

# INSTRUCTIONS

## Joint Petition for Establishing Child Custody, Parenting Time, and Child Support

For unmarried parents who have signed and filed a Recognition of Parentage (ROP) with the Minnesota Department of Health.

Minn. Stat. § 518.156, subd. 5

<https://www.revisor.mn.gov/statutes/cite/518.156>



These forms are designed for situations where a child was born in Minnesota and parents signed and filed a Minnesota ROP. If the child was born in another state and you signed and filed that state's voluntary paternity acknowledgment form, you should get legal advice before using these forms.

### Forms Needed to Establish Custody, Parenting Time, and Child Support when Parties Agree on All Issues

1. A certified copy (or *copy* of the certified copy) of the Recognition of Parentage (ROP) from the MN Department of Health for each child
2. *Joint Petition, Agreement, and Proposed Order for Establishing Custody, Parenting Time, and Child Support* form (CHC107)
3. *Financial Affidavit for Child Support* (FAM102)
4. Form 11.1, *Confidential Information Form* (CON111)
5. Possibly Form 11.2, *Cover Sheet for Non-Public Documents Form* (CON112)

**The information contained in this document is not intended as legal advice but as a general guide to you to explain the legal process. If you do not understand any of these procedures, talk to an attorney. Court staff cannot give legal advice.**

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 your court administrator or call the Minnesota State Law Library at 651-297-7651.

## General Information about Agreements Establishing Custody, Parenting Time, and Child Support for Unmarried Parents

**Children’s Best Interests:** The judicial officer must make an order that is in the children’s best interests according to Minn. Stat. § 518.17 (<https://www.revisor.mn.gov/statutes/cite/518.17>). **If the judicial officer does not agree that terms of your joint petition is in the children’s best interests, the judicial officer will not sign the order.** It is good practice to be able to explain why your agreements regarding custody, parenting time, and child support are in the best interests of the children.

### Who May Use these Forms?

Unmarried parents may use the *Joint Petition* (CHC107) only if all of these statements are true:

1. Parties agree on all issues about child custody, parenting time, and child support; and
2. There is no other person who is the alleged or presumed father; and
3. Parties have signed and filed a ROP for each child with the MN Department of Health, and they will file a certified copy of each ROP (or a *copy* of the certified copy) with the *Joint Petition* (CHC107).

### In what county should you file your case?

According to Minn. Stat. § 518.156, subd. 1(2) (<https://www.revisor.mn.gov/statutes/cite/518.156>), you must file your case to establish custody and parenting time:

- Where the child permanently lives; OR
- Where the child is currently found; OR
- Where there is an earlier court order for custody of the child.

### Do you have all the information you need to fill out the forms?

You will need the following information to fill out the *Joint Petition for Establishing Custody, Parenting Time, and Child Support* set of forms:

- The name, address of each petitioner. If child support is being requested, you also need the Social Security Number of each petitioner and child.
- The length of time each party and child have lived in Minnesota.
- Each child’s age and date of birth.
- Information about any other court case involving the parties and children.
- Detailed agreement regarding child custody, parenting time, and child support.

If child support is being requested, you also need:

- Detailed financial information for each party.
- Proof of each party's financial situation (for example, pay stubs, bank records, etc.).
- Worksheets from the Child Support Calculator (the calculator is found on the Minnesota Department of Human Service's website at <https://childsupportcalculator.dhs.state.mn.us/>).
- Certified copy of the ROP for each child (or a *copy* of the certified copy). The Minnesota Department of Health's Office of Vital Records has directions on their website for purchasing certified copies of the ROP: <https://www.health.state.mn.us/people/vitalrecords/rop.html#getcopy1>. The Office of Vital Records does not have a walk-in service. If you have questions about how to get a certified copy of a filed ROP, you can email the Office of Vital Records at [health.vitalrecords@state.mn.us](mailto:health.vitalrecords@state.mn.us), or call them at 651-201-5970.

## Do you need help or legal advice?

For Help:

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

For Legal Advice:

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

## Step 1

**Fill Out the *Joint Petition, Agreement, and Order to Establish Custody, Parenting Time, and Child Support* (CHC107)**

<b>State of Minnesota</b> County <b>A</b>	<b>District Court</b> Judicial District: <b>B</b> Court File Number: <b>B</b> Case Type: Custody
<b>In Re the Custody of the Children of:</b> Petitioner A <b>C</b> and Petitioner B <b>D</b>	<b>Joint Petition, Agreement, and Order to Establish Custody, Parenting Time, and Child Support</b>  Minn. Stat. § 518.156, subd. 5

## The "Caption"

- A. List the county where you will be filing the custody case.
- B. List the Judicial District. Each county belongs in one of ten judicial districts. If you need help, see <http://www.mncourts.gov/Find-Courts.aspx>. Leave the line for Court File Number blank.
- C. Include the full name of one of the parents on the line for “Petitioner A.” This parent will be “Petitioner A” throughout this case.
- D. The other parent will be “Petitioner B.” Include this parent’s full name on the line for “Petitioner B.”

