

# INSTRUCTIONS

## Request to Establish Third Party Custody of a Child

Forms you may need for your third party custody case case:

- Summons (CHC602);
- Petition for Third Party Custody (CHC603);
- Certificate of Representation and Parties (CIV102);
- Affidavit of Personal Service (SOP102);
- Admission of Service (CHC604);
- Notice to Public Authority with Affidavit of Mailing (DIV813, DIV816)
- Confidential Information Form 11.1 (CON111)

### Overview of Steps in a Third Party Custody Case

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 *Summons* and *Petition for Third Party Custody* on each of the other parties.
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).
5. The other party has 20 days to respond to your request for third party custody. If the other party does not respond or file papers, contact court administration for how to proceed. Some counties may require you to file a Motion for Third Party Custody and request a hearing before the Judge can consider your request for third party 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.

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 651-296-2775.

## General Information About Third Party Custody

**These Instructions are for starting a court case to establish custody of a child who is not your biological, adopted, or legal child.**

Know all of your options before filing for Third Party Custody. There are many options for either temporary or permanent custody of a child who is not your own child. These options may include the following:

- Delegation of Parental Authority (not a court proceeding, good for up to one year, signed by a parent and the person taking custody, but is limited in nature);
- Standby Custodian (if a parent named you as the standby custodian and the reason for having the standby custodian has happened);
- Third Party Custody (through the Family Court);
- Child Protection (known as CHIPS through the Juvenile Court);
- Guardianship (through the Probate Court);
- Adoption (through the Juvenile Court).

### **Do you have a legal right to ask for third party custody?**

**Before you complete these papers, you should determine if you have a legal right to seek custody of a child who is not your child (this is called “standing”).**

According to Minnesota law, you have *standing* if you are a “**de facto custodian**” or “**an interested third party**.” Use these forms *only* if you are a “de facto custodian” or an “interested third party.” The following definitions from [Minn. Stat. § 257C.01](#), subd. 2 and 3, should help you determine if you are a “de facto custodian” or an “interested third party.”

#### **DEFINITION OF “DE FACTO CUSTODIAN”**

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

- You have been the primary caretaker to the child while the child was living in your home; **and**
- The child lived with you 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 you, two weeks not with you, two weeks with you—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 your home, and the parents have not consistently participated in the child’s life.

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

- You have been the primary caretaker to the child while the child was living in your home; **and**
- The child lived with you 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 you, two weeks not with you, two weeks with you—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 your home, and the parents have not consistently participated in the child’s life.

### **DEFINITION OF “INTERESTED THIRD PARTY”**

You may qualify as an **“interested third party”** if you 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 you and for you to have legal custody.

**IMPORTANT** - If you do not qualify as a “de facto custodian” or an “interested third party” and you wish to bring a custody action, you should contact an attorney. **DO NOT** use these forms if you do not qualify in one of the two ways listed above (“de facto custodian” or “interested third party”).

### **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](#) (or County Domestic Abuse Service Center if your county has one). For information about Child Protection orders, [contact your local County Child Protection office](#).

In *extremely rare cases*, a judge 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; or
- if you have the child and you have strong reason to believe that if you serve the Summons and Petition, the parent(s) will take the child from you, and that the child will be harmed or be in immediate danger.

**The Minnesota Judicial Branch does not publish any forms to ask for third party custody on an emergency basis.** You might find sample forms at a law library or from a legal publisher. If

you want to ask for an emergency ex parte order giving you temporary custody until a hearing or an accelerated hearing date, your *Summons* and *Petition for Third Party Custody* must be completely filled out first.

## In what county should you file the third party case?

According to [Minn. Stat. § 257C.03](#), subd. 1, you must file your third party custody case in the county where the child permanently lives, or where the child is found, or where there is an earlier court order for custody of the child.

Got a question about court forms or instructions?

- Visit [www.MNCourts.gov/SelfHelp](http://www.MNCourts.gov/SelfHelp)
- Call the MN Courts Self Help Center at (651) 259-3888

Not sure what to do about a legal issue or need advice?

- Talk with a lawyer
- Visit [www.MNCourts.gov/Find-a-Lawyer.aspx](http://www.MNCourts.gov/Find-a-Lawyer.aspx)

### Step 1

#### Fill Out *Summons for Third Party Custody* (CHC602)

Fill out the *Third Party Custody Summons* form. This is a simple one-page document that lets the other parties know two things: that you are asking for custody and makes them aware that they have 20 days to respond to your Petition.

### Section 1A – The “Caption”

State of Minnesota		District Court	
County	1	Judicial District:	2
		Court File Number:	3
		Case Type:	4
<b>SUMMONS FOR THIRD PARTY CUSTODY</b> Minn. Stat. Ch. 257C			
Name of Petitioner (first, middle, last)			
5			
Name of Co-Petitioner, if any (first, middle, last)			
and			
6			
Name of Respondent Parent A (first, middle, last)			
7			
Name of Respondent Parent B (first, middle, last)			
8			
Name of Respondent Guardian or Custodian (first, middle, last)			

1A

1. List the county where you will be filing your third party custody case. If you are not sure where you should file, please talk to an attorney.
2. 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>.
3. Leave the “Court File Number” section blank for now.
4. For “Case Type,” list *Family Other*.

**Parties in the Case:**

5. **Petitioner and Co-Petitioner.** As the person starting this case, you are the **Petitioner**. List your full name.  
For example: *Rhonda Jane Roe*.

If someone else is also asking for third party custody of the children with you, that other person is the **Co-Petitioner**. The Co-Petitioner might be your spouse or another family member. Leave this line blank if you are the only person asking for third party custody.

