

State of Minnesota

County _____

District Court

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

_____,
Petitioner (First, Middle, Last)

_____,
Co- Petitioner, if any (First, Middle, Last)

and

_____,
Respondent Parent A (First, Middle, Last)

_____,
Respondent Parent B (First, Middle, Last)

_____,
Respondent Guardian or Custodian (First, Middle, Last)

PETITION FOR THIRD PARTY CUSTODY

Minn. Stat. ch. 257C

Part 1: Information about Parties and Children

1. Petitioner

a. Your Name and Address:

First Middle Last

Street Address Apartment or Unit Number

City State Zip

Your other names (maiden, former married or other legal name, alias):

None

b. Your Social Security Number should be listed on Form 11.1 and filed with the court.

c. Explain your relationship to the children: _____

d. Are you in the military? Yes No

2. Co-Petitioner

If you are the only petitioner, leave this Co-Petitioner section blank, and check here:

a. Co-Petitioner’s Name and Address:

| | | |
|----------------|--------|--------------------------|
| First | Middle | Last |
| Street Address | | Apartment or Unit Number |
| City | State | Zip |

Co-Petitioner’s other names (maiden, former married or other legal name, alias).

None

b. Co-Petitioner’s Social Security Number:

Co-Petitioner’s social security number is listed on Form 11.1 and on file with the court.

c. How is Co-Petitioner related to you (for example, married, sisters, parent and child)?

How is Co-Petitioner related to the children? _____

d. Is Co-Petitioner in the military? Yes No

3. Respondent Parent A

a. Parent A’s Name and Address:

| | | |
|----------------|--------|--------------------------|
| First | Middle | Last |
| Street Address | | Apartment or Unit Number |
| City | State | Zip |

Parent A's other names (maiden, former married or other legal name, alias):

Unknown None

b. Parent A's Social Security Number

Parent A's social security number is listed on Form 11.1 and on file with the court.

Parent A's social security number is unknown.

c. How is Parent A related to the children?

biological mother biological father adoptive parent

other (explain): _____

d. Is Respondent Parent A in the military? Yes No Unknown

4. Respondent Parent B

a. Parent B's Name and Address:

| | | |
|-------|--------|------|
| First | Middle | Last |
|-------|--------|------|

| | |
|----------------|--------------------------|
| Street Address | Apartment or Unit Number |
|----------------|--------------------------|

| | | |
|------|-------|-----|
| City | State | Zip |
|------|-------|-----|

Parent B's other names (maiden, former married or other legal name, alias):

Unknown None

b. Parent B's Social Security Number:

Parent B's social security number is listed on Form 11.1 and on file with the court.

Parent B's social security number is unknown.

c. How is Parent B related to the children?

biological mother biological father adoptive parent

other (explain): _____

d. Is Parent B in the military? Yes No Unknown

5. Respondent Legal Guardian or Custodian:

If there is no Legal Guardian or Custodian, leave this section blank, and check here:

a. Legal Guardian or Custodian's Name and Address:

| | | |
|----------------|--------|--------------------------|
| First | Middle | Last |
| Street Address | | Apartment or Unit Number |
| City | State | Zip |

Legal Guardian or Custodian's other names (maiden, former married or other legal name, alias).

Unknown None

b. Legal Guardian or Custodian's Social Security Number:

Legal Guardian or Custodian's social security number is listed on Form 11.1 and on file with the court.

Legal Guardian or Custodian's social security number is unknown.

c. Describe the relationship between the Legal Guardian or Custodian and the children:

d. Is Legal Guardian or Custodian in the military?

Yes No Unknown

6. Children

a. Children's names and dates of birth:

| Name of Child | Child's Age | Child's Date of Birth |
|---------------|-------------|-----------------------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

b. Are you aware of any other court cases involving the parties (such as child support, dissolution, paternity, juvenile, child protection, harassment restraining order/HRO, order for protection/OFP, or other no-contact order)? YES NO

If YES, please list the following information (if you know it):

Type of Court Case: _____

Court File Number: _____

County and State: _____

Information about the Case: _____

c. Who currently has custody of the children?

