

FAMILY COURT MATTER

NOTICE OF MOTION AND MOTION AFFIDAVIT IN SUPPORT OF MOTION AND AFFIDAVIT OF SERVICE

**COURT PERSONNEL AND THE COUNTY
ATTORNEY'S OFFICE CANNOT HELP YOU FILL
OUT THE FORM(S) IN THIS PACKET.**

IMPORTANT NOTICES

The Court expects every person who appears in court without an attorney to know and follow the law. If you act as your own attorney, you must do what an attorney would do.

You should see an attorney if you don't know how to answer the questions on these forms or if you think the other party will hire an attorney.

As you fill out the form(s) in this packet you must follow the instructions.

Type your answers or print neatly using dark ink.

Step 1

Fill out the “Notice of Motion and Motion” form

Fill out the Notice of Motion and Motion form included in this packet. This form tells the Court and the other party what you are asking for from the court, and the date and time of the hearing, which must be obtained from the Court Administrator’s office.

FILL IN THE TOP PART OF THE FORM (this is known as the “caption”):

NOTE: The information to fill in the top part of the form can be found at the top of any existing document/order from your file. Be sure to copy the information EXACTLY as it is in your existing file.

- Print the name of the county where your case is located, the number of the judicial district for that county, and the case number which is also called the “court file number”.
- On the line marked “Petitioner” print the name of the Petitioner as listed on your current order or dissolution or paternity decree.
- On the line marked “Respondent” print the name of the Respondent as listed on your current order or dissolution or paternity decree.
- On the “To” line, print the full name and street address of the other party (or their attorney’s name and address if the other party is represented by an attorney)

DO NOT FILL IN THE DATE, TIME AND LOCATION OF THE HEARING YET.
YOU WILL DO THAT AS PART OF STEP 3.

FILL OUT THE REST OF THE FORM:

The form provides for you to make two requests for relief. If you are making more than two requests for relief, please include additional pages.

You must date and sign the Notice of Motion and Motion on the 2nd page, including address and telephone number.

Step 2

Fill out “Affidavit in Support of Motion” form

Fill out your “Affidavit in Support of Motion” form which tells the Court and the other party what you are asking for from the court and WHY you are asking for it.

- Fill in the top part of the form (caption) the same way you did on the Notice of Motion and Motion form.
- Fill in your name and restate what you are requesting from the court.
- Check the paragraphs you are completing and requesting the court to review. **FILL IN ALL THE BLANKS FOR THE PARAGRAPHS YOU CHECK.**
- **DO NOT** date and sign the Affidavit in Support of Motion until you are in the presence of a notary public or court administration. Make sure to bring identification to show to the notary public or court administration. A notary public can usually be found at a bank or courthouse.

By signing your name you are telling the court that you are telling the truth and that you have a good faith reason for your requests. If you are filing these documents just to harass the other party or without good legal reason, or if you mislead the court, the court can make you pay money to the other party.

Step 3

Obtain from the court administration’s office a hearing date and time for the Notice of Motion and Motion

Contact the Court Administrator’s Office at the location where your court file is located. Tell the Deputy Court Administrator you need to schedule a motion hearing and the case type (such as dissolution, paternity, and domestic abuse) and what the motion is for. See a list of court locations on the last page.

Hearing dates must be at least 14 days from filing and service.

Using the information you receive, fill in the date and time of the hearing on the Notice of Motion and Motion form.

Step 4
Make copies of forms
And serve the other party

- Make two copies of the “Notice of Motion and Motion” and your “Affidavit in Support of Motion” forms and all attachments.
- Keep one copy of each form for yourself (make sure to bring your copies with you to court on the day of your hearing)
- Mail one copy of each form to the other party.

Step 5
Serve copies on other party and
Filling out the “Affidavit of Service by Mail”

- Copies of all the forms must be mailed to the other party by first class mail at their last known address. If the other party has retained an attorney, the copies must be mailed to the attorney. This must be done by a person who is not a party to the case and is at least 18 years old or older.
- After the forms have been mailed, the person who mailed the documents must fill out the Affidavit of Service by Mail.
- They must fill out the State and County of their residence, their name, and complete all spaces in the form.
- They CAN NOT date and sign the “Affidavit of Service by Mail” until they are in the presence of a notary public or court administration. Make sure they bring identification to show to the notary public or court administration. A notary public can usually be found at a bank or courthouse.
- After it has been completed and signed, make one copy of the Affidavit of Service by Mail for your records.

