

State of Minnesota

District Court

County Ramsey

Judicial District: Second

Court File Number: _____

Case Type: _____

In regard to the case of:

Name of Petitioner

**Stipulated Agreement and Order
Modifying Parenting Time**

And

Name of Respondent

A. This proceeding came on without hearing before the undersigned judicial officer of district court on _____ at _____ in the City of St. Paul, State of Minnesota.

B. Petitioner ☐ is NOT represented by an attorney
Petitioner ☐ is represented by the following attorney: _____

Respondent ☐ is NOT represented by an attorney
Respondent ☐ is represented by the following attorney: _____

C. Petitioner and Respondent have reached an agreement resolving outstanding parenting time issues in this case. This *Stipulated Agreement* details the terms of the parties' agreement.

AGREEMENT OF PETITIONER AND RESPONDENT

1. Information about Petitioner:

Full Name: _____
First Middle Last

Address: _____
Street Address Apt. No.

City County State Zip Code

2. Information about Respondent:

Full Name: _____
First Middle Last
Address: _____
Street Address Apt. No.

City County State Zip Code

3. The parties stipulate and agree to modify the Court's Order dated: _____.

4. The parties' prior Order:

- ☐ Granted ☐ Petitioner ☐ Respondent reasonable parenting time.
☐ Reserved parenting time for ☐ Petitioner ☐ Respondent.
☐ Granted ☐ Petitioner ☐ Respondent supervised parenting time.
☐ Granted ☐ Petitioner ☐ Respondent a specific parenting time schedule.

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

Has Petitioner 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 Respondent 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: _____

6. Parenting Time

The parties agree that it is in the best interests of the children that:

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

☐ supervised ☐ reserved ☐ unsupervised

Respondent's parenting time with the joint children be: (*check one*)

☐ supervised ☐ reserved ☐ unsupervised

Answer question A, B, or C based on your answer above.

A. Supervised parenting time:

We agree that supervised parenting time is necessary because_____

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) _____

B. Reserved parenting time:

We agree that parenting time should be reserved because: _____

- C. Unsupervised parenting time: We agree that the parenting time schedule will be 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)

☐ The annual number of overnights for Petitioner is _____. The annual number of overnights for Respondent is _____.

OR

☐ The parties agree that Petitioner has _____% of annual overnights with the children and Respondent has _____% of annual overnights with the children.

BASED UPON THE ABOVE INFORMATION, Petitioner and Respondent 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

Signature of Respondent

Petitioner's Name (Print)

Respondent's Name (Print)

Address

Address

City/State/Zip

City/State/Zip

Telephone

Telephone

Email Address

Email Address

BASED UPON THE ABOVE INFORMATION, the Court makes the following:

ORDER

1. The parties shall abide by the terms contained in the foregoing Stipulated Agreement.
2. All other provisions of the parties' prior orders, not inconsistent with this Order, shall remain in full force and effect.
3. 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.