

**EXPEDITED CHILD SUPPORT PROCESS
INSTRUCTIONS FOR REQUEST TO REMOVE
CHILD SUPPORT MAGISTRATE FOR CAUSE**

Who May Use this Form?

A party who is asking the court to remove a child support magistrate assigned to hear a child support matter scheduled in the expedited child support process may use this form. The request to remove a child support magistrate must be based on a showing of prejudice. There is no automatic right to remove a child support magistrate.

How Do I Make a Request to Remove?

1. Fill out the “Request to Remove” form completely. Type your answers or print neatly using dark ink. Court personnel, the county attorney's office, and the child support office cannot help you fill out this form.
2. Fill in the information at the top of the form. This information can be found at the top of your current child support order or your divorce or paternity decree, including the county name, the court file number, and the names of all the parties. If you are the Petitioner in the current order or decree you will be the Petitioner in this request. If you are the Respondent in the current order or decree you will be the Respondent in this request.
4. Fill in the name and address of the parties that will receive a copy of your request.
5. You must explain to the court how the child support magistrate assigned to your case is prejudiced against you or one of the other parties to the case.
6. Print your name and address on the form.

Service

You must arrange for the other party and the county attorney’s office to receive a copy of the completed “Request to Remove” form. This is called “service of process”. A copy of the request must be served on all parties, either personally or by mail. Personal service means the documents are hand delivered to the other party personally or leaving the document at that party’s place of residence with some person who is of suitable age or discretion who also lives at the same residence. If the other party is represented by an attorney, the document must be served on the attorney instead of the party.

YOU CANNOT HAND DELIVER OR MAIL THE DOCUMENT YOURSELF. YOU MUST HAVE SOMEONE ELSE OVER THE AGE OF 18 WHO IS NOT A PARTY TO THE CASE HAND DELIVER OR MAIL THE DOCUMENT FOR YOU.

The person who hand delivers or mails the document must complete and sign the “Affidavit of Service”. You will need to make additional copies of the blank “Affidavit of Service” form. **The person who hand delivers or mails the document must sign the “Affidavit of Service” under penalty of perjury. Perjury is the crime of intentionally lying or misrepresenting the truth.**

File the Forms

After the parties have been served, you must file the “Request to Remove Child Support Magistrate” along with the “Affidavit of Service” with court administration.

Decision

After the child support magistrate or judge reviews your request, an order will issue either granting or denying your request. If the child support magistrate denies your request to remove, you may file a written request for review by the chief judge. The chief judge will review your request to see if any prejudice does exist that will allow the removal of the child support magistrate.

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.