Do not switch names. Whichever parent is listed as “Petitioner A” in the caption should stay “Petitioner A” throughout all of the forms.



**PART 1 – INFORMATION**

In the first half of the *Joint Petition* (CHC107), you will be giving the court information about the parents, children, and other court cases.

**Information about the Parents**

**1** **Petitioner A**

a. Name and Address:

Full name: \_\_\_\_\_

Prior or other names: \_\_\_\_\_

No prior or other names. **a**

Street address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

- 1. In Paragraph #1, print or type information about Petitioner A.
  - a. Add Petitioner A’s full name and address. Also include prior or other names Petitioner A has used (for example, a maiden name), if any.

**b** 2. Has Petitioner A resided in Minnesota for at least 6 months?  Yes  No

If No:

Is Petitioner A in the military and stationed in Minnesota for at least 6 months?  
 Yes  No

Has Petitioner A been a domiciliary of this state for at least 6 months?  
 Yes  No

**c** 3. Does Petitioner A receive public assistance or Supplemental Security Income (SSI) for self or children?  Yes  No

If Yes:

Which type of public assistance does Petitioner A receive?

MA (Medical Assistance)

MFIP (Minnesota Family Investment Program)

Child Care Assistance

Other: \_\_\_\_\_

SSI received for: \_\_\_\_\_

- b. This section is about the **residency requirement**. Generally, Minnesota law requires that at least one of the petitioners has resided in Minnesota for at least 6 months before starting the custody case. A parent may meet the residency requirement if they are in the military and stationed in Minnesota for at least 6 months, or if they have been a “domiciliary” of Minnesota for at least 6 months.

“Domiciliary” is a legal term that is not easily defined, especially as it applies to residency for custody cases. Please get legal advice if you have questions about the residency requirements.

- c. Does Petitioner A receive public assistance or SSI (Supplemental Security Income) either for themselves or for the children? **If YES, there are 2 things the parents will need to do:**
- Answer the follow-up question (explain what type of assistance and/or who the SSI benefits are for). You may check more than one box.
  - **When this *Joint Petition* is completely filled out, you will need to follow-up with the public authority (the county attorney’s office) to see if they will approve of the parents’ agreement and sign the *Joint Petition*.**

2. Paragraph #2 asks you to fill in the same information for Petitioner B.

### **Information about the Children**

The form (CHC107) includes enough space for information about 6 children. If parents are asking the court to establish custody, parenting time, and child support for *more than 6 children*, then you will need to add the information for the other children on the *Child Information Attachment* form (CHC107-Ch).

**3** For each child, give the following information:

**Child 1**

**Name**  
 Full name: \_\_\_\_\_  
 Prior or other names: \_\_\_\_\_

Age: \_\_\_\_\_ Date of birth: \_\_\_\_\_

Child lives with (check all that apply):

Petitioner A  
 Petitioner B  
 Other: \_\_\_\_\_

**Recognition of Parentage (ROP)**

Have Petitioner A and Petitioner B signed a ROP in front of a notary public for this child?  Yes  No

Have Petitioner A and Petitioner B filed the ROP with the Minnesota Department of Health?  Yes  No

Is there another person who could be this child's alleged or presumed father?  Yes  No

3. For *each* child, give the information requested at Paragraph #3.
- a. Full name (and prior or other names);
  - b. Age and date of birth;
  - c. Who the child currently lives with; and
  - d. Information about the **Minnesota Recognition of Parentage (ROP)**:
    - o Whether parents have signed the ROP in front of a notary public;
    - o Whether parents have filed the ROP with the Minnesota Department of Health; and
    - o Whether there is any other person who *could be* the child's alleged or presumed father.

**IMPORTANT!**

- Be sure to include a certified copy of the ROP for each child (or a *copy* of the certified copy).
- If you checked **NO** to anything in the ROP section above, you cannot use the *Joint Petition (CHC107)* to establish custody.
- If the ROP is from another state (*not* Minnesota), **STOP**. The *Joint Petition (CHC107)* is designed for situations where the child was born in Minnesota, and parents signed and filed a Minnesota ROP. If your situation involves another state, please get legal advice before using these forms.

