

State of Minnesota

District Court

County Ramsey

Judicial District: Second

Court File Number: _____

Case Type: _____

In regard to the case of:

Name of Petitioner A

And

Name of Petitioner B

**Joint Petition, Agreement, and Order
to Establish Custody and
Parenting Time**

1. Information about Petitioner A:

Full Name: _____
First Middle Last

Address: _____
Street Address Apt. No.

City County State Zip Code

Date of birth: _____

Petitioner A's former or other names or write "None":

First Middle Last

First Middle Last

Petitioner A's social security number is listed on Confidential Form 11.1 submitted along with the Joint Petition.

2. Information about Petitioner B:

Full Name: _____
First Middle Last

Address: _____
Street Address Apt. No.

City County State Zip Code

Petitioner B's Date of Birth: _____

Petitioner B's former or other names or write "None":

First Middle Last

First Middle Last

Petitioner B's social security number is listed on Confidential Form 11.1 submitted along with the Joint Petition.

3. 180 Day Requirement

A. Petitioner A:

1. Has been living in Minnesota for the past six (6) months: ☐ YES ☐ NO

2. Is a member of the armed services and stationed in Minnesota ☐ YES ☐ NO
for the past six (6) months:

B. Petitioner B:

1. Has been living in Minnesota for the past six (6) months: ☐ YES ☐ NO

2. Is a member of the armed services and stationed in Minnesota ☐ YES ☐ NO
for the past six (6) months:

4. Children Petitioner A and Petitioner B Have Together (Joint Children)

Full Name of Child **Date of Birth** **Child Currently Lives With**

The children's social security numbers are listed on Confidential Form 11.1 submitted along with the Petition.

If a child is living with someone other than a parent, write the child's address below:

Address: _____
Street Address Apt. No.

City County State Zip Code

Has each child lived in Minnesota for the past six (6) months? ☐ YES ☐ NO

If NO, list dates and locations of where the children have been living for the last six months:

5. Recognition of Parentage

Petitioner A and Petitioner B signed a Minnesota Recognition of Parentage for each of the minor children listed above. Each Recognition of Parentage has been filed with the Minnesota Department of Health. ☐ YES ☐ NO

Were Petitioner A and Petitioner B both age 18 or older when they signed the Recognition of Parentage? ☐ YES ☐ NO

If you answered YES, a certified copy of each Minnesota Recognition of Parentage must be filed in this case. If you answered NO, then you are using the wrong forms.

6. Other Alleged or Presumed Fathers

Was the mother of any of the children listed above married to another man when Petitioner A and Petitioner B signed the Minnesota Recognition of Parentage for that child?

☐ YES ☐ NO

If YES, did the husband sign a Spouse's Non-Parentage Statement for that child?

☐ YES ☐ NO

If you answered YES, you must file a certified copy of the Spouse's Non-Parentage Statement in this case. If you answered NO, then you are using the wrong forms.

Is there any other man who would meet the definition of an alleged or presumed father of any of the children listed above? ☐ YES ☐ NO

If you answered YES, then you are using the wrong forms.

7. Protection or Harassment Order

An Order for Protection or a Harassment/Restraining Order is in effect regarding Petitioner A and Petitioner B: ☐ YES ☐ NO.

If YES, the Order protects: ☐ Petitioner A ☐ Petitioner B ☐ the children.

The Order was filed in the County of _____, on the date _____, and the Court file number is _____.

8. Child Protection Case

Has a Child Protection case involving Petitioner A and Petitioner B's children taken place in Minnesota or another state? ☐ YES ☐ NO

If YES, the case is in the County of _____ in the State of _____ and the Court file number is _____. The name of the child or children involved in the Child Protection case is: _____.

9. Other Proceedings

Has a separate court case for custody, parenting time, or child support involving one or more of the children at issue in this proceeding been started in Minnesota or elsewhere?

☐ YES ☐ NO

If YES, the type of court case is _____. The case is in the County of _____ in the State of _____ and the Court file number is _____.

The case ☐ has been Dismissed ☐ is Pending ☐ resulted with a final Order.

10. Prior Crimes as Identified by Minn. Stat. § 518.175, 518.179, 631.52

Has Petitioner A been convicted of one of the following crimes or similar crimes under the law of the United States or any other state:

☐ YES (Please write your initials next to each crime for which you were convicted)

☐ NO

Has Petitioner B been convicted of one of the following crimes or similar crimes under the law of the United States or any other state:

☐ YES (Please write your initials next to each crime for which you were convicted)

