



How to Finish Your Minnesota Divorce with Children: *when you and your spouse have a Joint Petition*

Need one-on-one help?

Some courts have designated staff or volunteer attorney programs to help explain forms and court procedures. To see if your Minnesota court has this service, go to: www.mncourts.gov/selfhelp. In addition, you may call the MN Courts Self Help Center with questions about forms Monday-Friday 8:30-3:00 at (651) 259-3888.

Follow these Steps:

1. Check the forms I-CAN! printed for you.

You should have these documents:

- *Joint Petition, Agreement, and Judgment and Decree for Marriage Dissolution With Children*
- *Confidential Information Form (Form 11.1)*
- *Certificate of Dissolution*
- *Child Support Guidelines Worksheet (you should have printed this from the child support calculator at <http://childsupportcalculator.dhs.state.mn.us>)*
- *Child Support Summary Sheet (print this from the child support calculator)*

You may also have:

- *Notice to County Support and Collections* (this prints only if you or your spouse or joint children receive public assistance from the State of Minnesota). **NOTE:** If someone is receiving public assistance, the public authority must “sign off” on your *Joint Petition*. There is a place for this signature on approximately page 32 of the *Joint Petition*. Usually the County Attorney signs off. You can ask the County Support and Collections office how to get the required signature. Do this before you file the *Joint Petition* with the court (**Step 6**).
- *Felon Name Change* forms (prints only if you or your spouse is a felon and is asking for a legal name change.)

2. Make sure everything on your forms is correct.

Carefully read the forms. If there are any mistakes, or you and your spouse want to make changes, go back to I-CAN! and make your changes and reprint the forms. If the change is small, you may use white-out correction fluid and print neatly to correct the information on the forms instead of reprinting.



Checklist for the *Joint Petition*:

- Did you read your *Joint Petition* carefully and make sure that all information is correct?
- Did you ask a lawyer for help with anything you don't understand?

- Is your parenting time schedule specific and clear?
- Have you listed **ALL** property and debts that you and your spouse own and owe together and separately?
- Did you get the signature of the public authority if you, your spouse or joint children receive public assistance? (See above under 1.)
- Did you **attach documents** required with the *Joint Petition*? (if needed in your case)
 - ✓ Child Support Guidelines Worksheet (needed in all cases)
 - ✓ Child Support Summary Sheet (needed in all cases)
 - ✓ copy of current child support order for joint children (if you already have an order)
 - ✓ copy of current OFP or Harassment order involving the spouses or children
 - ✓ **certified copy** of "Recognition of Parentage" form for non-joint child born during the marriage
 - ✓ **certified copy** of "Husband's Non-paternity statement" for non-joint child born during marriage
 - ✓ copy of income tax Schedule C if either spouse is self-employed
 - ✓ **original** Affidavit of Service of Felon Name Change Notice (if either you or your spouse is a convicted felon and is asking for a name change in the divorce). At the top of this Affidavit write "Exhibit A."

3. Sign the forms.

On approximately page 31, the *Joint Petition* has a section called "Verification and Acknowledgments" followed by lines for Signature of Husband and Wife. Read the "Verification" section before signing. You will both need to sign the *Joint Petition* in front of a notary or court administrator, and show picture ID.

One spouse should sign the *Confidential Information Form*, and the *Notice to County Support and Collections* (if needed.)

4. Make 2 copies of each form and any attachments - One for husband and one for wife.

5. Education Classes.

The court may require you, your spouse, and your children to attend divorce education classes. Contact your local Court Administration to learn if classes are required.

6. File the original forms with the court and pay the filing fee.

You must file your **original** divorce forms (not photocopies) at the courthouse in the Minnesota County where you or your spouse lives. The clerk will take your forms, collect a filing fee, and assign a number to your case. Filing fees vary by county and are listed at www.mncourts.gov/fees. You can file by mail or in person. It is best to take the papers to the courthouse to file them, in case there are any problems or other requirements.

Low Income? The court clerk cannot accept your papers unless you pay the filing fee **OR** you have an order from a judge waiving the fee. If you can't afford the filing fee, you can fill out forms for a *Fee Waiver* (also called *In Forma Pauperis*). A judge must review the forms and decide if you qualify for a free filing. You can use I-CAN! to fill out the *Fee Waiver* forms. Forms are also available from court administration and at www.mncourts.gov/forms. Your court administrator can tell you how to present your fee waiver request to the judge. If the judge denies your request, you must pay the filing fee.

