

# INSTRUCTIONS

## Request for Temporary Relief Pending Final Hearing Without Children

### Important Notices and Resources

The Court has forms and instructions, for some types of cases, as a general guide to the court process. These instructions explain the steps in more detail and answer common questions but are not a full guide to the law. Court employees may be able to give general information on court rules and procedures, but they cannot give legal advice.

#### Have questions about court forms or instructions?

- Visit [www.MNCourts.gov/SelfHelp](http://www.MNCourts.gov/SelfHelp)
- Call the Statewide Self-Help Center at 651-435-6535

#### Not sure what to do about a legal issue or need advice?

- Talk with a lawyer
- Visit [www.MNCourts.gov/Find-a-Lawyer.aspx](http://www.MNCourts.gov/Find-a-Lawyer.aspx)

Helpful materials may be found at your public county law library. For a directory, see <http://mn.gov/law-library/research-links/county-law-libraries.jsp>. For more information, contact court administration or call the Minnesota State Law Library at 651-297-7651.

### Forms you may need:

- *Notice of Motion and Motion for Temporary Relief without Children* (DIV602);
- *Affidavit in Support of Motion for Temporary Relief without Children* (DIV603);
- *Parenting / Financial Disclosure Statement* (FAM108); and
- *Affidavit of Service* (SOP105).

The packet “Temporary Relief Without Children” forms are available online at [www.mncourts.gov/forms](http://www.mncourts.gov/forms) under the “Divorce/Dissolution” category.

### Important Notices

- Use the *Request for Temporary Relief Without Children* form **only** if you and your spouse **do not have** minor children together.
- Court staff and the County Attorney’s office **cannot** help you fill out court forms.

- The Court expects every person who appears in court without a lawyer to know the law. If you act as your own lawyer, you must do what a lawyer would do.
- You should see a lawyer if you don't know how to answer the questions on court forms or if you think your spouse will hire a lawyer.
- You **must** fill out all necessary forms for bringing a request for temporary relief and you **must** follow instructions completely.
- Type your answers or print neatly using dark ink.
- If you need more space to answer a question, use another sheet of paper. Do not write in the margins.

## Step 1

### Fill out the *Notice of Motion and Motion for Temporary Relief (DIV602)*

Fill out the *Notice of Motion and Motion for Temporary Relief* form (DIV602). This form tells the court and your spouse what you are asking for from the court on a temporary basis until the final divorce decree is issued, and the date and time of the hearing.

#### The Caption

The information to fill out the top part of the form can be found at the top of the *Petition for Dissolution of Marriage*. This information is known as “the caption,” and will be the same on every form you fill out.

- Fill in the “Case No.” as found at the top of the *Petition for Dissolution of Marriage*.
- On the line marked “Name of Petitioner,” write the full name of the Petitioner as found on the *Petition for Dissolution of Marriage*.
- On the line marked “Name of Respondent,” write the name of the Respondent as found on the *Petition for Dissolution of Marriage*.
- Check off whether your spouse is listed as the Petitioner or Respondent in this case. Write the full name and street address of your spouse.

**Do not fill in the date, time, and location of the hearing yet. You will do that as part of Step 5.**

**Next, you will fill out the rest of the form.**

#### 1. Mediation

A mediator is a person outside the court system who helps the parties to reach an agreement to settle their differences, instead of having someone else (the Judicial officer) decide for the parties. **Note: The court cannot order you and your spouse to attend mediation if you or your spouse allege domestic violence.** Check off whether you want the court to order you and your spouse to use a mediator to attempt to reach an agreement regarding one or more of the issues listed. If YES, then check off which issues you would like a mediator to help you with.

## 2. Maintenance

Maintenance is an amount paid by one person to the other to help cover living costs and personal expenses. Check off how you would like the court to decide the issue of transitional (temporary) maintenance. Check box (a) if neither you nor your spouse should receive transitional maintenance. Check box (b) if you do not want the court to decide the issue of maintenance at this time. Check box (c) if you want your spouse to pay you a specific amount for transitional maintenance, and then fill in that amount.

