

State of Minnesota

District Court

County of: _____	Court File Number: _____
Judicial District: _____	Case Type: _____

Petitioner

AND

Respondent

Notice of Motion and Motion to Establish Custody and Parenting Time (CHC104)

TO:

First Middle Last

Street Address Apt. #

City State Zip Code

NOTICE

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

Date: _____ Time: _____ a.m./p.m.

Courthouse address: _____

Telephone: _____

NOTE: Please contact the court with your current phone number and mailing address in case they need to notify you of any location or date/time change.

MOTION

1. Granting legal custody of the children as follows: *(check one)*

(Legal custody identifies who will have a right to make decisions regarding the child's upbringing, including education, health care, and religious training).

a. Jointly to both parents.

b. Solely to (*check one*):

Me

The other parent (*print full name*) _____

2. Granting physical custody of the children as follows: (*check one*)

(Physical custody identifies who will handle the routine daily care and control of the child and with whom the children will live).

a. Jointly to both parents.

b. Solely to (*check one*):

Me

The other parent (*print full name*) _____

3. Determining parenting time as follows:

For the Petitioner:

Granting parenting time to the Petitioner as provided in the schedules below;

Granting parenting time to the Petitioner provided in the schedules below, with transfer of the minor children at a safe place, preferably a visitation exchange center (if one is available);

Granting supervised parenting time to the Petitioner as provided in the schedules below; or

Denying parenting time to the Petitioner.

For the Respondent:

Granting parenting time to the Respondent as provided in the schedules below;

Granting parenting time to the Respondent provided in the schedules below, with transfer of the minor children at a safe place, preferably a visitation exchange center (if one is available);

Granting supervised parenting time to the Respondent as provided in the schedules below; or

Denying parenting time to the Respondent.

PARENTING TIME SCHEDULES

Use the space provided below to clearly explain when each parent will have the children. State the time (o'clock) when the children will transfer from one parent to the other. If you want the order to say who will pick up and drop off the children, or where transfer of the children should take place, include that under "Other."

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.

Do you want a different schedule for school release days or breaks during the school year?

Yes No

School Release days or breaks during the school year _____

NOTE: Any school release day schedule will override the regular parenting schedule.

Do you want a different schedule for children's or parents' birthdays? Yes No

Birthdays (child's birthday, parent's birthday) _____

Do you want a different schedule for holidays? Yes No

State the specific holiday and schedule: _____

NOTE: Any holiday or birthday schedule will override the regular and school release parenting schedule.

Do you have any other requests for a different parenting time schedule? Yes No

Other: _____

4. Under the above Schedule:

What is the annual number of overnights the children will spend with each parent?

Note: if parenting time is equal, use 182.5 overnights for each parent.

Number of overnights with Petitioner: _____

Number of overnights with Respondent: _____

5. Establishing child support according to Minnesota child support guidelines. Child support includes basic support, medical support, and child-care support.

6. Granting additional relief as follows: _____

7. Granting such other and further relief as the court may deem just and equitable.

NOTICE TO OTHER PARENT

After reading this Motion, if you disagree with anything that is being requested, or if you want the court to consider your facts and what you want, you must serve upon all parties and file with the court a *Responsive Motion* and *Responsive Affidavit*. These documents are available online at <https://mncourts.gov/GetForms.aspx?c=4>, or you may pick up court forms from any county court administrator's office. Your *Responsive Motion* and *Responsive Affidavit* must be personally served on the other party **at least 7 days before the hearing** or mailed to the other party **at least 10 days before the hearing**. Your responsive papers must be filed with the court administrator **at least 7 days before the hearing**.

If you want to raise new issues at the hearing the other party has scheduled, you must serve and file a *Responsive Motion* and *Affidavit*, which must be **personally served** on the other party **14 days before the hearing** or **mailed** to the other party **at least 17 days before the hearing**. Your papers raising new issues must be **filed** with the court administrator **at least 14 days before the hearing**.

If you do not understand what the other party is requesting, you may want to ask a lawyer for help or contact other legal services provider for assistance.

Acknowledgment

By presenting this form to the court, I certify that to the best of my knowledge, information, and belief, the following statements are true. I understand that if a statement is not true, the court can order a penalty against me (such as to pay money to the other party, pay court costs, and/or other penalties).

1. The information I included in this form is based on facts and supported by existing law.
2. I am not presenting this form for any improper purpose. I am not using this form to:
 - a. Harass anyone;
 - b. Cause unnecessary delay in the case; or
 - c. Needlessly increase the cost of litigation.
3. No judicial officer has said I am a frivolous litigant.
4. There is no court order saying I cannot serve or file this form.
5. This form does not contain any "restricted identifiers" or confidential information as defined in Rule 11 of the General Rules of Practice (https://www.revisor.mn.gov/court_rules/gp/id/11/) or the Rules of Public Access to Records of the Judicial Branch (https://www.revisor.mn.gov/court_rules/rule/ra-toh/).

6. If I need to file “restricted identifiers,” confidential information, or a confidential document, I will use Form 11.1 and/or Form 11.2, as required by Rule 11.

Date: _____

Signature: _____

Printed Name: _____

Address: _____

City/State/Zip: _____

Email: _____

Phone: _____