You may also need to file:

- Original *Notice to Support and Collections and Affidavit of Mailing or Delivery* (needed only if the joint children or either spouse receives public assistance from the State of Minnesota)
- Original *Sealed Financial Source Documents (Form 11.2)* (needed only if you attached Financial Records to the *Joint Petition*, such as Income Tax Returns.) Form 11.2 is available at www.mncourts.gov/forms under the category “Confidential Information”.
- Original *Certificate of Dissolution* (*this is optional)

*The *Certificate of Dissolution* is a form that is signed by the Judge and can be used to prove that you are divorced and can also be used to provide evidence of a legal name change. Some people do not like providing an entire copy of their divorce decree as proof of a name change because it contains financial and other information that is not needed to show evidence of a divorce or to change a name.

7. Get a Court Hearing Date.

The court administrator can tell you how your court hearing date will be set.

8. Go to your hearing.

If you miss your hearing, your divorce will not be final. Before your hearing, please read the section below called **Get Ready for Court**. We strongly recommend that both you and your spouse go to the hearing. If the judge has any questions about your *Joint Petition* or finds any problems, the judge may be able to resolve the problem at the hearing if both you and your spouse are there to answer questions.

You are not divorced until the judge signs your divorce decree **AND** the court administrator “enters” the decree. The court will send you a letter when your divorce is final.

9. Get a copy of your divorce decree.

When you know that your divorce is final, you may wish to get a “**certified**” copy of your divorce *decree* as well as a “**certified**” copy of the *Certificate of Dissolution* from the court's records department. There is a fee for the copies. Keep them safe with your other important personal papers.

10. Using the *Certificate of Dissolution* form.

Once your divorce is final, you can get certified copies of the *Certificate of Dissolution* form if you need to prove you are divorced or changed your name. You can also use a certified copy of the *Joint Petition* to prove you are divorced or changed your name. The *Certificate of Dissolution* has far fewer pages and much less personal information, which you may not want to share with others.

11. Other things you might have to do to after your divorce is final:

- **Name change:** If you changed your name in the divorce, you must change your name on your driver's license or I.D. card and Social Security card. You can get a certified copy of the *Certificate of Dissolution* to use as proof of your name change.
- **Pension or Benefits:** If the court awarded pension or medical benefits to you or your spouse, you may need to send a copy of the *Joint Petition and Decree* to the company or provider.
- **Real Estate:** If you or your spouse own real estate, you must file a certified copy of the *Joint Petition and Decree* (or a shorter document called a *Summary Real Estate Disposition Judgment*) in the Office of the County Recorder or Registrar of Titles (for torrens property) in the county where the property is located. The *Summary Real Estate* form is available at:

www.commerce.state.mn.us under the topic “Uniform Conveyancing Blanks.” Look for Divorce Forms, Form 80.1.2

- **Public Assistance:** If you or your spouse or joint children receive or have applied for public assistance, give a copy of the *Joint Petition and Decree* to the County Support and Collections office. Include the case worker's name on a cover letter, and state in the letter that the papers are being served on the County Support and Collections because one of the parties in the divorce receives public assistance.
- **Income withholding for Support:** If your decree orders you or your spouse to pay child support or spousal maintenance through income-withholding, contact your County Support and Collections office to start getting payments.

Get Ready for Court

Don't miss your hearing! If you miss it, you will not be divorced. Divorces with children that go forward by agreement generally require a hearing to finish the divorce, unless each person is represented by an attorney. Only one party is required to attend the hearing. However, it is best if both husband and wife go to the hearing. This way, if the Judge has questions or if changes need to be made, both parties are there to contribute and consent. If only one party is at the hearing and a change is needed, the divorce may be delayed.

Be prepared:

- Get to court 30 minutes early and find your courtroom.
- Bring a copy of your *Joint Petition* and copies of all other forms you filed with the court.
- When the courtroom is open, go in and tell the clerk or officer that you are present.
- Do not bring your children, unless the judge told you to do so.

When you are in court:

- Dress neatly. Do not wear shorts, tank tops or hats. Do not chew gum.
- Turn off your cell phone or pager.
- When your names are called, go to the tables at the front of the courtroom to present your case.

Present your case:

- Decide which spouse will be the main speaker. Say your name and say that you are a Co-Petitioner.
- Tell the Judge you and your spouse signed the *Joint Petition*. If your spouse is at the hearing, tell the Judge your spouse is also there.
- Unless the Judge gives you other instructions, read your *Joint Petition* out loud, starting with paragraph 1. Stop when you get to the part called Agreement.

The judge may ask questions of the parties:

- Tell the truth. Speak slowly.
- Give complete answers. If you don't understand something, say, “I don't understand the question.”
- Speak only to the judge. If other people are talking to the judge, do not interrupt.