

**CARVER COUNTY DISTRICT COURT  
FAMILY COURT REQUIREMENTS AND PROCEDURES**

**1. COURT FORMS AND CHILD SUPPORT CALCULATOR**

Court forms, along with instructions, are available online at [www.mncourts.gov/selfhelp](http://www.mncourts.gov/selfhelp) or <https://www.carverlib.org/locations/law-library>. If you do not have a computer, you may use one at the Carver County Law Library located at the Carver County Justice Center, 604 East Fourth Street, Chaska, MN 55318. Court forms, along with instructions, are also available from Carver County Court Administration for a minimal copying fee. A child support calculator, with instructions, is also available online at the above websites or at <http://childsupportcalculator.dhs.state.mn.us> to assist you in determining what child support should be paid under the Child Support Guidelines. For further information on child support services or for an application form for child support services, go to [www.dhs.state.mn.us](http://www.dhs.state.mn.us).

**PLEASE NOTE THAT ALL COURT FORMS MUST BE FILLED OUT COMPLETELY AND A COPY GIVEN TO THE OTHER PARTY BEFORE THE COURT MAY PROCEED WITH YOUR CASE.**

If you are able to resolve the issues in your dissolution action with a Marital Termination Agreement, the proposed **Findings of Fact, Conclusion of Law, Order for Judgement and Judgement and Decree must mirror or match that information and agreements in the Marital Termination Agreement** before the court will be able to proceed on your case. If you are unable to resolve the issues in your dissolution action, and you decide to proceed to trial without an attorney, you will be held to the same burden of proof and procedural requirements as parties who proceed with an attorney. At trial, you must be fully prepared to present evidence, whether by way of testimony or by the introduction of exhibits, in a legally admissible form, whether you are represented by an attorney or not.

**2. SELF-HELP KIOSK AND TELEPHONE LINE**

The Carver County Law Library also offers access to an online Self-Help Center with instructions and information about how to proceed in your family law case, as well as a direct phone link to the Hennepin County District Court Self-Help Center. Phone calls are answered by Hennepin County court employees Tuesday through Friday from 10 a.m. to 3 p.m., except for legal holidays. While court employees are not able to give legal advice, they assist callers with general questions about court forms, procedures, and legal resources. Bilingual staff are available to provide services in Spanish as well.

**3. PARENT EDUCATION**

The main concern in family law matters is making decisions that are in the best interests of your child or children. In order to further this goal, parents of minor children are required to attend an approved parent education class “within 30 days after the first filing with the court” unless excused by the court. Minn. Stat. § 518.157. You do not have to attend the same parent education sessions if domestic abuse has been claimed by either or both parties. A certificate which proves completion of the class must be filed with Carver County Court Administration. The court may impose sanctions upon a parent for failure to attend or complete a parent education program. Each party is responsible for his or her own payment of fees associated with the parent education program. You also may attend an online parent education class in lieu of attending in person. Please contact the Carver County Family Court Division to learn about approved classes or visit the County’s website: <http://www.mncourts.gov/Find-Courts/Carver/Divorce-Education.aspx>

**4. ALTERNATIVE DISPUTE RESOLUTION (ADR)**

In family law matters, including post-decree matters which request a change in a final decision in a divorce case, a resolution of disputed issues in a less stressful environment than the courtroom is preferable for the parties and their families. To reach the goal of resolving disputes outside of the courtroom, Rule 114.04 of the Rules of General Practice for the District Courts requires that the parties confer and select at least one ADR process. If there are claims of domestic abuse, both parties are to select the form of ADR which they prefer or the judge, upon request, will select the form of ADR that is most appropriate for the case. The parties will be responsible for the payment of any fees charged for ADR. Among other forms of ADR, the most commonly used processes in family law matters are:

Early Neutral Evaluation (ENE): A chance for the parties and/or their attorneys to present the dispute to a neutral evaluator soon after the case is filed. The neutral then gives an assessment of the strengths and weaknesses of the case. If settlement does not result, the neutral helps narrow the dispute and suggests guidelines for managing the case.