## 3. Attorney's Fees

Check off how you would like the Court to decide the issue of attorney's fees. Check box (a) if you want the court to order you and your spouse to each pay your own attorney's fees. Check box (b) if you want your spouse to pay some or all of your attorney's fees, and then fill in the amount that your spouse should pay you. Check box (c) if you do not want the court to decide the issue of attorney's fees at this time.

## 4. Use of Parties' Home

Check off how you would like the court to temporarily divide use and possession of the parties' home and who should pay the mortgage and other expenses for the home:

- Check (a) if you alone want to have sole use and possession of your home until the final decree is issued. Check off who will pay the mortgage and other expenses for the home.
- Check (b) if you want your spouse alone to have sole use and possession of your home until the final decree is issued. Check off who will pay the mortgage and other expenses for the home.
- Check (c) if both you and your spouse should share use and possession of your home until the final decree is issued. Write in the expenses for the home and who should pay each housing expense.

## 5. Household Goods, Furniture, and Furnishings

Check off how you would like the court to temporarily divide the use and possession of the parties' household goods, furniture and furnishings:

- Check (a) if both you and your spouse should keep the use and possession of the items you each have in your possession until the final decree is issued.
- Check (b) if you should have sole use and possession of certain items until the final decree is issued and then list those items.
- Check (c) if your spouse should have sole use and possession of certain items until the final decree is issued and then list those items.

## 6. Vehicles

The court may temporarily allow you and your spouse to use and possess certain vehicles. The court may also order one party to make loan payments and insurance payments on a vehicle, even if that party does not have use and possession of the vehicle. If you and your spouse own any vehicles, check box (a) and for each vehicle owned by the parties, list the year, make and model, and then identify to whom use and possession of the vehicle should be temporarily awarded and who should be responsible for the payment of the vehicle's loan and insurance. If you and your spouse do not own any vehicles, check box (b).

## 7. Debt payments

If you and your spouse have debts, check box (a) and for each debt that you and/or your spouse have, write in the name of the creditor (to whom you owe the money), the account number, the total balance owed, the amount to be paid each month and who should pay the debt each month. If you and your spouse do not have any debts, check box (b). Use Confidential Information Form 11.1 (CON111) to list the creditor's name, account numbers, and balance owed.



**To protect the privacy of you and your spouse, all social security numbers, employer identification numbers, and financial account numbers must not be listed on papers you file with the court. You must use Form 11.1 when providing these confidential numbers to the court.**

Failure to use Form 11.1 means these numbers could be available to the general public and you could be charged court costs and the court may order other sanctions against you for the failure to keep this information private.

## 8. Insurance

By law, all currently available insurance coverage must be maintained and continued without change in coverage or beneficiaries. Check off whether you want the court to allow you to change certain insurance policies covering you, your spouse, or minor child(ren). If YES, write in the policy and the changes that you wish to make. Use Confidential Information Form 11.1 (CON111) to list any policy numbers, if necessary.

## 9. Reinstate Insurance

Check off whether you want the court to order your spouse to reinstate insurance that they allowed to lapse. If YES, write in the insurance that should be reinstated. Use Confidential Information Form 11.1 (CON111) to list any insurance numbers, if necessary.

## 10. Income Changes

Check off whether you want the court to order your spouse to notify you immediately notify you of any income raises, bonuses, or other extra income, including tax returns.

### 11. Spend Income

Check off whether you want the court to order your spouse to not spend any income raise, bonuses, or other extra income, including tax returns.

### 12. Restraints

By law, you and your spouse are not allowed to dispose of any assets except for the necessities of life, by a written agreement, or to pay for an attorney. Paragraph 12 does not require you to write anything.

### 13. Property

Check off whether you want the court to allow you to sell, give away, or discard property that may belong to you, your spouse, or the parties together and explain why.

### 14. Harassing Behavior

By law, you and your spouse cannot harass each other. You do not need to write anything for this paragraph/question.

### 15. Additional Relief

Check off whether you want the court to grant additional relief. If YES, write in the specific additional requests.

