

State of Minnesota

County _____

District Court

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

In Re the Marriage of:

Name of Petitioner/Plaintiff _____

v.

Name of Respondent/Defendant _____

**Affidavit in Response to
Motion to Change Custody**

STATE OF MINNESOTA)
) SS
COUNTY OF)
(County where *Affidavit* signed)

My full 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 response to the other party's *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.

4. The child(ren) currently live with: Petitioner/Plaintiff Respondent/Defendant, who is the child(ren)'s: Mother Father Other relation to the child(ren). The address of the child(ren) is: _____ in the City of _____ in the State of _____ and zip code _____. The child(ren) have lived at this address since the date of _____.
5. The current custody order 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(ren) 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 legal custody to: Petitioner/Plaintiff Respondent/Defendant Other
 Joint legal custody to: Both Parties Other
9. Physical custody identifies with whom the child(ren) will live.
 I do not want to change **physical** custody.
 I want to change **physical** custody to (*check one*):
 Sole legal custody in favor of _____, **or**
 Joint legal custody to: Both Parties Other
10. I want to respond to the other party's statements in paragraph 10 of his/her *Affidavit*, in support of a request to change physical or legal custody. My response is:

-

If you need more space, attach another full sheet of paper and mark it "Exhibit A."

11. 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 in 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 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 *(mo/day/year)*:

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

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

• The child is living with me with the consent of the other parent (*check one*):

YES NO. If YES, the other parent has said or done the following to make me believe that (s)he agrees that the child(ren) should live permanently with me (*be specific*):

d. My child(ren) is/are in danger if (s)he/they live(s) with the other parent.*

The other parent is putting the child(ren) in danger of physical or emotional harm by doing the following (*give very specific facts and details*):

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

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

12. I understand that the Court cannot change custody unless there is a change in the circumstances of the child(ren) or the parents since the last custody *Order*. (*Check one of the following*):

a. The other party states at paragraph/question 11 of his/her *Affidavit* that there has been a change of circumstances. My response to that is:

b. I am asking the Court to order a change in custody. The following is a description of the changes that are a basis for modifying the most recent custody *Order* (*be specific*):

13. I understand that moving a child to a different family and home can be stressful for the child. (*Check one of the following*):

a. The other party is asking the Court to move the child(ren) to another family and home. My response is:

b. I want the Court to change physical custody from the other party to me. 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:

14. I understand that the Judge must decide custody based on what is best for my child(ren), and that by filling in (a) through (o) of this paragraph 14, 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):

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

In contrast, the other parent does the following each day to take care of the child(ren):

d. Describe the closeness of the relationship between each parent and the child(ren):

e. Describe the interaction of the child(ren) with each parent, brother, sister, and anyone else

- l. There: is is not domestic abuse in my household. If there is domestic abuse in the 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(s) (*be very specific*):

- m. There: is is not domestic abuse in the other parent's household. If there is domestic abuse in the 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(s) (*be very specific*):

- 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(ren):

15. I want to respond to the other party's requests for visitation in Paragraph 14 of his/her Affidavit.
My response is:

16. If the Court changes **physical** custody, the visitation schedule should be changed. Check all that apply and be as complete as possible.

a. Changing the existing visitation schedule to the following schedule:

Weekends:

Week nights or after school:

Holidays:

School Release Days:

Birthdays:

Summer:

School Holidays:

Telephone Contact:

Other:

b. Requiring **supervised visitation** because:

Visitation 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 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:
because

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

Petitioner/Plaintiff Respondent/Defendant Shared by Both Parties. If the expenses are shared, Petitioner/Plaintiff pays \$ _____ per month and Respondent/Defendant pays \$ _____ per month.

18. 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 the expenses are shared, Petitioner/Plaintiff pays \$ _____ per month and Respondent/Defendant pays \$ _____ per month.

19. If **physical** custody is changed, child support will be changed. The current child support order requires (*check one*): Petitioner/Plaintiff Respondent/Defendant to pay \$ _____ per (*check one*): week month to (*check one*) Petitioner Respondent. I believe the other party works at _____ and earns **GROSS** \$ _____ per (*check one*): week month year other _____ ; and earns **NET** (*check one*): \$ _____ per: week month year other _____ I believe the other party has monthly living expenses totaling (*approx.*) \$ _____

20. 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):

21. I have the following additional sources of income (for example, child support for other child(ren), pensions, Supplemental Security Income, retirement, disability, etc):

Source: \$

Source: \$

22. My monthly expenses at the time of the existing order, compared to now, are:

		Monthly Payment	
		at Existing Order	at Present Time
a.	<input type="checkbox"/> House Payment or <input type="checkbox"/> Rent	\$	\$
b.	Real estate taxes, if not included in (a)	\$	\$
c.	Insurance:		
	Homeowners, if not included in (a)	\$	\$
	Auto	\$	\$
	Life	\$	\$
d.	Utilities:	\$	\$
	Gas	\$	\$
	Electricity	\$	\$
	Telephone	\$	\$
	Water and Garbage (<i>average expense</i>)	\$	\$
	Cable TV	\$	\$
e.	Food	\$	\$
f.	Clothing	\$	\$
g.	Laundry/Dry cleaning	\$	\$
h.	Personal allowances and incidentals	\$	\$
i.	Magazines and newspapers	\$	\$
j.	Uninsured dental expenses	\$	\$
k.	Uninsured medical expenses	\$	\$
l.	Transportation expenses:	\$	\$
	Car payment	\$	\$
	License	\$	\$
	Gasoline	\$	\$
	Auto repairs	\$	\$
m.	Recreation/Entertainment	\$	\$
n.	Children's needs (<i>sports, school, hobbies</i>)	\$	\$
o.	Allowances	\$	\$
		\$	\$
p.	Charge accounts and loans (<i>list them</i>):		
	<i>Name of Account</i> Balance Owed		
1.		\$	\$
2.		\$	\$
3.		\$	\$

custody:

25. The following is additional information regarding the reasons I disagree with the other party's *Motion*:

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