List who has legal and physical custody of each child, to the best of your knowledge. If you know there is a court order for custody, include that information under “Court File Number” and “Court Order Date.”

Child’s Name: _____

Who has legal custody? _____

Who has physical custody? _____

Court File Number and State, if there is a court case: _____

Child’s Name: _____

Who has legal custody? _____

Who has physical custody? _____

Court File Number and State, if there is a court case: _____

Child’s Name: _____

Who has legal custody? _____

Who has physical custody? _____

Court File Number and State, if there is a court case: _____

Child’s Name: _____

Who has legal custody? _____

Who has physical custody? _____

Court File Number and State, if there is a court case: _____

d. How long has each child lived in Minnesota?

| Child's Name | Number of Years or Months Child Has Lived in Minnesota |
|---------------------|---|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

e. Have the children ever lived with the you (the Petitioner)? YES NO

If YES, then write the child's full name and the number of years or months the child has lived with you.

| Child's Name | Number of Years or Months Child Has Lived with You |
|---------------------|---|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

How and why did the children come to live with you? _____

OR Does not apply because the children do not live with you.

- f. Does the child you want custody of have any siblings (brothers or sisters)?
 YES NO

If YES, give the following information for each sibling:

| Sibling's Name | Who Sibling Lives With | That Person's Relationship to the Child |
|-------------------------|------------------------|---|
| Example: John David Doe | Mary Smith | Aunt (Mother's sister) |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

7. Paternity – Check all that apply:

- a. **Court Order**

There is a court order in the State of _____ that says Parent _____ (A or B) is the father of the following children: _____

- b. **Minnesota Recognition of Parentage (ROP)**

The Respondent Parents signed a Minnesota Recognition of Parentage (ROP) for the following children: _____

and each ROP was filed with the Minnesota Department of Health (this is usually done at the hospital or at a county office).

- c. **Voluntary Acknowledgment of Paternity or Parentage (VAP) in another state**

The VAP is like the Minnesota ROP, but for a different state.

The Respondent Parents signed a VAP in a state other than Minnesota for the following children: _____

and the VAP is filed in the following state: _____.

- d. **Other reasons Respondent Parent _____ (A or B) is presumed to be the father of the children**

Check all that apply:

The Respondent Parents were married when the following children were born:

The following children were born within 280 days after Respondent Parents were divorced (or after the marriage of the Respondent Parents ended by death, annulment, declaration of invalidity, or after a decree of legal separation was entered by a court): _____

Respondent Parent _____ (A or B) received the following children into his home, and openly holds them out as his biological children: _____

Genetic testing was done, and it shows that Respondent Parent _____ (A or B) is likely to be the father of the following children: _____

Petitioner believes that Respondent Parent _____ is the father of the following children: _____

because: _____

Other: _____

8. Jurisdiction – Are you asking for custody of the children as a **De Facto Custodian** or as an **Interested Third Party**? Choose **a** or **b**, but not both. If you are not sure which to choose, look at the Instructions (CHC601) for more information. You may need legal advice.

a. De Facto Custodian

Number of Months (out of last 24) you have been the primary caretaker

Name of Child

Child's Age

Note: the months in the third column do not have to be all in a row.

During the time the children lived with you, did either parent also live with you?

Yes No

Has either parent been active in the children's lives on a regular basis while the children lived with you? Yes No

b. Interested Third Party

Check all that apply:

Petitioner does not qualify as a De Facto Custodian.

The parents have abandoned, neglected, or otherwise shown a disregard for the children's wellbeing AND the children would be harmed by living with either parent because _____

The children are in physical or emotional danger if they live with either parent because _____

There are other grave and weighty reasons (very important reasons) that make it necessary for the children to live with you. Explain these reasons:

Respondent Parents' Involvement with the Children

9. Parent A

a. Do you believe that Parent A wants the children to live with you permanently?

