If your documents are not timely served, your motion may not be heard by the court.

**STEP 6
COMPLETE THE "AFFIDAVIT OF SERVICE" FORM**

The person who hand delivers or mails the envelopes must fill out an “Affidavit of Service” form for each party served.

The server must sign the “Affidavit of Service” under penalty of perjury. Perjury is the crime of intentionally lying or misrepresenting the truth, punishable by jail or other sanctions.

**STEP 7
FILE THE FORMS WITH COURT ADMINISTRATION AND
PAY ANY REQUIRED COURT FEE**

The following documents must be filed with the court in the county where your case is located as soon as practical **and before May 1st if the motion is heard in the Expedited Process before a child support magistrate.**

- *The Notice of Motion and Motion to Stop Cost-of-Living Adjustment*
- *The Affidavit in Support of Motion to Stop Cost-of-Living Adjustment*

- The *Affidavit of Service*

NOTE: If you receive a “Notice of Cost-of-Living Adjustment (COLA)” from the child support enforcement agency, a copy of this Notice must be filed with the court along with the other documents listed above. This Notice includes information helpful to the Court for making its decision on your request to stay the adjustment.

Form 11.2

You must file copies of all supporting documents (such pay stubs, employer statements, tax returns, verification of medical/dental insurance costs or expenses, child care expenses, disability payments) and attach Form 11.2 to copies of all supporting documents. Be certain to blacken out all social security numbers that appear on any other document not under cover of Form 11.2. Check your documents to make sure all blanks are filled in, especially on the Affidavit of Service and the motion. All papers served must be identical copies of the forms and supporting documents filed with the court.

NOTE: If you fail to use the Form 11.2 cover sheet to protect confidential information in your supporting documents, the court may order you to pay additional court costs and other charges as a penalty for failing to follow the court rules.

Court Fees

You must be prepared to pay any court fee, if applicable, at the time of filing. If you did not pay an initial filing fee when this case first began, you will now need to pay the filing fee.

If you cannot afford to pay the fee, you may qualify to have the fee waived by the court. You will need to fill out an In Forma Pauperis application (available from court administration or the court website) and file it with court administration. Your application will be reviewed by a child support magistrate or judge who will decide whether you must pay the fee. If the magistrate or judge does not sign an order that waives the fee, you must be prepared to pay the fee.

STEP 9 APPEAR AT THE HEARING

Attend the hearing on the date and time scheduled. Be sure to have your copy of the “Notice of Motion and Motion to Stop Cost-of-Living Adjustment,” “Affidavit in Support of Motion to Stop Cost-of-Living Adjustment,” the “Notice of Cost-of-Living Adjustment (COLA); and all of your supporting papers.

Note: Completing these forms does *not* guarantee that the court will stay the Cost-of-Living adjustment. The other party and/or the child support enforcement agency have the right to ask the court to grant the Cost-of-Living adjustment. The child support magistrate or judge will make the final decision.