

## **Instructions for Financial Affidavit Minn. Stat. § 518A.28**

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.

### **Purpose of the Financial Affidavit**

In all cases where the court will decide or modify child support, the parents must serve and file a Financial Affidavit to disclose all sources of income for determining child support for the joint child or children of the parents.

A joint child means the dependent child of both parents in the child support proceeding. Information listed in the Financial Affidavit will provide the court with information needed to calculate child support.

### **Serving and Filing the Financial Affidavit**

The Financial Affidavit must be served on the other party, and the public authority if the public authority is providing child support enforcement services, and filed with the court when initial pleadings or motions are submitted by a party. You must include proof of your income, such as pay stubs and income tax returns.

### **Keeping your financial information confidential**

**NOTE!** Most documents filed with the court are considered public documents and are 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 that are 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](http://www.mncourts.gov/forms) under the court forms category of “Confidential Information” and is court form number CON111 and CON112.

---

## **Complete the Financial Affidavit Form**

**Item #1:** Fill in the number of joint children who are the subject of this court action.

**Item #2:** Fill in all amounts of your monthly income. Use income amounts before any deductions. Income includes any form of periodic (regular) payment, including but not limited to the following:

- Salary and Wages – include gross income from all jobs. Weekly income should be multiplied by 4.33.
- Self-employment – include income from self-employment or operation of a business
- Unemployment Benefits
- Commissions – if received less often than monthly, average the amounts
- Spousal Maintenance – include payments you receive under a previous order or the current proceeding
- Military or Naval Retirement
- Social Security – includes social security disability, retirement, and survivors’ benefits. Do not include supplemental security income (SSI)

- Child’s Derivative Social Security or Veterans Benefits – if a joint child receives Social Security or Veterans’ Benefits based on your eligibility, include the amount of the child’s monthly benefit on the Financial Affidavit, even if the benefit is paid to the other parent.
- Workers’ Compensation
- Pension Payments, Annuity Payments, and Disability Payments. Do not include supplemental security income (SSI).

**Complete Items #3 through #9**

- Nonjoint Children – a child who 1) lives in your home more than half of the time, 2) you are the legal parent of, AND 3) you DO NOT have a court ordered child support obligation for the child. DO NOT include stepchildren.
- Spousal Maintenance – enter any court ordered amount that you pay to the other parent or a former spouse.
- Child Support – enter all court ordered amounts that you pay for nonjoint children not living with you. These amounts include basic support, child care support, and medical support. DO NOT include any monthly amounts you pay for arrearages.
- Health care coverage – this is medical and dental insurance coverage you have either in place or available for the joint child.
- Child care – enter the actual monthly child care costs paid for the joint child
- Parenting time – check “yes” if there is a court order awarding a parent with parenting time

**Date and sign the Financial Affidavit under penalty of perjury.** By signing the Affidavit under penalty of perjury, you are stating that the information in the document is true to the best of your knowledge. Perjury is the crime of intentionally lying or misrepresenting the truth.

**If the Financial Affidavit for Child Support is not served and filed**

- The court will determine a parent’s income based on credible evidence, which may include documentation of current or recent income, testimony of the other parent concerning recent earnings and income levels, or wage reports filed with the Department of Employment and Economic Development. The court may determine potential income for a parent if a parent is voluntarily unemployed or underemployed, employed less than a full-time, or when there is no evidence of any income.
- If the court decides that a parent did not have access to documents to complete the financial affidavit, the court may consider testimony by that parent as credible evidence of income.