

# 10 Minnesota Family Law Questions With Straightforward Answers

Sometimes you just want the facts, just the facts Ma'am. And that is what this post, a down and dirty look at some very common questions (I bet I answer at least 4 of these a week on the phone!). You won't find any crazy long-winded answers here, just what you need to know.

While it may be frustrating to ask your lawyer a series of questions only to hear "it



Photo courtesy of Chris Baker

depends" all too often in response, it's an unavoidable fact of life (and law) that the correct answer frequently IS "it depends." And having your lawyer simplify the issue too much won't ultimately do you any good.

However, you may be pleased to hear that, under Minnesota law, there are a few occasions when there actually is a straightforward, succinct answer to your question. Here are ten of them.

## **1. What do I have to show to get a change in the current custody arrangement?**

That a change in circumstances has occurred and that modification is in the best interests of the child and that there has been endangerment.

## **2. When does a [child support judgment](#) expire?**

20 years after its entry, although it can be renewed for another 20 years.

## **3. What are the different kinds of monthly child support?**

Regular cash payments, child care support, medical support and unreimbursed medical bills.

## **4. Can my soon-to-be ex agree to waive child support?**

No, an agreement to waive child support is not enforceable; it's considered to be against public policy.

## **5. Will the court consider the fact that my ex cheated on me in deciding whether or not I have to pay spousal support?**

No, marital misconduct is not a factor in the court's determination of whether spousal support is necessary.

## **6. Where do I file a petition for custody of my child?**

In the county where the child permanently resides or the county where the child is currently found.

**7. Will a court enforce our prenuptial agreement?**

Yes, if it complies with all legal requirements (okay, maybe there was a little bit of “it depends” there!)

**8. There is a paternity action against me, alleging I am the father of a child. Do I need an attorney, and what if I can’t afford one?**

You need an attorney, but if you can’t afford one, you can be represented by a public defender if you request one from the Judge or court administrator.

**9. If one of my relatives gave money to me rather than to both my spouse and I, will we have to split this money if we get divorced?**

No, if the gift was really only to you, it would be considered your own, non-marital property and you won’t have to split it (unless you “co-mingled” the money.)

**10. Do grandparents have any visitation rights?**

Yes, If one parent of a child dies, the grandparents on that side of the family can request parenting time rights; that request may or may not be granted by the court.

There you go, a look at my top 10 family law questions. The answers almost always are “it depends” but I tried to simply them for you. Notice that many of the answers have links, those are to my posts that explain the matter much more in depth, feel free to click away.

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*While I appreciate all of our readers (I really do!) a few things to know before you send me an email with a “quick legal question” I’m a Minnesota only lawyer. I can’t give any advice about the laws in any other state except Minnesota. Also, while I am a believer that while clients needs to know as much information as they can (that’s why I do these blogs) I can’t give advice to you via email and unless we sign a retainer agreement and pay the retainer as our malpractice carrier is very particular about giving out advice over email to non-clients.*