6. **Respondent Parent A.** List the full name of one of the parents here.
7. **Respondent Parent B.** If the child has two parents, list the name of the second parent here.
8. **Guardian or Custodian.** If the court has named a person to act as the child's guardian, or if a parent has named an official stand-by custodian, please list that person's full name here. The guardian or other custodian may be a person who is not you or your spouse, and is not the parent of the child, with whom the child is living. There would be a court order through family, juvenile or probate court giving that person custody.

**Section 1B – The “Notice”**

<b>1B</b>
<p><b>TO THE ABOVE-NAMED Respondents:</b></p> <p style="text-align: center;"><b>IMPORTANT NOTICE:</b></p> <p>The Petitioner has filed a lawsuit against you to ask for custody of the following minor children:</p> <p>_____ <b>9</b> _____, BORN _____;</p> <p>_____, BORN _____;</p> <p>_____, BORN _____;</p> <p>_____, BORN _____;</p>

9. List the full name of each child for whom you are asking for third party custody. List each child's date of birth.

**Section 1C – “Signature Blocks”**

<b>1C</b>	
<p>DATE: _____</p> <p>Street Address: _____</p> <p>City/State/Zip: _____</p> <p>Telephone: _____</p> <p>E-mail address: _____</p> <p>DATE: _____</p> <p>Street Address: _____</p> <p>City/State/Zip: _____</p> <p>Telephone: _____</p> <p>E-mail address: _____</p>	<p>Signature of Petitioner, self-representative litigant (SRL)</p> <p>_____</p> <p>_____</p> <p>_____</p> <p><b>10</b></p> <p>Signature of Co-Petitioner, self-representative litigant (SRL)</p> <p>_____</p> <p>_____</p> <p>_____</p>

10. Date and sign the *Summons*. Then print your information (street address, city/state/zip, telephone, and e-mail address) in the blanks provided. If there is a Co-Petitioner, he or she should also date, sign, and print the information.

## Step 2

### Fill Out *Petition for Third Party Custody* (CHC603)

Fill out the *Petition for Third Party Custody* form. This form tells the court the facts of your case: information about the children and the parents, and the [type of custody and parenting time](#) that you are asking for.

The *Petition* is a long form, and it is very important that you provide details for the court. If you do not provide enough information, the court cannot make a decision about custody. When answering the questions, please do not write in the margins or on the back of the pages. Instead, if you need more room, use a new sheet of paper to finish writing your answer.

You are creating a formal legal document, so please use proper capitalization. Instead of “john smith” or “JOHN SMITH,” only the first letters of names should be capitalized: “John Smith.” How the completed form looks may create an impression, and you want that impression to be positive.

#### Section 2A: The “Caption”

<b>2A</b>	
<b>State of Minnesota</b> County _____	<b>District Court</b> Judicial District: _____ Court File Number: _____ Case Type: _____
_____ Name of Petitioner <i>(first, middle, last)</i>	<b>PETITION FOR THIRD PARTY CUSTODY</b>  <b>Minn. Stat. Ch. 257C</b>
_____ Name of Co-Petitioner, if any <i>(first, middle, last)</i>	
and	
_____ Name of Respondent Parent A <i>(first, middle, last)</i>	
_____ Name of Respondent Parent B <i>(first, middle, last)</i>	
_____ Name of Respondent Guardian or Custodian <i>(first, middle, last)</i>	

11. Fill out the caption like you did in *Step 1*, above.

## Section 2B: Information about the Petitioner and Co-Petitioner

2B	
Do <u>not</u> write outside of the lines provided. If you need more space, attach another full sheet of paper.	
<b>Part 1: Information about Parties and Children</b>	
<b>1. Information about the Petitioner (you)</b>	
First _____	Last _____
Street Address _____	Apartment or Unit Number _____
City _____	State _____ Zip _____
Your other names (maiden, former married or other legal name, alias). If none, write "none": _____	
Your relationship to the minor children: _____	
<b>Co-Petitioner</b>	
If you are the only petitioner, leave this Co-Petitioner section blank, and check here: <input type="checkbox"/> <b>13</b>	
First _____	Last _____
Street Address _____	Apartment or Unit Number _____
City _____	State _____ Zip _____
Co-Petitioner's other names (maiden, former married or other legal name, alias). If Co-Petitioner has not used a different name before, write "none." _____	
Describe Co-Petitioner's relationship to you: (for example, married, sisters, parent and child) _____	
Describe Co-Petitioner's relationship to the children: _____	

**12. Petitioner's Information.** Please fill in the following information about yourself:

- Your full name and address;
- Any other names you have ever used;
  - Note: If you have ever used any other legal name (like a maiden name, former married name, or alias), please write the other names in the blank. If you have never had a name other than your current name, then write "none" in the blank.
- Your relationship to the minor children.
  - For example, if you are the mother of the children's mother, then you are the "maternal grandmother."

**13.** If you are the only person in this case who is asking for custody of the children, then there is no co-petitioner, and you can check the box. If you are the only petitioner, then leave the rest of the "Co-Petitioner" section blank.

**14. Co-Petitioner's Information.** Answer the questions in Item # 14 only if there is another person joining you in asking the court for custody of the children. This other person is the "Co-Petitioner." Like you did for yourself, fill in the following about the Co-Petitioner:

- Co-Petitioner's full name and address;
- Any other names the Co-Petitioner has ever used (or "none");
- How the Co-Petitioner is related to you; and
- How the Co-Petitioner is related to the children.

