

Hear it From the Judge

Judge Randall J. Slieter

8th Judicial District Judge

Olivia, MN

Are Child Support Proceedings Expedited?

Child support is the critical method by which parents that are no longer living in the same home as their children are able to provide financial assistance to the parent who is primarily responsible for the care of the children. Since 2001, Minnesota's Judicial Branch has streamlined the process for the establishment, enforcement and modification of child support. This new streamlined process, known as the Expedited Child Support Process, allows for the handling of these types of cases separate from all other cases handled in District Court and, in most instances, by a Judge who only handles these types of cases.

Not all child support cases are handled in this expedited process. The primary criteria to determine which cases proceed through this expedited process is whether the custodial parent is eligible for public assistance pursuant to the Federal program known as the IV-D program (so named because it is "Title IV-D" of the Federal Social Security Act). In the alternative, even if a parent is not eligible for public assistance in this program, a parent may seek the services of the county child support office to enforce a previous child support order which has already been established. Therefore, a very significant amount of the child support establishment and enforcement cases are resolved in this expedited process.

The purpose of this expedited process – as stated in Minnesota Court Rules – is to streamline the establishment of a child support amount, that is uniform across the state, is easily accessible to the parties, and which results in timely and consistent orders. As I have mentioned in this column involving other areas of the court system, any decision of the Court which is streamlined and easily accessible increases the effectiveness of the court system and benefits the parties.

One of the more obvious differences in this expedited process from a District Court process is that a Child Support Magistrate, rather than a District Judge, presides over these cases. This individual is an attorney who normally has demonstrated a significant amount of experience handling child support matters in his or her practice and who also possesses the necessary judicial temperament to serve as a Magistrate. This is necessary because a Magistrate is serving in essentially the same manner as would a District Court Judge in these proceedings.

The Magistrate is appointed by the Chief Judge of each Judicial District. There are typically two or three such Magistrates who preside over these matters in our rural Judicial Districts. The Magistrate hears these cases in the same courthouses as all other court proceedings and,

often, in the same courtrooms.

There are other examples which demonstrate how these types of child support cases are expedited. The child support office in each county will give assistance, forms and information. The State Court's website will also have forms for parties to utilize (located at www.mncourts.gov). Individuals may also consult with private counsel who may also represent them in these expedited court proceedings. Often, an attorney from the local County Attorney's office will represent the interest of the county in these proceedings.

The parties in this expedited child support process have many of the procedural options available to parties in all cases in District Court. The parties are able to provide sworn testimony; have witnesses provide testimony; be represented by an attorney whom they hire; and have the matter appealed to the Minnesota Court of Appeals.

The goals of this expedited child support process include, among others, that it be family and user friendly, fair to the parties, is cost effective, and complies with the Constitution and all state and federal laws. These are goals that apply to all proceedings in court and certainly apply to the expedited child support process as well. To the extent these goals are met, and it appears they are, it is indeed accurate to say that the child support proceedings are expedited.