

**MINNESOTA RULES OF ADOPTION PROCEDURE**

Rules effective January 1, 2005  
With amendments effective January 1, 2025

**TABLE OF HEADNOTES**

**RULE 1. SCOPE AND PURPOSE**

- 1.01 Scope
- 1.02 Purpose

**RULE 2. DEFINITIONS**

- 2.01 Definitions

**RULE 3. APPLICABILITY OF OTHER RULES AND STATUTES**

- 3.01 Rules of Civil Procedure
- 3.02 Rules of Evidence
- 3.03 Rules of Guardian Ad Litem Procedure
- 3.04 Indian Child Welfare Act and Other Minnesota Statutes
- 3.05 Court Interpreter Statutes, Rules, and Court Policies
- 3.06 Interstate Compact on the Placement of Children
- 3.07 Human Services Licensing Act
- 3.08 Review of Progress Toward Adoption of Children Under State Guardianship
- 3.09 General Rules of Practice for the District Courts

**RULE 4. TIME; TIMELINES**

- 4.01 Computation of Time
- 4.02 Additional Time After Service by U.S. Mail or Other Means

**RULE 5. CONTINUANCES**

- 5.01 Findings
- 5.02 Notice of Continuance
- 5.03 Existing Orders; Interim Orders

**RULE 6. REFEREES AND JUDGES**

- 6.01 Referee Authorization to Hear Matter
- 6.02 Objection to Referee Presiding Over Matter
- 6.03 Transmittal of Referee's Findings and Recommended Order
- 6.04 Review of Referee's Findings and Recommended Order
- 6.05 Order of the Court

6.06 Removal of Judge

**RULE 7. ACCESS TO ADOPTION CASE RECORDS AND BIRTH RECORD INFORMATION**

- 7.01 Access to Adoption Case Records Limited
- 7.02 Petition to Access Adoption Case Records and Birth Record Information
- 7.03 Stepparent Adoption
- 7.04 Disclosure to Employer and Military Prohibited
- 7.05 Protective Order
- 7.06 Suitability of Proposed Adoptive Parents
- 7.07 Release of Identifying Information
- 7.08 Access to Original Birth Record Information; Decision
- 7.09 Information to Adopted Persons and Others About Access to Birth and Adoption Records

**RULE 8. PRESENCE AT HEARINGS**

- 8.01 Attendance at Hearings
- 8.02 Absence Does Not Bar Hearing
- 8.03 Exclusion of Persons Who Have Right to Attend Hearings
- 8.04 Record of Exclusion and Right to Continued Participation

**RULE 9. EX PARTE COMMUNICATION**

- 9.01 Ex Parte Communication Prohibited
- 9.02 Disclosure

**RULE 10. ORDERS**

- 10.01 Written or Oral Orders
- 10.02 Immediate Effect of Oral Order
- 10.03 Service
- 10.04 Notice of Filing of Order and Adoption Decree

**RULE 11. RECORDING AND TRANSCRIPTS**

- 11.01 Procedure
- 11.02 Availability of Transcripts
- 11.03 Expense

**RULE 12. USE OF TELEPHONE AND REMOTE TECHNOLOGY**

- 12.01 Motions and Conferences
- 12.02 Adoption Proceedings

**RULE 13. SUBPOENAS**

- 13.01 Subpoena for a Hearing or Trial
- 13.02 Form; Purpose; Notice
- 13.03 Service
- 13.04 Motion to Quash a Subpoena
- 13.05 Objection
- 13.06 Subpoena for Taking Deposition; Place of Deposition
- 13.07 Expenses
- 13.08 Failure to Appear

**RULE 14. CONTEMPT**

- 14.01 Initiation
- 14.02 Supporting and Responsive Affidavits
- 14.03 Hearing
- 14.04 Sentencing