## Section 2C: Information about the Respondent Parents

<b>2C</b>		
<b>2. Information about the Respondents</b>		
<b>a. Respondent Parent A</b>		
First	Middle	Last
Street Address		Apartment or Unit Number
City	State	Zip
Parent A's other names (maiden, former married, or other legal name, alias). If Parent A has not used a different name before, write "none."		
<input type="checkbox"/> Parent A's social security number is listed on Form 11.1 and on file with the court.		
<input type="checkbox"/> Parent A's social security number is unknown.		
How is Respondent Parent A related to the children?		
<input type="checkbox"/> biological mother <input type="checkbox"/> biological father <input type="checkbox"/> adoptive parent		
<b>b. Respondent Parent B</b>		
First	Middle	Last
Street Address		Apartment or Unit Number
City	State	Zip
Parent B's other names (maiden, former married, or other legal name, alias). If none, write "none."		
<input type="checkbox"/> Parent B's social security number is listed on Form 11.1 and on file with the court.		
<input type="checkbox"/> Parent B's social security number is unknown.		
How is Respondent Parent B related to the children?		
<input type="checkbox"/> biological mother <input type="checkbox"/> biological father <input type="checkbox"/> adoptive parent		

The parties you are suing for third party custody are the **respondents**. The children's parents (Parent A and Parent B) are respondents, and if there is a legal guardian or a stand-by custodian, that person will be a respondent, too.

15. **Parent A.** Please provide the following information about whichever parent you list as "Parent A":
- Parent A's full name and address;
  - Any other names Parent A has used (or "none");
  - Whether Parent A's social security number is listed on Form 11.1, or unknown (check one of the boxes); and
  - How Parent A is related to the children.

If you do not know some of the information about the parents, and if you cannot get the information, write "unknown" in the blanks.

16. **Parent B.** Please provide the following information about whichever parent you list as "Parent B":
- Parent B's full name and address;
  - Any other names Parent B has used (or "none");
  - Whether Parent B's social security number is listed on Form 11.1, or unknown (check one of the boxes); and
  - How Parent B is related to the children.

## Section 2D: Information about the Legal Guardian or Custodian

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 (not you or the parents) custody of the children, then fill in this section.



2D

**c. Respondent (Legal Guardian or Custodian):**

First \_\_\_\_\_ Middle \_\_\_\_\_ Last \_\_\_\_\_

Street Address \_\_\_\_\_ 17 Apartment or Unit Number \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Respondent Legal Guardian or Custodian's other names (maiden, former married or other legal name, alias). If none, write "none." \_\_\_\_\_

Describe the relationship between the Respondent Legal Guardian or Custodian and the children: \_\_\_\_\_

**17. Legal Guardian or Custodian.** *If there is a legal guardian or custodian, please give the following information:*

- Legal Guardian or Custodian's full name and address;
- Other names the person has used before; and
- Description of the relationship between the person and the children.

## Section 2E: 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.

2E

**3. Paternity – Check all that apply:**

18
☐ **i. Court Order**  
 There is a court order in the State of \_\_\_\_\_ that says Parent \_\_\_\_\_ (A or B) is the father of the following children: \_\_\_\_\_

19
☐ **ii. Minnesota Recognition of Parentage (ROP)**  
 The parents 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).

20
☐ **iii. Voluntary Acknowledgment of Paternity or Parentage (VAP) in another state**  
 The VAP is like the Minnesota ROP, but for a different state.  
 The parents signed a VAP in a state other than Minnesota for the following children: \_\_\_\_\_  
and the VAP is filed with the State where it was signed.

21
☐ **iv. Other reasons Respondent Parent \_\_\_\_\_ (A or B) is presumed to be the father of the children**

**18.** 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 following:

- State where order was signed;
- Which parent is named as the father (Parent A or Parent B); and
- The names of the children of whom this parent is the father.

19. If both parents signed a [Minnesota Recognition of Parentage \(ROP\)](#), 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.
20. 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.
21. 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 the box at Item # 21.

	<div style="border: 1px solid black; padding: 2px; display: inline-block;"><b>2E</b> (continued)</div>
	<input type="checkbox"/> iv. Other reasons Respondent Parent ____ (A or B) <u>is presumed to be the father of the children</u> Check all that apply:
<b>22</b>	<input type="checkbox"/> The Respondent Parents were married when the following children were born: _____
<b>23</b>	<input type="checkbox"/> The following children were born within 280 days after Respondent Parents were divorced (or after the marriage of the Respondent Parents ended by death, annulment, declaration of <u>invalidity</u> , or after a decree of legal separation was entered by a court): _____
<b>24</b>	<input type="checkbox"/> Father receives the following children into his home, and openly holds them out as his biological children: _____
<b>25</b>	<input type="checkbox"/> Paternity genetic testing <u>was done</u> , and it shows that Respondent Parent ____ is likely to be the father of the following children: _____
<b>26</b>	<input type="checkbox"/> Petitioner believes that Respondent Parent ____ is the father of the following children: _____ <u>because:</u> _____
<b>27</b>	<input type="checkbox"/> Other: _____

22. Check this box if Parent A and Parent B were married to each other when any of the children were born, and then list the children.
23. If any of the children were born within 280 days after Parent A and Parent B were divorced, check this 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.

24. 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), then check this box, and then list which children this applies to.

25. Check this 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.
26. Check this box 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.
27. Check this box if there is any other information you want the court to have about paternity of the children, and then give that information.

## Section 2F: Active Duty Military Service

**Servicemember's Civil Relief Act.** 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](#).

2F

**4. Active Duty Military Service**

☐ None of the petitioners or respondents is an active duty member of the Armed Forces.

**OR**

28

☐ \_\_\_\_\_ is an active-duty member of the Armed Forces.  
(Name of Party)

His or her Commanding Officer is:

Name/Rank	
Street Address	
City/State/Zip	

28. If none of the parties is an active-duty member of the military, you can check the first box and then leave the rest of this section blank.

If you mark that one of the parties is an active member of the military, you must write in the name of the party and provide the name, rank and address of that party's Commanding Officer.

If there are two or more parties who are active-duty military, then you will need to add the required information on an additional sheet of paper that you attach to your forms.

## Section 2G: Jurisdiction

This section tells the court whether you are asking for custody as a “de facto custodian” or as an “interested third party.” Please see the definitions on pages 2 and 3 of these instructions.

You cannot choose *both* “de facto custodian” and “interested third party.”

