

Dissolution Checklist – With Children

- **No hearing is required** where minor children are involved **AND** both parties are represented by an attorney. Minn. Stat. § 518.13, subd. 5 (2)
- **This checklist is available to the public upon request from an attorney or self-represented litigant**
- **If provided, checklists must be sent in PDF form**
- **Please be sure to confirm class attendance**

☒	Findings of Fact	Reference
	Parties' Information <ul style="list-style-type: none"> • Parties' Name (including former names) • Address • Birthdate • Ages 	Minn. Stat. § 518.10, subd. 1(a)-(b)
	Joint Children <ul style="list-style-type: none"> • Name(s) (including former names) • Age(s) • Date(s) of birth Non-Joint Children <ul style="list-style-type: none"> • Number of non-joint children living in each home (or none) 	Minn. Stat. § 518.10, subd. 1(e)
	Confidential Information Form 11.1 <ul style="list-style-type: none"> • Parties' Social Security Numbers (SSNs) • Minor child(ren)'s SSNs 	Minn. Stat. § 518.10, subd. 2; Minn. Gen. R. Prac. 313; § 11.02(a)
	Default Proceeding <ul style="list-style-type: none"> • Without stipulation, an Affidavit of Default and Non-Military Status of the defaulting party or a waiver by that party of any rights under the Servicemembers Civil Relief Act (SCRA) must be filed with the Court • When reviewing the proposed Findings, check the original Petition to confirm relief requested is the same. (i.e. custody labels) 	Minn. Stat. § 518.13, subd. 1; Minn. Gen. R. Prac. 306.01(a)
	Date of Marriage <ul style="list-style-type: none"> • Date and place of marriage • If parties are not married, use custody checklists 	Minn. Stat. § 518.10, subd. 1(c)
	Residency Requirement <ul style="list-style-type: none"> • At least one party lives in Minnesota; minimum of 180 days <ul style="list-style-type: none"> • If only one party is a resident of MN, and default proceeding, enforcement issues re: maintenance or property division At least one party is resident of Olmsted Co (no timeframe req'd) -If not, must include language for venue change (earmark for the Court)	Minn. Stat. § 518.10, subd. 1(d); 518.09 <i>Impola v. Impola</i> , 464 N.W.2d 296, 297-98 (Minn. App. 1990)
	Pregnancy <ul style="list-style-type: none"> • If Wife is pregnant, must include expected date of birth and paternity options 	Minn. Stat. § 518.10, subd. 1(e)
	Armed Forces <ul style="list-style-type: none"> • If either party a member of the armed forces • If default dissolution, must include separate affidavit of non-military status OR waiver of rights under the SCRA 	Minn. Stat. § 518.10, subd. 1(d); Minn. R. Gen. P. 306.01 (a)

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	<p>Other Proceedings</p> <ul style="list-style-type: none"> • Whether there are other proceeding for dissolution, legal separation, custody, or annulment pending in any state <ul style="list-style-type: none"> • If yes, must make findings under the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) 	<p>Minn. Stat. § 518.10, subd. 1(f); Minn. Stat. § 518D (UCCJEA)</p>
	<p>Current Child Protection Case</p> <ul style="list-style-type: none"> • Whether a child protection case is open in any state • If yes, must state the district court or similar jurisdiction in which it was entered 	
	<p>Current Order for Protection (OFP) or Harassment Restraining Order (HRO)</p> <ul style="list-style-type: none"> • Whether an OFP or HRO or Child Protection Case is in effect in any state • If yes, must state the district court or similar jurisdiction in which it was entered 	<p>Minn. Stat. § 518.10, subd. 1(j)</p>
	<p>Public Assistance</p> <ul style="list-style-type: none"> • If either party or joint children receives public assistance (MFIP, Tribal TANF, General Assistance, Medical Assistance, Child Care Assistance, or MN Care) • If yes, must provide notice to Olmsted County Support & Collections • If a notice to intervene has been filed by County, then county must approve/sign document 	<p>Minn. Stat. § 518A.44</p>
	<p>Magic Language</p> <ul style="list-style-type: none"> • If a dissolution, “that there has been an irretrievable breakdown of the marriage” • If a separation, “that there is a need for a decree of legal separation” <ul style="list-style-type: none"> • If yes, include date of separation OR if none, explain why 	<p>Minn. Stat. § 518.10, subd. 1(g); Minn. Stat. § 518.10, subd. 1(h)</p>
	<p>Custody</p> <ul style="list-style-type: none"> • Award legal custody • Award physical custody 	
	<p>Parenting Time</p> <ul style="list-style-type: none"> • A specific schedule of the time each parent spends with the child <ul style="list-style-type: none"> • Awarding non-custodial parent “reasonable and liberal parenting time” is sufficient • Must state that the schedule/plan is in the best interest of the child(ren) 	<p>Minn. Stat. § 518.17</p>

