

**State of Minnesota**

**District Court**

County of: _____	Judicial District: _____
	Court File Number: _____
	Case Type: Dissolution with Children

In Re the Marriage of:

\_\_\_\_\_  
Name of Petitioner (first, middle, last)  
and

**Notice of Motion And Motion For  
Temporary Relief With Children**

\_\_\_\_\_  
Name of Respondent (first, middle, last)

To:  Petitioner  Respondent

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

**Notice**

I will ask the court for things stated in my motion (below) at a hearing scheduled as follows:

Date: \_\_\_\_\_ Time: \_\_\_\_\_ a.m./p.m.

Courthouse address: \_\_\_\_\_

Telephone: \_\_\_\_\_

NOTE: Please contact the court with your current phone number and mailing address in case they need to notify you of any location or date/time change.

**Motion**

1. The Court should order the other party and me to use mediation to help us reach an agreement:

Yes  No

If Yes, the issues that should be mediated are:

- a. Custody of the minor children;
- b. Parenting Time;
- c. Dividing our household goods, furnishings, vehicle(s), bank account(s), other assets

and personal property.

- d. Dividing our real property;
- e. Maintenance/Alimony;
- f. Dividing our debts;
- g. Other \_\_\_\_\_

2. "Legal custody" identifies which parent will have a right to make decisions regarding the medical, educational, and religious upbringing of the children. Temporary legal custody of the children should be granted : *(check one)*

- a. Jointly to me and the other party
- b. Solely to *(check one)*:
  - me     the other party

3. "Physical custody" identifies with whom the children will live. Temporary physical custody of the children should be granted: *(check only "a" or "b")*

- a. Jointly to me and the other party, with the children living with me at the following times

---

---

---

---

and the children living with the other party at the following times:

---

---

---

---

- b. Solely to *(check one)*:  me     the other party

4. Parenting time between the minor children and *(check one)*:  me     the other party

should be:  supervised             unsupervised    and scheduled as follows:

a. Weekends:

---

---

b. Week nights or after school:

---

---

c. Holidays:

---

---

d. Summers:

---

---

e. Telephone Contact:

---

---

f. Other:

5. Temporary child support should be paid as follows: (check one)

- a. The other party should pay to me \_\_\_\_\_ per month for temporary support of the minor children. The payments should be automatically withheld from the other party's wages or salary and paid to me according to Minn. Stat. §518A.53.
- b. I should pay the other party \_\_\_\_\_ per month for temporary support of the minor children. The payments should be automatically withheld from my wages or salary and paid to the other party according to Minn. Stat. §518A.53.

6. Temporary maintenance (alimony) should be granted as follows: (check one)

- a. Temporary maintenance should not be granted either to me or the other party.
- b. The Court should decide temporary maintenance later.
- c. The other party should pay to me \_\_\_\_\_ per month for temporary maintenance. The payment should be automatically withheld from the other party's wages or salary and paid to me according to Minn. Stat. §518A.53

7. Attorney's fees should be awarded as follows: (check one)

- a. The Court should require me and the other party to each pay our own attorney's fees and expenses if we have any.
- b. The Court should require the other party to pay me \_\_\_\_\_ towards my attorney's fees and expenses.
- c. The Court should decide attorney's fees later.

8. The other party should go to an evaluation or to counseling.

- Yes    No

If Yes, the evaluation and counseling is for: (check all that apply)

- a. Alcohol use;
- b. Drug use;

c. Anger management or domestic abuse;

9. Until the final decree is ordered (check one):

a. I should have sole use and possession of the home located at \_\_\_\_\_ in the city of \_\_\_\_\_ in the state of \_\_\_\_\_, and (check one)  I  the other party should pay the mortgage and other expenses for the home.

b. The other party should have sole use and possession of the home located at \_\_\_\_\_ in the city of \_\_\_\_\_ in the state of \_\_\_\_\_, and (check one)  I  the other party should pay the mortgage and other expenses for the home.

c. The other party and I should share the use and possession of the home located at \_\_\_\_\_ in the city of \_\_\_\_\_ in the state of \_\_\_\_\_. The mortgage and other expenses for the home should be paid as follows.

