

INSTRUCTIONS

Answer to Petition to Establish Third Party Custody of a Child and Counterpetition for Custody

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 Statewide 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

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.

Use the *Answer and Counterpetition* form only if you were served with a *Petition* for third party custody, AND:

- You disagree with the other party's statements or requests.
- You want the judicial officer and the other party to know your position on the issue of custody of the child involved in this case.

Forms You May Need

- Answer to Third Party Custody Petition and Counterpetition for Custody (CHC702);
- *Certificate of Representation and Parties* (CIV102);
- *Affidavit of Personal Service* (SOP102);
- *Affidavit of Service by Mail* (SOP104);
- *Notice to Public Authority with Affidavit of Mailing* (DIV813, DIV816);

- *Instructions – Form 11.1 and Form 11.2 (CON110)*;
- *Confidential Information Form 11.1 (CON111)*;
- *Cover Sheet for Non-Public Documents Form 11.2 (CON112)*;
- *Instructions – Exhibit List and List of Supporting Documents (Family Cases) (FAM901)*; and
- *List of Supporting Documents (Family Case) (FAM903)*.

If you have reason to know that the child, parent, or custodian is a member of (or may be eligible for membership in) an Indian tribe, then you will also need:

- *Supplemental Instructions – ICWA and MIFPA (Indian Child) (CHC601-Supp)*; and
- *ICWA Notice – Third Party Custody (CHC605)*.

Forms are available on the Minnesota Judicial Branch website at www.mncourts.gov/forms (look under the “Child Custody/Parenting Time” category).

What You Need to Do

1. Complete the court forms, following all of the steps in these instructions.
2. Make a copy of all of your forms and attachments for each party.
3. Arrange for service of a copy of *Answer to Petition for Third Party Custody and Counterpetition for Custody* and other forms you fill out (and attachments) on each of the other parties. If you have reason to know that a child, parent, or custodian is a member of an Indian tribe (or may be eligible for membership in an Indian tribe), then there are other service requirements explained in the *Supplemental Instructions (CHC601-Supp)*.
4. File the original forms with the court (filing fee is required; if you cannot afford the filing fee, you can apply for a fee waiver).

More details about each of these steps is found below.

General Information about Third Party Custody

These Instructions are for responding to a Petition for Third Party custody. If you were not served with a *Petition for Third Party Custody*, then you should not be using these forms. Third Party Custody is when someone other than the child’s biological, adopted, or legal parents are asking for custody.



Important!

- You have 21 days from the date you were served with the Petition for Third Party Custody to respond with an Answer.
- If you do not respond with an Answer within the 21-day period, the court may give the Petitioner everything they asked for in the Petition.

- Court staff may be limited in terms of the information they can provide about juvenile cases to anyone who is not already a party to the case.

Does the Petition (and Co-Petitioner, if there is one) have a legal right to ask for custody of a child who is not their child (this is called “standing”)?

According to Minnesota law, a person can ask for third party custody if they are a “**de facto custodian**” or “**an interested third party.**” The following definitions from [Minn. Stat. § 257C.01](https://www.revisor.mn.gov/statutes/cite/257C.01), subds. 2 and 3 (revisor.mn.gov/statutes/cite/257C.01), should help you determine if the Petitioner (and Co-Petitioner if there is one) meets the definition of a “de facto custodian” or an “interested third party.”

DEFINITION OF “DE FACTO CUSTODIAN”

A. **If the child is under three years old**, a Petitioner may qualify as a “**de facto custodian**” if **all** the following statements are true:

- The Petitioner has been the primary caretaker to the child while the child was living in their home; **and**
- The child lived with the Petitioner for at least six (6) out of the last twenty-four (24) months. The months do not have to be consecutive (in a row). (For example, the time can be one month with Petitioner, two weeks not with Petitioner, two weeks with Petitioner — just so the total amount of time is six (6) out of the last twenty-four (24) months); **and**
- During this time, neither parent was residing in the Petitioner’s home, and the parents have not consistently participated in the child’s life.

B. **If the child is more than three years old**, a Petitioner may qualify as a “**de facto custodian**” if **all** the following statements are true:

- The Petitioner has been the primary caretaker to the child while the child was living in their home; **and**
- The child lived with the Petitioner for at least twelve (12) out of the last twenty-four (24) months. The months do not have to be consecutive (in a row). The time can be, for example, one month with Petitioner, two weeks not with Petitioner, two weeks with Petitioner — just so the total amount of time is twelve (12) out of the last twenty-four (24) months; **and**
- During this time, neither parent was residing in the Petitioner’s home, and the parents have not consistently participated in the child’s life.

DEFINITION OF “INTERESTED THIRD PARTY”

A Petitioner may qualify as an “**interested third party**” if they are not a de facto custodian, and one or more of the following statements is true:

- The parents have abandoned, neglected, or otherwise show a disregard for the child’s well-being and the child would be harmed by living with either parent; **or**
- The child is in physical or emotional danger if the child lives with either parent; **or**
- Other grave and weighty reasons make it necessary for the child to live with the Petitioner and for the Petitioner to have legal custody.



IMPORTANT! If you do not agree that the Petitioner (and Co-Petitioner, if there is one) qualifies as a “de facto custodian” or an “interested third party,” then you should include that information in your *Answer and Counterpetition*. You may want to [get legal advice](https://mncourts.gov/Help-Topics/Find-a-Lawyer.aspx) if you are not sure (mncourts.gov/Help-Topics/Find-a-Lawyer.aspx).

What if the child is in danger?

An Order for Protection (OFP) or a Child Protection (CHIPS) order may be options in extreme situations as a way to get temporary custody. An OFP will not permanently change custody and you still need to go to court to ask for permanent custody. For information about Orders for Protection, [contact your local courthouse](https://mncourts.gov/Find-Courts.aspx) or County Domestic Abuse Service Center if your county has one (mncourts.gov/Find-Courts.aspx). For information about Child Protection orders, [contact your local county or tribal child protection office](https://mn.gov/dhs/people-we-serve/children-and-families/services/child-protection/contact-us/) (mn.gov/dhs/people-we-serve/children-and-families/services/child-protection/contact-us/).

In *extremely rare cases*, a judicial officer will make a temporary decision about custody before a full hearing with sworn testimony has been held. Those rare cases may be where the child is in immediate, significant danger if the existing custody arrangement continues.