**2G**

5. **Jurisdiction** – Are you asking for custody of the children as a **De Facto Custodian** or as an **Interested Third Party**? Choose **a** or **b**, but not both. If you are not sure which to choose, please look at the Instructions (CHC601) for guidance.

☐ **a. De Facto Custodian**

**29**

Name of child	Child's age	Number of months (out of the last 24 months) you have been the children's primary caretaker

Note: the months in the third column do not have to be all in a row.

During the time the children lived with you, did either parent also live with you?  
☐ Yes   ☐ No

Has either parent been active in the children's lives on a regular basis while the children lived with you? ☐ Yes   ☐ No

29. Check this box if you are asking for custody of the children as a [De Facto Custodian](#). Then give the following information:

- For each child that is part of this case:
  - Full name;
  - Age;
  - Number of months the child has been with you, out of the last 24 months;
- Whether the parents also lived with you when the children lived with you; and
- Whether the parents have been active in the children's lives when the children lived with you.

**2G (continued)**

☐ **b. Interested Third Party**

**30**

Check all that apply:

☐ I do not qualify as a De Facto Custodian.

☐ The parents have abandoned, neglected, or otherwise shown a disregard for the children's wellbeing **AND** the children would be harmed by living with *either* parent because \_\_\_\_\_

☐ The children are in physical or emotional danger if they live with *either* parent because \_\_\_\_\_

☐ There are other grave and weighty reasons that make it necessary for the children to live with you. Explain these grave and weighty reasons: \_\_\_\_\_

**31**

**32**

**33**

**34**

30. Check this box if you are asking for custody of the children as an [Interested Third Party](#).

31. Check this box if you do not qualify as a De Facto Custodian.

32. Check this box if the parents have abandoned, neglected, or shown a disregard for the children's wellbeing, **and** if the children would be harmed by living with *either* Parent A or Parent B. If you check this box, you must also explain **why** you have checked it. Use another sheet of paper to continue writing your answer if you run out of room.

33. Check this box if the children would be in physical or emotional danger if they lived with either parent, and explain why.

34. Check this box if there are other “grave and weighty reasons” (very important reasons) that make it necessary for the children to live with you. The laws about third party custody do not define “grave and weighty reasons.” If you are not sure whether you should check this box, then please [talk to an attorney](#).

## Section 2H: Information about the Children

In this section, you will be giving the court information about the children and their situation.

6. Information about the Children				2H
a. Children's names and dates of birth:				
Name of Child	Child's Age	Child's Date of Birth		
Example: Jane Kay Smith	3 years old	11/1/2013		
	35			
b. Are you aware of any other court cases involving the parties (such as child support, dissolution, paternity, child support)? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN				
If YES, please list the following information (if you know it):				
Type of Court Case	Court File Number and State where the court is located	County	Information about Case	
Example: Child support	35-FA-10-####, Minnesota	Kittson	Parent B is supposed to pay child support to Parent A.	
c. Who currently has custody of the children?				
37				
To your knowledge, list who has legal and physical custody of each child. If you know there is a court order for custody, include that information under “Court File Number” and “Court Order Date” (if you know it).				
Child's Name	Legal Custody	Physical Custody	Court File Number and State where the court is located	Court Order Date(s)
Example: Jane Kay Smith	Joint to Mom and Dad	Sole to Father	35-FA-10-#### Minnesota	1/1/14

35. **Children's Names, Ages, and Dates of Birth.** List each child's full name, age, and date of birth.

36. **Other Court Cases.** In this section, give the court as much information as you can about any court case that exists regarding the parents or the children.

37. **Current custody situation.** For each child, list the following:

- Child's full name;
- Who has **legal custody**;
- Who has **physical custody**;
- The “court file number” and state (for example: Minnoesta) for any custody order; and
- The date of any custody order.

d. How long have the children lived in Minnesota?		38
List the length of time that each child has lived in Minnesota:		
Child's Name	Number of Years or Months Child Has Lived in Minnesota	
Example: Jane Kay Smith	3 years – all her life.	

38. **Length of time in Minnesota.** For each child, list the following:

- Child's full name; and
- Number of years or months the child has lived in Minnesota.

e. Have the children ever lived with the you (the Petitioner)? ☐ YES ☐ NO

If YES, then write the child's full name and the number of years or months the child has lived with you.

Child's Name	Number of Years or Months Child has Lived with you
Example: Jane Kay Smith	2 years and 2 months

f. How and why did the children come to live with you? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

OR ☐ the children do not live with me.

39. **Whether the children have ever lived with you.** If any of the children have ever lived with you, then list the following:
- Child's full name; and
  - Number of years or months the child has lived with you.
40. **How child came to live with you.** Either describe why the children are living with you (or why they used to live with you, if they do not live with you any more), or if the children do not live with you, check the box.

g. Does the child you want custody of have any brothers or sisters? ☐ YES ☐ NO

If YES, do all of the child's brothers and sisters live with you? ☐ YES ☐ NO

If NO, give the following information for each brother and sister that does not live with you:

Child's Name	Name of Person With Whom the Child is Living	That Person's Relationship to the Child
Example: John William Smith	Mary Smith	Aunt (mother's sister)

41. **Children's brothers or sisters.** This section has several questions. The first one is whether the child you want custody of has any brothers or sisters. Please check YES or NO.

If the answer is **YES**, then check YES or NO for the second question, which asks whether the brothers and sisters all live with you.

If the answer to the first question is **NO**, then for each brother or sister, give the following information:

- Child's name (the name of the brother or sister);
- Name of person with whom this child is living; and
- That person's relationship to the child.

## Section 2I: Parents' Involvement with the Children

In this section, you will be giving the court details about how Parent A and Parent B have been involved in the children's lives.

2I

**7. Information about Respondent Parents' Involvement with the Children**

**a. Parent A**

Do you believe that the Parent A wants the children to live with you permanently?