☐ NO

- | | |
|--|---|
| <input type="checkbox"/> Murder in the first, second, or third degree | <input type="checkbox"/> Solicitation of a child to engage in sexual conduct |
| <input type="checkbox"/> Manslaughter in the first degree | <input type="checkbox"/> Depriving another of custodial or parental rights |
| <input type="checkbox"/> Assault in the first, second, or third degree | <input type="checkbox"/> Criminal Sexual Conduct in the first degree |
| <input type="checkbox"/> Kidnapping | <input type="checkbox"/> Criminal Sexual Conduct in the second degree |
| <input type="checkbox"/> Incest | <input type="checkbox"/> Criminal Sexual Conduct in the third degree |
| <input type="checkbox"/> Malicious punishment of a child | <input type="checkbox"/> Felony stalking |
| <input type="checkbox"/> Neglect of a child | <input type="checkbox"/> Domestic assault by strangulation |
| <input type="checkbox"/> Terroristic threats | <input type="checkbox"/> Soliciting, inducing, promoting, or receiving profit derived from prostitution involving a minor |

Parenting time with the convicted parent is in the best interests of the children because: _____

11. Custody

A. Legal Custody means which parents have a say in the major decisions regarding the joint children's lives including education, religious upbringing and medical treatment. It is in the children's best interests that legal custody be granted as follows: (*check one*)

☐ Joint legal custody to both parents

☐ Sole legal custody to ☐ Petitioner A ☐ Petitioner B

B. Physical custody identifies which parents will handle the routine daily care and control of the joint children. It is in the children's best interests that physical custody be granted as follows: (*check one*)

☐ Joint legal custody to both parents

☐ Sole legal custody to ☐ Petitioner A ☐ Petitioner B

12. Parenting Time

A. It is in the best interests of the children that:

1) Petitioner A's parenting time with the joint children be: *(check one)*

☐ unsupervised ☐ supervised ☐ reserved

2) Petitioner B's parenting time with the joint children be: *(check one)*

☐ unsupervised ☐ supervised ☐ reserved

If parenting time is unsupervised for both parents, skip to Question 13.

B. Supervised parenting time:

Supervision is necessary because unsupervised parenting time is likely to endanger the children's physical or emotional health or impair the children's emotional development.

The circumstances supporting this finding are: _____

It is in the best interests of the children that supervision of parenting time be arranged as follows: (State who should supervise parenting time, and if there is a cost involved, who should pay the cost, and any other important details) _____

C. Reserved Parenting time:

It is in the best interests of the children that parenting time should be reserved because: ____

13. **Public Assistance.** (Note: If either person is receiving public assistance from the State of Minnesota or applies for it after this proceeding is started, notice of this action must be given to Public Authority office. See Minnesota Statutes Section 518A.44)

A. Petitioner A receives public assistance from the State of Minnesota: ☐ YES ☐ NO

If YES, the assistance is from _____ County. (check all that apply) :

- ☐ MFIP in the amount of \$_____ per month
- ☐ Tribal TANF in the amount of \$_____ per month
- ☐ General Assistance in the amount of \$ _____ per month
- ☐ Medical Assistance ☐ MinnesotaCare
- ☐ Child Care Assistance

B. Petitioner B receives public assistance from the State of Minnesota: ☐ YES ☐ NO

If YES, the assistance is from _____ County. (check all that apply):

- ☐ MFIP in the amount of \$_____ per month
- ☐ Tribal TANF in the amount of \$ _____ per month
- ☐ General Assistance in the amount of \$ _____ per month
- ☐ Medical Assistance ☐ MinnesotaCare
- ☐ Child Care Assistance

C. The joint children of the parties receive public assistance from the State of Minnesota:

☐ YES ☐ NO

If YES, the assistance is from _____ County. (check all that apply):

- ☐ MFIP ☐ Medical Assistance ☐ Tribal TANF ☐ MinnesotaCare
- ☐ IV-E Foster Care

14. Supplemental Security Income (SSI). Supplemental Security Income (SSI) is a Federal income supplement program. It is available to low-income people if they are over age 65, or blind or disabled.

A. Petitioner A receives Supplemental Security Income (SSI): ☐ YES ☐ NO

B. Petitioner B receives Supplemental Security Income (SSI): ☐ YES ☐ NO

C. The joint children of the parties receive Supplemental ☐ YES ☐ NO
Security Income (SSI):

15. Petitioner A's Financial Information

A. Petitioner A is currently (check one) ☐ employed ☐ unemployed (if employed, answer the following):

1) Employer: _____

2) Address: _____

- 3) Work telephone number: _____
- 4) Occupation /Type of work: _____
- 5) Length of employment: _____
- 6) Supervisor: _____
- 7) Gross Pay: \$_____ This ☐ does ☐ does not include overtime pay.
- 8) Paid: ☐ Weekly ☐ Every other week ☐ Twice a month ☐ Monthly
- 9) Previously employed by _____ for _____ years prior to the above employment.

B. Petitioner A has the following additional sources of income:

Commissions \$_____	Pension Payments \$_____
Annuity Payments \$_____	Unemployment Benefits \$_____
Military / Naval Retirement \$_____	Workers' Compensation \$_____
Spousal Maintenance Received \$_____	Disability Payments \$_____
Self-Employment \$_____	Other _____ \$_____

C. The children currently receive monthly social security or veteran's benefits in the amount of \$_____ based on ☐ my disability ☐ the other parent's disability and is paid to ☐ Petitioner A ☐ Petitioner B.