Could the child be an Indian child?

According to the Minnesota General Rules of Practice (Rule 315), a petition for third party custody must contain:

- A statement as to whether the child is or may be an Indian child; and
- A description of the “due diligence used to determine whether the child is an Indian child.”

An “Indian child” means an unmarried person who is under age 18 and is: (1) a member of an Indian tribe; or (2) eligible for membership in an Indian tribe. [Minn. Stat. § 260.755, subd. 8](https://revisor.mn.gov/statutes/cite/260.755) (revisor.mn.gov/statutes/cite/260.755).

In the *Counterpetition*, you will need to explain what you have done to determine whether the child is or may be an Indian child. **If you have reason to know that the child or the parents are members of (or may be eligible for membership in) an Indian tribe**, there are extra steps you need to take regarding the Bureau of Indian Affairs (BIA) and the individual Tribes (if known). For more information, see *Supplemental Instructions – ICWA and MIFPA* (CHC601-Supp).

Step 1

Fill Out the “Answer” Section of the *Answer to Petition for Third Party Custody and Counterpetition for Custody (CHC702)*

Fill in the top part of the first page of the form. The information at the top of the first page of the form is known as “the caption” and will be the same on every form you fill out.

The information to fill out the top part of the *Answer and Counterpetition* form can be found on the top part of the *Petition for Third Party Custody* which was served on you. Fill in all of the information just as it appears on the *Petition for Third Party Custody*, even if you think some of the information is incorrect.

The Caption

The caption is at the top of the first page, and it contains important information about the case such as the names of the parties, the identity of the court, and the court file number (once one is assigned).

The diagram shows the caption section of the form with labels A through G pointing to specific fields:

- A**: State of Minnesota
- B**: County of: _____
- C**: Court File Number: _____ District Court
- D**: Judicial District: _____
- E**: Case Type: _____ Custody
- F**: Petitioner
- G**: Co-Petitioner, if any
- H**: Respondent Parent A
- I**: Respondent Parent B
- J**: Respondent Legal Guardian or Custodian, if any

AND

**Answer to Third Party Custody Petition
and Counterpetition for Custody (CHC702)**
Minn. Stat. ch. 257C

- List the county that is found in the caption on the *Petition* that you were served with.
- List the judicial district.
- Leave the “Court File Number” if you know it. If the *Petition* does not include a Court File Number, then it is okay to leave this blank for now.

Parties’ Full Names


- Petitioner and Co-Petitioner.** Whoever was named in the *Petition* as the Petitioner stays the Petitioner, and whoever was named as the Co-Petitioner stays the Co-Petitioner, no matter who is filling out the papers or making a request to the court. If no Co-Petitioner is named, then leave this line blank.

- E. **Respondent Parent A.** Whoever was named as Respondent Parent A in the Petition stays Respondent Parent A, no matter who is filling out the papers or making a request to the court.
- F. **Respondent Parent B.** Whoever was named as Respondent Parent B in the Petition stays Respondent Parent B, no matter who is filling out the papers or making a request to the court.
- G. **Legal Guardian or Custodian.** Fill in the name of any Legal Guardian or Custodian who was listed in the *Petition*.

The Answer

H. Fill in your name.

ANSWER

Your name:  Your full name goes here.

The above-named Respondent alleges the following:

1. The statements made in the *Petition to Establish Third Party Custody* in the following paragraphs are **true** (include only the paragraph number): _____
2. The statements made in the *Petition to Establish Third Party Custody* in the following paragraphs are **not true** (include only the paragraph number): _____
3. The statements made in the *Petition to Establish Third Party Custody* in the following paragraphs are **partly true and partly not true** (include only the paragraph number): _____
4. Respondent **does not have enough information to admit or deny** the statements made in the following paragraphs of the *Petition to Establish Third Party Custody* (include only the paragraph number): _____

You must look at the *Petition for Third Party Custody* that was served on you. Read each of the paragraphs in the first part of the *Petition for Third Party Custody*. In the *Answer* (CHC702), there are 4 statements that you will be making about the claims Petitioner has made in their *Petition*.

In the blanks provided for questions 1-4, write the paragraph numbers from paragraphs from the *Petition for Third Party Custody*. **Include paragraph numbers from the *Petition* only.** Do not include any explanations.



1. If all the information in a paragraph in the *Petition* is **true**, include that paragraph number on the lines provided. For example, “1, 2, 6, and 12” would mean all the information in those paragraphs in the *Petition* is true. Saying that the information in a certain paragraph in the *Petition* is true means that you are admitting the claim the Petitioner made in that paragraph.



2. If all the information in a paragraph in the *Petition* is **not true** (if the entire statement is false), include that paragraph number on the lines provided. For example, “3 and 4” would mean that the information in paragraphs #3 and #4 of the *Petition* is false. Saying that the information in a certain paragraph in the *Petition* is false means that you are denying the claim the Petitioner made in that paragraph.



3. If a paragraph in the *Petition* is **partly true and partly not true**, include that paragraph number on the lines provided.



4. There may be times when you do not have enough information to know whether a statement or claim in the *Petition* is true or false. If you **do not know whether a paragraph in the *Petition* is true or not true**, include that paragraph number on the lines provided.

Step 2

Fill Out the “Counterpetition” Section of the *Answer to Petition to Establish Third Party Custody and Counterpetition for Custody (CHC702)*

The *Counterpetition for Custody* section begins after the *Answer*. Use this section to tell the court and the other parties about the facts of your case, information about the children and the parents, and the type of custody and parenting time or visitation that you are seeking.

The *Counterpetition* Section has 9 parts:

1. Part 1: Information about Parties (Petitioner, Co-Petitioner, Respondents);
2. Part 2: Information about the Children;
3. Part 3: Indian Child Welfare Act (ICWA) and Minnesota Indian Family Preservation Act (MIFPA);
4. Part 4: Paternity;
5. Part 5: Jurisdiction – De Facto Custodian or Interested Third Party;
6. Part 6: Respondent’s Involvement with, and Others Who Have Provided Care for, the Children;
7. Part 7: Custody;
8. Part 8: Income and Ability to Provide Child Support; and
9. Part 9: Your Requests.

The paragraph numbers below line up with the paragraph numbers in the *Counterpetition*.

