

FAMILY COURT MATTER

Answer and Counterpetition in Response to Petition for Dissolution of Marriage without Children

IMPORTANT NOTICES

- **STOP: THE LAW STATES THAT BEFORE YOU CAN BEGIN A DIVORCE IN MINNESOTA, EITHER (1) YOU OR YOUR SPOUSE MUST HAVE LIVED IN MINNESOTA FOR THE LAST SIX (6) MONTHS, OR (2) YOU OR YOUR SPOUSE MUST BE A MEMBER OF THE ARMED FORCES STATIONED IN MINNESOTA FOR THE LAST SIX (6) MONTHS. IF ONE OF YOU HAS NOT LIVED IN MINNESOTA FOR THE LAST SIX (6) MONTHS, STOP, YOU CANNOT GET A DIVORCE YET. YOU MUST WAIT UNTIL YOU HAVE LIVED IN MINNESOTA FOR AT LEAST SIX (6) MONTHS. THERE IS A LIMITED EXCEPTION TO THIS RULE FOR SAME SEX COUPLES WHO WERE MARRIED IN MINNESOTA.**
- **WARNING: YOU HAVE THIRTY (30) DAYS FROM THE DATE YOU WERE SERVED WITH THE *PETITION FOR DISSOLUTION OF MARRIAGE* IN WHICH TO RESPOND. IF YOU DO NOT RESPOND WITHIN THE THIRTY (30) DAY PERIOD, THE COURT MAY GIVE YOUR SPOUSE EVERYTHING HE OR SHE ASKED FOR IN THE *PETITION*.**
- THE COURT EXPECTS EVERY PERSON WHO APPEARS IN COURT WITHOUT A LAWYER TO KNOW THE LAW. IF YOU ACT AS YOUR OWN LAWYER, YOU MUST DO WHAT A LAWYER WOULD DO.
- YOU SHOULD SEE A LAWYER IF YOU DON'T KNOW HOW TO ANSWER THE QUESTIONS ON THESE FORMS OR IF YOU THINK THE OTHER PARTY WILL HIRE A LAWYER.
- AS YOU FILL IN THE FORM(S), YOU **MUST** FOLLOW THE INSTRUCTIONS.
- TYPE YOUR ANSWERS OR PRINT NEATLY USING DARK INK.
- IF YOU NEED MORE SPACE TO ANSWER A QUESTION, USE AN ADDITIONAL FULL SHEET OF PAPER.

Confidential Information and Documents

NOTE! Most documents filed with the court are considered public documents and are available to the public. Certain information that is filed with the court may be considered confidential based on court rule and not available to the public. To keep this information confidential and not available to the public, you must take certain steps that are described below.

The steps listed below are for filers who are filing paper documents. Filers who are using eFS to submit their court documents must identify and designate their filings as required in Minn. Gen. R. Prac. 11.03 and 14.06.

Confidential Information Form 11.1

All social security numbers, employer identification numbers, and financial account numbers (also called “restricted identifiers”) must not be listed on papers you file with the court. This is to protect your privacy, the other parties and your children. Only provide social security numbers, employer

identification numbers, and financial account numbers when the court requires this information to be provided to the court. For example, if you must provide the court with bank account numbers, or medical account numbers, do not include any account number in your document (your motion, supporting affidavit, etc.). Instead, you must use Form 11.1 to list these confidential numbers.

If account numbers are not required to be provided to the court, and the numbers appear on documents that are considered available to the public, (such as medical invoices or credit account numbers on statements) you must remove the number on the document before filing the document with the court.

Cover Sheet for Non-Public Documents Form 11.2

Most documents filed with the court are public. However, some documents are considered non-public documents based on court rules. You **must** identify these documents as non-public at the time you file the documents with the court. You must complete and file the “Cover Sheet for Non-Public Documents Form 11.2 (also called Form 11.2 cover sheet) when you file non-public documents. The most common non-public documents are called “financial source documents.” Examples of financial source documents include:

- Paycheck stubs, employer statements, W-2 forms, or business income and business expenses
- Copies of your tax returns and schedules
- Bank statements
- Credit card statements
- Check registers

You may also need to submit other documents that court rules identify as non-public documents, such as a medical record. For example, a report from a doctor that provides a medical diagnosis or treatment plan for you or your child would qualify as a medical record.

