

MOTION TO REINSTATE DRIVER'S LICENSE
INSTRUCTIONS

STEP 1
FILL OUT THE "NOTICE OF MOTION AND MOTION FOR REINSTATEMENT OF DRIVER'S LICENSE" FORM

The purpose of this form is to request that the court instruct the Department of Public Safety to reinstate your driver's license.

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 where your case is located (which may be different from the county where you live).
- The number of the judicial district.
- The court file number.
- The name of the Petitioner/Plaintiff.
- The name of the Respondent/Defendant.

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.

Fill in the name and the last known address of the other party and the county attorney's office. **DO NOT** fill in the date, time, and location of the hearing yet. You will fill in this information as part of Step 3 below.

Fill in the name and phone number of the person to contact to settle this matter.

STEP 2
FILL OUT THE "AFFIDAVIT IN SUPPORT OF MOTION TO REINSTATE DRIVER'S LICENCE" FORM

Fill in the top of the form the same way you did on your "Notice of Motion and Motion for Reinstatement of Driver's License" form.

Check the appropriate box that applies to your situation.

NOTE! **ONLY DATE AND SIGN YOUR "AFFIDAVIT IN SUPPORT OF MOTION TO REINSTATE DRIVER'S LICENSE" 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.** A Notary Public can usually be found at a bank and sometimes the courthouse.

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.

STEP 3
OBTAIN A HEARING DATE, TIME, AND LOCATION
FROM THE COUNTY COURT ADMINISTRATOR

- Contact the Court Administrator's Office in the county where your case is located.
- Ask the clerk to schedule a hearing date in the expedited child support process for your motion to reinstate your driver's license. You will need the date, time, room number, and address for where the hearing will be held. The hearing date must be at least 17 days away from the date the documents are mailed to the other party and the county attorney's office. Count the day after it is mailed as Day 1.
- Fill in the date, time, and location of the hearing on the "Notice of Motion and Motion to Reinstatement Driver's License" form.

STEP 4
MAKE COPIES OF FORMS

After the forms are completely filled out, make three copies of your motion and three copies of your "Affidavit in Support of Motion" form and three copies of any attachments.

Keep one copy of each form and a copy of all attachments for yourself (make sure to bring your copies with you to court on the day of the hearing.)

STEP 5
HAVE COPIES OF THE DOCUMENTS SERVED
ON THE OTHER PARTY AND COUNTY AGENCY

You must arrange for the other party and the county attorney's office to receive complete copies of all documents you have prepared for the hearing. This is called "service of process." A copy of the motion, affidavit, and any attachments must be served upon all parties, either personally or by mail. If the other party is represented by an attorney, the documents must be served on the attorney instead of the party.

Personal service: documents are hand delivered to the other party personally or by leaving the documents at the other party's place of residence with some person who is of suitable age or discretion who also lives at the same residence. Documents must be hand delivered upon the other party (or his/her attorney if there is one) and the county attorney's office at least 14 days before the hearing date.

Mail service: documents are mailed by first class U.S. mail to the other party at least 17 days before the hearing date.

If your documents are not timely served upon the other party (or his/her attorney) or the county attorney's office, your motion may not be heard by the court.

NOTE! YOU CANNOT HAND DELIVER OR MAIL THE DOCUMENTS YOURSELF. YOU MUST HAVE SOMEONE ELSE OVER THE AGE OF 18 WHO IS NOT A PARTY TO THE CASE HAND DELIVER OR MAIL THE DOCUMENTS FOR YOU.

**STEP 6
COMPLETE THE “AFFIDAVIT OF SERVICE” FORM**

The person who hand delivers or mails the documents must fill out an “Affidavit of Service” form for each party served.

NOTE! THE PERSON WHO HAND DELIVERS OR MAILES THE DOCUMENTS MUST SIGN THE “AFFIDAVIT OF SERVICE” IN FRONT OF A NOTARY PUBLIC OR THE COURT ADMINISTRATOR. MAKE SURE THE PERSON BRINGS PICTURE IDENTIFICATION TO SHOW TO THE NOTARY PUBLIC OR CLERK.

**STEP 8
FILE THE FORMS WITH COURT ADMINISTRATION
AND PAY ANY REQUIRED COURT FEE**

File the **original documents** with court administration in the county where your case is located at least 14 days prior to the scheduled hearing.

- The original of the “Notice of Motion and Motion to Reinstate Driver’s License”
- The original of the “Affidavit in Support of Motion to Reinstate Driver’s License”
- The “Affidavit of Service”

You must attach copies of all supporting documents to your “Affidavit in Support of Motion to Reinstate Driver’s License”. Any documents or copies attached to the originals for the court must also be attached to copies served on the county attorney’s office and the other party.

Court Fees

You must be prepared to pay any court fee, if applicable, at the time of filing. 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 fee, you may ask a child support magistrate or judge for an order waiving the fee. You will need to fill out an In Forma Pauperis application (available from the Court Administrator) and file it with the Court Administrator. Your application will be reviewed by a child support magistrate or judge who will decide whether you must pay the fee. If the magistrate or judge does not approve your request to waive the fee, you must be prepared to pay the fee or the clerk cannot accept your forms.

**STEP 8
APPEAR AT THE HEARING**

Come to court on the date and time scheduled for the hearing. Be sure to bring with you your copy of the “Notice of Motion and Motion to Reinstate Driver’s License” and “Affidavit in Support of Motion to Reinstate Driver’s License” and all of your supporting papers.