Step 6
Filing the Forms with the Court
And paying the motion fee

- At least 14 days before the hearing date, mail or hand deliver the originals of the forms to the Court Administrator’s office.
- You must pay the motion fee together with your initial filing fee (if not already paid) payable to “Dakota County District Court”.

Step 7
Receive the Other Person's Response

If the other person is going to respond to your motion, by law he or she must respond at least five days prior to the hearing. The other person will respond by mailing or delivering a written response to you. If the other party's response is not at least five days prior to the hearing, the court has the option of not looking at or considering the other person's papers during the court hearing.

Step 8
Appear in Court

Whether the other person does or does not respond in writing, YOU must go to court on the date set for the hearing. Be sure to be on time. Bring with you to the hearing your copies of the papers and any exhibits/documents relating to your case.

Dakota County Court Locations

Contact the Court Administrator and send your papers to the location where your file was originally opened:

Government Center
1560 W. Highway 55
Hastings, MN 55033
(651) 438-8100

Western Service Center
14955 Galaxie Ave
Apple Valley, MN 55124
(952) 891-7256

Northern Service Center
1 Mendota Road W
West St. Paul, MN 55118
(651) 554-6200

State of Minnesota

District Court

County _____

Judicial District: _____
Court File Number: _____
Case Type: Family

Petitioner

**NOTICE OF MOTION
AND MOTION**

VS.

Respondent

To: _____
(Name and address of party to be served)

Please take notice that on _____ at _____ o'clock ____ m. at
(Date) (Time)

(Courthouse location)

I will ask the court for the following relief:

1. _____

2. _____

3. For such other and further relief as the court deems fair, just and equitable.
4. Verification and acknowledgements:
 - a) The information contained in this document is true and correct to the best of my knowledge.
 - b) I have not been determined by any court to be a frivolous litigant and I am not the subject of an order precluding me from serving or filing this document.
 - c) I am not serving or filing this document for any improper purpose, such as to harass the other party or to cause delay or needless increase in the cost of litigation or to commit a fraud on the court.
 - d) I understand that the court can order me to pay money to the other party, including the reasonable expenses incurred by the other party if the above statements are not true.

The grounds for this motion are as stated in the attached Affidavit. All responsive pleadings shall be served and mailed to or filed with the court administrator no later than five (5) days prior to the scheduled hearing. The Court may, in its discretion, disregard any responsive pleadings served or filed with the court administrator less than five days prior to such hearing in ruling on the motion or matter in question. If the responding party wants to raise new issues, other than responding to the issues in this motion, the responding party must serve a notice of motion and motion, any affidavits and supporting exhibits, and any memorandum of law, at least ten (10) days before the hearing.

Dated: _____

Signature

Address

City & State

Telephone

State of Minnesota

District Court

County _____

Judicial District: _____
Court File Number: _____
Case Type: Family

Plaintiff

**AFFIDAVIT IN SUPPORT
OF MOTION**

VS.

Defendant

I, _____, state under oath that:

I make this affidavit in support of my motion to _____

In a order dated _____, in paragraph numbers _____, _____, _____,
the other party was ordered to do the following and has not done it (state exactly what the
other party was ordered to do by copying the exact words from the order:

On the date (s) of _____, _____, _____,

Petitioner Respondent disobeyed the courts order because (state exactly how the other
party disobeyed the court's order):

I am asking for the following relief (list what you are asking for from the court):

because (state why you are asking for help from the court):

The information contained in this affidavit is true and correct to the best of my knowledge.

Dated: _____

Sign only in the presence of a Notary Public or Court Admin

Address

City & State

Telephone

Subscribed and sworn to before me on

_____ 20____

Notary Public/Court Administration

AFFIDAVIT OF SERVICE BY MAIL

STATE OF _____)
) ss
COUNTY OF _____)

I, _____, do hereby state that on _____, 20__ at
Person mailing documents
_____, in said County and State, did serve the attached:
City

List titles of documents mailed to other party(ies)

on said party(ies) by mailing a true and correct copy thereof, enclosed in an envelope,
postage prepaid, by depositing the same in the U.S. Mail at _____
City and State
and addressed as follows: _____
(name and address of party being served)

Dated: _____

Signature of Person mailing documents before a
Notary/Public or Court Administration

Subscribed and sworn to before me on
_____ 20 ____

Notary Public/Court Administration