You must use the Form 11.2 cover sheet when filing other non-public documents, such as medical records, with the court. One Form 11.2 cover sheet can be used for submitting all non-public documents.



The failure to use Form 11.2 or Form 11.1 may result in your document being rejected by court administration, being available to the public, stricken from the court record, and sanctions from the court.

See Rule 11 of the Minnesota General Rules of Practice for more information about how to file documents containing social security numbers, financial account numbers, “financial source documents” and other non-public documents.

Form 11.1 and Form 11.2 can be found at www.mncourts.gov/forms under the court forms category of “Confidential Information” and is court form number CON111 and CON112.

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 *Answer and Counterpetition* Form

This Dissolution of Marriage (divorce) proceeding started when you were served with a copy of the *Summons* and a copy of the *Petition for Dissolution of Marriage*. You have thirty (30) days from the date you were handed the *Summons* and *Petition* in which to respond. If you do not respond within the thirty (30) day period, the court may give your spouse everything he or she has asked for in the *Petition*.

The following forms will be needed in a Dissolution of Marriage Response:

1. *Answer and Counterpetition*
2. *Form 11.1 Confidential Information Form*
3. *Affidavit of Personal Service*
4. *Affidavit of Service by Mail*
5. *Parenting / Financial Disclosure Statement*

To respond to the *Petition for Dissolution of Marriage*, use these Instructions to fill out the *Answer and Counterpetition* form. The *Answer* form is divided into three (3) parts. The first part of the form (Questions 1-4 on Page 1) are known as your *Answer to the Petition for Dissolution of Marriage* and tells the court and your spouse whether you believe the information in the *Petition* is true or not true. The second part of the form (Questions 1-32 starting on Page 2) gives the court information about you, your spouse, your finances, and your property. The third part of the form (Questions 1-17 starting on Page 22) tells the court and your spouse what you are asking for from the court.

FILL IN THE TOP PART OF THE FORM

NOTE: This information is known as “the caption” and will be the same on every form you fill out. The information to fill out the top part of the *Answer and Counterpetition* form can be found on the top part of the *Petition for Dissolution of Marriage*.

- Fill in the “Case No.” as found at the top of the *Petition*, if provided.
- On the line marked “Name of Petitioner,” write the full name of your spouse as found on the *Petition*. From now on, your spouse will be called Petitioner.
- On the line marked “Name of Respondent,” write your full name. From now on, you will be called Respondent.

ANSWER QUESTIONS 1 – 4 ON PAGE 1 OF THE FORM, WHICH ARE YOUR ANSWERS TO THE *PETITION FOR DISSOLUTION OF MARRIAGE*

NOTE: The instructions that follow are numbered the same as the questions on the *Answer and Counterpetition* form.

For each of the following four questions, look at each paragraph numbered 1 through 32 in the *Petition for Dissolution of Marriage*.

1. If a paragraph is true, put the paragraph number(s) on the lines provided.
2. If a paragraph is not true, put the paragraph number(s) on the lines provided.
3. If a paragraph is partly true and partly not true, put the paragraph number(s) on the lines provided.
4. If you do not know whether a paragraph is true or not true, put the paragraph number(s) on the lines provided.

ANSWER QUESTIONS 1 – 32 STARTING ON PAGE 2 OF THE FORM, WHICH GIVES THE COURT INFORMATION ABOUT YOU AND YOUR SPOUSE

1. Throughout this case, your spouse will always be known as the Petitioner. Print your spouse's full name, street address, city, county, state, zip code, and date of birth. List all of your spouse's former or other names or write "none."
2. Throughout this case, you will always be known as the Respondent. Print your full name, street address, city, county, state, zip code and date of birth. List all of your former or other names or write "none."
3. Provide information about the date and location of your marriage.
4. Check YES if your spouse has lived in Minnesota for the last six months. Otherwise, check NO. Check YES if you have lived in Minnesota for the last six months. Otherwise, check NO.

STOP: The law states that before you can begin a divorce in Minnesota, either: (1) you or your spouse (husband or wife) must have lived in Minnesota for the last six months; or (2) you or your spouse must be a member of the armed forces stationed in Minnesota for the last six months. If neither you nor your spouse has lived in Minnesota for the last six months, you cannot file for a divorce yet. You must wait until one of you has lived in Minnesota for at least six months. If one of you has lived in Minnesota for the last six months, then go on to answer the rest of the questions.

