FAMILY COURT RESPONSIVE MOTION

<u>DISCLOSURE</u>

On the following pages, you will find a form which may be used to bring a Responsive Motion before the Court in a <u>family</u> matter. This is a standardized form document. *It may not be appropriate depending on the circumstances of your case and/or the Court may require additional information from you which is not found on this form.*

INSTRUCTIONS

1. **Complete Responsive Notice of Motion & Motion and Supporting Affidavit.**

   - Fill out the Responsive Notice of Motion & Motion form. This form tells the court and the other party what you are requesting from the court. It also provides notice of the date and time of the hearing.
   - Fill out your Affidavit in Support of Motion. This form tells the court and the other party what you are asking for from the court and explaining WHY you are asking for it.

2. **Make Copies** of the Completed Responsive Notice of Motion & Motion, Supporting Affidavit and all attachments (if any).

   - You will need *1 copy for your records*, *1 copy for each party that has to be served* and *an original to file with the Court*.

3. **Serve** (provide a copy to) the other party with the Responsive Notice of Motion & Motion, Supporting Affidavit, and all attachments (if any).

   - The forms you have prepared can be served by any of the following:
     - The sheriff;
     - Another adult; or
     - You.
   - Generally, motions may be served personally (hand delivered) or mailed (via first-class mail) to the other party's (or parties in some cases) last known address. If the other party is represented by attorney, the copies must be served on the attorney.
   - Service Requirements
     - Responsive motions 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*.
     - If the Responsive Motion raises new issues, it 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*.

4. **Complete an Affidavit of Service.**

   - Whoever served the other party must complete an Affidavit of Service indicating (1) who they are, (2) their date of birth, (3) what documents they served, (4) whom they served the documents on, (5) the manner in which they served the other party & (6) when they served the documents.
   - The Affidavit of Service must identify *each individual who was served and must identify each document that was served.*

5. **Pay the Filing Fee and File the originals** Responsive Notice of Motion & Motion, Supporting Affidavit, all attachments (if any), and Affidavit of Service with court administration.

   - Be aware of your deadline to file your documents with the court. It is generally the same deadline for personal service on the other party.
   - You must pay the motion fee together with your initial filing fee (if not already paid) or complete an In Forma Pauperis (Fee Waiver Request) form.

1

STATE OF MINNESOTA   DISTRICT COURT

COUNTY OF _____   TENTH JUDICIAL DISTRICT

In Re the _____ of

_____ ,   **RESPONSIVE NOTICE OF**
                                            MOTION AND MOTION
                    Petitioner,
vs.   Court File No.: _____

_____ ,

                    Respondent,

_____ ,

                    Intervenor (if any).

_____

TO (name and address of the other party):

First	Middle	Last	
Street Address			Apt. No.
City	County	State	Zip Code

__NOTICE__

I will ask the court for an Order at a hearing scheduled as follows:

Date:		Time:	
Name of Courthouse:		Judicial Officer (if known):	
Street Address:		City:	

1

MOTION

I am asking the court for an Order as follows:

1. ☐ Denying the other party's request for:_____

    _____

    _____

2. _____

    _____

    _____

3. _____

    _____

    _____

4. _____

    _____

    _____

    (attach an additional sheet if necessary)

5. For any other relief the court feels is fair and equitable.

NOTICE TO THE OTHER PARTY

Response to New Issues

You may respond to any new issues raised in this Motion. Your 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.** Your response must be filed with the Court Administrator **at least five (5) days before the hearing.**

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 supported 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.**

Dated: _____

_____
Signature

Print Name: _____

Address: _____

City/ State: _____

Zip Code: _____

Telephone: (_____) _____

3

STATE OF MINNESOTA

COUNTY OF_____

DISTRICT COURT

TENTH JUDICIAL DISTRICT

In Re the _____ of

_____,

              Petitioner,

vs.

_____,

              Respondent,

_____,

              Intervenor (if any).

AFFIDAVIT IN SUPPORT OF RESPONSIVE MOTION

Court File No.: _____

My name is _____ and I state that:

1. I make this Affidavit in support of my Motion to _____

_____

_____

_____

2. The following facts support my Motion:

_____

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(attach additional paper if necessary)

I declare under penalty of perjury that everything I have stated in this document is true and correct. Minn. Stat. § 358.116

Dated: _____

_____   _____
County and State where signed   Signature

Printed Name:_____

Address: _____

City/State/Zip Code:_____

Telephone: (_____)_____

State of Minnesota   **District Court**

County	Judicial District:
	Court File Number:
	Case Type:

_____

Petitioner / Plaintiff

and / vs   **Affidavit of Service**

_____

Respondent / Defendant

I, _____, state that I am at least 18 years of age
(Name of person who hand delivered or mailed documents)

having been born on _____, and that on_____
(Date of Service)

I served the following documents, namely _____
(Title of Documents hand delivered or mailed)

upon (check one)   ☐ Petitioner / Plaintiff   ☐ Respondent / Defendant

Service was done as follows: (check all that apply)

☐ Personal service: By handing a true and correct copy of the documents to _____

_____

☐ Mail service: By mailing a true and correct copy of the documents by first class mail to
(name) _____at his/her last known address
at:_____
street address   city   state   zip code
and depositing the envelope, with sufficient postage, in the U.S. Mail at a postal box located in
the City of_____, State of_____ .

I declare under penalty of perjury that everything I have stated in this document is true and
correct. Minn. Stat. § 358.116.

Dated: _____   _____
                                               Signature

_____   Name: _____

County and State where signed   Address: _____

                                               City/State/Zip: _____

                                               Telephone: (_____) _____

                                               E-mail address: _____