

# INSTRUCTIONS

## Agreement and Order to Waive (or Partially Waive) Cost-of-Living Adjustment (COLA)

### Important Notices and Resources

People who pay child support and/or spousal maintenance obligations may ask the court to stop the cost-of-living adjustment (COLA) 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.

#### Have questions about court forms or instructions?

- Visit [www.MNCourts.gov/SelfHelp](http://www.MNCourts.gov/SelfHelp)
- Call the Statewide Self-Help Center at 651-435-6535

#### Not sure what to do about a legal issue or need advice?

- Talk with a lawyer
- Visit [www.MNCourts.gov/Find-a-Lawyer.aspx](http://www.MNCourts.gov/Find-a-Lawyer.aspx)

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 court administration or call the Minnesota State Law Library at 651-297-7651.

### Forms You Will Need

- *Instructions – Agreement and Order to Waive (or Partially Waive) Cost-of-Living Adjustment* (CSX1104) – this document; and
- *Agreement and Order to Waive (or Partially Waive) Cost-of-Living Adjustment* (CSX1105).

Forms are available online on the [Minnesota Judicial Branch website](http://mncourts.gov/GetForms.aspx?c=6&p=125) (mncourts.gov/GetForms.aspx?c=6&p=125).

**The information contained in this document is not intended as legal advice but as a general guide to you to explain the legal process.** If you do not understand any of these procedures, [talk to an attorney](http://mncourts.gov/Help-Topics/Find-a-Lawyer.aspx) (mncourts.gov/Help-Topics/Find-a-Lawyer.aspx). Court staff cannot give legal advice.

### Do you have all the information you need to fill out the forms?

The *Agreement and Order to Waive (or Partially Waive) Cost-of-Living Adjustment* (CSX1105) asks for the following information:

- The name and address of each party;
- Your detailed agreement regarding the proposed Cost-of-Living adjustment;
- The dollar amount of each party’s current monthly child support and/or spousal maintenance obligation;
- The dollar amount the court-ordered child support and/or spousal maintenance obligation would increase to according to the cost-of-living adjustment; and
- The dollar amount of child support and/or spousal maintenance that the parties agree that one party will pay to the other party moving forward.

**Step 1**  
**Fill Out *Agreement and Order to Waive (or Partially Waive) the Cost-of-Living Adjustment Form (CSX1105)***

### The Caption

The caption is found at the top of the first page of the *Agreement* form. It looks like this:

State of Minnesota	District Court
County of: _____ <b>A</b>	Court File Number: _____ <b>B</b>
Judicial District: _____ <b>C</b>	Case Type: _____ <b>B</b>
_____ <b>C</b>	
Petitioner(s)	
AND	
_____ <b>D</b>	
Respondent	
<b>Agreement and Order to Waive (or Partially Waive) Cost-of-Living Adjustment (CSX1105)</b>	

Look at other forms that have been filed in the case to see how the caption has been filled out.

- A. List the county where the case is located.

Then list the Judicial District where the county is located. Each county belongs in 1 of 10 judicial districts. If you need help to figure out the judicial district, see <https://mncourts.gov/Find-Courts.aspx>.

- B. List the court file number. Then list the case type.
- C. Include the full name of each Petitioner.
- D. Include the full name of the Respondent.

### Part 1 – INFORMATION

In the first half of the *Agreement*, you will be giving the court information about:

- The parties; and
- The court-ordered support obligation for **basic child support** and/or **spousal maintenance**.

### Definitions

**Obligor** means the party who *owes* and *pays* child support and/or spousal maintenance to the other party.

**Obligee** means the party who *receives* child support and/or spousal maintenance from the other party.

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### Findings of Fact

1. In paragraph #1, you will include information about the **Obligor** (the person court-ordered to pay child support and/or spousal maintenance).
  - a. List the Obligor's name.
  - b. Check the box to let the court know whether the Obligor is the Petitioner or Respondent.
  - c. Include the Obligor's address.