NOTE: If you and your spouse are a same sex couple who were civilly married in Minnesota, but no longer live in Minnesota, based on a new law effective August 1, 2013, you and your spouse may file an action for dissolution in Minnesota if there is no other state that will allow an action for dissolution because of the sex or sexual orientation of you and your spouse.

5. Answer the questions about the military status of both you and your spouse. If either you or your spouse is a member of the armed forces, there are special procedures under the Servicemembers Civil Relief Act. Contact an attorney.
6. In Minnesota, a marriage can be dissolved even if only one of the parties states that the marriage relationship is over. You do not need to add any information in this section.
7. Check YES if you are still living together; check NO if you are not. If NO, print the date you physically separated. If YES, describe why you are living together at this time.
8. Check YES if you or your spouse has already started another dissolution, legal separation or annulment proceeding in Minnesota or any other state.

WARNING: If you or your spouse have already started a divorce or legal separation or annulment case in Minnesota or in any other state and it has not been dismissed, you CANNOT proceed with this divorce. You could either complete the other action, or you could have the other action dismissed and then start this divorce.

Check NO if there is no other action.

9. Check YES if there is an existing *Order for Protection* or an existing *Harassment Restraining Order* against the Petitioner or Respondent; complete this question and **submit a copy of the order with the completed *Answer and Counterpetition*, unless the Petitioner submitted it with the Petition.** Check NO if there is no Order.
10. This section is to make sure you are using the right forms. Check YES if you and the Petitioner have minor children under the age of 18, or under 20 and still in high school, or adult dependents who are not able to support themselves because of a physical or mental condition. If you check YES, you are using the wrong form. If you check NO, continue with the questions.
11. Check YES only if the Petitioner has any children under the age of 18 who were born prior to the marriage from a different marriage or relationship. If YES, list the children and provide the requested information.
12. Check YES only if the Respondent has any children under the age of 18 who were born prior from another marriage or relationship. If YES, list the children and provide the requested information.
13. “Public assistance” means MFIP, General Assistance, medical assistance, or sliding fee daycare. Check YES or NO. If YES, write in the name of the county paying the assistance. Minnesota law requires the Petitioner to notify the public authority paying assistance a divorce action has been filed.
14. “School” includes college, vo-tech, and night classes. Check YES or NO. If YES, answer (a) – (c).
15. Answer whether the Petitioner or Respondent or anyone in either household, including a child, receives Supplemental Security Income (SSI) or Social Security (SSDI or RSDI) due to disability, retirement, or death of a parent or spouse.
16. This question is about the Petitioner’s employment status. Provide the requested information about Petitioner’s employer. If Petitioner is self-employed, list the business name and address.
17. This question asks for Petitioner’s monthly income. Check “Respondent has no information about Petitioner’s income” if you do not know how much money Petitioner makes. If you have detailed information about Petitioner’s income, complete the questions.
18. This question is about your employment status. Provide the requested information about your employer. If you are self-employed, list the business name and address.

19. This question asks about your monthly income. If you are paid weekly, multiply your weekly income by 4.33 to get monthly income. If you are paid every two weeks, multiply by 2.17 to get monthly income. If you are paid twice per month, multiply by 2.
20. Complete the questions about medical and dental insurance.

NOTE: If you, your spouse, or your children are covered by medical or dental insurance through your job or your spouse's job, that coverage can be continued even after the divorce. If you want the insurance coverage to continue after the divorce, call the Employment Benefits Office of you or your spouse's employer and ask for "COBRA" coverage.

21. This question is about spousal maintenance. Spousal maintenance is money paid by one spouse to help support the other spouse. Spousal maintenance used to be called alimony. If you check YES for either (a) or (b), you need to provide details about the length of marriage, education of the spouse who would receive maintenance, gross monthly income, and reasons why the spouse would not be able to maintain the standard of living established during the marriage.
22. List all the vehicles owned by you and Petitioner together or separately.

WARNING: Questions 23-24 ask about marital and non-marital property. Dividing marital property and non-marital property is complicated. You should talk to an attorney.

