

**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.

IMPORTANT UPDATE: Due to the COVID-19 pandemic, the legislature has extended the time to ask the court to stop the cost-of-living adjustment from April 30, 2020, to June 30, 2020. If there are reasons related to the COVID-19 pandemic that prevent you from bringing the motion earlier, you can file it as late as October 31, 2020, and still ask the court to consider your request.

NOTICE: If you file after April 30, 2020, the increase will automatically be applied by the Child Support Agency on May 1, 2020. The court will later determine if the increase is appropriate. Your child support account may be adjusted, depending on the court's decision.

The only way to make sure the increase does not happen before your motion is heard by the court is to serve and file these motion forms by April 30th.

**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.

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 “CONFIDENTIAL FINANCIAL SOURCE DOCUMENTS” FORM 11.2.
FILL OUT CONFIDENTIAL INFORMATION FORM 11.1 WHEN NECESSARY.**

NOTE! Certain information is considered confidential and not available to the public. To keep this information private and not available to the public, you must attach Form 11.2 to certain documents that contain confidential information.

See Rule 11 of the Minnesota General Rules of Practice for more information (https://www.revisor.mn.gov/court_rules/gp/id/11/). One Form 11.2 can be used for all documents containing confidential information. Examples of documents that have confidential information 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

To protect your privacy, the other parties, and your children, all social security numbers, employer identification numbers, and financial account numbers must not be listed on papers you file with the court. You must use Form 11.1 when providing these confidential numbers to the court. Form 11.1 can be found at www.mncourts.gov/forms under the court forms category of “Confidential Information” and is court form number CON111. Failure to use Form 11.1 means these numbers could be available to the general public and you could be charged court costs and other charges for the failure to keep your and the other party’s social security number, employer identification number, and/or financial account numbers private. **If these numbers are already on file with the court, you do not need to submit another Form 11.1.**

**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.

Please see the update and notice about dates on page 1.

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.

<p style="text-align: center;">STEP 7 FILE THE FORMS WITH COURT ADMINISTRATION AND PAY ANY REQUIRED COURT FEE</p>
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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 8
WAIT FOR A NOTICE OF HEARING FROM COURT ADMINISTRATION

Court administration will:

- Schedule a hearing date, and
- Send parties a *Notice of Hearing* that will include the date, time, and location of the hearing.

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.

STEP 9
APPEAR AT THE HEARING

Go to court on the date and time shown on the *Notice of Hearing* you receive from court administration. Be sure to bring with you 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.