

State of Minnesota

District Court

County _____

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

In Re the Marriage of:

Name of Petitioner

and

Name of Respondent

**Notice of Motion and Motion
for Change of Custody**

TO: _____
First Middle Last

Street Address Apt. No.

City County State Zip Code

NOTICE

PLEASE TAKE NOTICE that on _____, _____ (date) at _____
o'clock _____m. before _____ in Room _____
(name of judicial officer)
of the _____ located at _____,

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

MOTION

1. The name(s) and date(s) of birth of the minor child(ren) of the parties is/are:
Child's Full Name *Date of Birth*

2. The current order or judgment and decree regarding custody, which I am now seeking to change, is dated: _____.

3. I would like the Court to amend the current order for **legal custody** of the minor child(ren):
 - Yes No
 - If yes, I would like the Court to amend the current order for legal custody of the minor children as follows:
 - Joint legal custody to the parties
 - Sole legal custody to _____

4. I would like the Court to amend the current order to change **physical custody** of the minor child(ren): Yes No
 - If yes, I would like the Court to change the current order for physical custody of the minor children as follows:
 - Joint physical custody to the parties
 - Sole physical custody to _____.

5. If a change of physical custody is ordered, then I ask the Court to change the parenting time schedule as set forth in my Affidavit.

6. If a change of physical custody is ordered, I ask the Court to determine each party's obligation to pay child support, including medical and child care support, to the other party in regard to the child(ren) in his or her physical custody.

7. *(Check only if you have been ordered to pay child support and you stopped paying child support because the children have been living with you.)*
 - If a change of custody is ordered, I ask the Court to order that my child support obligation has been satisfied by providing the child(ren) a home, care and support while the child(ren) was/were living with me from _____ to _____

month/day/year
month/day/year

8. I request such other and further relief as the Court may deem just, fair and equitable.

VERIFICATION AND ACKNOWLEDGEMENTS

- 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 or 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 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 filing or serving this document, court costs, and reasonable attorney's fees.

NOTICE TO THE OTHER PARTY

After you receive these papers, if you want to respond to anything raised by the other party in his/her papers, your written response 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. Responsive papers are available from the Court Administrator's office. 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, your *Motion* and *Affidavit* must be personally served on the other party **at least 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 District Court Administrator **at least ten (10) days before** the hearing.

DATE: _____

Signature

Address

City / State / Zip Code

(_____)
Telephone

E-mail address