Part 1: Information about the Parties (Petitioner, Co-Petitioner and Respondents)

1 Petitioner

a. Petitioner's Name and Contact Information:

First Name: _____
 Middle Name: _____
 Last Name: _____

a Street Address: _____
 Apartment or Unit Number: _____
 City/State/Zip: _____

Telephone: _____
 Email: _____ or No email address.

b. Petitioner's other names (maiden, former married or another legal name, alias):
 None, **OR:** _____ b

c. Petitioner's Social Security Number:
 Petitioner's Social Security Number is listed on Form 11.1 and filed with the Court. c
 Respondent does not know Petitioner's Social Security Number.

d. What is Petitioner's relationship to the children? _____ d

e. Is Petitioner in the military? Yes No Unknown e

1. Information about the Petitioner.

- a. List Petitioner's full name and contact information (address, phone number, and email address). If you don't know this information, you may be able to find it on the *Petition*.
- b. List any other name Petitioner has used, such as a maiden name, former married name, or alias. The Petitioner may have included this information on their *Petition*.
- c. One of the forms you will need to fill out is *Form 11.1* that lists each party's Social Security Number (SSN). If you do not know Petitioner's SSN, check the second box.
- d. How are Petitioner and the children related? For example, the Petitioner might be the maternal grandmother (the mother of the children's mother).
- e. Tell whether the Petitioner is in the military.

[Servicemember's Civil Relief Act](#)

(usc.house.gov/view.xhtml?path=prelim@title50/chapter50&edition=prelim)

This is an act that protects military and Reservists or National Guard members on active duty from having a court order issued that affects them when they may not be available to participate in a court process. If you do not know how to serve the party in the military, you should [talk to an attorney \(mncourts.gov/Help-Topics/Find-a-Lawyer.aspx\)](https://mncourts.gov/Help-Topics/Find-a-Lawyer.aspx).

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2. Co-Petitioner

If there is only one petitioner, leave this "Co-Petitioner" section blank, and check here:

- a. Co-Petitioner's Name and Contact Information:

- 2. **Information about Co-Petitioner (if any).** If there is not a Co-Petitioner, check the box. However, if a Co-Petitioner is listed in the *Petition*, answer the questions in a-e for the Co-Petitioner like you did for the Petitioner.

3. **Information about Respondent Parent A.** Look at the *Petition* to see who is listed as Parent A. Answer a-f for Parent A.
4. **Information about Respondent Parent B.** Look at the *Petition* to see who is listed as Parent B. Answer a-f for Parent B.

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5. **Respondent Legal Guardian or Custodian**
 If there is no Legal Guardian or Custodian, leave this section blank, and check here:

a. Legal Guardian or Custodian's Name and Contact Information:

5. **Information about Legal Guardian or Custodian (if any).** If there is a court order naming a person as the Legal Guardian of the children, or if there is a court order giving someone else (not you or the other parties) custody of the children, then fill in a-f. Otherwise, check the box to say there is no Legal Guardian or Custodian.

Part 2: Information about the Children

There is space in the questions in this section for 4 children (Child 1, Child 2, Child 3, and Child 4). If this case involves more than 4 children, you will need to add more paper.

6. List each child's full name, age, and date of birth: **6**

→ There is space to list 4 children. If this third-party custody case involves more than 4 children, add more paper.

Child 1

First Name: _____

Middle Name: _____

Last Name: _____

Age: _____ Date of Birth: _____

6. List each child's full name (first name, middle name, and last name). Then list each child's age and date of birth.

7. **Other Court Cases.** Are you aware of any other court cases involving the parties (such as child support, dissolution/divorce, custody, paternity, juvenile, child protection, harassment restraining order/HRO, order for protection/OFP, or other no-contact order)? **7**

Yes No

If Yes, list the following information (if known):

Type of Court Case: _____

Court File Number: _____

County and State: _____

Information about the Case: _____

7. **Other Court Cases.** Use this section to tell the court about any court cases you know of that involve the parties. For example, is there a child support case between the parents, or an Order for Protection in place? Give as much detail as you can.

Check “Yes” if you are aware of any court cases, and then fill in as much information as you know about the cases.

Check “No” if you are not aware of any court cases involving the parties.

8. Current Custody of the Children. Who currently has custody of the children?

→ List who has legal and physical custody of each child, to the best of your knowledge. If you know there is a court order for custody, include as much detail as you can.

8 **Child 1**

Child’s Name: _____

Who has legal custody? _____

Who has physical custody? _____

Court File Number and State, if there is a court case: _____

Details: _____

8. Current Custody of the Children. Tell who has legal and physical custody of each child. If there is not a custody in order, and if the parents are not married, then under Minnesota law, the mother has sole legal and sole physical custody.

- Legal custody means having a right to participate in the major decisions regarding the child’s life, including education, religious upbringing and medical treatment.
- Physical custody identifies who handles the routine daily care and control of the child, and who the child lives with.

To fill out #8:

- List Child 1’s name again (this is so that the person reading your *Counterpetition* does not get confused about which child you’re talking about in case there are multiple children involved in this case).
- Tell who has legal custody of this child.
- Tell who has physical custody of this child.
- If there is a court case regarding custody, list the court file number and state.
- Give as much detail as you can about the case.

9. Length of Time the Children Have Lived in Minnesota. Tell the court and the other parties the number of years and/or months each child has lived in Minnesota. Be sure to list each child’s name.

10. Have the Children Ever Lived with Petitioner? If any of the children have lived with Petitioner, then explain which child lived with Petitioner, when this happened, and how and why the child lived with Petitioner.

11. **Siblings.** Does the child who is part of this third-party custody case have any siblings (brothers or sisters) who are not part of this case? Yes No

If Yes:

- List each sibling’s full name;
- List who each sibling lives with; and
- Describe how that sibling is related to the person they live with.

→ The first line in the chart below is filled out as an example.

Sibling’s Full Name	Who Sibling Lives With	That Person’s Relationship to the Sibling
Example: John David Doe	Mary Smith	Aunt (Mother’s sister)

11. **Siblings.** A *sibling* is defined as one of two or more individuals having one common parent. For example, a brother or sister.

First, tell whether the child who is part of this third-party custody case has any siblings who are NOT part of this case (check the box for “Yes” or “No”).