- **Marital Property means almost anything that you or your spouse own that you or your spouse received during the marriage, even during the times that you and your spouse were separated. This includes real estate, boats, cabins, household goods, furniture, jewelry, and other things.**
 - **Non-marital Property means: (1) anything that you or your spouse owned before the marriage; (2) anything that you or your spouse received as a gift, bequest, devise, or inheritance; (3) anything that you or your spouse got in trade or in exchange for your non-marital property; (4) anything that is an increase in the value of non-marital property; (5) anything you or your spouse received after the valuation date set by the court; or (6) anything included by a valid antenuptial contract (STOP: If you have an antenuptial contract, you should stop here and talk to an attorney.)**
23. Check YES or NO whether you and your spouse have divided the **marital property** to your mutual satisfaction, including household goods, furniture, furnishings, and other belongings. If you have **NOT** divided the marital property, list the items that you want.
24. (a) Check YES or NO whether your spouse claims **non-marital property**. Non-marital property is property owned before the marriage or acquired during the marriage by inheritance or gift. List all non-marital property your spouse owns.
- (a) Check YES or NO whether you claim **non-marital property**. Non-marital property is property you owned before you were married or acquired during the marriage by inheritance or gift. List all non-marital property you own.
25. Check YES or NO whether you or your spouse has money in banks, savings, cash or investments. If YES, fill in all columns in the box. Use Confidential Information Form 11.1

(CON111) to list the name of the financial institution, account holder name(s), and account numbers. Using Form 11.1 keeps your account numbers confidential from the public. Do not list account numbers on the *Answer and Counterpetition*.

NOTE! Failure to use Form 11.1 means these numbers could be available to the general public and you could be charged court costs and the court may order other sanctions against you for the failure to keep these account numbers confidential.

26. Check YES or NO whether you and/or your spouse own part or all of a business. If YES, fill in the name, address and value of the business.
27. Check YES or NO if either you or your spouse own a manufactured home. If YES, complete the detail questions.

WARNING: Question 28 asks you to list all **real property**. Real property is land and the buildings on the land. You must list all real property owned by you and your spouse together, separately, or with others. Failure to list all property will create serious problems and expense in the future. **Dividing real property is complicated. You should talk to an attorney if you and/or your spouse own any real property.** You and your spouse both have an interest in all real estate owned by either you or your spouse until the divorce is finalized and the Decree awards the property to just one party. For example, a deed given by one spouse to the other spouse before the divorce is finalized does **not** transfer all interest to the grantee spouse.

28. (a) Check YES or NO if you and your spouse own any real property together.
(b) Check YES or NO if your spouse owns real property solely in his/her name or with someone other than you.
(c) Check YES or NO if you own real property solely in your name or with someone other than Petitioner.
(d) Answer how many properties are owned by you and your spouse in total.

If YES to (a), (b) or (c), complete the Real Property Information questions for each piece of property.

- (1) List the full names of all owners of the property. (2) Fill in the legal description of the property (the legal description is not the same as the street address). *Example of Legal Description: Lot 1, Block 4, Hamden Edition, Hennepin County, Minnesota.* You can get a copy of the legal description from the Deed or Contract for Deed at the office of the County Recorder or Registrar of Titles in the County where the real property is located. **WARNING:** Be sure to copy the legal description **exactly** as is on the Deed or Contract for Deed. (3) Fill in the street address, city, county, and state where your property is located. (4) State the date the property was purchased and its purchase price. (5) State the amount of any existing loans or mortgages. (6) State the current market value of the property and describe how you came up with that value. (7) Check YES if this property is the homestead.

WARNING: Question 29 asks about pension, profit sharing, and retirement plans. **Dividing pension, profit sharing, and retirement plans is complicated. You or your spouse could face large losses if the divorce decree does not divide the pension or retirement plan according to the laws that apply. You should talk to an attorney if you or your spouse has any of these types of plan.**

29. (a) Check YES or NO if your spouse has an IRA, 401(k), 403(b) or other retirement plan. If YES, list the current account balance. Use Confidential Information Form 11.1 (CON111) to list the name of the financial institution, account holder name(s) and account numbers.

(b) Check YES or NO if your spouse's past or present employer, union, or other group, paid money into a pension, profit-sharing, or other retirement plan for your spouse. If YES, list the name of the plan, the name of the group employer, union, or group providing the plan, the date your spouse began working at the job or joined the plan, the type of plan, and the present value of the plan.

(c) Check YES or NO if you have an IRA, 401(k), 403(b) or other retirement plan. If YES, list the current account balance. Use Confidential Information Form 11.1 (CON111) to list the name of the financial institution, account holder name(s) and account numbers.

