

RESPONSE TO MOTION TO STOP COST-OF-LIVING ADJUSTMENT
INSTRUCTIONS

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 1
WAIT FOR A *NOTICE OF HEARING* FROM COURT ADMINISTRATION

If there is no hearing date on the motion you received from the other party, then wait for court administration to send you a *Notice of Hearing*.

This *Notice of Hearing* will include the date, time, and location of the hearing.

STEP 2
FILL OUT THE “RESPONSE TO MOTION TO STOP COST-OF-LIVING ADJUSTMENT” FORM

The purpose of this form is to request that the court deny the *Motion to Stop the Cost-of-Living Adjustment* on the child support / spousal maintenance obligation.

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.

Notice

I will ask the court to grant the cost of living adjustment on the: **A**

child support obligation spousal maintenance obligation

at a hearing scheduled as follows:

Date: _____ **B** Time: _____ a.m./p.m.

Courthouse address: _____ **C**

Telephone: _____ **D**

NOTE: Please contact the court with your current phone number and mailing address in case they need to notify you of any location or date/time change.

In the “Notice” section:

- A. Check the box or boxes to say which obligation (child support and/or spousal maintenance) this request applies to.
- B. List the date and time of the hearing.
- C. List the address of the courthouse. 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 out a notice with information about how to participate in the hearing.
- D. List the phone number for court administration.

You can find the address and telephone number online (see <http://mncourts.gov/Find-Courts.aspx>), or get the information from court administration.

Sign and date the responsive motion.

STEP 3

FILL OUT THE “AFFIDAVIT IN SUPPORT OF RESPONSIVE MOTION” FORM

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

Fill in your name and check the box that indicates who you are in this action (either Petitioner or Respondent).

Check the same boxes you checked on your “Response to Motion to Stop Cost-of-Living Adjustment” (child support, spousal maintenance, or both).

Write out your reasons why the court should deny the request to stop Cost-of-Living adjustment on the child support / spousal maintenance obligation(s). Be specific in your reasons and indicate how your reasons are supported by law.

Sign the “Affidavit in Support of Responsive Motion” under penalty of perjury. By signing under penalty of perjury, you are stating the information in the Affidavit is true to the best of your knowledge. Perjury is the crime of intentionally lying or misrepresenting the truth.

STEP 4
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 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 must take certain steps 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 5 MAKE COPIES OF THE FORMS

After the forms are completely filled out, make three copies of the motion and three copies of your “Affidavit in Support of Responsive Motion to Stop Cost-of-Living Adjustment,” and three copies of any attachments. Keep one copy of each form and all attachments for yourself (be sure to bring your copies with you to court on the day of your hearing).

STEP 6 HAVE COPIES OF THE DOCUMENTS SERVED ON THE OTHER PARTY AND COUNTY ATTORNEY’S OFFICE

You must arrange for the other party and the county attorney’s office to receive complete copies of all documents you have prepared for the hearing. This is called “service of process.” A copy of the motion, affidavit, and any attachments 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 by leaving the documents 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 upon the other party (or his/her attorney if there is one) and the county attorney’s office at least 7 days before the hearing date.

Mail service: documents are mailed by first class U.S. mail to the other party at least 10 days before the hearing date.

If you are raising *new* issues in your response, the timing deadlines are different:

- For personal service, 14 days before the hearing date; and
- For service by mail, 17 days before the hearing date.

If your documents are not timely served upon the other party (or his/her attorney) or the county attorney’s office, your motion may not be heard by the court.

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.

<p>STEP 7 COMPLETE THE "AFFIDAVIT OF SERVICE" FORM</p>
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The person who hand delivers or mails the documents 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.

<p>STEP 8 FILE THE FORMS WITH COURT ADMINISTRATION AND PAY ANY REQUIRED COURT FEE</p>
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File the documents with court administration in the county where your case is located as soon as practical but no later than 7 days before the scheduled hearing (or, if raising new issues, 14 days before the hearing).

- The “Response to Notice of Motion and Motion to Stop Cost-of-Living Adjustment”
- The “Affidavit in Support of Responsive Motion to Stop Cost-of-Living Adjustment”
- The “Affidavit of Service.”

Confidential Form 11.2

You must file copies of all supporting documents (such as pay stubs, tax returns, or any other document that contains confidential information) and attach one Form 11.2 to supporting documents. Be certain to remove confidential numbers that appear on any other document not under cover of Form 11.2.

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 ask a child support magistrate or judge for an order waiving the fee. You will need to fill out an In Forma Pauperis application (available from court administration or the court website at <http://www.mncourts.gov/GetForms.aspx?c=19&p=69>) 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 your copies of the *Motion to Stop Cost-of-Living Adjustment*, your responsive motion, and all of your supporting papers.