Minn. Stat. § 518.156, subd. 5(a): A copy of the ROP shall be attached to the joint petition.  
<https://www.revisor.mn.gov/statutes/cite/518.156#stat.518.156.5>



**Other Court Cases**

4. This paragraph asks parents to let the court know whether they are involved in other court cases either in Minnesota or any other state.

## Financial Affidavit for Child Support

5. Each parent (Petitioner A and Petitioner B) will need to fill out a *Financial Affidavit for Child Support* form (FAM102) and include it with this *Joint Petition*. See **Step 2** below for more information.

### Other

6. Is there any other information you think the court should know? Check “None” if there is not; otherwise, write in the information at Paragraph #6.

<b>6</b>	Other: _____
	OR
	<input type="checkbox"/> None

## PART 2 – AGREEMENT AND REQUEST FOR COURT ORDER

In the second half of the *Joint Petition* (CHC107), you will be describing the agreement the parents have reached about **child custody**, **parenting time**, and **child support**.



You will see the phrase “best interests of the children” used throughout Part 2. This phrase comes from Minn. Stat. § 518.17 (<https://www.revisor.mn.gov/statutes/cite/518.17>).

Parents are encouraged to look at the “**Child-Focused Parenting Time Guide**” (found online at <http://mncourts.gov/mncourtsgov/media/CourtForms/Child-Focused-Parenting-Time-Guide.pdf>) and the factors listed in Minn. Stat. § 518.17 as they discuss what is best for the children.

See Minn. Stat. § 518.003, subd. 3

(<https://www.revisor.mn.gov/statutes/cite/518.003#stat.518.003.3>), for definitions of legal and physical custody.

NOTE: If there are more than 6 children, please continue your answers on the *Custody Attachment* (CHC107-Cus).

<b>1</b>	Legal custody means which parent has a say in the major decisions regarding the joint children’s lives, including education, religious upbringing, and medical treatment. <ul style="list-style-type: none"><li>• When a parent has <b>sole</b> legal custody, that parent will be the one to make those decisions.</li><li>• When parents have <b>joint</b> legal custody, both parents have an equal say in the major decisions regarding the children’s lives.</li></ul> The parties agree that it is in the best interests of the children to grant <b>legal custody</b> of each child as follows:				
<table border="1"><thead><tr><th>Name of Child</th><th>Grant Legal Custody:</th></tr></thead><tbody><tr><td><b>a</b></td><td><input type="checkbox"/> Solely to Petitioner A. <b>b</b> <input type="checkbox"/> Solely to Petitioner B. <input type="checkbox"/> Jointly to both parties.</td></tr></tbody></table>	Name of Child	Grant Legal Custody:	<b>a</b>	<input type="checkbox"/> Solely to Petitioner A. <b>b</b> <input type="checkbox"/> Solely to Petitioner B. <input type="checkbox"/> Jointly to both parties.	
Name of Child	Grant Legal Custody:				
<b>a</b>	<input type="checkbox"/> Solely to Petitioner A. <b>b</b> <input type="checkbox"/> Solely to Petitioner B. <input type="checkbox"/> Jointly to both parties.				

### 1. Legal Custody.

- List each child individually.
- Check the box showing how legal custody should be granted.

**2** Physical custody identifies which parent will handle the routine daily care and control of the joint children.

- When a parent has **sole** physical custody, that parent will be the one responsible for the daily routine care and control of the children.
- When parents have **joint** physical custody, the routine daily care and control, and the residence, of the children is structured between the parties.

The parties agree that it is in the best interests of the children to grant **physical custody** of each child as follows:

Name of Child	Grant Physical Custody:
<b>a</b>	<input type="checkbox"/> Solely to Petitioner A. <b>b</b> <input type="checkbox"/> Solely to Petitioner B. <input type="checkbox"/> Jointly to both parties.

**2. Physical Custody.**

- a. List each child individually.
- b. Check the box showing how physical custody should be granted.

**3. Parenting Time.** Parenting time can be **unsupervised**, **supervised**, or **reserved**.

*Unsupervised* – a parent’s time with the children does not need to be supervised.

*Supervised* – a parent’s time with the children must be supervised by someone else (the other parent, a relative, the county welfare department, or at a special parenting time center). This is a limitation on a parent’s parenting time that is meant to protect the children’s physical or emotional health.

*Reserved* – a parent whose parenting time is reserved will not have court-ordered parenting time. This parent could ask the court at a later time for parenting time if circumstances change and spending time with the children is in the children’s best interests.

NOTE: If you need more space, please use the *Parenting Time Attachment* (CHC107-PT).