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<p>Child Support</p> <ul style="list-style-type: none"> • Whether there is a need for child support <ul style="list-style-type: none"> • Basic Support • Medical and Dental Insurance • Uninsured and Unreimbursed Medical and Dental Expenses • Child Care Support • If parties do not deviate from guidelines calculations, must include: <ul style="list-style-type: none"> • Each parent’s gross monthly income from ALL jobs • Each parent’s “Parental Income for determining Child Support (PICS)” • Specific number of overnights each child will spend with each parent • Each parent’s monthly living expenses • Child care expenses • Medical and Dental expenses (who is carrying insurance and what is cost just for the child(ren)) • If parties deviate from guidelines calculation or reserve the issue of child support, must include: <ul style="list-style-type: none"> • Each parent’s gross monthly income from ALL jobs • Each parent’s “Parental Income for determining Child Support (PICS)” • Specific number of overnights each child will spend with each parent • Each parent’s monthly living expenses • Child care expenses • Medical and Dental expenses (who is carrying insurance and what is the cost just for the child(ren)) • Amount of guideline/presumptive child support obligation • Reason for deviation • How the deviation serves the best interest of the child(ren), i.e., <ul style="list-style-type: none"> • <i>The physical and emotional condition of the child(ren);</i> • <i>The educational needs of the child(ren);</i> • <i>The financial resources and needs of the child(ren);</i> • <i>The financial resources and needs of the custodial parent;</i> • <i>The financial resources and needs of the noncustodial parent;</i> • <i>The standard of living the child would have enjoyed had the marriage not been dissolved</i> • Generalizations Not Sufficient for deviation: Setting child support as \$0.00 is a deviation from guideline, which pursuant to the Parties Stipulation, will neither deprive the minor child(ren) of necessary support, nor work a hardship on either party • Reservation – Reserved and Referred to Expedited Process • If so, language in Findings such as “Pursuant to Rule 353.02 Subd. 2 of Family Court Procedure, as the support issues cannot be decided without an additional hearing, it is in the parties’ best interest to refer this matter to the Expedited Process to be heard by the Child Support Magistrate.” • Reservation – pure reservation is rare and fact specific, is it meant as a deviation 	<p>Minn. Stat. § 518A.34; § 518A.37, subd. 1</p> <p>Minn. Stat. § 518.40 <i>child care</i></p> <p>Minn. Stat. § 518A.34; § 518A.37, subd. 2</p> <p>Minn. Stat. § 518A.34 (b)(6)</p> <p><i>Written Findings</i> Minn. Stat. § 518A.37</p> <p><i>See generally</i> Minn. Stat. § 518A.29 - 36</p> <p><i>Deviation</i> Minn. Stat. § 518A.43</p>
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	<p>*Parent A must be the parent “without primary physical custody or court ordered parenting time of 45% or less.” If parenting time is equal, “Parent A is the parent with the higher income.”</p>	
	<p>Health and Dental Insurance</p> <ul style="list-style-type: none"> • Whether parties are providing their own medical and dental insurance 	
	<p>Spousal Maintenance</p> <ul style="list-style-type: none"> • Whether there is a need for spousal maintenance <ul style="list-style-type: none"> • If yes, state how maintenance shall be paid (Automatic Income Withholding [AIW] or directly) • If waived, both parties must affirmatively waive with findings; i.e., neither party needs maintenance OR both parties are capable or self-supporting • If default, there can be no <i>Karon</i> waiver 	<p>Minn. Stat. § 518.10, subd. 1(i)</p>
	<p>Marital Debts</p> <ul style="list-style-type: none"> • If yes, identify creditor, amount owed, and in whose name 	
	<p>Marital Assets</p> <ul style="list-style-type: none"> • HHG&F, vehicles, other personal property, bank accounts, retirement accounts, art, jewelry, businesses, broker or investment accounts, stock options, profit sharing 	<p>Minn. Stat. § 518.58; Minn. Stat. § 518.582, subd. 4 (pensions)</p>
	<p>Real estate</p> <ul style="list-style-type: none"> • If yes, must include Street address, Legal description, Encumbrance/ mortgages 	<p>Minn. Stat. § 518.63</p>
	<p>Name Change – Optional</p> <ul style="list-style-type: none"> • If yes, must state there is no intent to defraud or mislead • If yes, must state party not a felon OR if a felon that Notice to Prosecutor was given and no objections received 	<p>Minn. Stat. § 518.27</p>

