

# EXPEDITED CHILD SUPPORT PROCESS

## RESPONSE TO MOTION FOR REVIEW / COUNTER MOTION

### IMPORTANT NOTICES

USE THE *RESPONSE TO MOTION FOR REVIEW / COUNTER MOTION FORM (CSX902)* **ONLY IF** another party has served you with a *Motion for Review* or *Combined Motion*.

- The court will consider your request without a hearing.
- Court personnel, the county attorney's office, and the child support office **cannot** help you fill out these forms.
- You may need to speak with a lawyer if you do not know how to answer the questions on these forms.
- You **must** fill out the *Response to Motion for Review / Counter Motion (CSX902)* and the *Affidavit of Service (SOP102, 104, or 105)* forms. Read and follow the instructions completely.

### GENERAL INFORMATION

The *Response to Motion for Review / Counter Motion* form (CSX902) is used by individuals who are objecting to another party's request to make changes to a recently decided child support order. The purpose of filing a response to a *Motion for Review* is to explain your objections to the court. You are not required to file a response if you agree with the motion. If you wish to raise other issues that were not addressed in the *Motion for Review*, use the *Response to Motion for Review / Counter Motion* form (CSX902) and mark the box "Counter Motion." The same responsive motion form is used if you are responding to a Counter Motion. **You may not use the responsive forms to bring other requests or questions before the court.**

Court forms are used by individuals representing themselves or for attorneys. They are not a substitute for use of an attorney. Using these forms will not guarantee that the court will grant your request. When filling out the forms, be as accurate and as detailed as possible. The court needs to clearly understand what you believe to be mistakes or errors before the court can make any corrections or changes to the order.

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.

## INSTRUCTIONS

### STEP 1

#### **Fill Out the *Response to Motion for Review/Counter Motion* Form (CSX902)**

Fill out the *Response to Motion for Review / Counter Motion* form (CSX902). This form tells the court and all other parties, including the county attorney's office, what you are asking the court to do.

The information to fill in the boxes and blanks at the top of the form can be found at the top of your current child support order, including:

- The county where your case is located and where the current order was issued (which may be different from the county where you live).
- The number of the judicial district.
- The court file number.
- The name of the Petitioner.
- The name of the Respondent.

If you are the Petitioner in the current order or decree, you will be the Petitioner in this motion. If you are the Respondent in the current order or decree, you will be the Respondent in this motion.

Decide whether you are responding to a *Motion for Review*, bringing a *Counter Motion*, or responding to a *Counter Motion*. Check either the "Response to Motion for Review" box, the "Counter Motion" box, or the "Response to Counter Motion" box. A response to a *Motion for Review* should include your objections to the *Motion for Review* or *Counter Motion*. A *Counter Motion* includes **new** requests that you are asking the court to consider in addition to any objections you may have to the *Motion for Review*.

Fill in the name and last known address of the other party and the county attorney's office where your case is located.

Fill in the name and the date the current order was signed by the court.

- Request 1: Decide who you want to review your request - the child support magistrate who issued the order or a district court judge. Check off the appropriate box.
- Request 2: List all the parts of the order you want reviewed, the reasons why the review is requested, and describe the specific changes requested. You may request as many changes as you wish, but it will be up to the court to decide what changes (if any) will actually be ordered.
- Request 3: Include any other changes you would like the court to make.
- Request 4: If you would like to submit new or additional evidence that supports the changes, check the box and explain what type of evidence you want to submit and why you did not submit it earlier. **Do Not Submit the Additional Evidence at this Time.**

**The court must first approve your request before additional evidence can be submitted.**

Request 5: If you are requesting a new hearing, check off the box and explain why you are requesting a new hearing.

Request 6: If you ordered a transcript, check off the box and fill in the date you filed your Request for Transcript.

<b>STEP 2</b> <b>Make Copies of the Completed Forms</b>
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After the form is completely filled out, make 3 copies of the *Response to Motion for Review / Counter Motion* form. Keep one copy of the form for yourself.

<b>STEP 3</b> <b>Have Copies Served on the Other Party and the County Attorney</b>
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You must arrange for the other party and the county attorney's office to receive copies of your papers. This is called "service of process." A copy of the motion must be served upon all parties, either personally or by mail. If the other party is represented by an attorney, the documents must be served on the attorney instead of the party.

**Personal service:** documents are hand-delivered to the other party and the county attorney's office personally or by leaving the documents at the other party's place of residence with some person who is of suitable age or discretion who also lives at the same residence.

**Mail service:** documents are mailed by first class U.S. mail to the other party and the county attorney's office at their last known mailing address

**Deadlines – Depends on How You Were Served with the *Motion for Review/Combined Motion*.** **NOTE:** The *Notice of Filing of Order* is attached to the order being reviewed and gives you instructions and time frames for filing a response to a *Motion for Review/Combined Motion*.

- If you were served with the *Motion for Review/Combined Motion* **in person** or by **eFS** (electronic service), your documents must be:
  - Hand-delivered (or served electronically) within **28 days** of the date the Court Administrator served the *Notice of Filing of Order*, OR
  - Served by mail within **31 days** of the date the court served the *Notice*.
- If you were served with the *Motion for Review/Combined Motion* **by mail**, your documents must be:

- Hand-delivered (or served electronically) within **31 days** of the date the Court Administrator served the *Notice of Filing of Order*, OR
- Served by mail within **34 days** of the date the court served the *Notice*.

If your documents are not personally served or mailed upon the other party (or their attorney) and the county attorney's office within these specific time frames, your motion may not be reviewed by the court.

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

<p style="text-align: center;"><b>STEP 4</b> <b>Complete an <i>Affidavit of Service</i> Form (SOP102, SOP104, or SOP105) for Each Party Served</b></p>
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The person who hand-delivers or mails the motion must fill out an *Affidavit of Service* form for each party served (including the county attorney). There are 3 different *Affidavit of Service* forms online at <http://mncourts.gov/GetForms.aspx?c=33>:

- *Affidavit of Personal Service* (SOP102)
- *Affidavit of Service by Mail* (SOP104)
- *Affidavit of Service – Combined* (SOP105)

The person must sign the *Affidavit of Service* under penalty of perjury. Perjury is the crime of intentionally lying or misrepresenting the truth.

<p style="text-align: center;"><b>STEP 5</b> <b>File Completed Forms with Court Administration</b></p>
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The completed *Response to Motion for Review / Counter Motion* and *Affidavit of Service* forms must be filed with court administration in the county where your case is located. **Look at the *Notice of Filing of Order* to find the filing deadline.**

You can file the forms in person at the courthouse, by mail, or electronically through the *eFile and eServe* ("eFS") tool (<http://mncourts.gov/File-a-Case/File-in-A-District-Trial-Court.aspx>).

If you need to find the address of a courthouse, look online starting at <http://mncourts.gov/Find-Courts.aspx> (choose the county from the drop-down menu and click "Go").