**3** Parenting time is the time the children spend with each parent.

The parties agree that the following is in the children’s best interests:

**a** **Petitioner A’s** parenting time with the children shall be:

Unsupervised.  
 Supervised by \_\_\_\_\_  
 The parties agree that Petitioner A’s parenting time should be supervised because:  
 Reserved, because: \_\_\_\_\_

**b** **Petitioner B’s** parenting time with the children shall be:

Unsupervised.  
 Supervised by \_\_\_\_\_  
 The parties agree that Petitioner B’s parenting time should be supervised because:  
 Reserved, because: \_\_\_\_\_

- a. What have you agreed on for Petitioner A’s parenting time?
- b. What have you agreed on for Petitioner B’s parenting time?



**c** **Parenting Time Schedules:**  
**Regular Schedule (Monday through Sunday)**

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**Telephone Contact with the Children**

Unlimited

Only at certain times as follows: \_\_\_\_\_

**Exceptions to the Regular Schedule (if any)**

Parents can have a different schedule for summers, holidays, school release days, and birthdays.

**Summer** – The parties agree to follow this instead of the regular schedule:  
 \_\_\_\_\_

**Holidays** – The parties agree to follow a special schedule on the following holidays:  
 \_\_\_\_\_

**School Release Days** – Includes breaks during the school year:  
 \_\_\_\_\_

**Birthdays** – Can include children’s and/or parents’ birthdays:  
 \_\_\_\_\_

c. Parenting Time Schedule. In this section, print or type the schedule you have agreed on. Besides the regular schedule (Monday through Sunday), you can have special schedules for the following:

- Summer,
- Holidays (include detailed information such as the name of the holiday and whether the holiday schedule includes weekends),
- School release days, and
- Birthdays.

It may be easier to enforce a parenting time schedule that has specific details such as the time and location when transferring the children from one parent to the other, and who will provide transportation.

Also include what you have agreed on regarding telephone contact with the children.

**d** **Overnights** – Using the schedule from #3c, count the number of overnights each parent has with the children over the course of *two years*. Take Petitioner A’s total and divide by 2 to get the average number of yearly overnights Petitioner A has with the children. Do the same for Petitioner B’s total. If parenting time is equal, use 182.5 overnights for each parent.

Petitioner A has an average of \_\_\_\_\_ overnights with the children each year.

Petitioner B has an average of \_\_\_\_\_ overnights with the children each year.

- d. Average Number of Overnights. This information is needed for the Child Support Calculator (See below).



**NOTE:** A helpful handout called “Calculating the Number of Overnights” is found online at

[http://mncourts.gov/mncourtsgov/media/scao\\_library/SelfHelpCenters/documents/Handout-Calculating-the-Number-of-Overnights-\(002\).pdf](http://mncourts.gov/mncourtsgov/media/scao_library/SelfHelpCenters/documents/Handout-Calculating-the-Number-of-Overnights-(002).pdf).

**Child support** includes costs for the children for **basic support** for daily living expenses, **health care coverage, uninsured and unreimbursed health care expenses, and child care expenses** if child care is needed so the parent can work or attend school. You can read more about these in the “Child Support” Help Topic online starting at <http://mncourts.gov/Help-Topics/Child-Support.aspx#tab01Overview>.

The Minnesota Department of Human Services has created an online **Child Support Calculator** for figuring out an amount for child support at:

<http://childsupportcalculator.dhs.state.mn.us>



For Paragraphs #4 - #7, you will need the worksheets from the calculator. You need income information for yourself and the other parent to use the calculator. This calculator will produce a dollar amount for support based on Minnesota law. If you think the amount of support should be higher or lower than what the calculator figured out, mark the box that says the amount is a "deviation" in child support. You may need to research the law or get help from an attorney if you wish to agree to a deviation.

The worksheets must be included with the *Joint Petition* when you file your papers with court administration, even if you are agreeing to reserve child support.

NOTE: If there is not already a court order for child support, the court **must** make an order about child support. The court has to find that your agreements are in the best interests of the children, or the court will not sign the order section. You can read about the **factors the court must consider** in Minn. Stat. § 518A.43 (<https://www.revisor.mn.gov/statutes/cite/518A.43>).

4. **Basic Child Support.** Parents can agree to one of the following:

- a. One parent pays an amount for basic child support to the other parent as agreed upon in the *Joint Petition*;
- b. *If there is already a court order for child support*, payment of child support can continue as has been ordered in another case; or
- c. Parties can *reserve* basic child support (meaning there won't be any basic child support ordered at this time). If the court approves an agreement to reserve basic child support, either party can file a motion to set a basic child support amount in the future if circumstances change.

Each option is explained in more detail below:

**Option a.**

**If parents choose option a, there are several sections to fill out:**

**a**  Payment of Basic Child Support

*Who Pays, Amount*

Petitioner A  Petitioner B shall pay to  Petitioner A  Petitioner B

\$  per month as the basic child support obligation for the parties' joint children. Any past due amounts from a different court case are still owed.