Next, if you checked “Yes,” then fill out the chart with each sibling’s full name, who each sibling lives with, and how the sibling is related to that person.

There is room to list 4 siblings. If there are more than 4 siblings, add more paper.

Part 3: Indian Child Welfare Act (ICWA) and Minnesota Indian Family Preservation Act (MIFPA)

If you have reason to know that a child is or may be an Indian child, then the Indian Child Welfare Act (ICWA), the Minnesota Indian Family Preservation Act, and other laws give rights to the Indian child’s family and tribe. The tribe has the right to receive notice of any family law proceeding where someone other than the child’s parent is seeking custody of the child. It is a good idea to [get legal advice](#) if you think this applies to your case (mncourts.gov/Help-Topics/Find-a-Lawyer.aspx).

An “Indian child” is defined as an unmarried person who is under age eighteen and is: (1) a member of an Indian tribe; or (2) is eligible for membership in an Indian tribe. [Minn. Stat. § 260.755, subd. 8](#) (revisor.mn.gov/statutes/cite/260.755).

The [Minnesota General Rules of Practice](#) (mncourts.gov/SupremeCourt/Court-Rules.aspx) requires a petition to include the following:

- A statement as to whether each child is or may be an Indian child; and
- A description of “the due diligence used to determine whether the child is an Indian child.”

See [Rule 315](#)

(mncourts.gov/mncourtsgov/media/Appellate/Supreme%20Court/Court%20Rules/GRP-Tit-IV.pdf).

By filling out #12, you are including the information that is required by court rules.

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12. ICWA and MIFPA

a Tell whether each child is an Indian child. If the answer is Yes, list the names of the Tribes.

Child 1
 Child's Name: _____ Child 1's Name

Is this child an Indian child?

Yes. Name of tribes: _____ If the answer is "Yes," then list the names of the Indian tribes.

No.

Unknown.

b Describe what you did to determine whether each child is or may be an Indian child.

12. ICWA and MIFPA.

- a. There are 2 things you need to answer in "a."
- First, list the child's name. There is room for 4 children (Child 1, Child 2, Child 3, and Child 4). If there are more than 4 children in this case, add paper.
 - Then tell whether the child is or may be an Indian child. You have three options (yes, no, and unknown). If the answer is "Yes," then list the names of the Indian tribes.
- b. In "b," describe what you did to find out whether each child is or may be an Indian child.

Part 4: Paternity

In this section, you will be giving information why one of the parents (Parent A or Parent B) is considered the father of the children. Please read through all of the options before choosing your answers and check all that fit.

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13. How do you believe paternity of the children has been established?

→ Check all that apply:

13. Paternity. This question is about how you believe paternity of the children has been established.

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a **Court Order** List the state.

There is a court order in the State of _____ that says
 Parent _____ (A or B) is the father of the following children:

_____ Fill in A or B. List the names of the children included in the Order.

- a. If there is a **court order in any state** that names one of the parents as the father of the children, then check this box, and then fill in the rest of section "a."

b **Minnesota Recognition of Parentage (ROP)**

The Respondent Parents (A and B) signed a Minnesota Recognition of Parentage (ROP) for the following children: _____

_____, **AND** each ROP was filed with the Minnesota Department of Health (this is usually done at the hospital or at a county office).

- b. The Minnesota Voluntary Recognition of Parentage (ROP) is a document that establishes a legal relationship between a man and a child when the man is not married to the child's mother. You can find more information about the Minnesota ROP on the [Department of Human Services website](http://mn.gov/dhs/people-we-serve/children-and-families/services/child-support/programs-services/recognition-of-parentage.jsp) (mn.gov/dhs/people-we-serve/children-and-families/services/child-support/programs-services/recognition-of-parentage.jsp).

If both parents signed a [Minnesota Recognition of Parentage \(ROP\)](http://mn.gov/dhs/people-we-serve/children-and-families/services/child-support/programs-services/recognition-of-parentage.jsp), and if the ROP was filed with the MN Department of Health, then please check this box, and list the names of the children for whom the parents signed the ROP (mn.gov/dhs/people-we-serve/children-and-families/services/child-support/programs-services/recognition-of-parentage.jsp).

- c. A form similar to the Minnesota ROP from another state is sometimes called a **Voluntary Acknowledgement of Paternity or Parentage (VAP)**. If the parents signed and filed a VAP in another state, please list the names of the children for whom the parents signed the VAP. Then list the state where each VAP was filed.

d **Other reasons** that Respondent Parent _____ (A or B) is presumed to be the father of the children:

→ Check all that apply:

The Respondent Parents (A and B) were married with the following children were born: _____

The following children were born within 280 days after Respondent Parents (A and B) were divorced (or after the marriage of the Respondent Parents ended by death, annulment, declaration of invalidity, or after a decree of legal separation was entered by a court): _____

Respondent Parent _____ (A or B) received the following children into his home, and openly holds them out as his biological children: _____

Genetic testing was done, and it shows that Respondent Parent _____ (A or B) is likely to be the father of the following children: _____

Other: _____

- d. If there is another reason (not already listed above) that you think one of the parents is the father, then check this box, and write in either **A** or **B** to show which parent you believe is the father of the children.

The possible other reasons are listed below. Be sure to check any of these other reasons that fit if you checked “d.”

- The first choice under “d” is that Parent A and Parent B were married to each other when any of the children were born. If you check this box, be sure to list the children who were born during the marriage.
- If any of the children were born within 280 days after Parent A and Parent B were divorced, you can check the second box and list the names of the children born within this time period.

You would also check this box if any of the children were born within 280 days after the marriage of the two parents ended in some way other than divorce (such as through legal separation or death of one of the parents), and then list the names of the children born within this time period.

- Another reason may be if one of the parents *acts like* the children are his biological children (if he receives the children into his home and openly says they are his biological children). If you check the third box and be sure to list which parent (Parent **A** or Parent **B**) and which children this applies to.
- Check the fourth box if there is paternity genetic testing showing that one of the parents is the biological father. Then write which parent (Parent **A** or Parent **B**) is likely the biological father and list the children that this applies to.
- You can use the last option (“Other”) if you have a reason (that is not already listed) to believe that one of the parents is the biological father of the children. Write in the following:
 - Which parent (Parent **A** or Parent **B**) is likely the biological father;
 - List the children that this applies to; and
 - Explain why you believe this parent is the biological father.

