

RULES OF JUVENILE PROTECTION PROCEDURE

Effective September 1, 2019
With amendments effective January 1, 2024

TABLE OF HEADNOTES

A. Scope and Purpose

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 Indian Child Welfare Act
- 3.04 Rules of Guardian Ad Litem Procedure
- 3.05 Court Interpreter Statutes, Rules, and Court Policies
- 3.06 General Rules of Practice for the District Courts

B. General Rules for Juvenile Protection Matters

RULE 4. TIME

- 4.01 Computation of Time
- 4.02 Additional Time After Service by U.S. Mail or Other Means
- 4.03 Sanctions for Violations of Timelines
- 4.04 Application of Timing Provisions

RULE 5. CONTINUANCES

- 5.01 Compliance with Timelines
- 5.02 Notice of Continuance
- 5.03 Existing Orders; Interim Orders

RULE 6. SCHEDULING ORDER

- 6.01 Purpose
- 6.02 Order
- 6.03 Amendment

RULE 7. REFEREES AND JUDGES

- 7.01 Referee Authorization to Hear Matter
- 7.02 Objection to Referee Presiding Over Matter
- 7.03 Transmittal of Referee's Findings and Recommended Order
- 7.04 Review of Referee's Findings and Recommended Order
- 7.05 Order of the Court
- 7.06 Removal of Judge or Referee

RULE 8. ACCESSIBILITY TO JUVENILE PROTECTION CASE RECORDS

- 8.01 Presumption of Access to Juvenile Protection Case Records
- 8.02 Effective Date
- 8.03 Access to Records Filed Prior to July 2015; Access to Records Upon Appeal
- 8.04 Juvenile Protection Case Records Inaccessible to the Public, Parties, or Participants
- 8.05 Access to Exhibits
- 8.06 Electronic Access to Juvenile Protection Case Records
- 8.07 Protective Order
- 8.08 Case Captions and Text of Decisions and Other Records
- 8.09 Access to Juvenile Protection Record by Family Court Judicial Officer
- 8.10 Access to Juvenile Protection Record by Parties and Child's Guardian ad Litem in Family Court Matter

RULE 9. ORDERS

- 9.01 Written or Oral Orders; Timing
- 9.02 Immediate Effect of Oral Order
- 9.03 Method and Timing of Service; Persons to be Served
- 9.04 Notice of Filing of Order

RULE 10. RECORDING AND TRANSCRIPTS

- 10.01 Procedure
- 10.02 Transcript Requests
- 10.03 Expense

RULE 11. USE OF TELEPHONE AND REMOTE TECHNOLOGY

- 11.01 Motions and Conferences
- 11.02 Juvenile Protection Proceedings

RULE 12. SUBPOENAS

- 12.01 Subpoena for a Hearing or Trial

- 12.02 Form; Issuance; Notice
- 12.03 Service
- 12.04 Motion to Quash a Subpoena
- 12.05 Objection
- 12.06 Subpoena for Taking Depositions; Place of Examination
- 12.07 Expenses
- 12.08 Failure to Appear

RULE 13. CONTEMPT

- 13.01 Initiation
- 13.02 Supporting and Responsive Affidavits
- 13.03 Hearing
- 13.04 Sentencing

RULE 14. MOTIONS

- 14.01 Form
- 14.02 Service and Notice of Motions
- 14.03 Ex Parte Motion and Hearing
- 14.04 Motion to Dismiss Petition
- 14.05 Motion to Strike Document
- 14.06 Obtaining Hearing Date; Notice to Parties
- 14.07 Timing and Service of Orders

RULE 15. SIGNING OF PLEADINGS, MOTIONS, AND OTHER DOCUMENTS; SANCTIONS

- 15.01 Signature
- 15.02 Representations to Court
- 15.03 Sanctions

RULE 16. METHODS OF FILING AND SERVICE

- 16.01 Types of Filing
- 16.02 Types of Service
- 16.03 Service Upon Counsel; Social Services Agency
- 16.04 Completion of Service
- 16.05 Proof of Service

RULE 17. DISCOVERY

- 17.01 Disclosure by Petitioner Without Court Order
- 17.02 Disclosure by Other Parties Without Court Order
- 17.03 Information Not Discoverable
- 17.04 Discovery Upon Court Order
- 17.05 Time, Place, and Manner of Discovery
- 17.06 Regulation of Discovery

RULE 18. DEFAULT

- 18.01 Failure to Appear
- 18.02 Default Order

RULE 19. SETTLEMENT

- 19.01 Procedure
- 19.02 Objection to Settlement Agreement - Termination of Parental Rights Matters and Permanent Placement Matters

