

State of Minnesota

District Court

County Ramsey

Judicial District: Second

Court File Number: _____

Case Type: _____

In regard to the case of:

Name of Petitioner

And

Name of Respondent

**Stipulated Agreement and Order to
Establish Custody and
Parenting Time**

A. This proceeding came on before the undersigned judicial officer of district court on _____ at _____ in the City of St. Paul, State of Minnesota.

B. Petitioner did did not appear.
Respondent did did not appear.

C. 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: _____

D. Service of the Summons and Petition to Establish Custody and Parenting Time:

1. Respondent was personally served on _____.

OR

2. Respondent signed an Admission of Service on _____.

OR

3. Respondent was served by alternate means as ordered by the court on _____.

- i. By mailing the Summons and Petition to Respondent at the address stated in the Order for Service by Alternate Means on _____.
- ii. By publication of the Summons in _____ newspaper for 3 consecutive weeks on the following dates: _____, _____, and _____.

E. Petitioner was served with an Answer and Counter-Petition: YES NO
 If YES, Petitioner was served with the Answer and Counter-Petition on _____.

F. Petitioner and Respondent have reached an agreement resolving all outstanding 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

Date of birth: _____

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

_____ First Middle Last

_____ First Middle Last

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

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 and Respondent: YES NO.

If YES, the Order protects: Petitioner Respondent 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 and Respondent'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 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: _____

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 Respondent

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 physical custody to both parents
- Sole physical custody to Petitioner Respondent

12. Parenting Time

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

- 1) Petitioner's parenting time with the joint children be: (*check one*)
 unsupervised supervised reserved
- 2) Respondent'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 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. Respondent 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 receives SSI: YES NO

B. Respondent receives SSI: YES NO

C. The joint children of the parties receives SSI: YES NO

15. Petitioner's Financial Information

A. Petitioner 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 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 Respondent.

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

YES NO *If yes, how much?* _____

E. Petitioner 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. Respondent's Financial Information

A. Respondent 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. Respondent 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 Respondent.

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

YES NO *If yes, how much?* _____

E. Respondent 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 Order.
 - B. The parties agree to establish child support.
 - C. The parties agree to reserve child support because _____
-

18. Health Care Coverage

- A. Petitioner Respondent Joint Children receives MinnesotaCare or Medical Assistance.
- B. Petitioner: *(check all that apply)*
 - Petitioner does not have healthcare coverage available for the joint children.

OR

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

1) Petitioner 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 Respondent Joint Children Nonjoint Children

2) Petitioner 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 Respondent Joint Children Nonjoint Children

C. Respondent: *(check all that apply)*

Respondent does not have healthcare coverage available for the joint children.

OR

Respondent has healthcare coverage available for the joint children other than MinnesotaCare or Medical Assistance.

1) Respondent 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 Respondent Joint Children Nonjoint Children

2) Respondent 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 Respondent 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 pays \$_____ per month
- Respondent pays \$_____ per month
- The County pays \$_____ per month
- Petitioner Respondent applied for the childcare assistance

- D. Petitioner should pay \$ _____ per month for his/her proportional share of childcare costs and Respondent 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 _____
- _____
- _____
- _____

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

(_____)
Daytime Telephone Number of Petitioner

(_____)
Daytime Telephone Number of Respondent

PETITIONER'S ATTORNEY

Petitioner is

acting as his/her own attorney

OR

is represented by the following attorney:

RESPONDENT'S ATTORNEY

Respondent is

acting as his/her own attorney

OR

is represented by the following attorney:

Name

Name

Address

Address

City/State/Zip

City/State/Zip

Telephone

Telephone

E-mail address

E-mail address

Attorney Registration Number

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

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

ORDER

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:

- Solely to Petitioner Solely to Respondent
 Jointly to both parties
 Solely to Petitioner Solely to Respondent
 Jointly to both parties
 Solely to Petitioner Solely to Respondent
 Jointly to both parties
 Solely to Petitioner Solely to Respondent
 Jointly to both parties
 Solely to Petitioner Solely to Respondent
 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:

- Solely to Petitioner Solely to Respondent
 Jointly to both parties
 Solely to Petitioner Solely to Respondent
 Jointly to both parties
 Solely to Petitioner Solely to Respondent
 Jointly to both parties
 Solely to Petitioner Solely to Respondent
 Jointly to both parties
 Solely to Petitioner Solely to Respondent
 Jointly to both parties

3. **Parenting Time**

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

B. Respondent'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 is _____. The annual number of overnights for Respondent is _____.

OR

2) Petitioner has _____% of annual overnights with the children and Respondent 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 Respondent shall pay to Petitioner Respondent \$_____ 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 Respondent shall pay to Petitioner Respondent \$_____ 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 Respondent 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 Respondent 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 Respondent 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 Respondent 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 Respondent 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 Respondent 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 shall pay _____ % of the uninsured and/or unreimbursed medical and dental costs for the joint children of the parties, and Respondent 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 shall pay \$ _____ per month for childcare expenses,
and Respondent 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:** _____

9. 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: _____