☐ YES ☐ NO If NO, write what Parent A wants: \_\_\_\_\_

**Parent A's parenting time until now:**  
How often and under what circumstances (where and how) has Parent A seen the children? \_\_\_\_\_

**b. Has Parent A committed acts of domestic violence (physical or emotional abuse) or neglect against the children?** ☐ YES ☐ NO

Is there a Court Order that says that Parent A cannot have custody of the children (for example, an Order for Protection or Child Protection Order)? ☐ YES ☐ NO

If YES, please give the following information:

Date of Court Order	
Court File Number	
County and state where order was issued	
Name of person to whom the court order gave custody	
Were conditions set in the court order for custody to be returned to Parent A?	<input type="checkbox"/> YES <input type="checkbox"/> NO
If yes, did Parent A follow the conditions?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A (no conditions set)

### Parent A

42. Does Parent A want the children to live with you permanently? If the answer is **NO**, then write what Parent A wants (if you know). If you do not know, you can write "unknown."

Describe where and how Parent A has seen the children, if you know.

43. If Parent A has committed acts of domestic violence (physical or emotional abuse) or neglect against any of the children, check YES.

44. This section has two main questions:

- Has Parent A physically or emotionally abused or neglected the children?
- Is there a court order that says Parent A cannot have custody of the children? If there is, then give as much information about the order as you can find out.

### Parent B

**c. Parent B**

Do you believe that the Parent B wants the children to live with you permanently?

☐ YES ☐ NO If NO, write what Parent B wants: \_\_\_\_\_

**Parent B's parenting time until now:**  
How often and under what circumstances (where and how) has Parent B seen the children? \_\_\_\_\_

**d. Has Parent B committed acts of domestic violence (physical or emotional abuse) or neglect against the children?** ☐ YES ☐ NO

Is there a Court Order that says that Parent B cannot have custody of the child (for example, an Order for Protection or Child Protection Order)? ☐ YES ☐ NO

If YES, please give the following information:

Date of Court Order	
Court File Number	
County and state where order was issued	
Name of person to whom the court order gave custody	
Were conditions set in the court order for custody to be returned to Parent B?	<input type="checkbox"/> YES <input type="checkbox"/> NO
If yes, did Parent B follow the conditions?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A (no conditions set)

45. Answer the same questions for Parent B.

## Section 2J: Other People Who Have Cared for the Children

<b>8. Information about other people who have provided care for the children</b>		
<b>a. Has a Standby Custodian</b> (a person officially named by a parent to care for the child if something happens to that parent) <b>been named by either parent?</b> <input type="checkbox"/> YES <input type="checkbox"/> NO		
<b>If YES, who named the Standby Custodian:</b> (check all that apply)		
<input type="checkbox"/> Parent A <input type="checkbox"/> Parent B <b>OR</b> <input type="checkbox"/> Guardian or Other Custodian		
<b>If YES, what is the Standby Custodian's name?</b> _____		
<b>How is the Standby Custodian related to the children?</b> _____		
<b>b. Are there people other than Petitioner who have cared for the children in their home for an extended period of time without the parents' involvement?</b> <input type="checkbox"/> YES <input type="checkbox"/> NO		
<b>If YES, please give the following information:</b>		
<b>Name</b>	<b>Relationship to Children</b>	<b>Amount of Time/When</b>
Example: John Smith and Joyce Smith	Aunt and Uncle (mother's sister and husband)	3 months – June and July 2016 and September 2016

46. **Standby Custodian.** A **standby custodian** is a person who has been officially named by a parent to care for the children in case something happens to the parent. If a parent has named a **standby custodian**, you can check YES. Otherwise, check NO.

If you checked YES, then please 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?

47. **Other People Who Have Cared for the Children.** 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 to the children; and
  - Amount of time and when they cared for the children.

## Section 2K: Parenting Time

The next set of questions asks what is best for the children when it comes to parenting time for Parent A and Parent B.

- If it is best that the children spend time with the parents, you can check the box for “**unsupervised parenting time.**” Later on in the forms, you will be asked to give a parenting time schedule for each parent.
- If it is best for the children that a parent be *supervised* while with the children, you can check “**supervised parenting time.**” If you check this box, you will have to explain the following:
  - Why the parenting time should be supervised;
  - Who will supervise the parenting time; and
  - Who will pay the cost for supervising, if there is any?
- If it is best for the children that they not be around a parent, you can ask that the parenting time be “**reserved.**” Reserved parenting time means that the court would not order any parenting time right now. You will have to explain why a parent should not have any parenting time.
- If things change, a parent can go back to court and ask for parenting time later, once it is safe for the children to be around the parent.



## 9. Parenting Time for Parent A and Parent B

## a. Parenting Time for Parent A

☐ It is in the best interests of the minor children that Parent A has the right of

☐ unsupervised parenting time OR

☐ supervised parenting time. Explain why Parent A's parenting time should be supervised: \_\_\_\_\_

48

\_\_\_\_\_  
 If supervised parenting time, how will the parenting time be supervised? Who will do the supervision, or will the parenting time be at a parenting time center? \_\_\_\_\_

Who will pay the costs for the center? \_\_\_\_\_

OR

☐ It is in the best interests of the children that Parent A's parenting time rights be reserved. Explain why Parent A should not have any court-ordered parenting time:

48. **Parenting Time for Parent A.** Choose whether Parent A's parenting time should be unsupervised, supervised or reserved. If you choose "supervised" or "reserved," then answer the follow-up questions.