D. Petitioner A is court ordered to pay monthly spousal maintenance (*check one*):

☐ YES ☐ NO *If yes, how much?* _____

E. Petitioner A supports the following nonjoint children:

Child's Name	Date of Birth	Relationship	Court ordered child support	Living in my home
_____	_____	_____	\$_____	Yes / No
_____	_____	_____	\$_____	Yes / No
_____	_____	_____	\$_____	Yes / No
_____	_____	_____	\$_____	Yes / No

16. **Petitioner B's Financial Informatio**

A. Petitioner B is currently (*check one*) ☐ employed ☐ unemployed (*if employed, answer the following*):

- 1) Employer: _____
- 2) Address: _____
- 3) Work telephone number: _____
- 4) Occupation /Type of work: _____
- 5) Length of employment: _____

- 6) Supervisor: _____
- 7) Gross Pay: \$_____ This ☐ does ☐ does not include overtime pay.
- 8) Paid: ☐ Weekly ☐ Every other week ☐ Twice a month ☐ Monthly
- 9) Previously employed by _____ for _____ years prior to the above employment.

B. Petitioner B has the following additional sources of income:

Commissions \$_____	Pension Payments \$_____
Annuity Payments \$_____	Unemployment Benefits \$_____
Military / Naval Retirement \$_____	Workers' Compensation \$_____
Spousal Maintenance Received \$_____	Disability Payments \$_____
Self-Employment \$_____	Other _____ \$_____

- C. The children currently receive monthly social security or veteran's benefits in the amount of \$_____ based on ☐ my disability ☐ the other parent's disability and is paid to ☐ Petitioner ☐ Petitioner B.

- D. Petitioner B is court ordered to pay monthly spousal maintenance (*check one*):

☐ YES ☐ NO *If yes, how much?* _____

- E. Petitioner B supports the following nonjoint children:

Child's Name	Date of Birth	Relationship	Court ordered child support	Living in my home
_____	_____	_____	\$_____	Yes / No
_____	_____	_____	\$_____	Yes / No
_____	_____	_____	\$_____	Yes / No
_____	_____	_____	\$_____	Yes / No

17. Child Support

- A. ☐ Child Support Order exists in File _____. Child support does not need to be addressed in this Joint Petition.
- B. ☐ The parties agree to establish child support.
- C. ☐ The parties agree to reserve child support because _____

18. Health Care Coverage

- A. ☐ Petitioner A ☐ Petitioner B ☐ Joint Children receives MinnesotaCare or Medical Assistance.

B. Petitioner A: *(check all that apply)*

☐ Petitioner A does not have healthcare coverage available for the joint children.

OR

☐ Petitioner A has healthcare coverage available for the joint children other than MinnesotaCare or Medical Assistance.

1) Petitioner A has medical insurance available for the joint children.

a. ☐ through his/her employment

b. ☐ buys private medical insurance

c. How much does the medical insurance cost?

\$_____per month for single coverage

\$_____per month for single plus spouse (if this is offered)

\$_____per month for family coverage

d. Who is currently covered by this medical insurance?

☐ Petitioner A ☐ Petitioner B ☐ Joint Children ☐ Nonjoint Children

2) Petitioner A has dental insurance available for the joint children.

a. ☐ through his/her employment

b. ☐ buys private medical insurance

c. How much does the dental insurance cost?

\$_____per month for single coverage

\$_____per month for single plus spouse (if this is offered)

\$_____per month for family coverage

☐ Dental insurance costs are included in medical insurance costs

d. Who is currently covered by this dental insurance?

☐ Petitioner A ☐ Petitioner B ☐ Joint Children ☐ Nonjoint Children

C. Petitioner B: *(check all that apply)*

☐ Petitioner B does not have healthcare coverage available for the joint children.

OR

☐ Petitioner B has healthcare coverage available for the joint children other than MinnesotaCare or Medical Assistance.

1) Petitioner B has medical insurance available for the joint children.

a. ☐ through his/her employment

- b. ☐ buys private medical insurance
 - c. How much does the dental insurance cost?
 - \$_____per month for single coverage
 - \$_____per month for single plus spouse (if this is offered)
 - \$_____per month for family coverage
 - ☐ Dental insurance costs are included in medical insurance costs
 - d. Who is currently covered by this dental insurance?
 - ☐ Petitioner A ☐ Petitioner B ☐ Joint Children ☐ Nonjoint Children
- 2) Petitioner B has dental insurance available for the joint children
- a. ☐ through his/her employment
 - b. ☐ buys private medical insurance
 - c. How much does the dental insurance cost?
 - \$_____per month for single coverage
 - \$_____per month for single plus spouse (if this is offered)
 - \$_____per month for family coverage
 - ☐ Dental insurance costs are included in medical insurance costs
 - d. Who is currently covered by this dental insurance?
 - ☐ Petitioner A ☐ Petitioner B ☐ Joint Children ☐ Nonjoint Children