YES NO **If NO**, write what you believe Parent A wants: _____

b. Parent A's parenting time until now:

How often and under what circumstances (where and how) has Parent A seen the children? _____

c. Has Parent A committed acts of domestic violence (physical or emotional abuse) or neglect against the children? YES NO UNKNOWN

d. Is there a Court Order that says that Parent A cannot have custody of the children (for example, an Order for Protection or Child Protection Order)?

YES NO UNKNOWN

If YES, please give the following information:

Date of Court Order: _____

Court File Number: _____

County and state where order was issued: _____

Name of person court gave custody to: _____

Were conditions set in the court order for custody to be returned to Parent A?

YES NO UNKNOWN

If YES, did Parent A follow the conditions?

YES NO UNKNOWN

10. Parent B

a. Do you believe that Parent B wants the children to live with you permanently?

YES NO **If NO**, write what you think Parent B wants: _____

b. Parent B's parenting time until now:

How often and under what circumstances (where and how) has Parent B seen the children? _____

c. Has Parent B committed acts of domestic violence (physical or emotional abuse) or neglect against the children? YES NO UNKNOWN

d. Is there a Court Order that says that Parent B cannot have custody of the child (for example, an Order for Protection or Child Protection Order)?

YES NO UNKNOWN

If YES, please give the following information:

Date of Court Order: _____

Court File Number: _____

County and state where order was issued: _____

Name of person court gave custody to: _____

Were conditions set in the court order for custody to be returned to Parent B?

YES NO UNKNOWN

If YES, did Parent B follow the conditions?

YES NO UNKNOWN

Others Who Have Provided Care for the Children

11. Has a Standby Custodian (a person officially named by a parent to care for the child if something happens to that parent) been named by either parent? YES NO UNKNOWN

If YES:

Who named the Standby Custodian: (check all that apply)

Parent A Parent B **OR** Legal Guardian or Other Custodian

What is the Standby Custodian's name? _____

How is the Standby Custodian related to the children? _____

12. Are there people other than you who have cared for the children in their home for an extended period of time without the parents' involvement?

YES NO

If YES, please give the following information:

| Name | Relationship to Children | Amount of Time and When |
|-------------------------------------|---------------------------------|---|
| <u>Example: Tim & Sue Smith</u> | <u>Maternal aunt and uncle</u> | <u>3 months – June, July, Sept 2019</u> |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

Custody – What Is Best for the Children

13. **Best Interests of the Children** (if you need more space for your answers, please add more paper)

a. What do the children want for custody, if the children are old enough to state their wishes?

| Name of Child | Child's Preference | Child's Age |
|----------------------|---------------------------|--------------------|
| <hr/> | <hr/> | <hr/> |
| <hr/> | <hr/> | <hr/> |
| <hr/> | <hr/> | <hr/> |
| <hr/> | <hr/> | <hr/> |

b. Who is the children's primary caretaker?

c. Briefly describe how close the children are to everyone involved:

You (Petitioner):

Co-Petitioner (if any):

Parent A:

Parent B:

Legal Guardian or Other Custodian:

d. Briefly describe the relationships and interaction the children have with you, with the parents, with any brothers and sisters, or with any other person who has played an important role in the children's lives: _____

e. How well adjusted are the children to life at home, in school, and in the community?

Life at home: _____

In school: _____

In the community: _____

f. Do the children currently live in a stable, safe place? YES NO

If YES, answer the following questions:

Where is this stable, safe place? _____

How long have the children lived there? _____

Is it best for the children to stay there? YES NO

Explain your answer: _____

If NO, explain your answer: _____

g. Other than the children who are part of this custody request, who else lives with you in your home? _____

Do you consider these people to be your permanent family unit? YES NO

Explain: _____

h. Briefly describe the mental and physical health of everyone involved:

You (Petitioner): _____

Co-Petitioner (if any): _____

Parent A: _____

Parent B: _____

Children: _____

Legal Guardian or Other Custodian: _____

i. Explain how likely and able you are to give the children love, affection, and guidance and how you will do this. _____

j. What is the children's cultural background? _____

IF YES to either question, then you must give NOTICE to the Tribe of this action for third party custody.

→ Are any of the children members of, or eligible for membership in, an Indian tribe?