**RULE 15. MOTIONS**

- 15.01 Form
- 15.02 Service and Notice of Motion
- 15.03 Ex Parte Motion

**RULE 16. SIGNING OF PLEADINGS, MOTIONS, AND OTHER DOCUMENTS; SANCTIONS**

- 16.01 Signing of Pleadings, Motions, and Other Documents
- 16.02 Sanctions

**RULE 17. DISCOVERY**

- 17.01 Applicability
- 17.02 Regulation of Discovery

**RULE 18. DEFAULT**

- 18.01 Procedure

**RULE 19. SETTLEMENT**

- 19.01 Generally
- 19.02 Partial Settlement
- 19.03 Content of Settlement Agreement
- 19.04 Procedure

**RULE 20. PARTIES**

- 20.01 Party Status
- 20.02 Rights to Parties
- 20.03 Parties' Addresses

**RULE 21. INTERVENTION**

- 21.01 Intervention of Right
- 21.02 Parent Intervention Prohibited
- 21.03 Permissive Intervention
- 21.04 Effect of Intervention

**RULE 22. JOINDER**

- 22.01 Procedure

**RULE 23. RIGHT TO REPRESENTATION; APPOINTMENT OF COUNSEL**

- 23.01 Right to Representation
- 23.02 Appointment of Counsel
- 23.03 Representation of Responsible Social Services Agency
- 23.04 Biological Parent Counsel in Direct Placement Adoption
- 23.05 Certificate of Representation
- 23.06 Withdrawal of Counsel
- 23.07 Appointment of Counsel in Adoption Involving an Indian Child

**RULE 24. GUARDIAN AD LITEM**

- 24.01 Appointment
- 24.02 Responsibilities
- 24.03 Reimbursement

**RULE 25. METHODS OF FILING AND SERVICE**

- 25.01 Types of Filing
- 25.02 Types of Service
- 25.03 Service by Electronic Means
- 25.04 Service Upon Counsel; Social Services Agency
- 25.05 Service of Subpoena
- 25.06 Completion of Service
- 25.07 Proof of Service

**RULE 26. COMMENCEMENT OF ADOPTION MATTER**

- 26.01 Commencement of an Adoption Matter
- 26.02 Post-Permanency Review Hearings Continue

**RULE 27. STEPPARENT ADOPTION****RULE 28. AGENCY ADOPTION****RULE 29. DIRECT PLACEMENT ADOPTION**

- 29.01 Notice of Motion and Motion for a Preadoptive Custody Order
- 29.02 Timing
- 29.03 Content
- 29.04 Decision and Order

**RULE 30. INTERCOUNTRY ADOPTIONS**

- 30.01 Adoption of a Child by a Resident of Minnesota Under the Laws of a Foreign Country
- 30.02 Adoption Under the Laws of Minnesota of a Child Born in Another Country
- 30.03 Post-Adoption Report

**RULE 31. NOTICE OF FINAL HEARING OR TRIAL**

- 31.01 Notice
- 31.02 Notice Not Required
- 31.03 Content of Notice of Hearing
- 31.04 Service of Notice of Hearing

**RULE 32. MINNESOTA FATHERS' ADOPTION REGISTRY**

- 32.01 Requirement to Search Minnesota Fathers' Adoption Registry Before Adoption Petition Granted; Proof of Search
- 32.02 Fees for Minnesota Fathers' Adoption Registry

**RULE 33. CONSENT TO ADOPTION**

- 33.01 Persons and Agencies Required to Consent
- 33.02 Notice of Intent to Consent to Adoption
- 33.03 Execution of Consent to Adoption
- 33.04 Timing of Consent
- 33.05 Failure to Execute Consent
- 33.06 Agreement Conferring Authority to Place for Adoption
- 33.07 Consent to a Direct Placement Adoption Under Minnesota Statutes, Section 259.47
- 33.08 Revocation of Consent to Adoption of a Non-Indian Child Under Minnesota Statutes, Section 259.24