	<b>Expense</b>	<b>Who Should Pay</b>

d. The other party and I should share the use and possession of the home located at \_\_\_\_\_ in the city of \_\_\_\_\_ in the state of \_\_\_\_\_. The mortgage and other expenses for the home should be paid as follows.

	<b>Expense</b>	<b>Who Should Pay</b>

10. Until the final decree is ordered (check one):

a. The other party and I should have temporary use and possession of the personal belongings, household goods, and furnishings that each of us now has in possession.

b. The Court should give me temporary sole use and possession of the following personal belongings, household goods, and furnishings (list the items you want).

--	--	--


c. The Court should give the other party temporary sole use and possession of the following personal belongings, household goods, and furnishings (*list the items they want*).


11. *Check one*

a. Until the final decree is ordered, temporary use and possession of the vehicles should be divided, and the vehicle loans and insurance should be paid, as follows:

Year	Make	Model	Awarded to whom	Who pays vehicle loan/ insurance

b. We do not own any vehicles.

12. *Check one*

a. Until the final decree is ordered, our debts should be paid as follows:

Creditor (to whom the money is owed)	Total Balance Owed	Monthly Amount Due	Who Should Pay

b. We do not have any debts.

13. The Court should allow me to change certain medical, dental, automobile, or life insurance policies:

Yes  No

If Yes, list the policy and the changes you want to make:

---

---

---

---

14. The other party should reinstate insurance:

Yes  No

If Yes, list the insurance that should be reinstated:

---

---

---

---

15. The Court should order the other party to immediately notify me of any salary or wage increase, bonuses or other extra income.

Yes  No

16. The Court should order that the other party shall not spend or otherwise use income raises, income tax refunds, bonuses, or other extra income:

Yes  No

17. Restrain both parties from transferring, encumbering, concealing or disposing of property, including any tax refunds, except in the usual course of business or for the necessities of life, except as to any future earned income, except as the parties with their attorneys may mutually agree in writing.

18. The Court should allow me to sell or otherwise get rid of other property:

Yes  No

19. Restrain both parties from harassing, vilifying, mistreating, molesting, disturbing the peace, or restraining the liberty of the other party of the children of the parties.

20. The Court should grant the additional relief:

Yes  No

If Yes, the relief I request is:

---

---

---

21. The Court should grant other additional relief that is fair and just.

The grounds for this *Motion* are as stated in the *Affidavit and the Application for Temporary Relief* which accompany this *Notice of Motion and Motion*.

### Notice to the Other Party

The Rules establish deadlines for responding to motions. All responsive pleadings shall be served and filed with the court administrator no later than 7 days before the scheduled hearing. The court may, in its discretion, disregard any responsive pleadings served or filed with the court administrator less than 7 days before such hearing in ruling on the motion or matter in question.

According to Minnesota General Rules of Practice, Rule 303.01(c), after you receive these papers, if you want to respond to anything raised by the other party in their papers, your written response:

- Must be personally served on the other party:
  - At least 7 days before the hearing if **personally served**; or
  - At least 10 days before the hearing if **served by mail**.
- Must be filed with the Court Administrator at least 7 days before the hearing.

### Rule 303.03(a)(2) - Raising New Issues

If you want to raise **new** issues at the hearing the other party has scheduled, your *Motion* and *Affidavit* must be personally served on the other party **at least 14 days before the hearing** or mailed to the other party **at least 17 days before the hearing**. Your papers raising **new** issues must be filed with the Court Administrator **at least 14 days before the hearing**.

### 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 unnecessary 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/](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/](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: \_\_\_\_\_

\_\_\_\_\_  
County and State where signed

\_\_\_\_\_  
Signature

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_

E-mail address: \_\_\_\_\_