

Instructions for Completing Notice of Intervention as a Party as a Matter of Right

General Information

- The forms you will need to ask the court to be allowed to intervene in a child protection case include:
 - *Notice of Intervention as a Matter of Right* (CHP404); and
 - *Affidavit of Service: Notice of Intervention as a Matter of Right* (CHP405).
- Court personnel **cannot** help you fill out these forms.
- You may wish to speak with a lawyer if you do not know how to answer the questions on these forms.
- You **must** fill out both forms listed above, and you **must** follow these instructions (CHP401).
- Type your answers or print neatly using dark ink.

Who Has a Right to Intervene:

Certain people have an automatic right to intervene in a child protection case. Unless an existing party objects, these people will be granted party status simply by providing notice of intervention to the court and other parties. You have an automatic right to intervene as a party in this matter if you are:

- The child, regardless of your age, who is the subject of the juvenile protection matter.
- The birth or adoptive parent of the child who is the subject of the juvenile protection matter.
- The grandparent of the child who is the subject of the juvenile protection matter and the child lived with you at any time during the two years prior to the filing of the petition in this matter.
- The Social Services Agency (if not the petitioner).

Helpful materials may be found at your public county law library. For a directory, see <http://mn.gov/law-library/research-links/county-law-libraries.jsp> . For more information, contact your court administrator or call the Minnesota State Law Library at 651-297-7651.

What You Must Do to Intervene:

A. Fill out the *Notice of Intervention as Party as a Matter of Right* Form (CHP404).

1. On the *Notice of Intervention as a Party as a Matter of Right* form, print the county name, judicial district number, court file number, and the case caption title where indicated. This information is on the Notice you received.
2. On question 1, print your name and mailing address.
3. On question 2, check off your relationship to the child.
 - If you are the child's adjudicated father, you must give the date the order for adjudication was made and the name of the court where the adjudication was made.
 - If you are a grandparent with whom the child has lived in the last two years, you must

give the name of your child who is the grandchild's parent, and give the dates the grandchild lived with you during the past two years.

You may be asked to repeat these statements under oath at the time of a court hearing if a hearing is required.

4. Sign your name.

B. Provide copies of the completed *Notice of Intervention as a Party as a Matter of Right* form to all other parties involved in the case.

Overview

The parties (or, if represented, the parties' attorneys) must receive a copy of your completed *Notice of Intervention as a Party as a Matter of Right*. This is called "service of process." The papers can be served personally (hand-delivered), or by mail.

Who Can Serve

The forms you have prepared can be served by any of the following:

- The sheriff;
- Another adult; or
- You.

How to Serve

1. Make copies of the completed and signed *Notice of Intervention as a Party as a Matter of Right* form. Make enough copies for each party and one for your files.
2. For each party, prepare an envelope with the party's name and mailing address (or the name and address of the party's attorney if represented) and put one **copy** of the completed and signed *Notice of Intervention as a Party as a Matter of Right* form in each envelope.
3. **Personal Service.** The server **hand-delivers** the envelopes to each of the parties.

OR

Service by Mail. The server places the envelopes in the **U.S. mail**, and mails them to the parties. Be sure there is sufficient postage.

4. The server who mailed or hand-delivered the envelopes to the parties must fill out the *Affidavit of Service in Notice of Intervention as a Matter of Right* form (CHP405), and then sign the form under penalty of perjury. By signing the affidavit under penalty of perjury, the server is stating that the information in the affidavit is true to the best of his / her knowledge. Perjury is the crime of intentionally lying or misrepresenting the truth, punishable by jail or other sanctions. Make one copy of the completed and signed *Affidavit of Service in Notice of Intervention as a Matter of Right* form and keep it for your files.

C. File the *Notice of Intervention as a Party as a Matter of Right* and the *Affidavit of Service in Notice of Intervention as a Matter of Right* with court administration.

Hand-deliver the completed *Notice of Intervention as Party as a Matter of Right* form and the *Affidavit of Service in Notice of Intervention as a Matter of Right* form to court administration.

OR

Mail the completed *Notice of Intervention as a Party as a Matter of Right* and the *Affidavit of Service in Notice of Intervention as a Matter of Right* forms in an enveloped addressed to court administration.

D. Attend the Hearing.

1. If no one objects within 10 days, the intervention will be complete and you will be a party.
2. If someone objects to you becoming a party, the court will schedule a hearing and give you notice of the date and time of the hearing. You must appear at that hearing so that you can explain why you should be permitted to become a party.