RULE 20. ALTERNATIVE DISPUTE RESOLUTION

RULE 21. POST-TRIAL MOTIONS

- 21.01 Procedure and Timing
- 21.02 New Trial on Court's Own Initiative
- 21.03 Amendment of Findings
- 21.04 Grounds for New Trial
- 21.05 Decision
- 21.06 Relief

RULE 22. RELIEF FROM ORDER

- 22.01 Clerical Mistakes
- 22.02 Mistakes; Inadvertence; Excusable Neglect; Newly Discovered Evidence; Fraud

RULE 23. APPEAL

- 23.01 Applicability of Rules of Civil Appellate Procedure
- 23.02 Procedure
- 23.03 Application for Stay of Trial Court Order
- 23.04 Right to Additional Review
- 23.05 Transcript of Proceedings
- 23.06 Time for Rendering Decision by Minnesota Court of Appeals
- 23.07 Petition in Supreme Court for Review of Decisions of the Court of Appeals

RULE 24. PARENTAGE MATTER

- 24.01 Scope
- 24.02 Judicial Assignment and Calendaring
- 24.03 Applicable Statutes and Rules
- 24.04 Responsible Social Services Agency to Provide Copy of Petition and Orders to County Child Support Enforcement Agency
- 24.05 No Extension of Permanency Timelines
- 24.06 Notification to Family Court of Juvenile Protection Orders

RULE 25. JURISDICTION TO AGE 18 AND CONTINUED REVIEW AFTER AGE 18

- 25.01 Continuing Jurisdiction to Age 18
- 25.02 Continuing Jurisdiction to Age 19
- 25.03 Continuing Jurisdiction and Review after Child's Eighteenth Birthday

RULE 26. CASE AND OUT-OF-HOME PLACEMENT PLANS

- 26.01 Case and Out-of-Home Placement Plans Generally
- 26.02 Child in Court-Ordered Foster Case: Out-of-Home Placement Plan
- 26.03 Child in Voluntary Foster Care: Out-of-Home Placement Plan
- 26.04 Child Not in Foster Care: Child Protective Services Case Plan
- 26.05 Child with Disability: Community Support, Individual Treatment, or Multiagency Case Plan

RULE 27. REPORTS TO THE COURT

- 27.01 Social Services Court Reports - Generally
- 27.02 Social Services Court Report - Child in Foster Care
- 27.03 Social Services Court Report - Reasonable Efforts to Identify and Locate Both Parents of the Child
- 27.04 Social Services Court Report - Due Diligence to Identify and Notify Relatives
- 27.05 Social Services Court Report - Permanency Progress Review Hearing
- 27.06 Social Services Court Report - Child on Trial Home Visit
- 27.07 Social Services Court Report - Child Under State Guardianship
- 27.08 Social Services Court Report - Child Not in Foster Care
- 27.09 Social Services Court Report - Between Disposition Review Hearings
- 27.10 Objections to Agency's Report or Recommendations
- 27.11 Reports to the Court by Child's Guardian ad Litem

C. Juvenile Protection Matters Governed by the Indian Child Welfare Act

RULE 28. GENERAL RULES FOR MATTERS GOVERNED BY THE INDIAN CHILD WELFARE ACT

- 28.01 Purpose
- 28.02 Party Status of Tribes
- 28.03 Tribal/State Agreement
- 28.04 Higher Standard Under ICWA
- 28.05 Best Interests of an Indian Child
- 28.06 Qualified Expert Witness Requirement
- 28.07 Particularized Findings in Cases Involving an Indian Child
- 28.08 Voluntary Termination of Parental Rights Under ICWA
- 28.09 Invalidation of Action Under ICWA

RULE 29. COURT'S INQUIRY OF INDIAN ANCESTRY AND HERITAGE

- 29.01 Initial Hearing
- 29.02 Court's Duty of Continued Inquiry

RULE 30. NOTICE RESPONSIBILITIES UNDER THE INDIAN CHILD WELFARE ACT

- 30.01 Notice by Petitioner
- 30.02 Notice by Court

RULE 31. TRANSFER TO CHILD'S TRIBE

- 31.01 Transfer of Juvenile Protection Matter to the Tribe
- 31.02 Communication between District Court and Tribal Court Judges
- 31.03 Court Administrator's Duties

D. Parties and Participants

RULE 32. PARTIES

- 32.01 Party Status
- 32.02 Rights of Parties
- 32.03 Parties' Names and Addresses

RULE 33. PARTICIPANTS

- 33.01 Participant Status
- 33.02 Rights of Participants
- 33.03 Participants' Names and Addresses

RULE 34. INTERVENTION

- 34.01 Intervention of Right
- 34.02 Permissive Intervention
- 34.03 Procedure
- 34.04 Effect of Intervention