YES – list the names of the children who are members of an Indian tribe, or who are eligible for membership: _____

NO, the children are not members of, or eligible for membership in, an Indian tribe

UNKNOWN

If YES, list the name of the Tribe: _____

→ Is either parent a member of, or eligible for membership in, an Indian tribe?

YES NO UNKNOWN

If YES, list the name of the Tribe: _____

k. Explain how likely and able you are to continue educating and raising the children in their culture, religion, and creed? _____

l. Has there been domestic abuse (physical or emotional) by any of the parties in this case against another party? (The parties are the parents, the Legal Guardian or Custodian, you, your Co-Petitioner, and the children.)

YES NO

If YES:

• Who has been involved in the domestic abuse? _____

• Explain what effect this abuse has had on the children: _____

Part 2: Income and Ability to Provide Child Support

14. Existing Child Support Order

Are you aware of a child support order that is already in place? YES NO

15. Petitioner and Co-Petitioner

a. Your gross income (before taxes) is \$_____ per month from (check all that apply):

- Wages of \$_____ from Employer: _____
- SSI of \$_____ for (name of person) _____
- RSDI of \$_____ per month
- Other source (list the source and amount of income): _____
- Other source (list the source and amount of income): _____

b. Co-Petitioner's gross income

Not applicable because there is no Co-Petitioner, **OR**

Co-Petitioner's gross income (before taxes) is \$_____ per month from (check all that apply):

- Wages of \$_____ from Employer: _____
- SSI of \$_____ for (name of person) _____
- RSDI of \$_____ per month
- Other source (list the source and amount of income): _____
- Other source (list the source and amount of income): _____

16. Respondent Parents

a. Does Parent A have the ability to pay support for the children?

YES NO UNKNOWN

Parent A is employed as a _____ (type or title of job)
at _____ (name of employer). Parent A earns
\$_____ **gross** (before taxes) per month.

OR Parent A is currently unemployed.

b. Does Parent B have the ability to pay support for the children?

YES NO UNKNOWN

Parent B is employed as a _____ (type or title of job)

at _____ (name of employer). Parent B earns
\$_____ **gross** (before taxes) per month.

OR Parent B is currently unemployed.

17. Public Assistance

a. Do you receive public assistance? YES NO

If YES, the amount is \$_____ per month from _____ County.

Check all types of assistance you receive:

- MFIP Medical Assistance or MinnesotaCare Child Care Assistance
 IV-E Foster Care Tribal TANF General Assistance

Are the children included in the public assistance received? YES NO

b. Does Co-Petitioner receive public assistance? YES NO N/A

If YES, the amount is \$_____ per month from _____ County.

Check all types of assistance received:

- MFIP Medical Assistance or MinnesotaCare Child Care Assistance
 IV-E Foster Care Tribal TANF General Assistance

Are the children included in the public assistance received? YES NO

c. Does Parent A receive public assistance? YES NO UNKNOWN

If YES, the amount is \$_____ per month from _____ County.

Check all types of assistance received (if you know):

- MFIP Medical Assistance or MinnesotaCare Child Care Assistance
 IV-E Foster Care Tribal TANF General Assistance

Are the children included in the public assistance received? YES NO

d. Does Parent B receive public assistance? YES NO UNKNOWN

If YES, the amount is \$_____ per month from _____ County.

Check all types of assistance received (if you know):

- MFIP Medical Assistance or MinnesotaCare Child Care Assistance
 IV-E Foster Care Tribal TANF General Assistance

Are the children included in the public assistance received? YES NO

e. Do the children receive public assistance? YES NO UNKNOWN

If YES, the amount is \$_____ per month from _____ County.

Check all types of assistance received (if you know):

- MFIP Medical Assistance or MinnesotaCare Child Care Assistance
 IV-E Foster Care Tribal TANF General Assistance

If only some of the children receive public assistance, public assistance, write the names of those children that do receive public assistance: _____

18. Child Care Costs

Do you have child care costs (daycare or babysitting so that you can go to work or school)?