You can also use this area to include any other information you want the court to have about paternity of the children.

Part 5: Jurisdiction – De Facto Custodian or Interested Third Party

14. **Jurisdiction.** Petitioner has alleged that they have a legal right (called “[standing](#)”) to bring this action for third party custody either as a “De Facto Custodian” or an “Interested Third Party.”

14 14. Jurisdiction

a a. In the *Petition*, does the Petitioner claim to be a **De Facto Custodian** or an **Interested Third Party**? De Facto Custodian Interested Third Party

b b. Do you agree with the Petitioner's claim regarding "de facto custodian" or "interested third party"? Yes No

Why or why not? _____

There are 3 things to answer in #14:

- a. Whether Petitioner claims to be a De Facto Custodian or Interested Third Party.

AND

- b. Whether you agree with Petitioner's claim; **AND**

Why you agree or why you do not agree with Petitioner's claim.

Part 6: Respondents' Involvement with, and Others Who Have Provided Care for, the Children

15. **Your involvement with the children.** Fill out a-c to tell the court and the other parties about your involvement with the children.
16. **The other parent's involvement with the children.** Fill out a-c to tell the court and the other parties all that you know about the other parent's involvement with the children.

Other People Who Have Cared for the Children

17. **Standby Custodian.** A standby custodian is a person who has been officially named to care for the children in case something happens to the parent. See [Minn. Stat. § 257B.01, subd. 12](http://revisor.mn.gov/statutes/cite/257B.01) (revisor.mn.gov/statutes/cite/257B.01). If a parent has named a standby custodian, you can check YES. Otherwise, check NO.

If you checked YES, then answer the following questions:

- Who named the standby custodian?
 - What is the standby custodian's name?
 - How is the standby custodian related to the children?
18. **Other People Who Have Cared for the Children** (other caretakers). If there are other people who have let the children live with them and who have cared for the children without the parents' help, check YES, and then provide the following information:
- Names of each caretaker;
 - Relationship of the caretaker to the children; and
 - Amount of time and when they cared for the children.

Part 7: Custody – What Is Best for the Children (Best Interest Factors)

Part 7: Custody – What Is Best for the Children (Best Interest Factors)

The best interest factors are found in [Minn. Stat. § 257C.04](http://revisor.mn.gov/statutes/cite/257C.04) (revisor.mn.gov/statutes/cite/257C.04).

Do not just restate the question in your answer. For example, when asked how close you are to the children, do not just write “I am very close to the children.” Instead, give details that show how close you are. For example, “I listen to the children when they are sad or upset; we go to the park together every weekend; we read together before bed every night.”



Answer **all** the questions. You may need to continue your answers on other sheets of paper (do not write in the margins or on the back of the pages).

19. **The Wishes of the Parties as to Custody of the Children** [Minn. Stat. § 257C.04, subd. 1(a)(1)]

- a. What do you believe the **Petitioner** wants regarding custody of the children? _____
- b. What do you believe the **Co-Petitioner** wants regarding custody of the children?
 N/A (because there is no Co-Petitioner) **OR:** _____
- c. **What do you think is best for the children regarding custody?** _____
- d. What do you believe **the other parent** wants regarding custody of the children? _____
- e. What do you believe the children’s **Legal Guardian/Custodian** wants regarding custody? N/A (not applicable because there is no legal guardian or custodian); **OR** _____

19. **The Wishes of the Parties as to Custody of the Children.** See Minn. Stat. § 257C.04, subd. 1(a)(1).

- a. Explain what you believe the Petitioner wants regarding custody of the children. You can find this information in the *Petition to Establish Third Party Custody*.
- b. Explain what you believe the Co-Petitioner wants (or check the box saying there is not a Co-Petitioner in this case).
- c. In #19c, explain what you think is best regarding custody of the children.
- d. Describe what you think the other parent wants.
- e. Explain what you believe the Legal Guardian/Custodian wants (or check the box saying there is not a Legal Guardian or Custodian in this case).

20. The Reasonable Preferences of the Children [Minn. Stat. § 257C.04, subd. 1(a)(2)]

→ One factor the court must consider and evaluate is “the reasonable preference of the child, if the court deems the child to be of sufficient age to express preference.”

→ List each child, the child’s age, and what the child’s preference is regarding custody (if you know it).

Child 1
 Child’s Name: _____ Age: _____
 Child 1’s preference regarding custody: _____

Child 2
 Child’s Name: _____ Age: _____
 Child 2’s preference regarding custody: _____

Child 3
 Child’s Name: _____ Age: _____
 Child 3’s preference regarding custody: _____

Child 4
 Child’s Name: _____ Age: _____
 Child 4’s preference regarding custody: _____

20. Reasonable Preferences of the Children. The best interest factor found in Minn. Stat. § 257C.04, subd. 1(a)(2), is the reasonable preference of the child, if the court believes the child is of “sufficient age to express preference.”

If you believe one of the children meets this requirement, then list that child, their age, and their preference.

Like in the other sections of the form, there is only enough space for 4 children (Child 1, Child 2, Child 3, and Child 4). If there are more than 4 children, add more paper.

21. Primary Caretaker. Include the name of the children’s primary caretaker. See Minn. Stat. § 257C.04, subd. 1(a)(3).

A primary caretaker provides most of the day-to-day care and decision-making for each child. Examples of caregiving include preparing meals, attending medical appointments, disciplining, helping the child get dressed, reading to the child, providing transportation to activities, and looking over homework.

If at different times in each child’s life, different people have been the primary caretaker, name **all** adults who have provided this care and when that care took place. If this person is not you, the other parent, or the Petitioner, this person should also be listed in the chart at #18 ([Other Caretakers](#)) on CHC702.