### Verification and Acknowledgement

Read the “Acknowledgement” before you date and sign the form. Minnesota law requires the attorneys and self-represented litigants to sign the acknowledgment. By signing this, you are verifying that your legal papers are not being presented for any improper purpose (such as to harass your spouse or to delay the proceeding), that the law allows you to take this action, your statements are true and supported by evidence. If you are denying your spouse’s statements, your denial also must be supported by evidence.

- Date and sign the form.
- Include your name and contact information in the blanks under the signature line.

## Step 2

### Fill out the *Affidavit in Support of Motion for Temporary Relief Without Children (DIV603)*

Fill out the *Affidavit* form (DIV603). This form gives the court the information it needs to make a decision.

#### Fill out the Caption:

- Fill out the caption the same way you did on your *Notice of Motion and Motion for Temporary Relief* form in Step 1 above.
- Write your name on the line above the first numbered paragraph.

**Fill out the rest of the form:**

The instructions that follow are numbered the same as the questions on the *Affidavit* form.

1. Check off whether you are the Petitioner or Respondent in this case as listed in the top part of the form (caption) the same way you did on the *Notice of Motion and Motion for Temporary Relief without Children*.
2. Check your request regarding temporary spousal maintenance the same as you did on the *Notice of Motion and Motion for Temporary Relief without Children*. If you are asking for transitional (temporary) spousal maintenance, fill in the amount you need each month from your spouse and explain why you are not able to support yourself. Tell the court about your work history, whether you earn more or less now than you did before, whether you have any medical, physical or psychological problems that limit your ability to work and any other facts that make it difficult or impossible to support yourself.
3. Check whether you are asking the court to order your spouse to pay your attorney's fees the same as you did in your *Notice of Motion and Motion for Temporary Relief without Children*. Explain why you need your spouse to pay your attorney's fees.
4. Check who should temporarily live in your house the same as you did in your *Notice of Motion and Motion for Temporary Relief without Children*. Explain your reasons why the Court should grant your request. Be specific.
5. Check whether you and your spouse have divided your personal property, household goods and furniture the same as you did in your *Notice of Motion and Motion for Temporary Relief without Children*. If you and your spouse have not divided the personal property, explain the specific terms that you want and why you should have them. Explain the specific items your spouse should have and why they should have them.
6. Check whether you or your spouse own motor vehicles the same as you did in your *Notice of Motion and Motion for Temporary Relief without Children*. If you or your spouse own motor vehicles, write in the motor vehicles you want and the reasons you should have the vehicles. Then, write in the motor vehicles your spouse may have and the reasons your spouse should have the vehicles.

Check if you are going to make the payments and the insurance costs for your motor vehicles the same way you did in your *Notice of Motion and Motion for Temporary Relief without Children*. If you want your spouse to make these payments, write in why your spouse should be ordered to do this. Check if your spouse is going to make the payments and the insurance costs for his or her motor vehicles. If not, explain who will make these payments and why.

7. Check whether you and your spouse have debts. If there are debts, explain in detail who should pay the debt and why that person should be ordered to pay that debt.
8. Check whether you want to change any insurance policies the same way you did on your *Notice of Motion and Motion for Temporary Relief without Children*. If you want to change

any policy, write the name of the policy you want to change, what the change will be, and why you want to change it.

9. Check whether there is insurance you want reinstated. If yes, explain what insurance has lapsed or has been cancelled, when it lapsed or was cancelled, who let it lapse or had it cancelled, and why it should be reinstated.
10. Check if you asked the Court in your *Notice of Motion and Motion for Temporary Relief without Children* to order your spouse to notify you of any salary or wage increases, bonuses or other extra income. Check all possible sources for this increased income or list the specific sources. If yes, write in why you need this information.
11. Check whether you want the court to order your spouse not to spend or use other income. If yes, explain why you want the court to order this.
12. If you asked the court in your *Notice of Motion and Motion for Temporary Relief without Children* to allow you to sell or otherwise dispose of specific property or items. List the specific property or items here and then explain why the court should grant you permission to sell or otherwise dispose of this property or these items.
13. If you asked the court for additional relief, explain why the court should grant this request.
14. Sign your *Affidavit* under penalty of perjury. This means you are stating that the information in the *Affidavit* is true to the best of your knowledge. Perjury is the crime of intentionally lying or misrepresenting the truth, punishable by jail or other sanctions.