Check YES or NO if your past or present employer, union, or other group, paid money into a pension, profit-sharing, or other retirement plan for you. If YES, list the name of the plan, the name of the group employer, union, or group providing the plan, the date you began working at the job or joined the plan, the type of plan, and the present value of the plan.

30. Check YES or NO if you and/or your spouse have outstanding debts (owe money) either together or separately. If YES, list all of the debts you and your spouse now have, even if only one of you created the debt and even if only one of your names is on the credit card, loan or note. List all debts still owed from before you were married, from during the marriage but before separation, and after separation. The *Judgment and Decree* (divorce decree) will state who is responsible for paying each debt. Include credit card bills, gas bills, water bills, telephone bills, school loans, car loans, home loans and mortgages, and other bills and loans. List to whom the debt is owed (such as Sears); how the money was used (such as "clothing for the children"); whose name is on the account and when the debt was created (if you cannot get the exact date the debt was created, at least state if the debt is from before the marriage, or during the marriage and before separation, or after separation); the current balance due; and the monthly payment. Attach another sheet of paper if you need more space. You must disclose all debts.

31. You may change your name as part of the divorce, but you do not have to do so. You can change your name to a maiden name, or some other name. You cannot make your spouse change his or her name, and your spouse cannot make you change your name. If you want to change your name, check YES and answer (a) – (c). If you do not want to change your name, check NO.

(a) Print your new name (*first, middle, and last*). **Do not use initials unless you want only an initial instead of a full name.** Check whether this is a former legal name or maiden name. If not, explain why you want to change to this name.

(b) You cannot change your name if your reason for changing your name is to defraud or mislead anyone. Mark True or False to the statement "Respondent has no intent to defraud or mislead anyone by changing his/her name."

(c) If you have a felony conviction, you cannot change your name unless you notify the prosecuting authority that you intend to change your name. The prosecuting authority has 30 days after being served with your notice to object to the name change. If you have been convicted of a felony anywhere in the United States, answer (c) YES. Ask Court Administration to give you the *Felon Name Change Instructions* or you can download the forms at www.mncourts.gov/forms.

Warning: If you do not notify the prosecuting authority of the request for name change and you use your new name, you may be guilty of a gross misdemeanor.

32. List any other facts you would like the court to know.

INSTRUCTIONS FOR ANSWERING QUESTIONS 1-17, WHICH TELL THE COURT AND YOUR SPOUSE WHAT YOU WANT THE COURT TO ORDER

1. This tells the court that you want your marriage dissolved. You do not need to write anything here.
2. You must check a box to state that you want to pay for health and dental insurance for you and your spouse, after the divorce is finalized. If you want you and your spouse to each pay your own health and dental insurance costs, check box (a). Box (c) is for COBRA coverage. Check with the employer of the person who has coverage for information on how to get COBRA coverage. If you have other questions, or if the boxes provided do not explain what you want the court to order, ask an attorney for help.
3. If you want spousal maintenance to be denied, check box 3(a). If you want the court to decide the issue of maintenance at a later date, then check box 3(b). If spousal maintenance should be ordered to help either you or your spouse pay for necessities, check the appropriate boxes in 3(c).
4. In question 22 above you listed all of the vehicles owned by you and your spouse. Write down which vehicles you want the court to give to you and which vehicles you want your spouse to have.

WARNING: Dividing marital property and non-marital property is complicated. You should talk to an attorney.

5. Check YES or NO whether you and your spouse have already divided your marital property to your mutual satisfaction. If NO, list the marital property you want to receive and the marital property you want your spouse to receive.
6. Check YES or NO whether you and your spouse have already divided your non-marital property to your mutual satisfaction. If NO, list the non-marital property you want to receive and the non-marital property you want your spouse to receive.
7. State how you want the court to divide the cash and investments listed at #25 above.
8. If you and/or your spouse own a business, state how you want the court to divide the business. Be very specific.
9. If you and/or your spouse own a manufactured home, provide the address of the manufactured home and check off who should get it. If there is a debt on the manufactured home, fill in whom the debt is owed to and who should pay the debt.
10. If you or your spouse own real property either separately or together, check off whether you (Respondent) or your spouse (Petitioner) should be awarded that real property, and then list the street address, city, county and state where the homestead is located, and then write the **exact** legal description. You can get a copy of the legal description from the Deed or Contract for Deed at the office of the County Recorder or Registrar of Titles in the County where the property is located. Write in the name of the mortgage company and the amount of the current mortgage balance. If there is an additional parcel of real property, list it in paragraph 11.
11. If there is additional real property, provide the address and legal description and state how that property should be awarded.