- YES NO

If YES, list what it costs per month: _____

Part 3: Your Requests

The Petitioner asks the Court for an Order as follows:

1. Granting legal and physical custody as follows:

- a. Sole legal custody to Petitioner, OR
- Joint legal custody to Petitioner and:
- Parent A Parent B
- Co-Petitioner Legal Guardian or Other Custodian

b. **Sole physical** custody to Petitioner, **OR**

Joint physical custody to Petitioner and:

Parent A

Parent B

Co-Petitioner

Legal Guardian or Other Custodian

If you checked “joint physical custody” and the other person is not your spouse, then you need a schedule stating who takes care of the children and when. Describe the schedule:

c. **Joint legal or physical custody**

If you checked “joint legal custody” or “joint physical custody,” answer the following questions:

i. Can you cooperate with the other party in raising the children? YES NO

Explain how you are able to cooperate *or* if you are not able to cooperate, why not:

ii. If you and the other party disagree on major decisions about the children’s lives, how will you work out your differences and make a decision? _____

How willing are you and the other party to use these methods to resolve disagreements? _____

iii. Do you believe it would be negative or bad for the children if either you or the other party (who you are asking to share joint custody with) had sole authority over raising the children rather than joint authority with the other party? YES NO

Explain your answer: _____

- iv. Has there been domestic abuse between you and the other party? YES NO
If YES, explain when the domestic abuse happened and how the situation got better:

2. Parenting Time for Respondent Parent A

Granting Parent A (check one) unsupervised supervised parenting time with the children as follows (be specific):

a. Weekends: _____

b. Weeknights or after school (or, if not in school, then Monday through Friday): _____

c. Holidays: _____

d. Birthdays: _____

e. School release days: _____

f. Summer: _____

g. Telephone contact with children (When can they talk on the phone with Parent A?): _____

h. Transportation: _____

i. Other: _____

OR

RESERVING Parent A's parenting time rights.

3. Parenting Time for Respondent Parent B

Granting Parent B (check one) unsupervised supervised parenting time with the children as follows (be specific):

a. Weekends: _____

b. Weeknights or after school (or, if not in school, then Monday through Friday): _____

c. Holidays: _____

d. Birthdays: _____

e. School release days: _____

f. Summer: _____

g. Telephone contact with children (When can they talk on the phone with Parent B?): _____

h. Transportation: _____

i. Other: _____

OR

RESERVING Parent B's parenting time rights.

4. Child Support

There is an existing child support order in _____ County. I ask the court to order that the child support payments be redirected to me.

OR

- Ordering that basic support, medical support, and child care support shall be set according to Minnesota Child Support Guidelines, and based on each parent’s income and ability to pay.

5. Granting such other relief as the Court deems just and equitable.

ACKNOWLEDGMENT

By presenting this form to the court, I certify that to the best of my knowledge, information, and belief, the following statements are true. I understand that if a statement is not true, the court can order a penalty against me (such as to pay money to the other party, pay court costs, and/or other penalties).

1. The information I included in this form is based on facts and supported by existing law.
2. I am not presenting this form for any improper purpose. I am not using this form to:
 - a. Harass anyone;
 - b. Cause unnecessarily delay in the case; or
 - c. Needlessly increase the cost of litigation.
3. No judicial officer has said I am a frivolous litigant.
4. There is no court order saying I cannot serve or file this form.
5. This form does not contain any “restricted identifiers” or confidential information as defined in Rule 11 of the General Rules of Practice (https://www.revisor.mn.gov/court_rules/gp/id/11/) or the Rules of Public Access to Records of the Judicial Branch (https://www.revisor.mn.gov/court_rules/rule/ra-toh/).
6. If I need to file “restricted identifiers,” confidential information, or a confidential document, I will use Form 11.1 and/or Form 11.2, as required by Rule 11.

Dated: _____

Petitioner’s Signature

Petitioner’s Name: _____

Street Address: _____

City/State/Zip Code: _____

Telephone: _____

E-mail: _____

Dated: _____

Co-Petitioner's Signature

Co-Petitioner's Name: _____

Street Address: _____

City/State/Zip Code: _____

Telephone: _____

E-mail: _____