

State of Minnesota

County _____

District Court

Judicial District: _____
Court File Number: _____
Case Type: _____

In Re the Custody of:

Born (mo/day/yr) _____

Born (mo/day/yr) _____

Petitioner

and

Respondent

**Notice of Motion and Motion
To Establish Custody
And Parenting Time**

TO:

First Middle Last

Street Address Apt. #

City State Zip Code

NOTICE

PLEASE TAKE NOTICE that on _____, _____, at _____
(date) (year) (time)
o'clock _____ m., before _____ (name of
Judge or Judicial Officer) in room _____ of the _____
_____ located at _____

_____ Minnesota, I will ask the Court for an
Order granting me the following relief:

MOTION

1. Granting legal custody of the child(ren) as follows: *(check one)*

(Legal custody identifies who will have a right to make decisions regarding the child's upbringing, including education, health care, and religious training).

- a. Jointly to both me and the other parent _____
(Full Name)
- b. Solely to *(check one)*:
- Me
- The other parent *(print full name)* _____

2. Granting physical custody of the child(ren) as follows: *(check one)*

(Physical custody identifies who will handle the routine daily care and control of the child and with whom the child(ren) will live).

- a. Jointly to both parents.
- b. Solely to *(check one)*:
- Me
- The other parent *(print full name)* _____

3. Determining parenting time as follows: *(select only one)*

- granting parenting time to the Mother Father as provided in the schedules below
- granting parenting time to the Mother Father as provided in the schedules below, with transfer of the minor child(ren) at a safe place, preferably a parenting time exchange center (if one is available)
- granting supervised parenting time to Mother Father as provided in the schedules below
- denying parenting time to the Mother Father

(Use the space provided below to clearly explain when each parent will have the child(ren). State the time (o'clock) when the child(ren) will transfer from one parent to the other. If you want the order to say who will pick up and drop off the child(ren), or where transfer of the child(ren) should take place, include that under "Other").

Regular schedule:

Monday through Friday: _____

Weekends: _____

Summer (if you want a different schedule in summer)_____

Telephone contact with the child(ren): Unlimited or Only at certain times as follows:
(describe the days and times when the parent and child(ren) may have telephone contact)_____

Exceptions to the Regular Schedule:

[You can have a different schedule for holidays, school release days, and birthdays. If you do not want a different schedule, leave it blank.]

School Release days or breaks during the school year_____

Any school release day schedule will override the regular parenting schedule.

Birthdays (child's birthday, parent's birthday)_____

Holidays_____

Any holiday or birthday schedule will override the regular and school release parenting schedule.

Other _____

4. If child support is requested in the Petition, establishing child support according to Minnesota child support guidelines. Child support includes basic support, medical support, and child care support.

Under the above Schedule:

The children are with Petitioner:

- less than 10% of the time
- 10-45% of the time
- 45.1-50% of the time
- more than 50% of the time

The children are with Respondent:

- less than 10% of the time
- 10-45% of the time
- 45.1-50% of the time
- more than 50% of the time

5. Granting additional relief as follows: _____

6. Granting such other and further relief as the Court may deem just and equitable.

VERIFICATION AND ACKNOWLEDGMENT

- a) I have read this document. To the best of my knowledge, information and belief, the information contained in this document is well grounded in fact and is warranted by existing law.
- b) I have not been determined by any Court in Minnesota or in any other state to be a frivolous litigant and I am not the subject of an *Order* precluding me from serving or filing this document.
- c) I am not serving or filing this document for any improper purpose, such as to harass the other party to cause delay or needless increase in the cost of litigation or to commit a fraud on the Court.
- d) I understand that if I am not telling the truth or if I am misleading the Court or if I am serving or filing this document for an improper purpose, the Court can order me to pay money to the other party, including the reasonable expenses incurred by the other party because of the serving or filing of this document, court costs and reasonable attorney's fees.

NOTICE TO OTHER PARENT

After reading this Motion, if you disagree with anything that is being requested, or if you want the court to consider your facts and what you want, you must serve upon all parties and file with the court an *Answer*, *Responsive Motion* and *Responsive Affidavit*. These documents are available

online at www.mncourts.gov under the link for “court forms,” or you may pick up court forms from any county court administrator’s office. Your *Answer*, *Responsive Motion* and *Responsive Affidavit* must be personally served on the other party **at least five (5) days before the hearing** or mailed to the other party **at least eight (8) days before the hearing**. Your responsive papers must be filed with the court administrator **at least five (5) days before the hearing**.

If you want to raise new issues at the hearing the other party has scheduled, you must serve and file a *CounterPetition*, *Responsive Motion* and *Affidavit*, which must be **personally served** on the other party **ten (10) days before the hearing** or **mailed** to the other party **at least thirteen (13) days before the hearing**. Your papers raising new issues must be **filed** with the court administrator **at least ten (10) days before the hearing**.

If you do not understand what the other party is requesting, you may want to ask a lawyer for help or contact other legal services provider for assistance.

DATE: _____

Signature

Street Address

City/State/Zip Code

(____) _____
Telephone Number