**NOTE:** If this is a *new* address, please give court administration the address. Minnesota law requires you to report any new addresses to the court.
  - d. Include the Obligor's date of birth (MM/DD/YYYY. For example: 08/18/1998).

<p>1. <b>Information about the Obligor</b> (person who pays).</p> <p>a. The Obligor's name is: _____</p> <p>b. The Obligor is the <input type="checkbox"/> Petitioner / <input type="checkbox"/> Respondent in this case.</p> <p>c. The Obligor's address is:</p> <p>Street Address: _____</p> <p>City/State/Zip: _____</p> <p>d. The Obligor's date of birth is: _____</p>
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2. Fill out paragraph #2 about the **Obligee** (the person who receives the child support and/or spousal maintenance payments).

2. **Information about the Obligee** (person who receives).

a. The Obligee's name is: \_\_\_\_\_

b. The Obligee is the  Petitioner /  Respondent in this case.

c. The Obligee's address is:  
 Street Address: \_\_\_\_\_  
 City/State/Zip: \_\_\_\_\_

d. The Obligee's date of birth is: \_\_\_\_\_

3. In paragraph #3, fill out the dollar amount of the current court-ordered monthly obligation:

- a. For basic child support (if there is not a court order to pay basic child support, you can fill in "N/A" for "not applicable"); and/or
- b. For spousal maintenance (if there is not a court order to pay spousal maintenance, you can fill in "N/A").

3. **Current Obligation.** The amount of the Obligor's current monthly support obligation is:

a. \$ \_\_\_\_\_ for basic support; and/or

b. \$ \_\_\_\_\_ for spousal maintenance.

4. The information for #4 is found on the *Notice of Cost-of-Living Adjustment*.

First, include the percentage of increase.

Then list the **current** year. NOTE: the first two numbers (20\_\_) are already printed, so you only need to fill in the last two numbers.

If the cost-of-living adjustment goes into effect, tell what the new amounts would be for:

- a. Basic child support (or, if no court order for basic child support, fill in "N/A"); and/or
- b. Spousal maintenance obligation (or, if no court order, fill in "N/A").

4. **Notice of the Cost-of-Living Adjustment (COLA).** The Obligee was notified that the Obligor's court-ordered obligation would increase by \_\_\_\_\_% on May 1, 20\_\_\_\_. According to the *Notice*, the obligation would increase to the following amounts:

a. \$ **a** \_\_\_\_\_ for basic support; and/or

b. \$ **b** \_\_\_\_\_ for spousal maintenance.

## Part 2 – AGREEMENT AND REQUEST FOR COURT ORDER

The second half of the *Agreement* describes what you and the other party have agreed to about the cost-of-living adjustment.

5. There are two options in paragraph #5. You may choose **only one option**. You and the other party can agree:

- **OPTION 1** – There will be NO cost-of-living increase in court ordered basic child support and/or spousal maintenance.

If you choose this option, fill in the last 2 digits of the **current** year.

**OR**

- **OPTION 2** – There will be a *partial* cost-of-living adjustment.

This means there will be a change to the current support obligation, but not in the percentage and amount listed in the *Notice of Cost-of-Living Adjustment*.

If you choose this option, fill in the last 2 digits of the **current** year. Then show the amount you have agreed on:

- For basic support (or, if no court order for basic child support, fill in “N/A”); and/or
- For spousal maintenance (or, if no court order, fill in “N/A”).

5. **Parties’ Agreement.** The parties agree to the following (*check only 1 of the boxes*):

OPTION 1 – There will NOT be a Cost-of-Living Adjustment (COLA) effective May 1, 20\_\_\_\_ (the current year).

OR

OPTION 2 – There will be a *partial* Cost-of-Living Adjustment effective May 1, 20\_\_\_\_ (the current year). The obligation will be as follows:

- \$\_\_\_\_\_ for basic support; and/or
- \$\_\_\_\_\_ for spousal maintenance.

- This section tells the court the basis for your agreement (**why** you and the other party are agreeing to waive, or partially waive, the cost-of-living increase.

If the reason is that the Obligor’s income has not increased by the same percentage as the cost-of-living increase that was proposed in the *Notice*, check the first box under #6.

If there are other reasons you and the other party agree to waive or partially waive the cost-of-living adjustment, check the second box and included on the lines provided. Some examples might be that the cost of providing insurance has increased, or that the Obligor is paying for things that were not ordered by the court, such as car insurance, a cell phone bill, athletic fees, or other needs of the children.

6. **Basis for the Parties’ Agreement.** The parties believe that this agreement is in the best interests of the joint children. The agreement is based on the following facts:

The Obligor’s income has not sufficiently increased in the past two years to enable the Obligor to pay the increased amount of support listed on the *Notice of Cost-of-Living Adjustment*.

Other: \_\_\_\_\_

### Part 3 – COURT ORDER

In the order section of the document, you will be describing what you have agreed the court order will be about the cost-of-living adjustment and child support and/or spousal maintenance.

1. List the **current year**.

a. Check this box if your agreement is about the **basic support obligation**. Then state 2 things:

- The **amount** of basic support you and the other party have agreed on; and
- Whether this amount is the *current amount* (which means you have agreed to waive the cost-of-living adjustment), or the *partially increased amount* (which means you have agreed to a partial waiver of the cost-of-living adjustment).

b. Check this box if your agreement is about the **spousal maintenance obligation**. Then state 2 things:

- The **amount** of spousal maintenance you and the other party have agreed on; and
- Whether this amount is the *current amount* (which means you have agreed to waive the cost-of-living adjustment), or the *partially increased amount* (which means you have agreed to a partial waiver of the cost-of-living adjustment).

ORDER	
1.	Effective May 1, 20 <b>1</b> , Obligor's court-ordered support obligation shall be as follows:
<b>a</b>	<input type="checkbox"/> Basic support of \$_____ per month. This amount is the <input type="checkbox"/> current amount/ <input type="checkbox"/> partially increased amount.
<b>b</b>	<input type="checkbox"/> Spousal maintenance of \$_____ per month. This amount is the <input type="checkbox"/> current amount/ <input type="checkbox"/> partially increased amount.

2. You do not have to do anything for #2. This statement is meant for you to agree and understand that the Order will not apply to future cost-of-living adjustments.

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### Signature Block

Each party should **read through the Agreement and Order** at least one more time to make sure it contains the parties' full agreement.

**NOTE:** Details of an agreement that are not included in this *Agreement and Order* may not be enforceable later.

Once both parties are sure the form is complete:

- A. The **Petitioner** should sign the line on the left side of the page.
- B. List the date the Petitioner signed the form. Then check the box telling whether the Petition is the Obligor or the Obligee.
- C. Print Petitioner’s name.
- D. List the county and state Petitioner is in when they sign the *Agreement and Order*.
- E. Repeat Steps A – D on the right side for the **Respondent**.

**Signature of the Parties**

I declare under penalty of perjury that everything I have stated in this document is true and correct. Minn. Stat. § 358.116

<p><b>A</b> _____ <b>B</b></p> <p>Signature (Petitioner)                      Date</p> <p><input type="checkbox"/> Obligor / <input type="checkbox"/> Obligee</p> <p>_____ <b>C</b></p> <p>Printed Name</p> <p>_____ <b>D</b></p> <p>County and State where signed</p>	<p>_____ <b>E</b></p> <p>Signature (Respondent)                      Date</p> <p><input type="checkbox"/> Obligor / <input type="checkbox"/> Obligee</p> <p>_____ <b>E</b></p> <p>Printed Name</p> <p>_____ <b>E</b></p> <p>County and State where signed</p>
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You will each sign this document under *penalty of perjury*. This means you are saying that everything in the form is true and correct. If you know something in the form is not true when you sign it, you could be found guilty of the crime of perjury. See [Minn. Stat. § 609.48](http://revisor.mn.gov/statutes/cite/609.48) (revisor.mn.gov/statutes/cite/609.48).