The party who pays child support is the *obligor*. The party who receives child support is the *obligee*.

**Who Pays, Amount** – One parent will pay the other parent a certain amount per month. First, tell which parent, Petitioner A or Petitioner B, will pay child support. Then after the words “shall pay to,” tell which parent will receive child support. On the blank line, print or type the monthly amount of basic child support.

**Guidelines or Deviation?** – Compare the amount of basic support you included above with the basic child support amount listed on the worksheet from the [Child Support Calculator](#). If the amounts are the same, check the first box.

The amount is based on the calculations from the *child support guidelines worksheet*, which is included with this joint petition.

OR

The amount is a **deviation** (different amount) from the *child support guidelines worksheet*, which is included with this joint petition.

If the amount you agreed on is different than what is listed in the worksheet, then your amount is a **deviation**. A deviation can be ↑ upward (more than the guidelines amount listed in the worksheet) or ↓ downward (less than the guidelines amount). You would check the deviation box, and then answer the follow-up questions.

**Which follow-up question should you choose?** It depends whether the children receive public assistance.

*If the children do not receive public assistance*, check the first box in the deviation section and explain why you and the other parent have agreed to a different amount for basic child support.

The children do not receive public assistance. The reasons for the deviation are: \_\_\_\_\_

\_\_\_\_\_

**OR**

The children receive public assistance. It would be an extreme hardship on the obligor if the parties do not deviate because: \_\_\_\_\_

OR

*If the children receive public assistance*, check the second box. Generally, a downward deviation of basic child support is not allowed when the children receive public assistance. However, there may be an exception if it would be an extreme hardship to the obligor to pay the guidelines amount. Give details in your explanation.

Through income withholding from the obligor’s income, regardless of the source of the income. (NOTE: until income withholding starts, it is good practice for the obligor to make payments to the MN Child Support Payment Center so that there is a record of the payments. Another option is for the obligor to pay the other parent directly, but then the payment must be reported to the public authority).

If the obligor is self-employed, they should send the basic child support payments to:

Minnesota Child Support Payment Center  
P.O. Box 64326  
St. Paul, MN 55164-0326

**OR**

By the obligor directly to the obligee, payable on the \_\_\_\_\_ of each month. (NOTE: if the children receive public assistance, child support payments must be made through income withholding.)

What day?  
For example:  
1st, 15th

**How Paid** – Describe *how* child support will be paid (through income withholding, or by direct payment).

**Option b or Option c:**

**If parents do not choose a, they can choose b or c:**

**b**  Payment of child support will continue as ordered in **Court File Number:**

\_\_\_\_\_

Court file numbers usually start with 2 numbers, followed by other letters and numbers. For example: 88-FA-18-1234.

If there is a child support order already in place, and you do not want to change the child support amount, then check “b” and include the court file number of the child support case.

If you agree to *reserve* basic child support, check “c” and explain how the children’s needs will be met and how this is in the best interest of the children.

**c**  Basic Child Support should be reserved because \_\_\_\_\_

Either party can ask the court to order the payment of child support in the future by filing a motion and explaining the change in circumstances.

5. The next section is about **medical** and **dental insurance** for the children.

**Medical Insurance**

There are 4 options for **medical insurance**:

- a. One parent gets medical insurance for the children through the parent’s employer or union;
- b. One parent buys private medical insurance;

- c. If the children receive Medical Assistance, then one parent will need to pay an amount each month to reimburse the public authority (NOTE: this applies to each month that the obligor is not also receiving Medical Assistance); OR
- d. Reserve the issue of medical insurance for the children.

**If parents choose option a:**

Medical Insurance (choose a, b, c, or d)

a.  **Through employer or union**

Petitioner A    OR     Petitioner B

shall provide medical insurance for the joint children **through their employer or union**. **The other party:**

must pay \$ Amount as part of the medical insurance costs,

**OR**

will pay nothing toward the medical insurance costs because they are financially unable to contribute money at this time.

Check the box to show who will provide medical insurance for the children through that parent’s employer or union (Petitioner A or Petitioner B). Then state whether the other parent will:

- Pay an amount (list how much) as part of the cost for medical insurance, or
- Not pay anything at this time.

**If parents choose option b:**

b.  **Private insurance**

Petitioner A    OR     Petitioner B

shall buy private medical insurance for the joint children. **The other party:**

must pay \$ Amount as part of the medical insurance costs,

**OR**

will pay nothing toward the medical insurance costs because they are financially unable to contribute money at this time.

