

FAMILY COURT RESPONSIVE MOTION

DISCLOSURE

On the following pages, you will find a form which may be used to bring a Responsive 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.*

INSTRUCTIONS

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

- Fill out the Responsive 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 for from the court and explaining WHY you are asking for it.

2. **Make Copies** of the Completed Responsive 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.*

3. **Serve** (provide a copy to) the other party with the Responsive 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 may be served personally (hand delivered) or mailed (via first-class mail) to the other party's (or parties in some cases) last known address. If the other party is represented by attorney, the copies must be served on the attorney.
- Service Requirements
 - Responsive motions must be personally served on the other party *at least seven (7) days before the hearing* or mailed to the other party *at least ten (10) days before the hearing.*
 - If the Responsive Motion raises new issues, it must be personally served on the other party *at least fourteen (14) days before the hearing* or mailed to the other party *at least seventeen (17) days before the hearing.*

4. **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.*

5. **Pay the Filing Fee and File the originals** Responsive 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 personal 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

_____,

Petitioner,

vs.

**RESPONSIVE NOTICE OF
MOTION AND MOTION**
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. Denying the other party's request for: _____

2. _____

3. _____

4. _____

(attach an additional sheet if necessary)

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

NOTICE TO THE OTHER PARTY

Response to New Issues

You may respond to any new issues raised in this Motion. Your response must be personally served on the other party **at least seven (7) days before the hearing** or mailed to the other party **at least ten (10) days before the hearing**. Your response must be filed with the Court Administrator **at least seven (7) days before 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/) 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.

Dated: _____

Signature

Print 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
RESPONSIVE 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:

