

State of Minnesota

County _____

District Court

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

In Re the Marriage of:

Name of Petitioner _____

and

Name of Respondent _____

**Affidavit in Support of
Motion to Change Custody**

STATE OF MINNESOTA)
) SS
COUNTY OF)

Instructions: If you are only asking the Court to change legal custody, answer questions 1 through 11, 20 and 21. If you are asking the Court to change physical custody or both physical and legal custody, answer all questions.

My name is _____ and I state under oath that:

- I am the (*check one*): Petitioner/Plaintiff Respondent/Defendant other in this case, and I make this *Affidavit* in support of my *Motion to Change Custody*. My relationship to the child(ren) is _____.
- A juvenile court proceeding or child protection case involving any or all of the children in this case is open: YES NO. If YES, this case is in _____ County in the State of _____, and the file number is _____ . The child protection worker's name is _____ . A copy of the Order is attached.
- An *Order for Protection* involving me and the other party and/or the child(ren) exists: YES NO. If YES, it is in _____ County in the State of _____ and the file number is _____ . A copy of the Order for Protection is attached.
- The child(ren) currently live with: Petitioner/Plaintiff Respondent/Defendant who is the child(ren)'s: Mother Father Other relation to the children. The address of the child(ren) is _____ in the City of _____.

, State of _____, zip code _____.

5. The current custody order which I am requesting be modified is dated .
6. The current order grants **legal** custody of the child(ren) as follows:
 Sole legal custody to: Petitioner/Plaintiff Respondent/Defendant Other Joint legal custody to: both parties other
7. Legal custody identifies which parent(s) have the right to make decisions regarding the upbringing of the child including education, health care and religious training.
 I do not want to change **legal** custody.
 I want to change **legal** custody to:
 Sole legal custody in favor of _____, **or**
 Joint legal custody to both parents
8. The current order grants **physical** custody of the child(ren) as follows:
 Sole physical custody to: Petitioner/Plaintiff Respondent/Defendant Other
 Joint physical custody to both parties.
9. Physical custody identifies the person(s) with whom the child(ren) will live.
 I do not want to change **physical** custody.
 I want to change **physical** custody to:
 Sole physical custody in favor of _____, **or**
 Joint physical custody to both parents
10. I want to change physical and/or legal custody, or modify a parenting plan provision specifying the child's primary residence, because: **(check all that apply):**
- a. A change of custody is in the best interests of the child(ren) **and** the parties previously agreed, in a writing approved by a court, to apply the best interests standard from Minnesota Statutes section 518.17 or 257.025 (**Attach a copy of the court order approving the agreement**) and either: *(check one)*
- i. Each party was represented by an attorney when the agreement was approved by the court OR

- ii. The court made a finding in the Order approving the agreement that the parties were fully informed, the agreement was voluntary, and the parties were aware of its implications.

The change of primary residence is in the best interests of the child(ren) because:
(Explain in detail)

b. Both parties have agreed that it is in the best interests of the minor child(ren) to change custody. **Attached is our signed and notarized agreement.** (Note: The Agreement MUST do more than just state that a change of custody is in the best interests of the minor child(ren). **It MUST explain in detail HOW and WHY the change will be in the child(ren)'s best interests.**)

c. The child(ren) has/have been living with me since the date:

The child(ren) came to live with me because (*describe the reason(s) the child(ren) came to live with you*):

The child(ren) has/have become integrated into my home in the following way: (give specific examples):

The child is living with me with the consent of the other parent. YES NO. If

YES, the other parent has said or done the following to make me believe he or she agrees that the child should live permanently with me

- d. My child is in danger if s/he lives with the other parent.*

The other parent is putting the child in danger by doing the following: (Give very specific facts and details):

* If an extreme emergency exists, request an expedited hearing.

- e. The other parent has denied or interfered with my court-ordered parenting time/visitation. The following is a list of each date, in the past 6 months, that I was denied parenting time, and an explanation of exactly what the other parent did on each date to stop my parenting time:

11. I understand that the court cannot change custody unless there is a change in the circumstances of the child or parents since the last custody order. The following is a description of the changes that are a basis for modifying the most recent custody order or parenting plan:

12. I understand that moving a child to a different family and home can be stressful for the child. I

believe that living with the other parent is more harmful to my child(ren) than the stress of moving to a new home and family because:

13. I understand that the Judge must decide custody based on what is best for my child(ren), and that by filling in (a) through (m) of this paragraph 13, that I am giving the Judge information needed to make that decision.
- a. Describe the custody arrangement you want:

Describe the custody arrangement the other parent wants:

- b. Describe the custody arrangement the child wants: (if the child is old enough to decide)

Describe what you do each and every day to take care of your child(ren): (be very detailed)

i. Describe the mental and physical health of all individuals involved:

j. Describe the ability of each parent to give the child(ren) love, affection and guidance and continue educating and to raise the child(ren) in the child(ren)'s culture, religion or creed, if any:

k. Describe the child(ren)'s unique cultural needs and what role you play in meeting the cultural needs; then describe the role the other parent plays:

l. There: is is not domestic abuse in my household. The following people are involved in the domestic abuse: (tell how the people are related to the child(ren) and/or to you):

The domestic abuse in my household affects the child(ren) in the following way:

m. There is is not domestic abuse in the other parent's household. The following people are involved in the domestic abuse: (tell how the people are related to the child(ren) and/or to

the other parent):

The domestic abuse in the other parent's household affects the child(ren) in the following way:

n. Describe what you will do to encourage and permit frequent and continuing contact by the other parent with the child(ren); (except when there is domestic abuse):

o. Describe what the other parent does to encourage or discourage your contact with the child:

14. If the court changes physical custody, the parenting time schedule should be changed. (Check all that apply. Be as complete as possible.)

a. **Changing the existing parenting time/visitation schedule to the following schedule:**

Weekends:

Week nights or after school:

Holidays:

Summer:

School Holidays:

Telephone contact:

Other:

- b. Requiring **supervised parenting time** because:

Parenting time should be supervised by:

NOTE: You and the other party may have to pay a fee for each supervised visit.

Who should pay the fee?

- c. Requiring that the child(ren) be transferred **at a visitation exchange center** if one is located in the area and for both parties to follow all rules of the visitation exchange center. **NOTE:** The visitation exchange center may require the parties to pay a fee for such an exchange.

Who should pay the fee?

- d. Requiring that the child(ren) be transferred at:

15. Medical insurance for the child(ren) totals \$ _____ per month and is currently provided by (*check one*):

Petitioner/Plaintiff Respondent/Defendant Shared by both parties

16. Child care expenses for the child(ren) total \$ _____ per month and are currently paid by
(*check one*):

Petitioner/Plaintiff Respondent/Defendant Shared by both parties

If shared, Petitioner/Plaintiff pays \$ _____ and Respondent/Defendant pays \$ _____
per month.

17. If physical custody is changed, child support will be changed. The current child support order
requires: Petitioner/Plaintiff Respondent/Defendant to pay \$ _____ per: week
 month to: Petitioner/Plaintiff Respondent/Defendant.

I believe the other party works at _____ and earns **gross** \$ _____
per: week month year other ; and earns **net** \$ _____ per: week
 month year other . I believe the other party has monthly living
expenses totaling approximately \$ _____ .

18. My current gross income per month is \$ _____ . My current net income per month is
\$ _____ from the following sources (*list all sources, such as employer, public
assistance, or other source.*)

I have the following additional sources of income: (for example, child support for other children,
pensions, Supplemental Security Income, retirement and survivors disability income, renters
income, other):

Source: _____ \$
Source: _____ \$
Source: _____ \$
Source: _____ \$

20. At paragraph/question 7 or 9 of this *Affidavit*, I asked the Court for joint custody:

YES NO. (If NO, go to question 21. If YES, fill in the rest of question 20).

I provide the following information to help the judge decide if joint custody is appropriate:

a. Describe the ability of the parents to cooperate in rearing their child(ren):

b. Describe the methods parents have for working through disagreements regarding major decisions about the child(ren)'s life and their ability to use these methods:

c. Describe whether it would be harmful to the child(ren) if one parent had total authority over the child's upbringing:

d. Describe whether domestic abuse as defined in Minn. Stat. § 518B.01 has occurred between the parents:

21. The following is additional information regarding the reasons I am requesting a change of custody

Dated:

Signature *(Sign only in front of notary public or court administrator.)*

Name:

Sworn/affirmed before me this

Address:

day of _____ .

City/State/Zip:

Telephone: (_____)

Notary Public \ Deputy Court Administrator