22. Intimacy of the Relationships Between Each Party and the Children. See Minn. Stat. § 257C.04, subd. 1(a)(4). Tell about the closeness of the relationship between each child and:

- a. The Petitioner;
- b. The Co-Petitioner, if there is one;

- c. You;
 - d. The other parent; and
 - e. The Legal Guardian or Custodian, if there is one.
23. **The Interactions and Interrelationships of the Children with Others.** Tell about how each child plays, talks, opens up to or interacts with all of the parties (including you), with siblings, and with anyone else who is significant in each child’s life (for example, a grandparent or close relative). See Minn. Stat. § 257C.04, subd. 1(a)(5).
24. **The Children’s Adjustment to Home, School, and Community.** Tell about how each child has adjusted (or not) to life at home, in school, and in the community.
25. **The Length of Time the Children Have Lived in a Stable, Satisfactory Environment.**
- a. Do the children currently live in a safe, stable place? Check **YES** or **NO**. Then answer the follow-up questions.
 - b. Explain the answers you gave in “a.”
26. **The Permanence, as a Family Unit, of the Existing or Proposed Custodial Home.** There are four sections in #26.
- a. List all of the people who live with you in your home.
 - b. Tell whether you consider these people to be your **permanent** family unit. For example: Have the people living in the home been there for a while? Have you lived in one house or apartment for a period of time, or are there frequent moves?
 - c. Explain why or why not.
 - d. If the children do not live with you, then in “d,” describe the situation where they are currently living.
27. **The Mental and Physical Health of All Individuals Involved.** Describe the **mental** and **physical** health of everyone involved in this case. If there is not enough space on the lines for your full answers, continue your answers on another piece of paper.
28. **The Capacity and Disposition of the Parties to Give the Children Love, Affection, and Guidance, and to Continue Educating and Raising the Children in Their Culture and Religion or Creed, if any.** This question has two parts:
- a. Explain whether and how you and the other parties are able to give the children love, affection, and guidance.
 - b. Explain whether and how you and the other parties are able to educate and raise the children in their culture and religion or creed, if any.
29. **The Children’s Cultural Background.** Describe the children’s cultural background.

30. **The Effect on the Children of the Actions of an Abuser, if Related to Domestic Abuse, as Defined in Minn. Stat. § 518B.01, subd. 2, that Has Occurred Between the Parents or the Parties.** There are three parts to this question:

- Whether there has been any domestic abuse between any of the parties in this case;
- If *YES*, who has been involved in the domestic abuse; and
- If *YES*, how the domestic abuse has affected the children.

Part 8: Income and Ability to Provide Child Support

<p>Part 8: Income and Ability to Provide Child Support</p> <p>31 Existing Child Support Order</p> <p>Are you aware of an existing child support order (one that is already in place)? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes, give as many details as you can (for example, what county and state is the child support case in, and what is the court file number?): _____</p> <p>_____</p> <p>32 You must fill out and file a Financial Affidavit for Child Support (FAM102) with attachments (proof of financial situation).</p>
--

31. This question asks if you know about a child support order that orders a parent to pay or reserves the issue of child support.

32. The [Financial Affidavit for Child Support](#) (FAM102) and instructions are available online (mncourts.gov/GetForms.aspx?c=18&p=68). You will also need to use [Cover Sheet for Non-Public Documents – Form 11.2](#) (CON112) as a cover sheet for non-public documents like paystubs, bank records, and/or credit card statements (mncourts.gov/GetForms.aspx?c=11&p=43).

Part 9: Your Requests

<p>Part 9: Your Requests</p> <p>The Respondent, Your name goes here. (name), asks the Court for an Order as follows:</p>

Up to this point, you have been giving the court *information* about the parties and the children. Now, you will tell the court and the other parties what you want the court to order.

The numbering starts over in this section.

You can ask the court to dismiss the entire petition. That means you are asking the court to say no to all of Petitioner’s requests for custody, parenting time, and child support.

OR

You can ask the court to issue an order in this case for custody, parenting time, and/or child support.

1. **Dismissing the entire petition** (if you check this box, then skip questions #2 through #4).

OR

1

1. Check the box at #1 if you want to ask the court to deny all of Petitioner’s requests and to dismiss the petition.

If you do not check the box at #1, then you will need to fill out the rest of the form to let the court and the other parties know the details of your request.

2. Paragraph #2 is about **legal custody** and **physical custody**.



There is information in the [“Child Custody & Parenting Time” Help Topic](#) on the Minnesota Judicial Branch website (mncourts.gov/Help-Topics/Child-Custody.aspx). Look in the “Tools & Resources” tab for links to helpful content.

See [Minn. Stat. § 518.003](#) (revisor.mn.gov/statutes/cite/518.003).

- **Legal custody** refers to the right to make decisions about how to raise the child, including decisions about education, health care, and religious training.
- **Physical custody** refers to the right to make decisions about the routine day-to-day activities of the child and where the child lives.
- **Joint custody** means sharing the rights and responsibility with someone else.
- **Sole custody** means only one person may make the important decisions about the child.

a

Legal Custody:

→ *Legal custody means having a right to participate in the major decisions regarding the child’s life, including education, religious upbringing and medical treatment.*

It is in the children’s best interests that legal custody be granted as follows:

Sole legal custody to (name).

OR

Joint legal custody to the following parties:

- | | |
|--|--|
| <input type="checkbox"/> Parent A | <input type="checkbox"/> Parent B |
| <input type="checkbox"/> Both parents | <input type="checkbox"/> Petitioner |
| <input type="checkbox"/> Co-Petitioner | <input type="checkbox"/> Legal Guardian or Custodian |

- a. What are you asking for regarding **legal custody**? Your options are **sole legal custody** to 1 person, or **joint legal custody** to more than 1 person.

b Physical Custody:

- Physical custody identifies who will handle the routine daily care and control of the child, and who the child will live with.

It is in the children's best interests that physical custody be granted as follows:

Sole physical custody to _____ (name).

OR

Joint physical custody to the following parties:

<input type="checkbox"/> Parent A	<input type="checkbox"/> Parent B
<input type="checkbox"/> Both parents	<input type="checkbox"/> Petitioner
<input type="checkbox"/> Co-Petitioner	<input type="checkbox"/> Legal Guardian or Custodian

NOTE: If you checked "joint physical custody," and the other person is not your spouse, then you need a schedule stating who takes care of the children and when. Describe the schedule:

b. Answer the same questions for **physical custody**.

NOTE: If you are asking the court to share joint physical custody with someone else who is not your spouse, you will need to describe the schedule – when will each of you have the children?

c Best Interest Factors: Joint Legal or Joint Physical Custody.

→ According to Minn. Stat. § 257C.04, subd. 2, there are other factors the court must consider when a party asks for joint legal or joint physical custody.