19. Child Care Costs

Are there childcare costs for joint children because of work or school? ☐YES ☐ NO

- A. How many of the joint children need childcare? ☐One ☐ Two ☐ Three ☐ _____
- B. How much does the daycare center(s) or babysitter charge per month? \$_____
- C. Does the County child support agency pay for childcare through a subsidy or childcare assistance? ☐YES ☐ NO

If YES, please identify the childcare assistance is being received

- ☐ Petitioner A pays \$_____ per month
- ☐ Petitioner B pays \$_____ per month
- ☐ The County pays \$_____ per month
- ☐ Petitioner A ☐ Petitioner B applied for the childcare assistance
- D. Petitioner A should pay \$_____ per month for his/her proportional share of childcare costs and Petitioner B should pay \$_____ per month for his/her

proportional share of childcare costs. These amounts ☐ are ☐ are not based upon calculations using the child support guidelines worksheet.

20. **Resolution of Conflict.** Mediation is a process in which a neutral third party, who is the mediator, helps you work out an agreement. The mediator does not have the authority to require either party to make any agreements.

A. ☐ If we have future disagreements about custody, parenting time, or any other matter, we agree to try to resolve those disagreements by communicating directly with each other. If we are unable to reach an agreement, we agree to participate in mediation with a mediator who we both agree to use before filing a motion with the court.

B. ☐ We do not agree to participate in mediation before filing a motion with the court because _____

AGREEMENT OF PETITIONER A AND PETITIONER B

This Agreement incorporates the terms of the parties' agreement regarding custody and parenting time. The parties have entered into this Agreement willingly and intend for it to be a full and complete resolution of all issues in this case

1. **Legal Custody.** It is in the best interests of the children to grant **legal** custody of each minor joint child of the parties as follows:

Full Name of Child

Granting Legal Custody to:

- | | |
|--|---|
| <input type="checkbox"/> Solely to Petitioner A | <input type="checkbox"/> Solely to Petitioner B |
| <input type="checkbox"/> Jointly to both parties | |
| <input type="checkbox"/> Solely to Petitioner A | <input type="checkbox"/> Solely to Petitioner B |
| <input type="checkbox"/> Jointly to both parties | |
| <input type="checkbox"/> Solely to Petitioner A | <input type="checkbox"/> Solely to Petitioner B |
| <input type="checkbox"/> Jointly to both parties | |
| <input type="checkbox"/> Solely to Petitioner A | <input type="checkbox"/> Solely to Petitioner B |
| <input type="checkbox"/> Jointly to both parties | |
| <input type="checkbox"/> Solely to Petitioner A | <input type="checkbox"/> Solely to Petitioner B |
| <input type="checkbox"/> Jointly to both parties | |

2. **Physical Custody.** It is in the best interests of the children to grant **physical** custody of each of the minor joint children of the parties as follows:

Full Name of Child

Granting Legal Custody to:

- | | |
|--|---|
| <input type="checkbox"/> Solely to Petitioner A | <input type="checkbox"/> Solely to Petitioner B |
| <input type="checkbox"/> Jointly to both parties | |
| <input type="checkbox"/> Solely to Petitioner A | <input type="checkbox"/> Solely to Petitioner B |
| <input type="checkbox"/> Jointly to both parties | |
| <input type="checkbox"/> Solely to Petitioner A | <input type="checkbox"/> Solely to Petitioner B |
| <input type="checkbox"/> Jointly to both parties | |
| <input type="checkbox"/> Solely to Petitioner A | <input type="checkbox"/> Solely to Petitioner B |
| <input type="checkbox"/> Jointly to both parties | |
| <input type="checkbox"/> Solely to Petitioner A | <input type="checkbox"/> Solely to Petitioner B |
| <input type="checkbox"/> Jointly to both parties | |

3. **Parenting Time**

A. Petitioner A's parenting time shall be: ☐ Unsupervised ☐ Supervised ☐ Reserved

B. Petitioner B's parenting time shall be: ☐ Unsupervised ☐ Supervised ☐ Reserved

C. Parenting Time shall be scheduled as follows:

(Clearly explain the time each parent will spend with each child. Include the time (o'clock) when the children will transfer from one parent to the other. You may also want the order to say who will pick up and drop off the children).

Regular schedule:

Monday through Friday:

Weekends:

Summer (if you want a different schedule in summer):

Telephone contact with the children: ☐ Unlimited or ☐ Only at certain times as follows
(describe the days and times when the parent and children may have telephone contact):

Exceptions to the Regular Schedule:

You can have a different schedule for holidays, school release days, and birthdays. If you do not want a different schedule, leave it blank.

School release days or breaks during the school year:

Any school release day schedule will supersede the regular parenting schedule.

Birthdays (child's birthday, parent's birthday):

Holidays:

Any holiday or birthday schedule will supersede the regular and school release parenting schedule.