## b. Parenting Time for the Respondent Parent B

☐ It is in the best interests of the minor children that Parent B has the right of

☐ unsupervised parenting time OR

☐ supervised parenting time. Explain why Parent B's parenting time should be supervised: \_\_\_\_\_

49

\_\_\_\_\_  
 If supervised parenting time, how will the parenting time be supervised? Who will do the supervision, or will the parenting time be at a parenting time center? \_\_\_\_\_

Who will pay the costs for the center? \_\_\_\_\_

OR

☐ It is in the best interests of the children that Parent B's parenting time rights be reserved. Explain why Parent B should not have any court-ordered parenting time:

49. **Parenting Time for Parent B.** Choose whether Parent B's parenting time should be unsupervised, supervised or reserved. If you choose "supervised" or "reserved," then answer the follow-up questions.

## Section 2L: Best Interests of the Children

This section describes how to answer **Question # 10 (a-l)** in the *Petition for Third Party Custody* (CHC603).

The court has to consider every single "[best interest factor](#)" when deciding whether to grant you custody of someone else's children, so it is very important that you **answer every question** and **give specific details**.

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; etc."

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).

2L

10. Best Interests of the Children

a. What do the children want for custody, if the children are old enough to state their wishes?

50
51

Name of Child	Child's Preference	Child's Age
Example: John James Smith	John wants to live with Petitioner	15 years old

b. Who is the children's primary caretaker? \_\_\_\_\_

c. Briefly describe how close the children are to everyone involved:

You (Petitioner): \_\_\_\_\_

Co-Petitioner (if any): \_\_\_\_\_

Parent A: \_\_\_\_\_

Parent B: \_\_\_\_\_

Legal Guardian or Other Custodian: \_\_\_\_\_

d. Briefly describe the relationships and interaction the children have with you, with the parents, with any brothers and sisters, or with any other person who has played an important role in the children's lives: \_\_\_\_\_

e. How well adjusted are the children to life at home, in school, and in the community? Life at home: \_\_\_\_\_

In school: \_\_\_\_\_

In the community: \_\_\_\_\_

f. Do the children currently live in a stable, safe place? ☐ YES ☐ NO

If YES, answer the following questions:

53
54

Where is this stable, safe place?	
How long have the children lived there?	
Is it best for the children to stay there?	<input type="checkbox"/> YES <input type="checkbox"/> NO
Explain your answer:	

55

50. One of the best interest factors in [Minn. Stat. § 518.17, subd. 1\(a\)](#) is the reasonable preference of the child, if the court believes the child is of “sufficient ability, age, and maturity to express an independent, reliable preference.”

If you believe one of the children meets these requirements, then list that child, his or her preference, and age.

51. Write the name of the children’s **primary caretaker**. A primary care taker 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 or one of the parents, this person should also be listed in the chart at paragraph 8(b) on CHC603.

52. Write about the closeness of the relationship between each child and each party, and with anyone else who is significant in each child’s life (for example, a grandparent or cousin).

53. Write about how each child plays, talks, opens up to or interacts with the all of the parties, with brothers and sisters, and with anyone else who is significant in each child’s life (for example, a grandparent or cousin).

54. Write about how each child has adjusted (or not) to life at home, in school, and in the community.

55. Do the children currently live in a safe, stable place? Check YES or NO. *If YES*, then answer the follow-up questions.

g. Other than the children who are part of this custody request, who else lives with you in your home? \_\_\_\_\_ **56**

Do you consider these people to be your permanent family unit? Explain briefly. \_\_\_\_\_

h. Briefly describe the **mental** and **physical** health of everyone involved:

You (Petitioner): \_\_\_\_\_ **57**

Co-Petitioner (if any): \_\_\_\_\_

Parent A: \_\_\_\_\_

Parent B: \_\_\_\_\_

Children:

Child's Name	Describe Child's Mental Health	Describe Child's Physical Health

Legal Guardian or Other Custodian: \_\_\_\_\_

i. Explain how likely and able you are to give the children love, affection, and guidance and how you will do this. \_\_\_\_\_ **58**

56. List all of the people who live with you in your home (except for the Co-Petitioner and the children who are a part of this third party custody request).

Then describe how permanent your family is or how permanent the people are in your home. 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?

57. 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 writing your answers on another piece of paper.

58. This question has two parts:

- Explain whether you are able to give each child love, affection, and guidance; and
- Explain how you will do this.

j. What is the children's cultural background? \_\_\_\_\_ **59**

Are any of the children members of, or eligible for membership in, an Indian tribe?

☐ YES – list the names of the children who are members of an Indian tribe, or who are eligible for membership: \_\_\_\_\_ **60**

☐ NO, the children are not members of, or eligible for membership in, an Indian tribe

☐ UNKNOWN

If YES, list the name of the Tribe: \_\_\_\_\_

Is either parent a member of, or eligible for membership in, an Indian tribe? \_\_\_\_\_ **61**

☐ YES ☐ NO ☐ UNKNOWN

If YES to either question, then you must give NOTICE to the Tribe of this action for third party custody.

59. Describe the children's cultural background.

60. **Indian tribe.** If any of the children are either members of, or eligible for enrollment in, an Indian tribe, then check **YES**, and list the names of the children. You will also need to list the name of the tribe, if you know it.

Check NO if the children are not members of, or eligible for enrollment in, an Indian tribe. If you do not know, then check UNKNOWN.

61. Is either parent a member of, or eligible for enrollment in, an Indian tribe?

**If the answer to either of these questions is YES**, 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 seek legal advice if you think this applies to your case.

k. Explain how likely and able you are to continue educating and raising the children in their culture, religion, and creed? \_\_\_\_\_

62

l. Has there been domestic abuse by any of the parties in this case against another party? (The parties are the parents, the Guardian or Custodian, you, your Co-Petitioner, and the children.)

☐ YES ☐ NO

63

If YES, who has been involved in the domestic abuse? \_\_\_\_\_

If YES, there has been domestic abuse between the parties, explain what effect this abuse has had on the children: \_\_\_\_\_

62. This question has two parts:

- Explain whether you are likely to continue educating and raising the children in their culture, religion and creed; and
- Explain how you will do this.

63. 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.