## Waiver of Counsel

Both parties should sign and date the “Waiver of Counsel” section (the Petitioner on the left side, and the Respondent on the right).

**Waiver of Counsel**

I know I have the right to be represented by an attorney of my choice. I expressly waive that right, and I freely and voluntarily sign this *Agreement*.

_____ Signature (Petitioner)	_____ Date	_____ Signature (Respondent)	_____ Date
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## Step 2 County Attorney

If the county child support agency is involved in your case, then contact the public authority in your county to ask them to review the completed *Agreement*.

The [county child support office](#) (public authority) in the county where the children live can put you in touch with the county attorney's office ([mn.gov/dhs/people-we-serve/children-and-families/services/child-support/contact-us/county-offices.jsp](http://mn.gov/dhs/people-we-serve/children-and-families/services/child-support/contact-us/county-offices.jsp)).

If the public authority agrees to the terms you included in the *Agreement*, then a representative of the public authority or county attorney's office will date and sign the *Agreement*.

If the public authority DOES NOT AGREE, you can talk to the public authority to see what their concerns are. Maybe you can reach an agreement with the public authority. If you cannot reach an agreement with the public authority, and the county child support agency is involved in your case, then the *Agreement* form is not the right form for your situation. You may need to [get legal advice](#) to see what your options are ([mncourts.gov/Help-Topics/Find-a-Lawyer.aspx](http://mncourts.gov/Help-Topics/Find-a-Lawyer.aspx)).

<b>Signature of County Attorney or Assistant County Attorney</b> (when the county child support agency is involved in the case)	
Approved as to content on behalf of the Public Authority:	
_____	_____
Date	County Attorney/Assistant County Attorney

## Step 3 File with Court Administration and Pay Any Required Court Fee

If you want copies of the forms you have filled out, make copies **before** you file them with the court.

You will need to file the following form with Court Administration:

- *Agreement and Order to Waiver (or Partially Waive) Cost-of-Living Adjustment.*

There may be a filing fee due when you file the *Agreement*. 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 filing fee, a child support magistrate or other judicial officer may waive it under certain circumstances. The fee waiver paperwork is available from court administration or online at <https://mncourts.gov/GetForms.aspx?c=19&p=69>. A child support magistrate or other judicial officer will review your fee waiver application and then decide whether you must pay the fee. If the magistrate or other judicial officer does not sign an order that waives the fee, you must be prepared to pay the fee.

### HOW TO FILE:



### At the Courthouse:

- File the forms with Court Administration.
- This can be done either in person at the courthouse or by mail. Addresses for courthouses are online at <https://www.mncourts.gov/Find-Courts.aspx>.

### Electronic Filing through eFS System:

- If you have an account, or want to create one, with the eFS System, you can file electronically (eFile). See <https://www.mncourts.gov/eFile>.
- **NOTE:** Once you decide to eFile, you must continue to eFile for the entire case.
- Along with the filing fee and costs, there is also a fee of \$5 for using the eFS System when a fee is collected. If a judicial officer has granted you a fee waiver (IFP), the \$5 fee is waived.

### Filing Deadline

The *Agreement* must be filed **before the effective date of the cost-of-living adjustment**. If you received the notice about the cost-of-living adjustment from the county child support agency, then you must file your *Agreement* by April 30<sup>th</sup>.

### What to Expect Next...

The court will review the form and any attachments you have filed.

You will hear from Court Administration soon after you file. You might receive one or more of the following:

- **Deficiency Notice** (a notice that tells the parties there is a deficiency in their filing; for example, that something is missing or that a filing fee needs to be paid)
- **Notice of Hearing** (a notice that tells the parties that a hearing has been scheduled and gives details such as the date, time, and location of the hearing). There may be a hearing if the court has questions or concerns about your agreement.

If the court approves your agreement, the judicial officer will sign the “Order” section of your Agreement. Once Court Administration enters the signed *Agreement*, which becomes a court order if a judicial officer signs it, you will receive a copy in the mail.