→ If you checked "joint legal custody" or "joint physical custody" in "a" or "b" above, then answer the following questions about you and the person you hope to share legal and/or physical custody with.

N/A ("c" is not applicable because this Respondent is not asking for joint legal or joint physical custody).

OR

- Can you cooperate with the other party in raising the children?
 Yes No
- Explain how you will cooperate **OR** if you are not able to cooperate, why not? _____
- If you and the other party disagree on major decisions about the children's lives, how will you work out your differences and make a decision? _____
How willing are you and other party to use these methods to resolve disagreements? _____
- Do you believe it would be negative or bad for the children if either you or the other party (who you are asking to share joint legal or physical custody with) had the sole authority over raising the children rather than joint authority with the other party?
 Yes No
Explain your answer: _____
- Has there been domestic abuse between you and the other party?
 Yes No
If Yes, explain when the domestic abuse happened: _____
Explain how the situation got better: _____

c. If you asked for joint legal custody in "a," or for joint physical custody in "b," then answer the questions in this section (i-v).

The court has to consider and evaluate all relevant factors in determining the best interest of the children when deciding custody. And when a party asks for **joint custody** (either joint legal or joint physical), the court must consider additional “best interest factors” found in [Minn. Stat. § 257C.04, subd. 2](http://revisor.mn.gov/statutes/cite/257C.04) (revisor.mn.gov/statutes/cite/257C.04).

Requests: Parenting Time

3 Granting **Parenting Time** as follows:

Weekends: _____

Weeknights or after school (or, if not in school, then Monday through Friday): _____

Holidays: **Include detailed information such as the name of the holiday and whether the holiday includes weekends.**

Birthdays: **Do you want a different schedule for the children's birthdays? The parents' birthdays?**

School release days: _____

Summer: _____

Telephone contact with children (When can they talk on the phone with the parents?): _____

Transportation: **Who is responsible for transporting the children? For example, how will the children get to the other parent for their parenting time? How will the children get back to their home?**

Other: _____

Supervised parenting time for Parent A / Parent B because: _____

If you ask for supervised parenting time, then explain why a party's parenting time needs to be supervised. What is the risk to the children if that parent was not supervised while they spent time with the children?

- Who should supervise the parenting time? _____
- If there is a cost, who should pay? _____


NO PARENTING TIME for **Parent A** (reserving parenting time), because: _____

If you ask that Parent A's parenting time be reserved, explain the risk to the children if Parent A spent any time with them. What could happen?

NO PARENTING TIME for **Parent B** (reserving parenting time), because: _____

If you ask that Parent B's parenting time be reserved, explain the risk to the children if Parent B spent any time with them. What could happen?

3. **Parenting Time.** The parenting time schedule should include enough detail so that it is clear to everyone what to expect for parenting time, if the court grants your request.



You might find it helpful to look at the [parenting time resources](http://lawhelpmn.org/self-help-library/family/custody-and-parenting-time) available through LawHelpMN.org (lawhelpmn.org/self-help-library/family/custody-and-parenting-time).

4. This is a question about child support.
5. You do not have to fill in anything at #5. This is standard language in many court forms.

Acknowledgments and Signature Block

Read the Acknowledgments very carefully. When you sign your name to this *Answer and Counterpetition*, you are telling the court that you are telling the truth in the document, and that

your requests are made in good faith. If you are not telling the truth, if you are misleading the court, or if you are using this *Answer and Counterpetition* for an improper purpose, the court can order you to pay money to the other party or impose other sanctions.

Date and sign the last page of the *Answer and Counterpetition* (CHC702), and then print your name, and contact information.

Step 3

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

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



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 listed 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; and
- 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 the 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.

Form 11.1 and Form 11.2 can be found at www.mncourts.gov/forms under the court forms category of “Confidential Information” and is court form number CON111 and CON112. There are **INSTRUCTIONS** (CON110) to help you fill out these forms.

Step 4

Make Copies and Arrange for Service on the Parties

Supporting Documents

If you have any supporting documents (such as police reports or domestic abuse orders) that you want the court to see, then be sure to label these supporting documents very clearly (for example: Attachment 1). If a document supports a statement you have made in your *Counterpetition* (CHC702), then be sure to mention the document in your answer (for example, you can add “See Attachment 1” to your answer wherever that attachment supports your answer).

There is a [packet of forms online](http://mncourts.gov/GetForms.aspx?c=18&p=127) that includes Instructions (FAM901) and a blank List of Supporting Documents (FAM903) (mncourts.gov/GetForms.aspx?c=18&p=127).

Copies for Each Party

Make copies of the completed *Answer and Counterpetition* (CHC702), the *Financial Affidavit for Child Support*, and any supporting documents. You need to make a copy for each of the parties listed in the caption.



You may need more copies:

- If there is any public assistance, you will need an extra copy for the county support agency. See Step 7 below.
- If you have reason to know that the children or parents are members of, or may be eligible for membership in, an Indian tribe, you will need a copy of your *Counterpetition* and the special *ICWA Notice for Third Party Custody* (CHC605) for each tribe, the Bureau of Indian Affairs (BIA), and the parents and Indian custodian (if any). See the [Supplemental Instructions \(CHC601-Supp\)](https://mncourts.gov/GetForms.aspx?c=4&f=943) for details (mncourts.gov/GetForms.aspx?c=4&f=943).

NOTE: If you have reason to know that the children or parents are members of, or may be eligible for membership in, an Indian tribe, then there are service requirements beyond what is described below. It is very important that you follow the steps listed in the Supplemental Instructions (CHC601-Supp) when the child or parent is or may be a member of (or eligible for membership in) an Indian tribe.

Service

There is a [“Service of Process” Help Topic](https://mncourts.gov/Help-Topics/Service-of-Process.aspx) on the Minnesota Judicial Branch website (mncourts.gov/Help-Topics/Service-of-Process.aspx).

You have to arrange for the other parties to get copies of all of your forms.

Who Can Serve?

The forms you have prepared can be served by any of the following:

- The sheriff;
- Another adult;
- You.

How Can the Papers Be Served?

SERVICE BY MAIL: One way the documents can be served is by U.S. Mail.

- The server places **one copy** of the completed *Answer and Counterpetition* and *Financial Affidavit for Child Support* (and all attachments) in an envelope.
- Then the server writes your return address and the last known address of the other party on the front of the envelope.