11. Joint legal or physical custody

Are you asking for joint legal or joint physical custody of the children with another party? (Look how did you answer P6 and P6c?) ☐ YES ☐ NO

64

If YES, answer the following questions.

If NO, skip to question 12.

a. Can you cooperate with the other party in raising the children? ☐ YES ☐ NO

Explain how you are able to cooperate or if you are not able to cooperate, why not: \_\_\_\_\_

b. 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 the other party to use these methods to resolve disagreements? \_\_\_\_\_

65

c. 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 custody with) had sole authority over raising the children rather than joint authority with the other party? ☐ YES ☐ NO

Explain your answer: \_\_\_\_\_

d. Has there been domestic abuse between you and the other party? ☐ YES ☐ NO

If YES, explain when the domestic abuse happened and how the situation got better: \_\_\_\_\_

64. Do you plan to ask for **joint legal** or **joint physical custody**?

- If YES, answer the rest of the questions in this section.
- If NO, skip this section.

65. Answer this section **only if** you asked for joint legal or joint physical custody. The questions in this section are meant to help you explain to the court why joint custody (instead of sole custody) is in the children's best interests.

## Section 2M: Income and Ability to Provide Support

In this section, you are to tell the court about all of the parties' income (or tell if you do not know the information). The court uses this information to calculate child support under the Minnesota child support guidelines.

<b>2M</b>
<b>Part 2: Income and Ability to Provide Child Support</b>
<b>12. Existing Child Support Order</b> <span style="border: 1px solid black; padding: 2px 10px;"><b>66</b></span>
Are you aware of a child support order that is already in place? <input type="checkbox"/> YES <input type="checkbox"/> NO

66. If you know that a child support order is already in place, check YES.

	<b>13. Petitioner and Co-Petitioner</b>
	<b>a. Your gross income</b> (before taxes) is \$ _____ per month from (check all that apply):
<span style="border: 1px solid black; padding: 2px 10px;"><b>67</b></span>	<input type="checkbox"/> Wages of \$ _____ from Employer: _____
	<input type="checkbox"/> SSI of \$ _____ for (name of person) _____
	<input type="checkbox"/> RSDI of \$ _____ per month
	<input type="checkbox"/> Other source (list the source and amount of income): _____
	<input type="checkbox"/> Other source (list the source and amount of income): _____
	<b>b. Co-Petitioner's gross income</b>
	<input type="checkbox"/> Not applicable because there is no Co-Petitioner, <b>OR</b>
	Co-Petitioner's gross income (before taxes) is \$ _____ per month from (check all that apply):
<span style="border: 1px solid black; padding: 2px 10px;"><b>68</b></span>	<input type="checkbox"/> Wages of \$ _____ from Employer: _____
	<input type="checkbox"/> SSI of \$ _____ for (name of person) _____
	<input type="checkbox"/> RSDI of \$ _____ per month
	<input type="checkbox"/> Other source (list the source and amount of income): _____
	<input type="checkbox"/> Other source (list the source and amount of income): _____

67. List what your gross income is (income before taxes or deductions). Then check the boxes that show the sources of your income.

68. If there is a Co-Petitioner, then provide the same information for him or her. If there is not a Co-Petitioner, check the box that starts with "Not applicable..."

69. Provide the requested information about Parent A.

70. Provide the requested information about Parent B.

	<b>14. Respondent Parents</b>
	<b>a. Does Parent A have the ability to pay support for the children?</b>
	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN
<span style="border: 1px solid black; padding: 2px 10px;"><b>69</b></span>	<input type="checkbox"/> Parent A is employed as a _____ (type or title of job) at _____ (name of employer). Parent A earns \$ _____ <b>gross</b> (before taxes) and \$ _____ <b>net</b> (after taxes) per month.
	<b>OR</b> <input type="checkbox"/> Parent A is currently unemployed.
	<b>b. Does Parent B have the ability to pay support for the children?</b>
	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN
<span style="border: 1px solid black; padding: 2px 10px;"><b>70</b></span>	<input type="checkbox"/> Parent B is employed as a _____ (type or title of job) at _____ (name of employer). Parent B earns \$ _____ <b>gross</b> (before taxes) and \$ _____ <b>net</b> (after taxes) per month.
	<b>OR</b> <input type="checkbox"/> Parent B is currently unemployed.

## Section 2N: Public Assistance

2N

In this section, you will tell the court about any public assistance you or the other parties receive. Provide as much of this information as you can so that the court can calculate child support, and so that the court knows whether the local county support agency should be a part of this case.

15. Public Assistance

a. Do you receive public assistance? ☐ YES ☐ NO

If YES, the amount is \$ \_\_\_\_\_ per month from \_\_\_\_\_ County.

Check all types of assistance you receive:

☐ MFIP ☐ Medical Assistance or MinnesotaCare ☐ Child Care Assistance

☐ IV-E Foster Care ☐ Tribal TANF ☐ General Assistance

71 Are the children included in the public assistance received? ☐ YES ☐ NO

b. Does Co-Petitioner receive public assistance? ☐ YES ☐ NO ☐ N/A

If YES, the amount is \$ \_\_\_\_\_ per month from \_\_\_\_\_ County.

Check all types of assistance received:

71. On CHC603, you will see paragraphs a-e. You will answer the same set of questions about you, the Co-Petitioner (if there is one), Parent A, Parent B, and the children.

The information you will provide for each party and for the children is as follows:

- Whether the person receives public assistance (only YES or NO for you; for the other parties, you also have the option to check UNKNOWN);
- If YES, answer the following:
  - the total amount of public assistance received each month. Write “unknown” if you do not know the amount for the other parties;
  - the county the public assistance comes from;
  - the type of public assistance received; and
  - whether the children are included in the public assistance.

## Section 2O: Child Care Costs

16. Child Care Costs

Do you have child care costs (daycare or babysitting services) for \_\_\_\_\_ go to work or school)?