Check the box to show who will purchase private medical insurance for the children (Petitioner A or Petitioner B). Then state whether the other parent will:

- Pay an amount (list how much) as part of the cost for medical insurance, or
- Not pay anything at this time.

**Parents choose option c only if the children receive Medical Assistance:**

c.  **Medical Assistance**

**Petitioner A**    OR     **Petitioner B**

**c** shall pay \$  per month as reimbursement for Medical Assistance, in any month that they are not receiving Medical Assistance for themselves, payable by income withholding through the Minnesota Child Support Payment Center (this option is available only if Medical Assistance is open for the joint children).

Check the box to let the court know which parent (Petitioner A or Petitioner B) will pay an amount (list how much) to the public authority as reimbursement for the Medical Assistance that the children receive.

**Parents choose option d if they are reserving the issue of medical insurance for the children:**

**d**  Reserve the issue of medical insurance for the joint children because: \_\_\_\_\_

\_\_\_\_\_

If you choose “d,” explain how reserving the issue of medical insurance is in the children’s best interests.

**Dental Insurance**

There are 3 options for **dental insurance**:

- a. One parent gets dental insurance for the children through the parent’s employer or union; OR
- b. One parent buys private dental insurance; OR
- c. Reserve the issue of dental insurance for the children.

Include your agreements in the “Dental Insurance” section like you did in the “Medical Insurance” section above.

**Uninsured and Unreimbursed Medical and Dental Expenses for the Children**

**6** **Uninsured and Unreimbursed Medical and Dental Expenses for the Joint Children** – The parties agree that it is in the best interests of the children if the court orders (choose a or b):

**a**  **Petitioner A shall pay \_\_\_\_\_ %** of the uninsured and unreimbursed medical and dental costs for the joint children. **Petitioner B shall pay \_\_\_\_\_ %** (note: the two percentages should total 100%). The details of the payment arrangement (such as how often the parties exchange receipts, how and when payments are made, etc.) are as follows:

\_\_\_\_\_

(NOTE: Parties cannot enforce an agreement to pay uninsured and unreimbursed medical and dental expenses that are more than 2 years old.)

**b**  Reserve the issue of uninsured and unreimbursed medical and dental costs because:

\_\_\_\_\_

6. Often there are medical and dental expenses that are not covered by insurance. In Paragraph #6, include your agreement about these uninsured and unreimbursed medical and dental expenses.

- a. Choose “a” if you have agreed on the percentage that each parent is going to pay AND on the details of the payment arrangement. The percentage for Petitioner A and the percentage for Petitioner B should total 100% (for example: 100% + 0% = 100% or 60% + 40% = 100% or 50% + 50% = 100%).

NOTE: Requests for payment from the other parent generally must be made within 2 years of the date of the expense.

- You can read more about this topic online at <http://mncourts.gov/Help-Topics/Child-Support.aspx#UnpaidMedical>.
- You can read the law online – Minn. Stat. § 518A.41 (<https://www.revisor.mn.gov/statutes/cite/518A.41>), and Minn. Stat. § 518A.69 (<https://www.revisor.mn.gov/statutes/cite/518A.69>).

- b. Choose “b” if you have agreed to reserve this issue.

### Child Care Support

7. Describe your agreement about child care support. NOTE: Each parent will include the total amount of current child care costs in the *Financial Affidavit for Child Support* (FAM102). See [Step 2](#) for more details.

### When Should Child Support Obligation Begin

<b>8</b>	The parties agree that the support obligations (basic child support, medical and dental support/insurance, child care support) will begin on <span style="border: 1px solid red; padding: 2px;">Date</span> _____.
	<input type="checkbox"/> The parties agree not to ask each other for <i>past</i> child support in this case, or in a separate court case.

8. Tell when the child support obligation will start. You can list a specific date, or you can include a description like “on the first day of the month after the judicial officer signs this order.”

According to Minn. Stat. § 256.87, subd. 5 (<https://www.revisor.mn.gov/statutes/cite/256.87#stat.256.87.5>), a parent may be able to ask for up to 2 years of past support from the other parent. Check the box if you and the other parent agree not to ask each other for *past* child support. If you *do not* agree, you can use Paragraph #9 to describe your agreement about past child support.

## Other Agreement

9. Paragraph #9 is used if you have an agreement regarding custody, parenting time, or child support that the form has not asked about yet.