### Step 3

#### **Fill out the *Parenting Time / Financial Disclosure Statement (FAM108)***

Fill out the *Parenting / Financial Disclosure Statement* form (FAM108). This form gives the Court background information regarding you and the other party. Both the *Instructions (FAM107)* and the *Parenting / Financial Disclosure Statement* form (FAM108) can be found at [www.mncourts.gov/forms](http://www.mncourts.gov/forms) under “Family” category or in the *Temporary Relief Without Children* packet of forms.

### Step 4

#### **Fill out the *Confidential Information Form 11.1* and *Cover Sheet for Non-Public Documents Form 11.2* when needed**

**Note!** Most documents filed with the court are considered public documents and are available to the public. Certain information that is filed with the court may be considered confidential based on court rule and not available to the public. To keep this information confidential and not available to the public, you must take certain steps that are described below.

The steps listed below are for filers who are filing paper documents. Filers who are using eFS to submit their court documents must identify and designate their filings as required in Minn. Gen. R. Prac. 11.03 and 14.06.

### **Confidential Information Form 11.1**

All social security numbers, employer identification numbers, and financial account numbers (also called “restricted identifiers”) must not be listed on papers you file with the court. This is to protect your privacy, the other parties and your children. Only provide social security numbers, employer identification numbers, and financial account numbers when the court requires this information to be provided to the court. For example, if you must provide the court with bank account numbers, or medical account numbers, do not include any account number in your document (your motion, supporting affidavit, etc.). Instead, you must use Form 11.1 to list these confidential numbers.

If account numbers are not required to be provided to the court, and the numbers appear on documents that are considered available to the public, (such as medical invoices or credit account numbers on statements) you must remove the number on the document before filing the document with the court.

### **Cover Sheet for Non-Public Documents Form 11.2**

Most documents filed with the court are public. However, some documents are considered non-public documents based on court rules. You **must** identify these documents as non-public at the time you file the documents with the court. You must complete and file the “Cover Sheet for Non-Public Documents Form 11.2 (also called Form 11.2 cover sheet) when you file non-public documents. The most common non-public documents are called “financial source documents.”

Examples of financial source documents include:

- Paycheck stubs, employer statements, W-2 forms, or business income and business expenses
- Copies of your tax returns and schedules
- Bank statements
- Credit card statements
- Check registers

You may also need to submit other documents that court rules identify as non-public documents, such as a medical record. For example, a report from a doctor that provides a medical diagnosis or treatment plan for you or your child would qualify as a medical record.

You must use the Form 11.2 cover sheet when filing other non-public documents, such as medical records, with the court. One Form 11.2 cover sheet can be used for submitting all non-public documents.



**The failure to use Form 11.2 or Form 11.1 may result in your document being rejected by court administration, being available to the public, stricken from the court record, and sanctions from the court.**



See Rule 11 of the Minnesota General Rules of Practice for more information about how to file documents containing social security numbers, financial account numbers, “financial source documents” and other non-public documents.

Form 11.1 and Form 11.2 can be found at [www.mncourts.gov/forms](http://www.mncourts.gov/forms) under the “Confidential Information” category and is court form number CON111 and CON112.

## Step 5

### Obtain Hearing Date, Time, and Location from Court Administration

When your *Notice of Motion and Motion, Affidavit, and Parenting / Financial Disclosure Statement* have been completed, contact the court administrator’s office for a hearing date and time.

Fill in the date, time, location and room number of the hearing on the first page of the *Notice of Motion and Motion* form.

## Step 6

### Make Copies of the Forms

1. Make **two** copies of the *Notice of Motion and Motion* form, **two** copies of your *Affidavit*, and **two** copies of your *Parenting / Financial Disclosure Statement* form and all attachments (for example: pay stubs, proof of expenses).
2. Keep **one** copy of each form for yourself (make sure to bring your copies with you to court on the day of your hearing).
3. Step 7 tells you how to serve the second copy of each form upon your spouse.
4. Step 9 tells you what to do with the forms.

