

# EXPEDITED CHILD SUPPORT PROCESS

## RESPONSE TO MOTION TO CORRECT CLERICAL MISTAKES

### IMPORTANT NOTICES

**YOU CAN USE THE RESPONSE TO MOTION TO CORRECT CLERICAL MISTAKES FORM ONLY IF** another party has served you with a Motion to Correct Clerical Mistakes.

- The court will consider your request without a hearing.
- Court personnel, the county attorney's office, and the child support office **cannot** help you fill out these forms.
- You may need to speak with a lawyer if you do not know how to answer the questions on these forms.
- You **must** fill out the Response to Motion to Correct Clerical Mistakes form and the Affidavit of Service form. Read and follow the instructions completely.
- Type your answers or print neatly using dark ink.

### GENERAL INFORMATION

The Response to Motion to Correct Clerical Mistakes form are for use by individuals who are objecting to another party's request to correct clerical mistakes in an existing support order. You may not use these forms to bring other requests or questions before the court.

Court forms are for use by individuals representing themselves or for attorneys. They are not a substitute for use of an attorney. Using court forms will not guarantee that the court will grant your request. When filling out the forms be as accurate and as detailed as possible. The court needs to clearly understand why you are objecting to the motion or what other corrections or errors exist.

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.

## **INSTRUCTIONS**

<p style="text-align: center;"><b>STEP 1</b> <b>FILL OUT THE " RESPONSE TO MOTION TO CORRECT CLERICAL MISTAKES" FORM</b></p>
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The information to fill in the boxes and blanks at the top of the form can be found at the top of your current child support order, including:

- The county where your case is located and where the current order was issued (which may be different from the county where you live).
- The number of the judicial district.
- The court file number.
- The name of the Petitioner.
- The name of the Respondent.

If you are the Petitioner in the current order or decree you will be the Petitioner in this motion. If you are the Respondent in the current order or decree you will be the Respondent in this motion.

Fill in the name and last known address of the other party and the county attorney's office where your case is located. Fill in the date the current order was signed by the court.

For each of the clerical mistakes, typographical errors, and mathematical errors that the other party has asked to be corrected, explain why you do not want the correction made. If you agree with the other party's request, simply put that you agree. You may list as many reasons as you wish, but it will be up to the court to decide what corrections (if any) will actually be ordered.

If you ordered a transcript, check off the box and fill in the date you filed your Request for Transcript.

<p style="text-align: center;"><b>STEP 2</b> <b>MAKE COPIES OF FORMS</b></p>
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After the forms are completely filled out, make three copies of the completed "Response to Motion to Correct Clerical Mistakes" form. Keep one copy of the form for yourself.

<p style="text-align: center;"><b>STEP 3</b> <b>HAVE COPIES OF THE MOTION SERVED ON THE OTHER PARTY AND COUNTY ATTORNEY'S OFFICE</b></p>
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You must arrange for the other party and the county attorney's office to receive copies of your papers. This is called "service of process." A copy of the motion must be served upon all parties, either personally or by mail. If the other party is represented by an attorney, the documents must be served on the attorney instead of the party.

Personal service: documents are hand-delivered to the other party and the county attorney's office personally or by leaving the documents at the other party's place of residence with some person who is of suitable age or discretion who also lives at the same residence, no later than 14 days after the date you were served with the other party's motion.

Mail service: documents are mailed by first class U.S. mail to the other party and the county attorney's office no later than 17 days from the date the motion was served upon you.

**NOTE!      YOU CANNOT HAND DELIVER OR MAIL THE MOTION YOURSELF. YOU MUST HAVE SOMEONE ELSE OVER THE AGE OF 18 WHO IS NOT A PARTY TO THE CASE HAND DELIVER OR MAIL THE MOTION FOR YOU.**

<b>STEP 4</b> <b>COMPLETE THE "AFFIDAVIT OF SERVICE" FORM</b>
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The person who hand delivers or mails the motion must fill out an "Affidavit of Service" form for each party served.

The server must sign the "Affidavit of Service" under penalty of perjury. Perjury is the crime of intentionally lying or misrepresenting the truth.

<b>STEP 5</b> <b>FILE THE FORMS WITH COURT ADMINISTRATION</b>
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The "Response to Motion to Correct Clerical Mistakes" and the "Affidavit of Service" must be filed with court administration in the county where your case is located no later than 14 days after you were served with the other party's motion.