

# FAMILY COURT MOTION

## DISCLOSURE

On the following pages, you will find a form which may be used to bring a Motion before the Court in a family matter. This is a standardized form document. *It may not be appropriate depending on the circumstances of your case and/or the Court may require additional information from you which is not found on this form.*

Please note these forms **are not** designed for use in emergency “ex parte” actions. A party asking the court to hear a case on an emergency ex parte basis is required to follow several laws and Court Rules, including but not limited to – Minnesota Statutes §518.131; Rule 65.01, Rules of Civil Procedure; Rule 3, General Rules of Practice; and Rule 303.04, General Rules of Practice. More information on emergency “ex parte” actions can be found on the following website - <http://mncourts.gov/Help-Topics/Child-Custody.aspx>.

# INSTRUCTIONS

## 1. **Complete Notice of Motion & Motion and Supporting Affidavit**

- Fill out the Notice of Motion & Motion form. This form tells the court and the other party what you are requesting from the court. It also provides notice of the date and time of the hearing.
- Fill out your Affidavit in Support of Motion. This form tells the court and the other party WHAT you are asking from the court and explaining WHY you are asking for it.

## 2. **Obtain a Hearing Date** from court administration in the county you are filing your Motion.

- A hearing date needs to be obtained *prior* to filing your Motion.
- Fill in the date, time, and location of the hearing on the Notice of Motion & Motion form.
- Hearing dates must be at least twenty-one (21) days from filing and service.

## 3. **Make Copies** of the completed Notice of Motion & Motion, Supporting Affidavit, and all attachments (if any)

- You will need *1 copy for your records, 1 copy for each party that has to be served, and an original to file with the Court.*

## 4. **Serve** (provide a copy to) the other party with the Notice of Motion & Motion, Supporting Affidavit, and all attachments (if any)

- The forms you have prepared can be served by any of the following:
  - The sheriff;
  - Another adult; or
  - You.
- Generally, motions must be served personally (hand delivered) at least twenty-one (21) days before the hearing or mailed (via first-class mail) to the other party's (or parties in some cases) last known address at least twenty-four (24) days before the hearing. If the other party is represented by attorney, the copies must be served on the attorney.

## 5. **Complete an Affidavit of Service**

- Whoever served the other party must complete an Affidavit of Service indicating (1) who they are, (2) their date of birth, (3) what documents they served, (4) whom they served the documents on, (5) the manner in which they served the other party & (6) when they served the documents.
- The Affidavit of Service must identify *each individual who was served and must identify each document that was served.*

## 6. **Pay the Filing Fee and File the original** Notice of Motion & Motion, Supporting Affidavit, all attachments (if any), and Affidavit of Service with court administration

- Be aware of your deadline to file your documents with the court. It is generally the same deadline for service on the other party.
- You must pay the motion fee together with your initial filing fee (if not already paid) or complete an *In Forma Pauperis* (Fee Waiver Request) form.

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF \_\_\_\_\_

TENTH JUDICIAL DISTRICT

In Re the \_\_\_\_\_ of

\_\_\_\_\_,

**NOTICE OF MOTION AND  
MOTION**

Petitioner,

and

Court File No.: \_\_\_\_\_

\_\_\_\_\_,

Respondent,

\_\_\_\_\_,

Intervenor (if any).

TO (name and address of the other party):

_____	_____	_____	_____
First	Middle	Last	
_____			_____
Street Address			Apt. No.
_____	_____	_____	_____
City	County	State	Zip Code

**NOTICE**

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

Date:	_____	Time:	_____
Name of Courthouse:	_____	Judicial Officer (if known):	_____
Street Address:	_____	City:	_____

**MOTION**

I am asking the court for an Order as follows:

1. \_\_\_\_\_  
\_\_\_\_\_
2. \_\_\_\_\_  
\_\_\_\_\_
3. \_\_\_\_\_  
\_\_\_\_\_
4. \_\_\_\_\_  
\_\_\_\_\_

(attach an additional sheet if necessary)

5. For any other relief the court feels is fair and equitable.

**Notice to Other Party**

After you receive these papers, if you want to respond to anything raised by the other party in their motion and affidavit, your written response (usually called *Response to Motion* and *Affidavit*) must be served on the other party:

- at least seven (7) days before the hearing if you are serving the other party personally; or
- at least ten (10) days before the hearing if you are serving the other party by mail.

Your responsive motion and affidavit must be filed with court administration at least seven (7) days before the hearing.

***If you want to raise new issues*** at the hearing the other party has scheduled, your *Response to Motion* and *Affidavit* must be served on the other party:

- at least fourteen (14) days before the hearing if you are serving the other party personally; or
- at least seventeen (17) days before the hearing if you are serving the other party by mail.

Your papers raising new issues must be filed with court administration at least fourteen (14) days before the hearing.

***\*\*\*If you do not serve and file a written response, the court might not look at papers you bring to the hearing and might not allow you to make a verbal response at the hearing.\*\*\****

## 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 unnecessarily 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/](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/](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.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature

Printed Name: \_\_\_\_\_

Address \_\_\_\_\_

City/ State \_\_\_\_\_

Zip Code: \_\_\_\_\_

Telephone: (    ) \_\_\_\_\_

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF \_\_\_\_\_

TENTH JUDICIAL DISTRICT

In Re the \_\_\_\_\_ of

\_\_\_\_\_,

Petitioner,

vs.

**AFFIDAVIT IN SUPPORT OF  
MOTION**

Court File No.: \_\_\_\_\_

\_\_\_\_\_,

Respondent,

\_\_\_\_\_,

Intervenor (if any).

My name is \_\_\_\_\_ and I state that:

1. I make this Affidavit in support of my Motion to \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. The following facts support my Motion:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**State of Minnesota**

County \_\_\_\_\_

**District Court**

Judicial District: \_\_\_\_\_

Court File Number: \_\_\_\_\_

Case Type: \_\_\_\_\_

\_\_\_\_\_  
Petitioner / Plaintiff

and / vs

**Affidavit of Service**

\_\_\_\_\_  
Respondent / Defendant

I, \_\_\_\_\_, state that I am at least 18 years of age  
(Name of person who hand delivered or mailed documents)

having been born on \_\_\_\_\_, and that on \_\_\_\_\_  
(Date of Service)

I served the following documents, namely \_\_\_\_\_  
(Title of Documents hand delivered or mailed)

upon (check one)     Petitioner / Plaintiff     Respondent / Defendant

Service was done as follows: (check all that apply)

Personal service: By handing a true and correct copy of the documents to \_\_\_\_\_

Mail service: By mailing a true and correct copy of the documents by first class mail to  
(name) \_\_\_\_\_ at his/her last known address  
at: \_\_\_\_\_

street address                      city                      state                      zip code  
and depositing the envelope, with sufficient postage, in the U.S. Mail at a postal box located in  
the City of \_\_\_\_\_, State of \_\_\_\_\_.

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

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature

Name: \_\_\_\_\_

\_\_\_\_\_  
County and State where signed

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Telephone: ( \_\_\_\_\_ ) \_\_\_\_\_

E-mail address: \_\_\_\_\_