Vacation Time:

Any vacation time will supersede the regular parenting schedule.

Other exceptions to the regular schedule:

D. Under the above Schedule: (Please be as precise as possible. The amount of overnights each party has may affect your child support)

1) ☐ The annual number of overnights for Petitioner A is _____. The annual number of overnights for Petitioner B is _____.

OR

2) ☐ Petitioner A has _____% of annual overnights with the children and Petitioner B has _____% of annual overnights with the children.

4. Child Support

A. ☐ Child support shall continue as ordered in File _____.

OR

B. ☐ The issue of child support is reserved. Child support shall be reserved because: _____

Either party can ask the court to order the payment of child support in the future by filing a Motion stating that there is a change in circumstances.

OR

C. ☐ Child support shall be established according to the child support guidelines as described in detail below. (Fill in 1 or 2)

1) ☐ Petitioner A ☐ Petitioner B shall pay to ☐ Petitioner A ☐ Petitioner B \$_____ per month starting on (date):_____ as the basic support obligation for the parties' joint children. This amount is based on the calculations from the child support guidelines worksheet, which is attached and incorporated into this Order. Any past due amounts pursuant to a different court order of child support are still owed.

2) ☐ Petitioner A ☐ Petitioner B shall pay to ☐ Petitioner A ☐ Petitioner B \$_____ per month starting on (date):_____ as the basic support obligation for the parties' joint children. This amount is a deviation from the basic support obligation under Minnesota laws, and the facts supporting the deviation from the basic amount are:_____

The monthly amount shall be:

☐ subject to income withholding from the payor's income, regardless of source, by his by his or her employer, trustee, or other payor of funds and mailed to: Minnesota Child Support Payment Center, P.O. Box 64326, St. Paul, MN 55164-0326. If the person paying child support is self-employed, send payments to Minnesota Child Support Payment Center, P.O. Box 64306, St. Paul, MN 55164-0306. **To start income withholding, Petitioner or Petitioner B must apply for IV-D services or income withholding-only services at the Child Support office in the County where the children live.** Until income withholding starts, the person owing support shall pay the other parent directly.

OR

☐ paid directly by the parent owing the child support to the parent receiving the child support, payable on the _____ day of each month.

5. Medical and Dental Insurance for the Joint Children

Ordering Medical insurance as follows:

- A. ☐ Petitioner A ☐ Petitioner B shall provide medical insurance for the joint children through his/her **employer or union**. The other parent must pay a pro rata share of the health coverage costs by paying \$_____ OR ☐ pay nothing toward the medical insurance costs because he/she is financially unable to contribute to the costs.

OR

- B. ☐ Petitioner A ☐ Petitioner B shall provide medical insurance for the joint children by obtaining and paying for **private insurance**. The other parent must pay a pro rata share of the health coverage costs by paying \$_____ OR ☐ pay nothing toward the medical insurance costs because he/she is financially unable to contribute to the costs.

OR

- C. ☐ Petitioner A ☐ Petitioner B shall pay \$ _____ per month as reimbursement for Medical Assistance or MinnesotaCare, payable by income withholding through the

Minnesota Child Support Payment Center, provided Medical Assistance or MinnesotaCare is open for the joint children.

OR

- D. ☐ Reserving the issue of medical insurance for the joint children.

Ordering Dental Insurance as follows:

- A. ☐ Petitioner A ☐ Petitioner B shall provide dental insurance for the joint children through his/her **employer or union**. The other parent must pay a pro rata share of the dental coverage costs by paying \$_____ OR ☐ pay nothing toward the dental coverage costs because he/she is financially unable to contribute to the costs.

OR

- B. ☐ Petitioner A ☐ Petitioner B shall provide dental insurance for the joint children by obtaining and paying for **private insurance**. The other parent must pay a pro rata share of the dental coverage costs by paying \$_____ OR ☐ pay nothing toward the dental coverage costs because he/she is financially unable to contribute to the costs.

OR

- C. ☐ Reserving the issue of dental insurance.

OR

- D. ☐ Other: _____

6. Uninsured and Unreimbursed Medical and Dental Expenses for the Joint Children

"Uninsured and unreimbursed medical and dental costs" are expenses not covered by insurance and not paid by medical assistance or MinnesotaCare. Examples include deductibles, co-pays, and procedures not covered by insurance or assistance. Usually, the parent with physical custody of the child will receive and pay the bill for the unreimbursed costs.

- A. ☐ Petitioner A shall pay _____ % of the uninsured and/or unreimbursed medical and dental costs for the joint children of the parties, and Petitioner B shall pay _____% based on the percentage share of combined PICS (parental income for determining child support).

OR

- B. ☐ Reserving the issue of uninsured and unreimbursed medical and dental costs.