12. Describe how your pension, profit sharing, retirement, IRA or 401 plan should be divided, then do the same with any plan in your spouse's name. Get competent legal and tax advice before making any decisions.
13. If you and your spouse have any individual debts and you want the court to order each of you to pay your own debts, check box (a). In question 30 above you listed all of the debts you and your spouse have. Include all debts listed from question 30. If you want the court to order that each party pay their own debts, check box (b).
14. If you want to change your name, print **exactly** how your new name should be listed (first, middle, and last). **Do not use initials unless you want only an initial instead of a full name.**
15. List anything else you would like the court to decide.
16. You do not need to write anything for question 16.
17. READ and SIGN the **Verification and Acknowledgments** on the next page.

Signing the *Answer and Counterpetition* under penalty of perjury means you are stating that the information in the *Answer and Counterpetition* is true to the best of your knowledge. Perjury is the crime of intentionally lying or misrepresenting the truth, punishable by jail or other sanctions.

Step 2 Make Copies of Forms

Make two (2) copies of the *Answer and Counterpetition*. Keep one for yourself. Step 3 tells you how to serve the second copy on the other party. Step 5 tells you what to do with the *Answer and Counterpetition*.

Step 3 Serve the Other Party

A copy of your *Answer and Counterpetition* must be served on your spouse. This is called “service of process.” Service of process may be done **either** by “Personal Service” or by “Mail Service.” If your spouse is represented by an attorney, then a copy of your forms must be served on the attorney instead of your spouse.

Service of your forms must be completed **within 30 days of the date you were served with the *Summons and Petition***. See [Minn. Stat. § 518.12](#).

Service cannot be made on a legal holiday.

Who Can Serve

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

- The sheriff;

- Another adult; or
- You.

Personal Service

The server should hand-deliver a copy of your forms to your spouse. However, if there is an attorney's name and address on the *Summons* you received, the server must hand-deliver the forms to your spouse's attorney.

Note: The papers cannot be given to anyone other than your spouse or your spouse's attorney, if any.

Service by Mail

A copy of your *Answer and Counterpetition* is placed in an envelope addressed to your spouse's attorney (or your spouse, if there is no attorney) with your return address on the envelope and is then sent by first class U.S. mail. The server must drop the letter in the mailbox or give it to the postal worker. The address for your spouse's attorney or your spouse is on the *Summons* you received, as part of the signature block.

Step 4

The Person Who Serves Your Spouse Must Fill Out the *Affidavit of Service*

After the *Answer* is hand-delivered or mailed, the person who did the service must fill out an *Affidavit of Service* form and sign it under penalty of perjury. Perjury is the crime of intentionally lying or misrepresenting the truth.

After it has been signed, make one copy of the *Affidavit of Service* for your records.

Step 5

File the Forms with the Court

Immediately file the following documents with the Court Administrator.

- *Answer and Counterpetition*
- *Confidential Information Form 11.1* (Include names, social security numbers for you and your spouse, and financial institution names with associated account numbers). This information will be kept confidential. You should also know that if at a later point in the divorce proceeding you need to file financial records such as bank statements, credit card statements, or income tax returns then you should fill out *Cover Sheet for Non-Public Documents Form 11.2* for any financial records. Using these forms ensures that your social security number and other financial records will be kept in a confidential part of the court file.)
- *Affidavit of Personal Service* **OR** *Affidavit of Service by Mail*

At the time you file your forms, you will be required to pay a filing fee.

If you cannot afford to pay the filing fee, the Judge may waive it under certain circumstances. Ask the Court Administrator/Deputy for an *In Forma Pauperis* application or download the forms at www.mncourts.gov/forms. Fill out this application and file it with the court. Court administration staff

will explain local practice as to presenting the In Forma Pauper application to a judge for review. A judge will review your application and decide if you must pay the filing fee. The Court Administrator cannot process your legal papers without either the required filing fee or an order from a judge waiving the fee.

Step 6

Temporary Relief

If you and your spouse need a temporary order to address temporary spousal maintenance or any other matter in the divorce, go to the Court Administrator's office and ask for "Temporary Relief Pending Final Hearing Without Children" forms or download the forms at www.mncourts.gov/forms. If the judge signs the temporary order, that order is in effect until the judge signs the final order divorcing you and your spouse.