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☒	Required Conclusions of Law/Order	Reference
	“The marriage of the parties is hereby dissolved” (must be present tense, not “shall be”)	
	<p>Child Custody</p> <ul style="list-style-type: none"> • Award legal custody • Award physical custody • Specify a specific parenting time schedule <ul style="list-style-type: none"> • Must state that the schedule/plan is in the best interest of the child(ren) • CANNOT simply say “50/50” or specify a parenting plan in lieu of order for custody and parenting time 	<p>Minn. Stat. § 518.17 Best-interest factors</p> <p><i>Peterson v. Peterson</i>, 206 N.W.3d 658, 659 (Minn. 1973)</p>
	<p>Parenting Time</p> <ul style="list-style-type: none"> • A specific schedule of the time each parent spends with the child(ren) <ul style="list-style-type: none"> • Awarding non-custodial parent “reasonable and liberal parenting time” is sufficient. • Must state that the schedule/plan is in the best interest of the child(ren) 	<p>Minn. Stat. § 518.17 factors; Minn. Stat. § 518.1705</p>
	<p>Child Support</p> <ul style="list-style-type: none"> • Specify dollar amount per month <ul style="list-style-type: none"> • Basic Support • Medical and Dental Insurance <ul style="list-style-type: none"> ❖ Who carries the insurance ❖ Each parent’s contribution to cost • Uninsured and Unreimbursed Medical and Dental Expenses (percentage) • Child Care Support • Start Date – date child support commences • End Date – that support terminates when child(ren) are age 18, emancipated, or 20 if still in high school • Whether support is paid by Automatic Income Withholding (AIW) or direct <ul style="list-style-type: none"> • If direct, must waive AIW with findings that waiver is in child’s best interests • If there are arrears, how much & whether or not they merge in the Judgment & Decree <p>Referral to Expedited Process (language such as/similar to)</p> <ol style="list-style-type: none"> 1. A hearing shall be scheduled before a Child Support Magistrate on <u>Date and time</u> via Zoom hearing, to address the issues of ongoing basic child support, child care support and medical support. 2. One week prior to the magistrate hearing Petitioner and Respondent shall provide Child Support Officer INSERT NAME (if known) with copies of the following: <ol style="list-style-type: none"> a. Verification of income, health/dental insurance availability and costs as well as child care costs. b. Copies of last three (3) months of pay stubs. c. A copy of last two years’ State and Federal income tax returns with all schedules and attachments, including Schedule Cs, W-2s and/or 1099s. d. Written verification of any voluntary payments made for support. e. Written verification of any other court-ordered child support obligations. f. Written itemization of monthly household expenses. 	

