This opinion is nonprecedential except as provided by
Minn. R. Civ. App. P. 136.01, subd. 1(c).

STATE OF MINNESOTA
IN COURT OF APPEALS
A23-1330

Ramsey County Child Support,
Appellant,

Catrina Yvonne Smith,
Respondent,

vs.

Darrious Ray Young,
Respondent.

Filed April 8, 2024
Affirmed
Kirk, Judge*

Ramsey County District Court
File No. 62-FA-21-451

John J. Choi, Ramsey County Attorney, Patrick M. Hest, Assistant County Attorney, St. Paul, Minnesota (for appellant)

Catrina Smith, St. Paul, Minnesota (pro se respondent)

Darrious Young, Burnsville, Minnesota (pro se respondent)

Considered and decided by Wheelock, Presiding Judge; Schmidt, Judge; and Kirk, Judge.

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* Retired judge of the Minnesota Court of Appeals, serving by appointment pursuant to Minn. Const. art. VI, § 10.

NONPRECEDENTIAL OPINION

KIRK, Judge

In this child-support dispute, appellant-county argues that it may contest or withdraw a cost-of-living adjustment (COLA) when it believes the amount is not proper. In the alternative, the county argues that the district court erred in denying the motion on the merits. Because only the obligor may challenge a COLA, and because we see no error in the district court's denial on the merits, we affirm.

FACTS

In February 2021, appellant Ramsey County Child Support initiated an action to establish parentage of and child support for the child of pro se respondents Catrina Yvonne Smith (mother) and Darrious Ray Young (father; obligor).

After an expedited process hearing in May 2021, the district court issued an order for judgment granting mother sole physical custody and determining that, beginning June 1, 2021, the amount of father's total monthly basic support obligation was $238.

In March 2023, the county notified father that his basic support obligation would adjust upward by $32 per month, effective May 1, 2023, because of a 13.6% cost-of-living adjustment (COLA). On April 28, 2023, the county filed a motion in district court requesting that the COLA be stopped from taking effect because father's income decreased.[1]

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[1] In child support matters, this court has noted that COLA matters are distinct from motions to modify the obligation. *Grachek v. Grachek*, 750 N.W.2d 328, 330-31 (Minn. App. 2008). Here, we note that the county did not move the district court to modify the obligation under Minn. Stat. § 518A.39 (2022, Supp. 2023), only to avoid the COLA.

On July 24, 2023, the district court issued an order denying the county's motion and providing that the COLA was effective May 1, 2023. The county appeals.

DECISION

Statutory construction is a question of law that the appellate courts review de novo. *Lee v. Lee*, 775 N.W.2d 631, 637 (Minn. 2009). "A statute should be interpreted, whenever possible, to give effect to all of its provisions; no word, phrase, or sentence should be deemed superfluous, void, or insignificant." *Am. Fam. Ins. Grp. v. Schroedl*, 616 N.W.2d 273, 277 (Minn. 2000) (quotation omitted). "We are to read and construe a statute as a whole and must interpret each section in light of the surrounding sections to avoid conflicting interpretations." *Id.*

The county claims the district court erred in denying its motion, arguing that a motion to contest a COLA need not be brought by the obligor.

"An order establishing, modifying, or enforcing . . . child support shall provide for a biennial adjustment in the amount to be paid based on a change in the cost of living." Minn. Stat. § 518A.75, subd. 1(a) (2022). But no COLA may be made unless three conditions are satisfied. Minn. Stat. § 518A.75, subd. 2 (2022). First, the order establishing the support obligation must provide for adjustment. *Id.* Second, notice of the adjustment must be sent to the obligor at least 20 days before the effective date. *Id.* Third, "[t]he notice shall inform the obligor of the date on which the adjustment will become effective and the procedures for contesting the adjustment." *Id.*

To challenge a COLA, "the obligor, before the effective date of the adjustment, must: (1) file a motion contesting the cost-of-living adjustment with the court

administrator; and (2) serve the motion by first-class mail on the public authority and the obligee." Minn. Stat. § 518A.75, subd. 2a(a).

Thus, a COLA meeting the conditions specified in the statute is effective without court action unless challenged by the obligor. *See* Minn. Stat. § 518A.75 (2022). This approach to adjustment "prevent[s] an award of child support or maintenance that was determined to be appropriate at the time it was set . . . from becoming inequitable due to an inflation-based degradation of its relative value." *Grachek v. Grachek*, 750 N.W.2d 328, 332 (Minn. App. 2008), *rev. denied* (Minn. Aug. 19, 2008). And the narrow authority of a district court to review an adjustment is intentional because "[g]iving the court extensive discretion . . . would lengthen the process and defeat a timely response to the impact of inflation." *McClenahan v. Warner*, 461 N.W.2d 509, 511 (Minn. App. 1990) ("This limitation on discretion serves the statutory purpose of providing a quick response to the child's increased needs.").

The county claims that, although the statute allows the obligor to challenge a COLA, it does not prohibit another party, including the county, from filing a motion to contest the COLA. We are not persuaded.

"To contest cost-of-living adjustments . . . the obligor . . . must . . . file a motion contesting the cost-of-living adjustment." Minn. Stat. § 518A.75, subd. 2a(a). The legislature could have used broader language allowing other parties to contest a COLA, but it did not. Instead, it plainly stated that a motion to contest a COLA must be brought by the obligor. We will not disregard the plain language of an unambiguous statute unless the plain meaning "utterly confounds a clear legislative purpose." *Rohmiller v. Hart*, 811

N.W.2d 585, 591 (Minn. 2012) (quotation omitted). Here, the plain language of the COLA statute, permitting only the obligor to challenge a COLA, does not confound the statute's clear legislative purpose.

The purpose of the COLA statute is to prevent an award of child support from "becoming inequitable due to an inflation-based degradation of its relative value." *Id.* at 332. The COLA statute ensures that an award of child support continues "to meet children's needs, which are also rising with inflation." *Blomgren v. Blomgren*, 367 N.W.2d 918, 921 (Minn. App. 1985). Moreover, the statute is designed to "provid[e] a quick response to the child's increased needs," and allowing additional parties to contest a COLA "would lengthen the process and defeat a timely response to the impact of inflation." *McClenahan*, 461 N.W.2d at 511 (explaining why district courts have limited discretion in reviewing COLAs). Thus, the plain language of the statute allows only the obligor to challenge a COLA, which is consistent with the clear legislative purpose aimed at ensuring awards of child support continue to meet the child's needs. *Grachek*, 750 N.W.2d at 332.

Moreover, a district court may prevent a COLA from taking effect if the obligor proves that their income is insufficient to fulfill the adjusted obligation. Minn. Stat. § 518A.75, subd. 3. Because the record suggests that father's income increased, we see no

error in the district court's denial on the merits. The district court, therefore, properly denied the county's motion contesting the COLA.[2]

Affirmed.

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[2] The county presents many policy arguments on appeal. We are an error correcting court, *Sefkow v. Sefkow,* 427 N.W.2d 203, 210 (Minn. 1988), and it is not our place to contemplate policy considerations entrusted to the legislature; *Binkley v. Allina Health Sys.*, 877 N.W.2d 547, 554 n.7 (Minn. 2016); *see Leifur v. Leifur*, 820 N.W.2d 40, 43 (Minn. App. 2012) (noting a party's "meritorious policy arguments" supporting his proposed reading of a statute, but rejecting that proposed reading of the statute because "this court may not disregard ambiguous statutory language").