Step 7

Try to Settle All of the Issues with Your Spouse

1. If you do not respond to the *Petition for Dissolution of Marriage* within thirty (30) days, your spouse will notify the court and ask the court to grant everything asked for in the *Petition*. The court will do so by issuing a final divorce decree called the *Findings of Fact, Conclusions of Law, Order for Judgment and Judgment and Decree*.
2. If you AGREE with everything your spouse is asking for in the *Petition for Dissolution of Marriage*, tell your spouse in writing. Your spouse will then complete a document called a *Stipulated Findings of Fact, Conclusions of Law, Order for Judgment and Judgment and Decree* that you will be asked to review and sign to make sure it says what you agreed to for your divorce.
3. If you do NOT AGREE with everything your spouse is asking for in the *Petition for Dissolution of Marriage*, you and your spouse should attempt to reach an agreement regarding as many issues as possible.

If you and your spouse reach an agreement regarding all issues, your spouse will fill out a *Stipulated Findings of Fact, Conclusions of Law, Order for Judgment and Judgment and Decree* that you will be asked to review and sign to make sure it says what you agreed to for your divorce.

If you and your spouse DO NOT reach an agreement regarding all of the issues, you and your spouse will have to go to court and a judge will decide the issues for you after a trial. If disagreements still exist, go to Step 8 and fill out the *Parenting Financial Disclosure Statement*. The *Parenting / Financial Disclosure Statement* form and instructions can be found on the court's website at www.mncourts.gov/forms under the court forms category of "Family" or from the court administrator.

Step 8

Wait For Your Final Divorce Decree

1. If you and your spouse reached an agreement settling all of the issues in your marriage by signing a *Stipulated Findings of Fact, Conclusions of Law, Order for Judgment and Judgment and Decree*, your spouse will file the document with the court. The Court Administrator will send you and your spouse a notice telling you when the Judge has signed the *Stipulated Findings of Fact, Conclusions of Law, Order for Judgment and Judgment and Decree*.
2. If you and your spouse were unable to settle all of the issues and you had to go to trial, the court will issue the final divorce decree within 90 days after the trial. This will be called the *Findings of Fact, Conclusions of Law, Order for Judgment and Judgment and Decree*.

WARNING: YOU ARE NOT DIVORCED UNTIL THE JUDGE AND THE COURT ADMINISTRATOR/DEPUTY SIGNS THE *FINDINGS OF FACT, CONCLUSIONS OF LAW, ORDER FOR JUDGMENT AND JUDGMENT AND DECREE*. You will be notified by mail when this happens. You may obtain a plain copy or certified copy of your Divorce Decree from the Court Administrator. There is a cost for a certified copy and a cost for a plain copy. Make checks payable to “Court Administrator.” Include your name and the case number in your request. **NOTE:** You may make additional copies of your Decree. However, a copy is “certified” only if it has the original seal of the District Court. You cannot make a certified copy yourself.

OTHER STEPS AFTER ENTRY OF THE *DECREE*

It is the responsibility of the parties to take all necessary steps to put into effect the orders of the court. For example, if you changed your name you will need to get your driver’s license and social security card changed to reflect your new legal name. If you or Respondent were awarded pension or medical benefits, the company or provider will need to see the *Decree* and may have other requirements before making the changes ordered by the court. If you and/or Respondent own real estate, there are additional steps you must take to transfer the title to the real estate to the party who was granted the real estate in the *Decree*.

Under Minnesota law, both spouses have an interest in real estate, even if only one spouse’s name is on the deed or title of the property.

Proof of divorce and proof of who was awarded interests in the real estate is usually recorded in the real estate records before selling or mortgaging the property after the divorce.

To give that proof, the complete divorce decree can be filed in the real estate records. Or, a short version of the divorce decree can be filed, called *Summary Real Estate Disposition Judgment* Form (SREDJ). The SREDJ only includes information needed for real estate title purposes. If you file the SREDJ, information about your children, work, and other personal matters is not available in the county real estate records. The Minnesota Judicial Branch publishes a set of instructions to help you with the SREDJ process. Those instructions can be found on the court’s website at <http://mncourts.gov/GetForms.aspx?c=15&f=572>.

Get legal advice from an attorney if you are not sure what actions to take with your real estate.