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	<p>Dependency Tax Exemption – who is claiming which child(ren) (not part of JPAV)</p>	
	<p>Real Estate</p> <ul style="list-style-type: none"> • Street address • Legal description • Lien on real estate (specific amount or how to calculate) • Terms 	
	<p>Division of Property</p> <ul style="list-style-type: none"> • Non-marital property • Household goods and furnishings – as already divided OR divide and list items • Vehicles – include year, make, and model • Other assets (bank accounts, savings, IRAs, stocks, bonds, etc.) • Pensions, retirement accounts <ul style="list-style-type: none"> • If the other party gets a share, must file Qualified Domestic Relations Order (QDRO) OR include transfer language 	<p>Minn. Stat. § 518.581 (QDRO)</p>
	<p>Division of Debts</p> <ul style="list-style-type: none"> • Creditor • Amount owed • Who will pay • Clause holding other party harmless OR bankruptcy language • Attorney’s fees (if any) 	
	<p>Spousal Maintenance</p> <ul style="list-style-type: none"> • Award of maintenance <ul style="list-style-type: none"> • Specified dollar amount per month • Beginning and ending dates • Whether permanent or temporary/rehabilitative with specific findings as to why • Whether support is paid by AIW, check, or direct deposit • If waive, BOTH parties must affirmatively waive with findings (neither party needs maintenance OR both parties capable or self-support) • If nonmodifiable, <i>Karon</i> Waiver language & findings/consideration <ul style="list-style-type: none"> • “[T]he stipulation is fair and equitable, is supported by consideration described in the findings, and that full disclosure of each party’s financial circumstances has occurred” • If default (ie pure default, not stipulated), no <i>Karon</i> waiver • If default, must state that award is necessary OR that neither party needs maintenance 	
	<p>Health Insurance –Spousal</p> <ul style="list-style-type: none"> • Each paying their own • If awarded, identify who is paying <ul style="list-style-type: none"> • Paying for: insurance only and/or unreimbursed/uninsured expenses • If continuation coverage, include Consolidated Omnibus Budget Reconciliation Act (COBRA) language 	

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	Tax return <ul style="list-style-type: none"> • Joint OR separate • Responsibility for prior year's taxes 	
	Service of Judgment and Decree – where the parties will receive service of J & D	
	ADR provision (not on JPAV, will be added by staff prior to/at default hearing)	Minn. R. Gen Prac. 310.02
	(optional) Withdrawal of attorney of record 61 days after judgment	
	(optional) Change of party's name	
	Parties' Signature Blocks <ul style="list-style-type: none"> • Parties' signatures, authorized by notary OR with the following language: "I declare under penalty of perjury that everything I have stated in this document is true and correct" 	Minn. Stat. § 358.116
	If one party (and only one party) is not represented by an attorney <ul style="list-style-type: none"> • That party must state "I know I have the right to be represented by a lawyer of my choice. I hereby expressly waive that right and I freely and voluntarily sign the foregoing stipulation" 	Minn. Stat. § 358.116; Minn. Stat. § 306.01 (c) (default stipulation)
	Last line: "Let judgment be entered accordingly/immediately"	
	Signature blocks for Referee/Judge	
	3A Notice – Must in the body of the Judgment (not contained in JPAV)	Minn. Stat. § 518.17, subd. 3a
	Subdivision 6 Remedies Notice —Prefer to have in the body of the Judgment (not contained in JPAV)	Minn. Stat. § 518.175, subd. 6
	Appendix A	
	Minnesota Child Support Guidelines Worksheet <ul style="list-style-type: none"> • Parent A must be the parent "without primary physical custody OR court-ordered parenting of 45% or less" • If parenting time is equal, "Parent A is the parent with the higher income" 	