The parent who paid the bill must tell the other parent to pay his/her percentage share. To ask for payment, send to the other parent a) a copy of the bill, b) evidence that you have paid the bill, and c) a letter requesting payment to you of your percentage share. This request for payment should be made promptly, and no later than 3 months after the bill is paid. If a request for payment is made after 3 months, there must be exceptional circumstances to support the late request for payment.

The person receiving the request for payment shall make the payment within 30 days. If there is a good reason to question the payment, send a letter to the other parent stating what additional information is needed, or why payment is disputed. If neither payment nor a written letter disputing payment is sent within 30 days of receiving the request for payment, then the unpaid bill can be considered back due child support.

If the parents are not able to work out payment problems, either parent can bring a motion in court asking the court to decide the dispute or asking the court to adjust how they divide the bills, based on changes in the incomes of the parties.

7. Child Care Support

- A. ☐ Petitioner A shall pay \$ _____ per month for childcare expenses,
and Petitioner B shall pay \$ _____ per month for childcare expenses.

OR

- B. ☐ Reserving the issue of childcare expenses.

8. Conflict Resolution

☐ The parties are not required to mediate before filing a motion with this court.

☐ Any claim or controversy arising under this agreement that cannot be resolved by and between the parties through direct communication and without mediation shall promptly be submitted to mediation.

- A. **Selection of Mediator.** The mediator shall be agreed upon by the parties. If the parties cannot agree, then Petitioner A shall provide to Petitioner B a list of five qualified persons and Petitioner B shall pick one mediator from that list.
- B. **Duties and Responsibilities of Mediator.** The mediator shall have the duty and responsibility to assist the parties in resolving all issues submitted for mediation.
- C. **Payment of Costs.** Both parties shall share the mediator's fees and disbursements equally unless they mutually agree otherwise. The mediator shall provide the parties with his/her fee and disbursement schedule in advance of mediation.
- D. **Confidentiality and Privilege.** Within the limits of the law, the mediator will accord confidentiality and privilege to all communications with the parties.
- E. **Restrictions.** The mediator shall not participate as a witness, collateral contact or attorney in a custody or parenting time study or inquiry involving either party. Further, neither party may ever call the mediator as a witness to testify in any proceeding involving their children or the subject matter of the mediation.
- F. **Compromise or Offers to Compromise During Mediation.** State statutes shall be applicable throughout the entire process of mediation.
- G. **Applicability of Dispute Settlement Procedures.** The above procedure(s) shall apply to any claims or controversies regarding custody and parenting time. Preference shall be given to carrying out this plan. Unless an emergency exists, the parents shall use the designated process to resolve disputes relating to the implementation of the plan, except those related to financial support.
- H. **Written Record and Right of Review.** A written record shall be prepared of any agreement reached in mediation and of each arbitration award and shall be provided to each party. The parties have the right of review from the dispute resolution process to the district court.
- I. **Exhaustion of Remedies.** The above procedure shall be followed before either party may apply to the court for relief.

9. **Other:** _____

BASED UPON THE ABOVE INFORMATION, Petitioner A and Petitioner B request that the Court issue an Order ordering the terms of this Agreement.

READ and SIGN the **Acknowledgments**.

Acknowledgment and Waiver of Counsel:

By signing below, I agree that I have read this agreement, I have considered it carefully, and I fully understand its terms. I understand that once this agreement is approved by a judicial officer, it will become an enforceable court order, and I agree to be bound by the terms of this agreement. I know I have the right to be represented by a lawyer of my choice. I hereby expressly waive that right and I freely and voluntarily sign this Joint Petition, Agreement, and Order to Establish Custody and Parenting Time.

I declare under penalty of perjury that everything I have stated in this document is true and correct. Minn. Stat. § 358.116.

DATE: _____

DATE: _____

Signature of Petitioner A

Signature of Petitioner B

(_____)
Daytime Telephone Number of Petitioner A

(_____)
Daytime Telephone Number of Petitioner B

PETITIONER A'S ATTORNEY

Petitioner A is

☐ acting as his/her own attorney

OR

☐ is represented by the following attorney:

Name

Address

City/State/Zip

Telephone

E-mail address

Attorney Registration Number

PETITIONER B'S ATTORNEY

Petitioner B is

☐ acting as his/her own attorney

OR

☐ is represented by the following attorney:

Name

Address

City/State/Zip

Telephone

E-mail address

Attorney Registration Number

(If public assistance is being provided to a party or joint children, the public authority must sign off on this Joint Petition, Agreement, and Order to Establish Custody and Parenting Time.)
The public authority responsible for the collection and enforcement of child support reviewed and agreed to the Joint Petition and Agreement of the above-named parties

