

**EXPEDITED CHILD SUPPORT PROCESS
INSTRUCTIONS FOR REQUESTING A HEARING
TO CONTEST SUPPORT JUDGMENT LEVY**

Who May Use This Form?

A party who has received notice that certain accounts at a financial institution have been frozen and wants the court to authorize release of these accounts back to the account holder may use this form to request a hearing.

How Do I Make A Motion and Request For A Hearing?

1. Fill out the “Notice of Motion, Motion and Affidavit to Contest Support Judgment Levy” form completely. Type your answers or print neatly using dark ink. Court personnel, the county attorney's office, and the child support office cannot help you fill out these forms.
2. 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 name, the court file number, and names of all the parties.
3. Copy the names of the parties in the exact same order as they appear on your current child support order or your divorce or paternity decree. If you are the Petitioner/Plaintiff in the current order or decree you will be the Petitioner/Plaintiff in this motion. If you are the Respondent/Defendant in the current order or decree you will be the Respondent/Defendant in this motion.
4. Fill in the name and address of the parties that will receive a copy of your request.
5. Skip over the next section that gives information about the hearing date, time, and location. **FILL THIS SECTION IN LAST.**
6. Under the section entitled “Motion”, fill in the name of the financial institution where the frozen account is located. The notice you received from the county child support agency will explain that the account has been frozen to pay past due child support and/or spousal maintenance. Check the appropriate boxes (child support and/or maintenance) and to whom it is owed (county or obligee).
7. Under the section entitled “Affidavit” you must explain how there has been a mistake of fact or how the money seized is exempt from such a seizure. Check the appropriate box.
8. Contact court administration for a hearing date. **Be sure to tell the clerk that you need a hearing date to contest a support judgment lien. A hearing must be scheduled within 10 days from the date of your request.** Fill in the date, time, and location of the hearing.
9. Only sign and date your request when you are in front of a Notary Public or the court clerk. Make sure to bring picture identification to show to the Notary Public or clerk.

Service

A copy of the completed “Motion to Contest Support Judgment Levy” form must be served on all parties, including the county attorney’s office. **NOTE: THE MOTION MUST BE PERSONALLY SERVED OR FAXED NO LATER THAN TWO (2) BUSINESS DAYS AFTER OBTAINING THE HEARING DATE UPON THE COUNTY ATTORNEY’S OFFICE. (A business day DOES NOT include a weekend or holiday)**

YOU MUST MAKE ARRANGEMENTS FOR SOMEONE ELSE OVER THE AGE OF 18 WHO IS NOT A PARTY TO THE CASE TO PERSONALLY SERVE OR FAX THE MOTION TO THE COUNTY ATTORNEY’S OFFICE, AS WELL AS TO THE OTHER PARTY. THE OTHER PARTY MAY BE SERVED BY MAIL.

Helpful materials may be found at your public county law library. For a directory, see <http://www.lawlibrary.state.mn.us/cllppubdir.rtf> . For more information, contact your court administrator or call the Minnesota State Law Library at 651-296-2775.

File The Forms

After serving the parties, file the original Motion to Contest Support Judgment Levy along with the Affidavit of Service with court administration in the county where the hearing is to take place.