

**NOTICE OF MOTION AND MOTION TO STOP
ACCRUAL OF CHILD SUPPORT INTEREST
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
FILL OUT THE “NOTICE OF MOTION AND MOTION TO STOP ACCRUAL OF
CHILD SUPPORT INTEREST” FORM**

The purpose of this form is to request that the court stop the accrual of interest on your child support arrears. It also tells the parties of the date, time, and location of the hearing.

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. **DO NOT** fill in the date, time, and location of the hearing yet. You will fill in this information as part of Step 3 below.

Fill in the date when you are requesting that child support interest stop accruing.

Fill in the name and phone number of the person to contact to settle this matter.

**STEP 2
FILL OUT THE “AFFIDAVIT IN SUPPORT OF MOTION TO STOP ACCRUAL OF
CHILD SUPPORT INTEREST” FORM**

Fill in the top of the form the same way you did on your “Notice of Motion and Motion to Stop Accrual of Interest” form.

Check all the appropriate boxes that apply to your situation.

Attach the following to the “Affidavit in Support of Motion” form, if they apply:

- Proof of 12 months of consecutive child support payments.
- Proof of your incarceration, dates of incarceration and/or anticipated release date.
- Proof of disability (for example, doctor’s statement, etc.).
- Verification of receipt and amount of social security, Title II Older American’s Survivor’s Disability Insurance (OASDI), other disability or public assistance income.

Do not include any social security numbers, tax identification numbers, and/or financial account numbers in documents that you are filing with the court.

**STEP 3
OBTAIN A HEARING DATE, TIME, AND LOCATION
FROM COURT ADMINISTRATION**

- Contact court administration in the county where your case is located.
- Ask the clerk to schedule a hearing date in the expedited child support process for your motion to stop the accrual of interest. You will need the date, time, room number, and address for where the hearing will be held. The hearing date must be at least 14 days away from the date the documents are hand-delivered to the other party and the county attorney’s office. Count the day after it is hand-delivered as Day 1, then continue to count backward. If serving the forms by mail, then the envelope must be postmarked at least 17 days before the hearing.
- Fill in the date, time, and location of the hearing on the “Notice of Motion and Motion to Stop Accrual of Interest” form.

**STEP 4
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 Motion” and three copies of all attachments (for example, proof of disability and/or disability benefits being received, proof of complete and timely payments for 12 consecutive months, or proof of incarceration).

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

**STEP 5
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 14 days before the hearing date.

Mail service: documents are mailed by first class U.S. mail to the other party at least 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.

STEP 6
COMPLETE THE "AFFIDAVIT OF SERVICE" FORM

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

The person who signs the Affidavit is signing it under penalty of perjury. Perjury is the crime of intentionally lying or misrepresenting the truth.

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

File the documents with court administration in the county where your case is located at least 14 days before the scheduled hearing.

- The "Notice of Motion and Motion to Stop Accrual of Child Support Interest"
- The "Affidavit in Support of Motion to Stop Accrual of Child Support Interest"
- The "Affidavit of Service"

You must attach copies of any supporting documents to your "Affidavit in Support of Motion to Stop Accrual of Child Support Interest." Any documents or copies attached to the documents

filed with the court must also be attached to copies served on the county attorney's office and the other party.

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://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 sign an order that waives the fee, you must be prepared to pay the fee.

STEP 8 APPEAR AT THE HEARING

Go to court on the date and time scheduled for the hearing. Be sure to bring with you your copy of the "Notice of Motion and Motion to Stop Accrual of Child Support Interest" and "Affidavit in Support of Motion to Stop Accrual of Child Support Interest" and all of your supporting papers.