## Step 7

### Serve Notice on your spouse at least 21 days before the hearing date

#### Overview

The other party must receive complete copies of all documents you have prepared for the hearing. This is called "service of process." The papers can be served personally (handed to the other party), or by mail. If papers are served by mail, Court Rules require adding three days. **Papers cannot be served on a legal holiday.**

**Note:** If the other party is represented by an attorney, serve the other party’s attorney, instead of the party directly.

#### Who Can Serve

The forms you have prepared can be served by any of the following:

- The sheriff;

- Another adult; or
- You.

## Personal Service

**At least 21 days before the hearing date**, one copy of your *Notice of Motion and Motion, Affidavit, Parenting/Financial Disclosure Statement*, and all attachments are hand-delivered to your spouse personally.

## Service by Mail

**At least 24 days before the hearing date**, one copy of your *Notice of Motion and Motion, Affidavit, Parenting/Financial Disclosure Statement*, and all attachments are mailed by first class U.S. mail to the other party.

**Warning:** If your forms and supporting documents are not timely served upon the other party (or his/her attorney), **your motion may not be heard by the court.**

## Step 8

### Complete the *Affidavit of Service* Form (SOP105)

The person who hand-delivers or mails the forms and supporting documents must fill out an *Affidavit of Service* form for each party served.

The server must sign the *Affidavit of Service* under penalty of perjury. By signing the Affidavit under penalty of perjury, the server is stating that the information in the Affidavit is true to the best of their knowledge. Perjury is the crime of intentionally lying or misrepresenting the truth, punishable by jail or other sanctions.

After it has been signed, make **one copy** of the *Affidavit of Service* for your records.

## Step 9

### File with Court Administration

#### File the following documents with court administration:

- *Notice of Motion and Motion for Temporary Relief*;
- *Affidavit in Support of Motion for Temporary Relief without Children*;
- *Parenting / Financial Disclosure Statement*, and all attachments; and
- *Affidavit of Service by Mail or Affidavit of Personal Service*

## Filing Fee

If you did not pay a filing fee when this case was first begun, you will now need to pay the filing fee. If you cannot afford to pay the filing fee, you can ask for a Fee Waiver by filing the *Affidavit to Request Fee Waiver* along with your forms. A judicial officer who will review your request and

determine if the filing fee should be waived. If the judicial officer does grant your fee waiver, you must be prepared to pay the filing fee, or the Court Administrator **cannot** process your forms.

The “Request for Fee Waiver” packet of forms is available online at [www.mncourts.gov/forms](http://www.mncourts.gov/forms) under the “Fee Waiver” category.

## How to File

### At the Courthouse – for Self-Represented Litigants (SRLs)

- This can be done either in person at the courthouse or by mail. Addresses for courthouses are online at <https://mncourts.gov/Find-Courts.aspx>. Use the drop-down menu or map to find your county.
- It is a good idea to make a copy of each of the forms you are filing with the court for your own records.
- Note – if you started the divorce by filing electronically (either through Guide & File or the eFS System) you must continue to eFile your forms using the eFS System.

### Electronic Filing through eFS System

- The eFS System allows you to electronically file (eFile) your forms. Information on eFiling is on the MN Judicial Branch website at <https://www.mncourts.gov/eFile> under the “eFile and eServe Training” tab.
- Once you choose to eFile, you must eFile for the rest of the case. See [Minn. Gen. R. Prac. 14.01\(b\)\(5\)\(i\)](#) ([revisor.mn.gov/court\\_rules/gp/id/14/](http://revisor.mn.gov/court_rules/gp/id/14/)). Government agencies and attorneys are always required to eFile.

## Step 10 Appear in Court

You must go to Court on the date set for the hearing. Be sure to be on time. Bring with you to the hearing **your copies** of all papers. **Do not bring children to the hearing!** After the hearing, the judicial officer will issue an order. The judicial officer may issue the order at the end of the hearing or may send a copy of the order to you in the mail.

For more information about going to court, visit the “Going to Court” Help Topic at <https://mncourts.gov/Help-Topics/Going-to-Court.aspx>.