DATE: _____

Name and Title

Attorney Registration Number

Address

City/State/Zip

Telephone

E-mail address

COURT ORDER

1. This proceeding for custody and parenting time came before the undersigned judicial officer of district court on _____ at _____
_____ in the City of St. Paul, State of Minnesota.
2. Petitioner ☐ did ☐ did not appear.
Petitioner B ☐ did ☐ did not appear.
3. Petitioner A ☐ is NOT represented by an attorney OR
Petitioner A ☐ is represented by the following attorney: _____.
4. Petitioner B ☐ is NOT represented by an attorney OR
Petitioner B ☐ is represented by the following attorney: _____.
5. The parties' agreement contains the necessary facts and includes the parties' complete agreement on the issues in this case. The terms of the parties' agreement constitute an order of the court. The parties are ordered to obey all of its provisions contained herein.
6. NOTICE: Appendix A is incorporated and made a part of this final judgment. Appendix A contains, among other things, provisions regarding payments to the Public Agency pursuant to Minnesota Statutes § 518A.50; Depriving Another of Custodial or Parental Rights - A Felony, Minnesota Statutes § 609.26; Rules of Support and Parenting Time; Parental Rights from Minnesota Statutes § 518.17, subdivision 3; Wage and Income Deduction of Child Support pursuant to Minnesota Statutes § 518A.53; Change of Address or Residence; Cost of Living Increase of Child Support pursuant to Minnesota Statutes § 518A.75; Judgments for Unpaid Child Support pursuant to Minnesota Statutes § 548.091; an Medical Insurance and Expenses pursuant to Minnesota Statutes § 518A.41.

The foregoing Order is recommended.

BY THE COURT

District Court Referee

Judge of District Court

Dated: _____

Dated: _____

Appendix A (FAM301)

Notice is Hereby Given to the Parties:

- I. **Payments to Public Agency.** According to Minn. Stat. § 518A.50, payments ordered for maintenance and support must be paid to the Minnesota child support payment center as long as the person entitled to receive the payments is receiving or has applied for public assistance or has applied for support and maintenance collection services. Parents mail payments to: P.O. Box 64326, St. Paul, MN 55164-0326. Employers mail payments to: P.O. Box 64306, St. Paul, MN 55164.
- II. **Notice Regarding Compliance With Parenting Time Order.** The parties are expected to fully comply with the court's order unless the parties mutually agree otherwise in writing as defined by Minn. Stat. § 645.44, subd. 14. Pursuant to Minn. Stat. § 518.175, subd. 6, and Minn. Stat. § 518.131, subd. 11, the parties are hereby notified that:
 - (1) The court shall award compensatory parenting time to a parent who has been prevented from exercising parenting time.
 - (2) Deprivation of parental rights is a felony crime pursuant to Minn. Stat. § 609.375.
 - (3) If the court finds that one parent has repeatedly and intentionally denied or interfered with another parent's parenting time, then the court shall award attorney fees to the parent who has been denied parenting time and require the parent who has been denying or interfering with parenting time to pay the other parent for costs incurred as a result of enforcing the decision.
 - (4) If the court finds that one parent has repeatedly and intentionally denied or interfered with parenting time, then the court may also:
 - (i) transfer custody of the child to the other parent;
 - (ii) impose a sanction of up to \$500 on the parent who repeatedly and intentionally denied or interfered with parenting time; or
 - (iii) award other relief as determined to be in the best interests of the children involved.
- III. **Nonsupport of a Spouse or Child.** A person who fails to pay court-ordered child support or maintenance may be charged with a crime, which may include misdemeanor, gross misdemeanor, or felony charges, according to Minn. Stat. § 609.375. A copy of that section is available from any district court clerk.
- IV. **Rules of Support, Maintenance, Parenting Time.**
 - A. Payment of support or spousal maintenance is to be as ordered, and the giving of gifts or making purchases of food, clothing, and the like will not fulfill the obligation.

- B. Payment of support must be made as it becomes due, and failure to secure or denial of parenting time is NOT an excuse for nonpayment, but the aggrieved party must seek relief through a proper motion filed with the court.
- C. Nonpayment of support is not grounds to deny parenting time. The party entitled to receive support may apply for support and collection services, file a contempt motion, or obtain a judgment as provided in Minn. Stat. § 548.091.
- D. The payment of support or spousal maintenance takes priority over payment of debts and other obligations.
- E. A party who accepts additional obligations of support does so with the full knowledge of the party's prior obligation under this proceeding.
- F. Child support or maintenance is based on annual income, and it is the responsibility of a person with seasonal employment to budget income so that payments are made throughout the year as ordered.
- G. *A Parental Guide to Making Child-Focused Parenting Time Decisions* is available from any court administrator.
- H. The nonpayment of support may be enforced through the denial of student grants; interception of state and federal tax refunds; suspension of driver's, recreational, and occupational licenses; referral to the department of revenue or private collection agencies; seizure of assets, including bank accounts and other assets held by financial institutions; reporting to credit bureaus; income withholding, and contempt proceedings; and other enforcement methods allowed by law.
- I. The public authority may suspend or resume collection of the amount allocated for child care expenses if the conditions of Minn. Stat. § 518A.40, subd. 4, are met.
- J. The public authority may remove or resume a medical support offset if the conditions of Minn. Stat. § 518A.41, subd. 16, are met.

V. Modifying Child Support. If either the obligor or obligee is laid off from employment or receives a pay reduction, child support may be modified, increased, or decreased. Any modification will only take effect when it is ordered by the court, and will only relate back to the time that a motion is filed. Either the obligor or obligee may file a motion to modify child support, and may request the public agency for help. **Until a motion is filed, the child support obligation will continue at the current level. The court is not permitted to reduce support retroactively.**

VI. Parental Rights from Minn. Stat. § 518.17, subd. 3. Unless otherwise provided by the court:

- A. Each party has the right of access to, and to receive copies of, school, medical, dental, religious training, police reports, and other important records and information about the minor children. Each party has the right of access to information regarding health or dental insurance available to the minor children. Presentation of a copy of this order to

the custodian of a record or other information about the minor children constitutes sufficient authorization for the release of the record or information to the requesting party.

- B. Each party has the right to be informed by the other party as to the name and address of the school of attendance of the minor children. Each party has the right to be informed by school officials about the children's welfare, educational progress and status, and to attend school and parent teacher conferences. The school is not required to hold a separate conference for each party.
- C. Each party has the right to be notified by the other party of an accident or serious illness of a minor child, including the name of the health care provider and the place of treatment.
- D. Each party has the right to be notified by the other party if the minor child is the victim of an alleged crime, including the name of the investigating law enforcement officer or agency. There is no duty to notify if the party to be notified is the alleged perpetrator.
- E. Each party has the right of reasonable access and telephone contact with the minor children.

VII. Wage and Income Deduction of Support and Maintenance. Child support and/or spousal maintenance may be withheld from income, with or without notice to the person obligated to pay, when the conditions of Minn. Stat. § 518A.53, have been met. A copy of that section is available from any court administrator.

VIII. Change of Address or Residence. Unless otherwise ordered, each party shall notify the other party, the court, and the public authority responsible for collection, if applicable, of the following information within ten days of any change: residential and mailing address, telephone number, driver's license number, social security number, and name, address, and telephone number of the employer.

IX. Cost of Living Increase of Support and Maintenance. Basic support and/or spousal maintenance may be adjusted every two years based upon a change in the cost of living (using the U.S. Department of Labor, Bureau of Labor Statistics, consumer price index Mpls. St. Paul, for all urban consumers (CPI-U), unless otherwise specified in this order) when the conditions of Minn. Stat. § 518A.75, are met. Cost of living increases are compounded. A copy of Minn. Stat. § 518A.75, and forms necessary to request or contest a cost of living increase are available from any court administrator.

X. Judgments for Unpaid Support. If a person fails to make a child support payment, the payment owed becomes a judgment against the person responsible to make the payment by operation of law on or after the date the payment is due, and the person entitled to receive the payment or the public agency may obtain entry and docketing of the judgment without notice to the person responsible to make the payment.

XI. Judgments for Unpaid Maintenance.

- A. A judgment for unpaid spousal maintenance may be entered and docketed when the conditions of Minn. Stat. § 548.091, are met. A copy of that section is available from any court administrator.
- B. The public authority is not responsible for calculating interest on any judgment for unpaid spousal maintenance. When providing services in IV-D cases, as defined in Minn. Stat. § 518A.26, subd. 10, the public authority will only collect interest on spousal maintenance if spousal maintenance is reduced to a sum certain judgment.

XII. Attorney Fees and Collection Costs for Enforcement of Child Support. A judgment for attorney fees and other collection costs incurred in enforcing a child support order will be entered against the person responsible to pay support when the conditions of Minn. Stat. § 518A.735, are met. A copy of that section and forms necessary to request or contest these attorney fees and collection costs are available from any court administrator.

XIII. Parenting Time Expeditor Process. On request of either party or on its own motion, the court may appoint a parenting time expeditor to resolve parenting time disputes under Minn. Stat. § 518.1751. A copy of that section and a description of the expeditor process is available from any court administrator.

In addition to the Notices listed above, the following Notice applies to all orders addressing custody pursuant to Minn. Stat. § 518.17, subd. 3a.

Notice

Each Party is Granted the Following Rights:

1. Right of access to, and to receive copies of, school, medical, dental, religious training, police reports, and other important records and information about the minor children.
2. Right of access to information regarding health or dental insurance available to the minor children.
3. Right to be informed by the other party as to the name and address of the school of attendance of the minor children.
4. Right to be informed by school officials about the children's welfare, educational progress and status, and to attend school and parent-teacher conferences. The school is not required to hold a separate conference for each party, unless attending the same conference would result in violation of a court order prohibiting contact with a party.
5. Right to be notified by the other party of an accident or serious illness of a minor child, including the name of the health care provider and the place of treatment.
6. Right to be notified by the other party if the minor child is the victim of an alleged crime, including the name of the investigating law enforcement officer or agency. There is no duty to notify if the party to be notified is the alleged perpetrator.
7. Right to reasonable access and telephone or other electronic contact with the minor children.