

State of Minnesota

County of _____

Judicial District: _____

Court File No.: _____

Case Type: _____

In Re the Custody of:

_____, DOB: _____

_____, DOB: _____

_____, DOB: _____

Name of Petitioner

**PETITION FOR
THIRD-PARTY CUSTODY**

Name of Co-Petitioner, if any

and

Name of Respondent Mother

Name of Respondent Father

Name of Respondent Guardian or other Custodian

**Do not write outside of the lines provided. If you need more space,
attach an additional full sheet of paper.**

1. Information about Petitioner(s):

a. Petitioner:

_____	_____	_____
First	Middle	Last
_____		_____
Street Address		Apartment or Unit
_____	_____	_____
City	State	Zip Code

Petitioner's other names: _____

Petitioner is related to the minor child as: _____

b. Co-Petitioner:

First	Middle	Last
Street Address		Apartment or Unit
City	State	Zip Code

Co- Petitioner's other names (maiden, former married or other legal name, alias). If none, write "none": _____

How is Co-Petitioner related to Petitioner?

Co-Petitioner is related to the minor child as: _____

2. Information about the Respondents

a. Respondent: _____

First	Middle	Last
Street Address		Apartment or Unit
City	State	Zip Code

Respondent Mother's other names: _____

b. Respondent: _____
(Father)

First	Middle	Last
Street Address		Apartment or Unit
City	State	Zip Code

Respondent Father's other names: _____

c. Respondent: _____
 (guardian First Middle Last
 or custodian) _____
 Street Address Apartment or Unit

 City State Zip Code

Respondent Guardian or Custodian's other names: _____
 _____.

How is Respondent Guardian or Custodian related to the child? _____
 _____.

3. Information about the biological parents:

- a. Respondent _____ is the biological mother of the minor child(ren).
- b. Respondent _____ is the biological father of the child(ren) because _____
 _____.

4. Service Member's Civil Relief Act Information:

- None of the Petitioners or Respondents is an active duty member of the Armed Forces. **OR**
- _____ is an active-duty member of the Armed Forces.
 His Commanding Officer is: _____
 Name/Rank _____
 Address _____
 City/State/Zip _____

5. Jurisdiction: Choose either **a** or **b** or below:

- a.** I am seeking custody of _____ (child(ren)'s name) as a **De Facto Custodian**. I have been the primary caretaker for the minor child for _____ out of the last 24 months.
 Neither parent was living in my home during this time. Neither parent has consistently participate in the child(ren)'s lives while the child(ren) were living with me.

OR

b. I am seeking custody of _____ (child(ren)'s name) as an **Interested Third Party** because I do not qualify as a De Facto Custodian, AND (check at least one of the statements below)

the parent has abandoned, neglected, or otherwise exhibited disregard for the child's well-being to the extent that the child will be harmed by living with the parent;

placement of the child with the Petitioner takes priority over preserving the day-to-day parent-child relationship because of the presence of physical or emotional danger to the child, or both

other extraordinary circumstance exist (briefly describe these circumstances)

6. Request for Legal and Physical Custody and Parenting Time:

a. Names of Child(ren) involved:

I (Petitioner) ask the Court to give me custody of the following child(ren) pursuant to Minnesota Statute §257:

Name of Child	Child's Age	Child's Date of Birth

b. Legal Custody: It is in the child's best interests that legal custody be granted as follows:

- Sole physical** custody to me (Petitioner), OR
- Joint physical** custody to me and:
 - Mother OR Father OR
 - Both parents OR My Spouse OR
 - Co-Petitioner OR Guardian or Other Custodian

c. Physical Custody: It is in the child's best interests that legal custody be

granted as follows:

- Sole physical** custody to me (Petitioner), OR
- Joint physical** custody to me and:
 - Mother OR Father OR
 - Both parents OR My Spouse OR
 - Co-Petitioner OR Guardian or Other Custodian

Describe the schedule that you want:

d. Parenting Time for the Respondent Mother:

- It is in the best interests of the minor child that Mother has the right of
 - unsupervised parenting time OR
 - supervised parenting time. If supervised parenting time, explain why the parenting time should be supervised. _____
-

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? _____

OR

- It is in the best interests of the child that Mother's parenting time rights be reserved.

e. Parenting Time for the Respondent Father:

- It is in the best interests of the minor child that Mother has the right of
 - unsupervised parenting time OR
 - supervised parenting time. If supervised parenting time, explain why the parenting time should be supervised. _____

 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? _____

OR

It is in the best interests of the child that Mother's parenting time rights be reserved.

7. Information about the child(ren)

a. Who currently has custody of the child(ren)?

Child's Name	Legal Custody	Physical Custody	Court File Number and State where the court is located	Court Order Date(s)

b. How long have the child(ren) lived in Minnesota?:

Child's Name	Number of Years or Months Child has Lived in Minnesota

c. How long has each child lived with the Petitioner?

Child's Name	Number of Years or Months Child has Lived in Minnesota

d. How and why did the child(ren) come to live with you?:

_____.

e. 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, write the name of each brother or sister and the name of the person the brother or sister lives with, and how that person is related to the child.

Child's Name	Name of Person the Child is Living With	Relationship to the child

8. Information about Mother's and Father's Involvement with the Child(ren)

a. Mother's current parenting time schedule:

Since the child has been with you, how often and under what circumstances (where and how) has Mother seen the child? _____

_____.

b. Father's current parenting time schedule:

Since the child has been with you, how often and under what circumstances (where and how) has Father seen the child? _____

_____.

c. Were Mother and Father ever married? Yes No

If Yes, has either the Mother or Father filed papers in a court in Minnesota or another state to get a divorce or legal separation? Yes No

What county and state is the case in? _____.

d. Has the mother committed acts of domestic violence (physical or

emotional abuse) against the child or neglected the child? Yes No
Is there a Court Order that says that the Mother cannot have custody of the child? Yes No

If Yes, the court order is dated _____, the court file number is _____, the County and State where the order was issued is _____, and custody is awarded to _____.

If any conditions were set in the court order for custody to be returned to the Mother, did she follow these conditions? Yes No **OR**
 no conditions were set.

e. Has the Father committed acts of domestic violence (physical or emotional abuse) or neglect against the child? Yes No

Is there a Court Order that says that the Father cannot have custody of the child?
 Yes No

If Yes, the court order is dated _____, the court file number is _____, the County and State where the order was issued is _____, and custody is awarded to _____.

If any conditions were set in the court order for custody to be returned to the Mother, did she follow these conditions? Yes No **OR**
 no conditions were set.

9. Information about other people who have provided care for the child(ren).

a. Has a Standby Custodian been named by the mother or father? Yes No

Name of the Standby Custodian and who appointed him/her:

b. Are there people other than Petitioner(s) who have cared for the child(ren) in their home for an extended period of time without the parents' involvement? Yes No

If Yes, fill out the chart below.

Name of Person(s)	Relationship to Child(ren)	Amount of time/when

--	--	--

10. Reasons it is in the child's best interests for Petitioner to have custody:

a. What do the parties want for legal custody of the child?

I/we (Petitioner) want: _____.
 Mother wants: _____.
 Father wants: _____.
 Guardian or Other Custodian wants: _____.

b. What do the child(ren) want for custody, if the child(ren) are old enough to express a preference?

Name of Child	Child's Preference	Child's Age

c. Who is the child's primary caretaker? _____

d. Briefly and factually describe how close the child is to everyone involved:

 _____.

e. Briefly and factually describe the relationships and interactions the child has with you, with the child's parent(s), brother(s) and sister(s), or any other person who has played a important role in the child's life:

 _____.

f. Describe the level of adjustment the child has to life at home, in school, and in the community?

 _____.

g. Has the child lived in a stable, safe place; how long has the child lived in the stable, safe place; and where is that place?

_____.

h. Other than the child who is part of this custody request, who else lives with you in your home?

**Do you consider these people to be your permanent family unit?
Explain briefly:**

_____.

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

_____.

j. Explain how able you are to give the child love, affection, and guidance, including religious guidance, and how you will do this:

_____.

k. What is the child's cultural background? _____

_____.

l. Has there been violence by any of the parties to this case against another party? Yes No

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 child: _____

_____.

11. Joint legal or physical custody.

Are you seeking joint legal or physical custody of the child with another party? Yes No

a. If you and the other party who you are asking to share joint custody with disagree on major decisions about the child's life, how will you resolve the disagreement and make a decision?

b. Do you believe it would be negative or bad for the child if either you or the other party (who you are asking to share joint custody with) had sole authority over raising the child rather than joint authority with the other party?

Yes No Explain your answer.

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 frivolous litigant and I am not the subject of an Order prohibiting 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 cost of litigation or to commit a fraud on the court.
- d. I understand that if I am not telling the truth or if I am misleading the court or if I am serving or filing this document for an improper purpose, the court can order me to pay money to the other party, including the reasonable expenses incurred by the other party because of the serving and filing this document, court costs and reasonable attorney fees.

Dated: _____

Petitioner's Signature, pro se
(sign only in front of a Notary Public)

Petitioner's Printed Name

Address

City, State, Zip Code

Telephone Number

Subscribed and sworn before me
this _____ day of _____, 20__.

Notary Public

Dated: _____

Co-Petitioner's Signature
(Sign only in front of a Notary Public)

Petitioner's Printed Name

Address

City, State, Zip Code

Telephone Number

Subscribed and sworn before me
this _____ day of _____, 20__.

Notary Public