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## Signature Block

I declare under penalty of perjury that everything I have stated in this document is true and correct. Minn. Stat. § 358.116	
Dated _____	Signature of Petitioner A _____
County and state where signed _____	Name: _____
	Address: _____
	City/State/Zip: _____
	Telephone: _____
	Email: _____
I declare under penalty of perjury that everything I have stated in this document is true and correct. Minn. Stat. § 358.116	
Dated _____	Signature of Petitioner B _____
County and state where signed _____	Name: _____
	Address: _____
	City/State/Zip: _____
	Telephone: _____
	Email: _____

Each parent should **read through the *Joint Petition*** at least one more time to make sure it contains the parents' full agreement. Details of an agreement that are not included in this *Joint Petition* may not be enforceable later.

Once both parents are sure the form is complete, each will sign the *Joint Petition* under *penalty of perjury*. This means you are saying that everything in the form is true and correct; if you know something in the form is not true when you sign it, you could be found guilty of the crime of perjury (see Minn. Stat. § 609.48, <https://www.revisor.mn.gov/statutes/?id=609.48>).

Be sure to include the date, the location of each parent (county and state) when they sign this form, and then print your names and other information.

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## Legal Representation

<b>LEGAL REPRESENTATION:</b>	
<b>Petitioner A's Attorney</b>	<b>Petitioner B's Attorney</b>
Petitioner A is:	Petitioner B is:
<input type="checkbox"/> acting as their own attorney	<input type="checkbox"/> acting as their own attorney
OR	OR
<input type="checkbox"/> represented by the following attorney:	<input type="checkbox"/> represented by the following attorney:

Check the box for Petitioner A and for Petitioner B to say whether each petitioner is representing themselves or is represented by an attorney.



## Public Authority

<p><b>Public Authority</b> – According to Minn. Stat. § 518.156, subd. 5(c), the public authority must sign this joint petition if any of the parties or children receive public assistance.</p> <p><b>a</b> <input type="checkbox"/> The public authority's signature is not required.</p> <p>OR</p> <p>The public authority responsible for the collection and enforcement of child support reviewed and agreed to the Joint Petition and Agreement of Petitioner A and Petitioner B.</p> <p>_____ <b>b</b> _____</p> <p>Dated Signature</p>
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Minnesota law requires the public authority to review the *Joint Petition* if the parents or children receive public assistance. **You must complete this step before you file the *Joint Petition*.**

- If there is no public assistance, check this box.
- If a parent or child receives public assistance, then contact the public authority in your county to ask them to review and sign this completed *Joint Petition*. **See Step 4 (Public Authority/County Attorney) below for more information.**

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Leave the Order section blank, unless court staff tell you to fill out any of the blanks.

### Step 2

**Petitioner A – Fill Out the *Financial Affidavit for Child Support* (FAM102)**

**Petitioner B – Fill Out the *Financial Affidavit for Child Support* (FAM102)**

Each parent fills out a *Financial Affidavit for Child Support* (FAM102) according to the *Instructions – Financial Affidavit* (FAM101). You will use this form to give the court information about all of your (and the other parent's) sources of income and other facts to help the court decide if your agreements are fair.

These forms are available online:

- *Instructions for Financial Affidavit* (FAM101) – [http://mncourts.gov/mncourtsgov/media/CourtForms/FAM101\\_1.pdf?ext=.pdf](http://mncourts.gov/mncourtsgov/media/CourtForms/FAM101_1.pdf?ext=.pdf)
- *Financial Affidavit for Child Support* (FAM102) – <http://mncourts.gov/GetForms.aspx?c=18&f=282>

On other forms, such as the *Financial Affidavit for Child Support*, the caption at the top of the form has lines for “Petitioner” and “Respondent” or “Plaintiff” and “Defendant” or a similar combination (not for “Petitioner A” and “Petitioner B” like the *Joint Petition*).

Petitioner A’s full name goes on the line for the first party (in this case, the line for “Petitioner”).

Petitioner B’s full name goes on the line for the second party (in this case, the line for “Respondent”).

Prepare for eFile Save for Editing Print Blank Form Only

**State of Minnesota** **District Court**

County of: Select County <span style="float: right;">▼</span>	Judicial District: _____
	Court File Number: _____
	Case Type: _____

In Re the Marriage of:

\_\_\_\_\_

\_\_\_\_\_

Petitioner (first, middle, last)

and

\_\_\_\_\_

\_\_\_\_\_

Respondent (first, middle, last)

\_\_\_\_\_

Intervenor

**Financial Affidavit for  
Child Support**

**Step 3**

**Fill Out *Confidential Information Form 11.1 (CON111)***

**Fill Out *Cover Sheet for Non-Public Documents Form 11.2 (CON112)***

**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 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.

Fill out one *Confidential Information Form 11.1* (CON111) and one *Cover Sheet for Non-Public Documents Form 11.2* (CON112) according to the *Instructions* (CON110). These forms are available online:

- CON110 – <http://mncourts.gov/mncourtsgov/media/CourtForms/CON110.pdf?ext=.pdf>

- CON111 – <http://mncourts.gov/GetForms.aspx?c=11&f=30>
- CON112 – <http://mncourts.gov/GetForms.aspx?c=11&f=31>

NOTE: You can put both parties’ and the children’s Social Security Number, bank account numbers, etc., on the same *Confidential Information Form 11.1* (CON111). You can include both parties’ pay stubs and other financial documents on the same *Cover Sheet for Non-Public Documents Form 11.2* (CON112).

**Step 4**  
**Public Authority**  
**County Attorney**

**If you, the other parent, or any of the children receives public assistance**, then contact the public authority in your county to ask them to review the completed *Joint Petition*. The county child support office (public authority) in the county where the children live can put you in touch with the county attorney’s office. See <https://mn.gov/dhs/people-we-serve/children-and-families/services/child-support/contact-us/county-offices.jsp>.

If the public authority agrees to the terms you included in the *Joint Petition*, then a representative of the public authority or county attorney’s office will date and sign the *Joint Petition*.

If the public authority DOES NOT AGREE, you can talk to the public authority to see what their concerns are. Maybe you can reach an agreement with the public authority. If you cannot reach an agreement with the public authority, and a parent or child receives public assistance, then the joint petition form is not the right form for your situation. You may need to get legal advice to see what your options are.

NOTE: The public authority can start a separate legal case under Minn. Stat. § 256.87, subd. 1 (<https://www.revisor.mn.gov/statutes/cite/256.87>), to ask for reimbursement of public assistance that the children received in the past (up to the past two years). Before the representative of the public authority signs off on this agreement, you may ask if they will agree to waive the right to ask for reimbursement of past public assistance. If they agree to this, you can add this agreement to Paragraph #9 – Other Agreement (for example: “The public authority waives the right to ask for reimbursement of past public assistance expended on behalf of the children.”).

**Step 5**  
**File with Court Administration**

If you want copies of the forms you have filled out, make copies before you file them with the court.

You will need to file the following forms with Court Administration:

- *Joint Petition* and any attachments;

- Certified copy of the Minnesota Recognition of Parentage (ROP) form for each child (or a *copy* of the certified copy);
- Worksheets from the online Child Support Calculator;
- Petitioner A’s *Financial Affidavit for Child Support*;
- Petitioner B’s *Financial Affidavit for Child Support*;
- *Confidential Information Form*; and
- *Cover Sheet for Non-Public Documents*.

You can file the forms in person at the courthouse, by mail, or electronically through the *eFile and eServe* (“eFS”) tool (<http://mncourts.gov/efile>).

If you need to find the address of a courthouse, look online starting at <http://mncourts.gov/Find-Courts.aspx> (choose the county from the drop-down menu and click “Go”).

### Filing Fee

There will be a filing fee due when you file your paperwork (see <http://mncourts.gov/Help-Topics/Court-Fees.aspx>). You can make checks payable to “District Court.”

If you will be asking the court for a fee waiver because you cannot afford to pay the filing fee, **both parties** must fill out the forms in the *Request for Fee Waiver* packet of forms (found online at <https://mncourts.gov/GetForms.aspx?c=19&p=69>). Both parties must qualify for Fee Waiver status in order for the court to grant a fee waiver. If a judicial officer does not sign the fee waiver order, then you must pay the filing fee before court administration can process your forms.

## Step 6

### What to Expect Next

According to Minn. Stat. § 518.156, subd. 6 (<https://www.revisor.mn.gov/statutes/cite/518.156>), the court will review all of the forms and attachments you have filed.

You will hear from court administration soon after you file. You might receive one or more of the following:

- Deficiency Notice (a notice that tells the parties there is a deficiency in their filing; for example, that something is missing or that a filing fee needs to be paid);
- Notice of Judicial Assignment (a notice that tells the parties the name of the judicial officer assigned to the case); or
- Notice of Hearing (a notice that tells the parties that a hearing has been scheduled and gives details such as the date, time, and location of the hearing).

There must be a hearing in the case *unless each party is represented by an attorney*. If either party is representing themselves, you can contact court administration to ask if the court will schedule a hearing, or if you will be expected to schedule the hearing.

If the court approves your agreements, the judicial officer will sign the “Order” section of your *Joint Petition*. Once court administration enters the signed *Joint Petition*, which is now a court order, you may want to get a copy (either plain or certified) of the order. Having a copy is helpful in case there are questions in the future about custody, parenting time, or child support. There is a cost for copies (<http://mncourts.gov/Help-Topics/Court-Fees>). If the court has signed a fee waiver order within the last year, the copy costs may be waived.

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