72 ☐ YES ☐ NO

If YES, list what it costs per month: \_\_\_\_\_

20

72. This question has two parts:

- Whether you have child care costs (for when you go to work or school); and
- If YES, what the cost is per month.

## Section 2P: Your Requests (Custody, Parenting Time, Child Support)

In the first part of the *Petition* (CHC603), you have stated facts about the children, the parents, and the situation in general, and you told the court what parenting time arrangement you think is best for the children.

2P

Part 3: Your Requests

I ask the Court for an Order as follows:

1. Granting legal and physical custody as follows:

a. ☐ Sole legal custody to me (Petitioner), OR

☐ Joint legal custody to me and

In the rest of the *Petition* (starting on page 19 of CHC603), you will state what you want the court to order. **This will repeat some information from the first part of the *Petition*. Both parts must match.** For example, if you said earlier that Parent A's parenting time should be supervised, then your request in the last part of the *Petition* should match.

**NOTE:** The **parenting time** requests for Parent A and Parent B, starting on pages 20-21 of CHC603, include schedules that you need to fill out. These schedules are the dates and times when each parent should be able to spend time with the children, and they should include enough detail so that it is clear to everyone what to expect for parenting time, if the court grants your request.

## Section 2Q: Verification, Acknowledgments, Signature and Signature Block

**Read the Verification and Acknowledgments on pages 23 and 24 of CHC603 very carefully.** When you sign your name to this *Petition* you are telling the court that you are telling the truth in the *Petition* 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 *Petition* for an improper purpose, the court can order you to pay money to the other party or impose other sanctions.

2Q

**VERIFICATION AND ACKNOWLEDGMENTS**

a. I have read this document. To the best of my knowledge, information and belief, the information contained in this document is based on true facts, competent evidence, and is warranted by existing law.

b. I have not been determined by any court in Minnesota nor in any other State to be a *fraudulent litigant* and I am not the subject of an Order prohibiting me from coming or

Date and sign the last page of the *Petition* (CHC603), and then print your name, address, phone number, and e-mail address.

If there is a Co-Petitioner, he or she should also date and sign the last page, and then print the information (name, etc.).

## Step 3

### Make Copies and Arrange for Service on the Other 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: Exhibit A or Exhibit 1). If a document supports a statement you have made in the *Petition* (CHC603), then be sure to mention the document in your answer (for example, you can write "See Exhibit A" if that exhibit supports your answer).

### Copies for Each Party

Make copies of the completed *Summons* (CHC602), *Petition* (CHC603), and any supporting documents. You need to make a copy for the following people:

- Yourself (bring your copy with you to any court hearing);
- Co-Petitioner (if any);
- Parent A;
- Parent B; and
- Legal Guardian or Custodian.

You may need more copies:

- If there is any public assistance, you will need an extra copy for the county support agency. See Step 6 below.
- If the children are members of an Indian tribe, you will need a copy for the tribe.

### Service

You have to arrange for the other parties to get copies of all of your forms. **One party is not allowed to serve the other party**, so you have to arrange for someone else (someone who is at least 18 years old and who is not a party in this case) to hand-deliver the papers to the other parties (this is called “personal service”).

- You can ask a friend or family member to serve for you.
- You can hire the sheriff’s office in the county where the party lives.
- You can hire a professional process server.
- An exception to personal service is when a party says they will accept the papers from you and that they will sign a form called *Admission of Service* (CHC604). Then you can be the one to hand-deliver or mail the papers to that party. If you do not think the person will return the *Admission of Service* form to you, then you should not use this type of service.

If you do not know where a party lives, you might try asking friends or relatives who might know where the person is. You could also look online.

## Step 4

### Completing the *Affidavits of Service* (SOP102)

After the *Summons*, *Petition* and supporting documents are served, then the person who served them (the “server”) must fill out the [Affidavit of Personal Service \(SOP102\)](#). You will need a separate *Affidavit of Service* for each party that was served.

These *affidavits of service* tell the court when and where a copy of the *Summons* and *Petition* (and any supporting documents) were served in each party.

## Step 5

### 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 \(CON111\)](#). 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 write "unknown."

### CIV102

Fill out the [Certificate of Representation and Parties \(CIV102\)](#) form. 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 6

### Giving Notice to the Public Authority

If you, either of the parents, or any of the children receive public assistance from the State of Minnesota, or receive child support services from a county, then you must mail or hand-deliver a [Notice to the Public Authority \(DIV813\)](#) and a copy of the *Summons* and *Petition* to the the Public Authority (usually the [county support agency](#)) in the county where you are filing your third party custody case.

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* (CON111) (see Step 5 above).
- Mail or hand-deliver a copy of DIV813 and CON111 to the county support agency (this time, it is okay for you to do the service).
- Fill out the [Affidavit of Mailing or Delivery of Notice to the Public Authority \(DIV816\)](#). You will file a copy of DIV813 and the original DIV816 with Court Administration (see Step 7).

## Step 7

### Filing the Forms with the Court, Filing Fee

**File the following with the court:**

- The *Summons* (CHC602) and *Petition* (CHC603) for Third Party Custody, and all attachments;
- All *Affidavits of Personal Service* or *Admissions of Service* proving that all of the parties have been served;
- *Confidential Information Form* (CON111);

- *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).

There is a [filing fee](#) due when you file. You can make checks payable to “District Court.”

If you cannot afford to pay the filing fee, you can ask for a fee waiver by completing the forms in the [In Forma Pauperis/IFP](#) packet of forms. If a judge does not sign the fee waiver order, then you must pay the filing fee before Court Administration can process your forms.

## Step 8

### Getting a Court Date

What happens next depends on what the Respondents do and the facts of your case. After you file your forms (see Step 7 above), you will receive a notice in the mail from Court Administration that gives you more information (like the name of the judge or referee assigned to the case).