- The server places the correct amount of postage on the envelope (the server may want to take the envelope to the post office to be weighed to make sure there is sufficient postage).

PERSONAL SERVICE: The papers can also be served “personally” (handed to the other party).

NOTE: Papers cannot be served on a legal holiday as described in Minn. Stat. § 645.44, subd. 5 (<https://www.revisor.mn.gov/statutes/cite/645.44>).

Step 5

Completing the *Affidavits of Service* (SOP102 or SOP104)

After the *Answer and Counterpetition*, *Financial Affidavit for Child Support*, and any supporting documents are served, then the person who served them (the “server”) must fill out an **Affidavit of Service**.

- Use the [Affidavit of Service by Mail \(SOP104\)](https://mncourts.gov/GetForms.aspx?c=33&f=28) (mncourts.gov/GetForms.aspx?c=33&f=28) if the papers were served by mail.
- Use the [Affidavit of Personal Service \(SOP102\)](https://mncourts.gov/GetForms.aspx?c=33&f=27) (mncourts.gov/GetForms.aspx?c=33&f=27) if the forms were personally served.

You will need a separate *Affidavit of Service* for each party that was served.

These affidavits tell the court when, where, and how a copy of your papers was served on each party.

Step 6

Complete *Confidential Information Form (CON111)* and *Certificate of Representation and Parties (CIV102)*

The two forms in this section do not have to be served on the Co-Petitioner or Respondents.

CON111

Fill out the [Confidential Information Form \(CON111\)](https://mncourts.gov/GetForms.aspx?c=11&p=44) (mncourts.gov/GetForms.aspx?c=11&p=44). You will need to add extra lines in the caption for all of the parties (the top of the form) because the form has only one blank for petitioner and one blank for respondent.

Then list the names of each party and each child in the middle section and list the person’s social security number. If you do not know a person’s social security number, it is okay to put “unknown.”

CIV102

Fill out the [Certificate of Representation and Parties \(CIV102\)](https://mncourts.gov/GetForms.aspx?c=7&f=149) form (mncourts.gov/GetForms.aspx?c=7&f=149). Again, you will have to add extra lines to fit all of the parties in the caption.

On the second page is where you start to list the names and contact information for all parties that are not represented by an attorney. Since there are not enough blocks for each party, you will need to add another sheet of paper if there is a Co-Petitioner, or if there is more than one Respondent.

Step 7

Giving Notice to the Public Authority

If anyone in the case receives public assistance from the State of Minnesota, or receives county child support services, then you must mail or hand-deliver a [Notice to the Public Authority \(DIV813\)](https://mncourts.gov/GetForms.aspx?c=15&f=53) (mncourts.gov/GetForms.aspx?c=15&f=53) and a copy of the *Answer and Counterpetition* to the Public Authority (usually the county support agency) in the county where the third party custody case has been filed (mn.gov/dhs/people-we-serve/children-and-families/services/child-support/contact-us/county-offices.jsp).

You have to do each of the following steps:

- Fill out the *Notice to the Public Authority (DIV813)* form and make a copy.
- Make one copy of *Confidential Information Form 11.1 (CON111)* (see Steps 3 and 6 above).
- Make a copy of the *Answer and Counterpetition*.
- Mail or hand-deliver a copy of DIV813 and CON111, and the *Answer and Counterpetition*, to the county support agency.
- Fill out the *Affidavit of Mailing or Delivery of Notice to the Public Authority (DIV816)*.
- File a copy of DIV813 and the original DIV816 with Court Administration (see Step 8).

Step 8

Filing the Forms with the Court

Filing Fee

File the following with the court:

- The *Answer and Counterpetition (CHC702)*, and all attachments;
- All *Affidavits of Service or Admissions of Service* proving that all parties have been served;
- *Confidential Information Form 11.1 (CON111)*;
- *Financial Affidavit for Child Support (FAM102)*, and all attachments;
- *Cover Sheet for Non-Public Documents Form 11.2 (CON112)*;
- *Certificate of Representation and Parties (CIV102)*; and
- If it applies, the following two forms:
 - Copy of the *Notice to the Public Authority (DIV813)*; and
 - *Affidavit of Mailing or Delivery (DIV816)*.

IMPORTANT! If you have reason to know that the child or a parent is a member of (or may be eligible for membership in) an Indian tribe, then you will also need to file the *ICWA Notice for Third Party Custody* and other proof of service. See the *Supplemental Instructions* (CHC601-Supp) for details.

Filing Fee

There will be a filing fee due when you file the forms. If you cannot afford to pay the filing fee, a judicial officer may waive it under certain circumstances. The fee waiver paperwork is available online at <https://mncourts.gov/GetForms.aspx?c=19&p=69>. The fee waiver paperwork will be reviewed by a judicial officer who will decide whether you have to pay the fee. If the judicial officer doesn't waive the filing fee, you will have to pay it, or Court Administration cannot process your forms.

How to File

At the Courthouse:

- File the forms with court administration.
- This can be done either in person at the courthouse or by mail. Addresses for courthouses are online at <https://www.mncourts.gov/Find-Courts.aspx>.

Electronic Filing through eFS System:

- If you have an account, or want to create one, with the eFS System, you can file electronically (eFile). See <https://www.mncourts.gov/eFile>.
- **NOTE:** Once you decide to eFile, you must continue to eFile for the entire case.
- Along with the filing fee and costs, there is also a fee of \$5 for using the eFS System when a fee is collected. If a judicial officer has granted you a fee waiver (IFP), the \$5 fee is waived.

What Happens Next

What happens next depends on what the other parties do and on the facts of your case.

If you have questions about the next steps, the following may be helpful resources for you:

- [Self-Help Centers](https://mncourts.gov/Help-Topics/Self-Help-Centers.aspx) (mncourts.gov/Help-Topics/Self-Help-Centers.aspx);
- [Law Libraries](https://mncourts.gov/Help-Topics/Law-Libraries.aspx) (mncourts.gov/Help-Topics/Law-Libraries.aspx); and
- [Free or low-fee legal advice clinics or lawyer referral programs](https://mncourts.gov/Help-Topics/Find-a-Lawyer.aspx) (mncourts.gov/Help-Topics/Find-a-Lawyer.aspx).