

FAMILY COURT MOTION

DISCLOSURE

On the following pages, you will find a form which may be used to bring a Motion before the Court in a family matter. This is a standardized form document. *It may not be appropriate depending on the circumstances of your case and/or the Court may require additional information from you which is not found on this form.*

Please note these forms **are not** designed for use in emergency “ex parte” actions. A party asking the court to hear a case on an emergency ex parte basis is required to follow several laws and Court Rules, including but not limited to – Minnesota Statutes §518.131; Rule 65.01, Rules of Civil Procedure; Rule 3, General Rules of Practice; and Rule 303.04, General Rules of Practice. More information on emergency “ex parte” actions can be found on the following website - <http://mncourts.gov/Help-Topics/Child-Custody.aspx>.

INSTRUCTIONS

1. Complete Notice of Motion & Motion and Supporting Affidavit

- Fill out the Notice of Motion & Motion form. This form tells the court and the other party what you are requesting from the court. It also provides notice of the date and time of the hearing.
- Fill out your Affidavit in Support of Motion. This form tells the court and the other party what you are asking for from the court and explaining WHY you are asking for it.

2. Obtain a Hearing Date from court administration in the county you are filing your Motion

- A hearing date needs to be obtained *prior* to filing your Motion.
- Fill in the date, time, and location of the hearing on the Notice of Motion & Motion form.
- Hearing dates must be at least 14 days from filing and service.

3. Make Copies of the completed Notice of Motion & Motion, Supporting Affidavit and all attachments (if any)

- You will need *1 copy for your records, 1 copy for each party that has to be served and an original to file with the Court.*

4. Serve (provide a copy to) the other party with the Notice of Motion & Motion, Supporting Affidavit, and all attachments (if any)

- The forms you have prepared can be served by any of the following:
 - The sheriff;
 - Another adult; or
 - You.
- Generally, motions must be served personally (hand delivered) at least fourteen (14) days before the hearing or mailed (via first-class mail) to the other party's (or parties in some cases) last known address at least seventeen (17) days before the hearing. If the other party is represented by attorney, the copies must be served on the attorney.

5. Complete an Affidavit of Service

- Whoever served the other party must complete an Affidavit of Service indicating (1) who they are, (2) their date of birth, (3) what documents they served, (4) whom they served the documents on, (5) the manner in which they served the other party & (6) when they served the documents.
- The Affidavit of Service must identify *each individual who was served and must identify each document that was served.*

6. Pay the Filing Fee and File the original Notice of Motion & Motion, Supporting Affidavit, all attachments (if any), and Affidavit of Service with court administration

- Be aware of your deadline to file your documents with the court. It is generally the same deadline for service on the other party.
- You must pay the motion fee together with your initial filing fee (if not already paid) or complete an In Forma Pauperis (Fee Waiver Request) form.

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF _____

TENTH JUDICIAL DISTRICT

In Re the _____ of

_____,

**NOTICE OF MOTION AND
MOTION**

Petitioner,

and

Court File No.: _____

_____,

Respondent,

_____,

Intervenor (if any).

TO (name and address of the other party):

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

NOTICE

I will ask the court for an Order at a hearing scheduled as follows:

Date:	_____	Time:	_____
Name of Courthouse:	_____	Judicial Officer (if known):	_____
Street Address:	_____	City:	_____

MOTION

I am asking the court for an Order as follows:

1. _____

2. _____

3. _____

4. _____

(attach an additional sheet if necessary)

5. For any other relief the court feels is fair and equitable.

Notice to Other Party

After you receive these papers, if you want to respond to anything raised by the other party in their motion and affidavit, your written response (usually called *Response to Motion* and *Affidavit*) must be served on the other party:

- at least five (5) days before the hearing if personally served; or
- at least eight (8) days before the hearing if served by mail.

Your responsive motion and affidavit must be filed with the District Court Administrator at least five (5) days before the hearing.

If you want to raise new issues at the hearing the other party has scheduled, your *Response to Motion* and *Affidavit* must be served on the other party:

- at least ten (10) days before the hearing if personally served; or
- at least thirteen (13) days before the hearing if served by mail.

Your papers raising new issues must be filed with the District Court Administrator at least ten (10) days before the hearing.

******If you do not serve and file a written response, the court might not look at papers you bring to the hearing and might not allow you to make a verbal response at the hearing.******

Verification and Acknowledgements

- a) **I have read this document. To the best of my knowledge, information and belief, the information contained in this document is well grounded in fact and is supported by existing law.**
- b) **I have not been determined by any court in Minnesota or in any other state to be a frivolous litigant and I am not the subject of an *Order* precluding me from serving or filing this document.**
- c) **I am not serving or filing this document for any improper purpose, such as to harass the other party to cause delay or needless increase in the cost of litigation or to commit a fraud on the court.**
- d) **I understand that if I am not telling the truth or if I am misleading the court or if I am serving or filing this document for an improper purpose, the court can order me to pay money to the other party, including the reasonable expenses incurred by the other party because of the serving or filing of this document, court costs and reasonable attorney's fees.**

Dated: _____

Signature

Printed Name: _____

Address _____

City/ State _____

Zip Code: _____

Telephone: () _____

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF _____

TENTH JUDICIAL DISTRICT

In Re the _____ of

_____ ,

**AFFIDAVIT IN SUPPORT OF
MOTION**

Petitioner,

vs.

Court File No.: _____

_____ ,

Respondent,

_____ ,

Intervenor (if any).

My name is _____ and I state that:

1. I make this Affidavit in support of my Motion to _____

2. The following facts support my Motion:

