

RULE 3. APPLICABILITY OF OTHER RULES AND STATUTES**Rule 3.01. Rules of Civil Procedure**

Except as otherwise provided by these rules, the Minnesota Rules of Civil Procedure do not apply to juvenile protection matters.

Rule 3.02 Rules of Evidence

Subd. 1. Generally. Except as otherwise provided by statute or these rules, in a juvenile protection matter the court shall only admit evidence that would be admissible in a civil trial pursuant to the Minnesota Rules of Evidence.

Subd. 2. Certain Out-of-Court Statements Admissible. An out-of-court statement not otherwise admissible by statute or rule of evidence is admissible if required by Minnesota Statutes, section 260C.165.

Subd. 3. Judicial Notice. In addition to the judicial notice permitted under the Rules of Evidence, the court, upon its own motion or the motion of any party or the county attorney, may take judicial notice only of findings of fact and court orders in the juvenile protection court file and in any other proceeding in any other court file involving the child or the child's parent or legal custodian.

Rule 3.03. Indian Child Welfare Act

Juvenile protection matters concerning an Indian child shall be governed by the Indian Child Welfare Act (ICWA), 25 U.S.C. sections 1901-1963; the ICWA regulations, 25 C.F.R. part 23; the Minnesota Indian Family Preservation Act (MIFPA), Minnesota Statutes, sections 260.751 to 260.835; and by these rules when these rules are not inconsistent with ICWA, the ICWA regulations, or MIFPA.

Rule 3.04. Rules of Guardian Ad Litem Procedure

The Rules of Guardian Ad Litem Procedure, codified as Rules 901-907 of the General Rules of Practice for the District Courts, apply to juvenile protection matters.

Rule 3.05. Court Interpreter Statutes, Rules, and Court Policies

The statutes, court rules, and court policies regarding appointment of court interpreters apply to juvenile protection matters. The court may appoint an interpreter of its own selection and may fix reasonable compensation pursuant to those statutes, court rules and court policies.

Rule 3.06. General Rules of Practice for the District Courts

Except as otherwise provided by these rules, Rules 1-2, 4-17, and 901-907 of the General Rules of Practice for the District Courts apply to juvenile protection matters. Rules 3 and 101-814 of the General Rules of Practice for the District Courts do not apply to juvenile protection matters. Rule 5 of the General Rules of Practice for the District Courts does not apply to attorneys who represent Indian tribes in juvenile protection matters.

(Amended effective January 1, 2022.)

2019 Advisory Committee Comment

Rule 3 is amended in 2019 as part of a revision of the Rules of Juvenile Protection Procedure. The amendments to Rule 3 are not intended to substantively change the rule's meaning.

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Rule 3.02 refers to Minnesota Statutes, section 260C.165, which makes various types of statements admissible in juvenile protection matters. The prior version of Rule 3.02 restated the statutory language, but the amended rule simply cites the statute.

Rule 3.06 describes which of the General Rules of Practice for the District Courts apply to juvenile protection matters. General Rule of Practice 5 in general provides that an "out-of-state lawyer is subject to all rules that apply to lawyers admitted in Minnesota, including rules related to e-filing." Consistent with the letter and spirit of the Indian Child Welfare Act, the Juvenile Protection Rules Committee does not want to place any barriers to participation by Indian tribes in juvenile protection matters. For that reason, Rule 3.06 provides that the requirements of General Rule of Practice 5 relating to pro hac vice admissions and electronic filing do not apply to attorneys who represent Indian tribes. General Rule of Practice 10, as amended in 2018, addresses recognition of orders, judgments, and other judicial acts of the tribal courts of any federally recognized Indian tribe. Rule 10.01 addresses situations where recognition is mandatory (including when recognition is required by the Indian Child Welfare Act), and Rule 10.03 addresses situations where recognition is discretionary.