Mediation: A forum in which a neutral third party helps with communication between parties to promote settlement.

Other Forms: The parties may create their own form of ADR or use one of the other forms of ADR as set forth in Rule 114 of the Rules of General Practice for the District Courts.

Neutrals: A “neutral” is an individual or organization that provides an ADR process. A “qualified neutral” is an individual or organization included on the State Court Administrator’s roster at:

[http://adr.courts.state.mn.us/adr/Adr\\_query.asp](http://adr.courts.state.mn.us/adr/Adr_query.asp)

Selection of ADR on Informational Statement: Rule 304.02 of the Rules of Practice requires that within 60 days after your case has been filed, or within 60 days of a temporary hearing, whichever is later, you are to file an Informational Statement with Court Administration and send a copy of the Informational Statement to the other party. The Informational Statement **MUST** include the ADR process selected by the parties. A Pretrial Hearing with a judge will be scheduled for your case.

**PLEASE NOTE THAT THE REQUIREMENT THAT THE PARTIES PARTICIPATE IN ALTERNATIVE DISPUTE RESOLUTION WILL BE STRICTLY ENFORCED.** The court may refuse to grant a hearing to parties who do not comply with Rule 114 of the Rules of General Practice for District Courts.

## **5. PRETRIAL HEARING**

This hearing will be used by the court and the parties for the following purposes: (a) identify the disputed and resolved issues; (b) attempt to settle any unresolved issues; (c) place any settlements on the record, including the dissolution, if appropriate; and (d) handle and resolve any pretrial issues. You and your attorney are required to attend the Pretrial Hearing and are to be fully prepared to engage in settlement discussions. If the case cannot be resolved, the parties should be prepared to identify the disputed issues, as well as the witnesses and exhibits that will be presented at the trial.

## **6. DISTRICT COURT MOTION HEARINGS**

When you need to schedule a motion hearing, contact Court Administration at 952-361-1420, press the appropriate option. At the hearing, each side will be allowed ten minutes. If additional time is needed, please state this when calling to schedule a motion hearing.

All motions, affidavits of service, and the **\$75 motion fee shall be filed and paid at the time of filing.** Your motion hearing date will not be entered on our computer system until Court Administration has received your documents, motion fee, and/or initial filing fee. Once your motion hearing has been scheduled and Court Administration has received your documents, **you may not continue or cancel your hearing, unless you have notified Court Administration prior to 2:00 p.m. the day before the hearing.** Hearings will only be cancelled or continued by the filing party. It will be your responsibility to notify all parties that the hearing has been cancelled or continued.

Any documents sent by facsimile **will be considered the original document.** A facsimile fee will be assessed; \$25.00 for the first 1-50 pages and pages 51-100 an additional \$25.00, etc. as stated in the Minnesota Rules of Procedure. **These fees are due within five days of fax filing,** if less than five days then before the hearings takes place.

## **7. COURT STAFF.**

Carver County Court Administration staff is available to assist you with information, but is not available for legal assistance. The staff **CAN** do the following: (a) provide information on a court case, unless it is unavailable by law; (b) provide general information on how to find court rules, procedures, and practices; (c) provide court-approved forms; (d) assist in filling out forms in conciliation court, domestic abuse, and harassment cases; and (e) provide court calendars and information on how to get matters scheduled in court. The staff **CANNOT** do the following: (a) give advice about whether you should file a case or motion; (b) advise you as to what to say in court or what a judge might do; (c) collect on a judgment; (d) provide service of papers; or (e) give you legal advice.

## **8. LEGAL ASSISTANCE.**

If you need legal assistance, you can check with the following websites to find a roster of family law attorneys: [www.mnfindalawyer.com](http://www.mnfindalawyer.com), [www.mnbar.org](http://www.mnbar.org), or [www.lawhelpmn.org](http://www.lawhelpmn.org). If you have limited income, you may be able to obtain an attorney by calling your local Legal Aid Office at 952-402-9890 or 651-222-4731 or by checking online at [www.smrls.org](http://www.smrls.org).