

INSTRUCTIONS

Application for Ex Parte Order Regarding Children's Passports

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
- Call the MN Courts 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

Form

- *Application for Ex Parte Order Regarding Children's Passports* (FAM1002)

Forms are available online at www.mncourts.gov/forms.

There are certain documents that parents must provide when applying for a passport for their child. One of these documents is an original or certified copy of the child's birth certificate. When a father's name is listed on the child's birth certificate, the federal government requires both parents to sign or give written consent before issuing a passport for that child.

There are some exceptions when the consent of both parents is not required. Under Minnesota law, a biological mother of a child born to a mother who was not married to the child's father when the child was born or conceived has sole custody of the child until there is a court order that establishes custodial rights of the child's father. This means the father named on the birth certificate has no rights to custody of the child until there is a court order granting custody rights to the father, and the biological mother has sole legal custody. If there is no court order granting sole legal custody to one parent and no custody action is pending before the court, the biological mother who has sole legal custody by law may request the court to issue an order that authorizes her to apply for a passport for her child without needing the consent of the other parent.

You cannot use these forms if there is a court order granting custody of the child to you or any other person.

If you are not sure if you have sole legal custody of your child, you may want to get legal advice. Visit www.MNCourts.gov/Find-a-Lawyer.aspx for legal resources.

Do you have more than one child?

You can use this form for multiple children *as long as the children have the same father*. If the children have different fathers, then you will need to use separate forms.

The judge will need information about you and your children. It is important to give complete and accurate information regarding the birth of your children, where you and your children live, and how long your children have lived at the current address, and whether there are any other court orders or cases about custody of the children.

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.

Step 1
Fill Out Application for Ex Parte Order Regarding Children’s Passports (FAM1002)

<p>State of Minnesota</p> <p>County A</p> <hr/> <p>In the Matter of the Application of:</p> <p style="text-align: center;">C</p> <hr/> <p><i>Full Name of Petitioner (first, middle, last)</i></p>	<p style="text-align: right;">District Court</p> <p>Judicial District: B</p> <p>Court File Number: _____</p> <p>Case Type: <u>Family – Other</u></p>
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Application for Ex Parte Order Regarding Children’s Passports

The “Caption”

- A. List the county where you will be filing the *Application for Ex Parte Order Regarding Children’s Passports* (the county where the children live). If you are not sure where you should file, please talk to an attorney. Court staff cannot tell you where to file your 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 “Court File Number” section blank.
- C. Your full name goes on this line.

The undersigned states the following:

- 1** This application is made in good faith, without intent to defraud or mislead.
- 2** I am the biological mother of the following minor children listed below:

<i>Full Names of Children</i>			<i>Date of Birth</i>
First	Middle	Last	Month / Day / Year
First	Middle	Last	Month / Day / Year
First	Middle	Last	Month / Day / Year

2. List the full name and date of birth of each child.

NOTE: If you have more than 3 children with the same father, you will need to add more paper.

3. At the time of the minor child's birth, I was not married to the child's father and was not married to the child's father when the child was conceived.

4 The child's father, _____, is listed on the minor children's birth record.

5. I have sole legal and sole physical custody of the children under Minn. Stat. § 257.541, and the father has no custodial rights to the children.

4. List the full name of the children's father. **Note: If your children have different fathers, then you need to use a separate form for each father.**

7 The minor children listed above currently live at the following address:

Street Address: _____ Apt. # _____

City/State/Zip: _____

8 The children have lived at this address since: (MM/DD/YY) _____

If the children have lived **less than 6 months** at the address listed above, list dates and locations where the children have been living for the last 6 months:

7. List where the children live now.

8. What day did the children move to the address you listed in #7? If you do not remember the exact date, you can estimate. If the children have lived at this address shorter than 6 months, then list all of the locations where the children have lived in the last 6 months (include dates). For example: 123 Main St., Roseville, MN – 4/1/21 to 6/30/21.

9 The children currently live with:

Mother (Petitioner)

Other:

Full Name: _____

Relationship to the children: _____

9. Who do the children live with? Check the correct box. If they live with someone other than you (the petitioner mother), then list:

- The full name of the person the children live with, and
- How this person is related to the children.

<p>11 I am requesting that the court issue an order that allows me to:</p> <ul style="list-style-type: none"><input type="checkbox"/> Apply for passports for my minor children listed above.<input type="checkbox"/> Renew the passports for my minor children listed above. <p>12 <input type="checkbox"/> Emergency situation: I am asking for emergency relief because: _____</p> <p>_____</p> <p>13 <input type="checkbox"/> I request that the court issue an order that allows my children to travel internationally without the written consent of the other parent.</p>
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11. Check the box that tells what you are asking the court for. There are two options:

- **Apply** for the children’s passports, and
- **Renew** the children’s passports.

12. Check this box only if you believe there is an emergency and need an order right away. Be sure to explain all of the reasons why you checked the box.

13. Check this box only if you are asking the court to allow the children to travel internationally without the other parent’s written permission.

Signature Block

Sign the *Application for Ex Parte Order Regarding Children’s Passports* form, and print your_name, address, phone number, and e-mail address in the blanks under the signature line. When you sign the form, you are signing 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>).

I declare under penalty of perjury that everything I have stated in this document is true and correct. Minn. Stat. § 358.116.

Dated

Signature

County and state where signed

Name: _____

Address: _____

City/State/Zip: _____

Telephone: _____

Email: _____

Step 2

File the *Application for Ex Parte Order Regarding Children's Passports* with Court Administration (FAM1002)

File the *Application* with Court Administration in the county where the children live. There will be a filing fee (see <https://mncourts.gov/Help-Topics/Court-Fees/District-Court-Fees.aspx>, or contact Court Administration). If you cannot afford the filing fee, you may ask the court to reduce or waive the filing fee. For more information, see <https://mncourts.gov/Help-Topics/Fee-Waiver-IFP.aspx>.

What to Expect Next...

It will be up to the judicial officer whether to hold a hearing on your application, whether to grant your request without a hearing, or whether to deny your request. If a hearing is scheduled, you need to appear and bring your documents with you.

If the judicial officer decides that a hearing is needed, court administration will send out a notice letting you know the date and time of any hearing in your case. Be sure to keep the court updated with any address or telephone number change.