33.09 Consent to Adoption of an Indian Child

**RULE 34. COMMUNICATION OR CONTACT AGREEMENT**

34.01 Persons Who May Enter Into a Communication or Contact Agreement

34.02 Filing of Agreement

34.03 Written Order Required

34.04 Timing

34.05 Requirements for Entry of Order

34.06 Service of Order

34.07 Enforcement

34.08 Failure to Comply with Order

34.09 Modification

**RULE 35. PETITION**

35.01 Who May Petition; Residency of Petitioner

35.02 Residency of Child to be Adopted

35.03 Timing

35.04 Conditions for Filing Petition for Adoption of a Child; Exceptions

35.05 Content

35.06 Verification; Signatures

35.07 Amendment

35.08 Statement of Expenses

**RULE 36. ACTIONS UPON FILING OF PETITION**

**RULE 37. ADOPTION STUDY AND BACKGROUND STUDY**

37.01 Adoption Study and Background Study Required; Exception

37.02 Adoption Study Report

37.03 Direct Placement Adoption; Background Study Incomplete

37.04 Background Study; Timing

37.05 Updates to Adoption Study Report; Period of Validity

37.06 Filing of Adoption Study Report

37.07 Foster Parent Assessment May be Used for Adoption Study

**RULE 38. POST-PLACEMENT ASSESSMENT REPORT**

38.01 Timing

38.02 Content

38.03 Background Study

38.04 Waiver by Court

38.05 Contested Adoptive Placement for Children Under Guardianship of the Commissioner of Human Services

#### **RULE 39. ANSWER WHEN CONTESTED ADOPTION MATTER**

39.01 Answer When Contested

39.02 Notice of Contested Adoption

39.03 Pretrial Conference

#### **RULE 40. VOLUNTARY WITHDRAWAL; INVOLUNTARY DISMISSAL; SUMMARY JUDGMENT**

40.01 Voluntary Withdrawal of Petition

40.02 Involuntary Dismissal of Petition

40.03 Summary Judgment

#### **RULE 41. FINAL HEARING IN UNCONTESTED MATTERS**

41.01 Generally

41.02 Commencement

41.03 Hearing Procedure

41.04 Standard of Proof

41.05 Timing of Decision

#### **RULE 42. CONSOLIDATION; BIFURCATION**

42.01 Consolidation Generally

42.02 Consolidation with Other Proceedings; Competing Petitions

42.03 Bifurcation

42.04 Rule Does Not Apply to Children Under Guardianship of the Commissioner of Human Services

#### **RULE 43. PRETRIAL CONFERENCE IN CONTESTED MATTERS**

43.01 Timing

43.02 Purpose

43.03 Pretrial Order

#### **RULE 44. TRIAL IN CONTESTED MATTERS**

44.01 Generally

44.02 Commencement

44.03 Trial Procedure

44.04 Standard of Proof

44.05 Motion for Judgment at Conclusion of Trial

44.06 Timing of Decision; Delay of Issuance of Order if Adoption Assistance Not Yet Acted Upon

**RULE 45. FINDINGS OF FACT, CONCLUSIONS OF LAW, ORDER FOR JUDGMENT, AND ADOPTION DECREE**

45.01 Dismissal and Denial of Adoption Petition

45.02 Granting Adoption Petition

45.03 Findings of Fact, Conclusions of Law, Order for Judgment, and Adoption Decree

45.04 Filing and Service

**RULE 46. POST-TRIAL MOTIONS**

46.01 Motion for Amended Findings

46.02 Motion for New Trial

46.03 Timing of Decision

**RULE 47. RELIEF FROM ORDER**

47.01 Clerical Mistakes

47.02 Mistakes; Inadvertence; Excusable Neglect; Newly Discovered Evidence; Fraud

47.03 Invalidation of District Court Action - Indian Child Cases

47.04 Vacation of Adoption Decree - Indian Child Cases

**RULE 48. APPEAL**

48.01 Applicability of Rules of Civil Appellate Procedure

48.02 Procedure

48.03 Application for Stay of Trial Court Order

48.04 Right to Additional Review

48.05 Transcript of Proceedings

48.06 Time for Rendering Decisions

**RULE 49. VENUE**

49.01 Venue

49.02 Request to Transfer Venue

49.03 Transfer of Venue Procedures

**RULE 50. ADOPTIVE PLACEMENTS - INDIAN CHILD**

50.01 Placement Preferences



- 50.02 Tribal Resolution for Different Order of Preference; Personal Preference Considered; Anonymity in Application of Preferences
- 50.03 Social and Cultural Standards Applicable
- 50.04 Record of Placement

**TEXT OF RULES**