RULE 35. JOINDER**RULE 36. RIGHT TO REPRESENTATION; APPOINTMENT OF COUNSEL**

- 36.01 Right to Representation
- 36.02 Appointment of Counsel
- 36.03 Notice of Right to Representation
- 36.04 Certificate of Representation
- 36.05 Withdrawal or Discharge of Counsel

RULE 37. GUARDIAN AD LITEM

- 37.01 Appointment for Child
- 37.02 Discretionary Appointment for Child's Parent or Legal Custodian
- 37.03 Term of Service of Guardian Ad Litem
- 37.04 Request for Appointment of Counsel for Child

RULE 38. ACCESS TO HEARINGS

- 38.01 Presumption of Public Access to Hearings
- 38.02 Party and Participant Attendance at Hearings
- 38.03 Absence Does Not Bar Hearing
- 38.04 Exclusion of Parties or Participants from Hearings

E. Emergency Protective Care Proceedings**RULE 39. EMERGENCY PROTECTIVE CARE PROCEEDINGS TIMELINE****RULE 40. EX PARTE EMERGENCY PROTECTIVE CARE ORDER AND NOTICE**

- 40.01 Ex Parte Order for Emergency Protective Care
- 40.02 Contents of Order
- 40.03 Execution of Order
- 40.04 Notice
- 40.05 Enforcement of Order

RULE 41. PROCEDURES DURING PERIOD OF EMERGENCY PROTECTIVE CARE

- 41.01 Release from Emergency Protective Care

- 41.02 Discretionary Release by Court; Custodial Conditions
- 41.03 Release to Custody of Parent or Other Suitable Person
- 41.04 Reports

RULE 42. EMERGENCY PROTECTIVE CARE HEARING

- 42.01 Timing
- 42.02 Notice of Hearing
- 42.03 Inspection of Reports
- 42.04 Determination Regarding Notice
- 42.05 Advisory
- 42.06 Evidence
- 42.07 Filing and Service of Petition
- 42.08 Protective Care Determinations
- 42.09 Protective Care Findings and Order
- 42.10 Protective Care Review
- 42.11 Notification When Child Returned Home

F. Child in Need of Protection or Services Proceedings

**RULE 43. CHILD IN NEED OF PROTECTION OR SERVICES PROCEEDINGS
TIMELINE**

RULE 44. COMMENCEMENT OF PROCEEDINGS

- 44.01 Commencement
- 44.02 Summons
- 44.03 Notice of Admit/Deny Hearing
- 44.04 Notice of Subsequent Hearings
- 44.05 Orders on the Record
- 44.06 Petitioner's Notice Responsibility Under the Indian Child Welfare Act

RULE 45. PETITION

- 45.01 Drafting and Filing
- 45.02 Content
- 45.03 Who May File; Court Review
- 45.04 Amendment

RULE 46. ADMIT/DENY HEARING

- 46.01 Generally

46.02 Timing

46.03 Hearing Procedure

RULE 47. ADMISSION OR DENIAL

47.01 Generally

47.02 Denial

47.03 Admission

RULE 48. PRETRIAL HEARING

48.01 Timing

48.02 Purpose

48.03 Pretrial Order

48.04 Continuing Obligation to Update Information

RULE 49. TRIAL

49.01 Timing

49.02 Procedure

49.03 Standard of Proof

49.04 Decision

RULE 50. ADJUDICATION

50.01 Adjudication

50.02 Withholding Adjudication

RULE 51. DISPOSITION

51.01 Disposition

51.02 Timing

51.03 Hearings to Review Disposition

G. Permanency or Termination of Parental Rights Proceedings

RULE 52. PERMANENCY OR TERMINATION OF PARENTAL RIGHTS

52.01 Petitioner Timelines

52.02 Court Timelines

RULE 53. COMMENCEMENT OF PROCEEDINGS - PERMANENCY OR TERMINATION OF PARENTAL RIGHTS

53.01 Commencement

53.02 Summons

53.03 Notice of Admit/Deny Hearing

53.04 Notice of Subsequent Hearings

53.05 Orders on the Record

53.06 Petitioner's Notice Responsibility Under the Indian Child Welfare Act

RULE 54. PETITION - PERMANENCY OR TERMINATION OF PARENTAL RIGHTS

54.01 Drafting and Filing; Title

54.02 Content

54.03 Who May File; Court Review

54.04 Amendment

RULE 55. ADMIT/DENY HEARING - PERMANENCY OR TERMINATION OF PARENTAL RIGHTS

55.01 Generally

55.02 Timing

55.03 Hearing Procedure

RULE 56. ADMISSION OR DENIAL - PERMANENCY OR TERMINATION OF PARENTAL RIGHTS

56.01 Generally

56.02 Denial

56.03 Admission

RULE 57. PRETRIAL HEARING - PERMANENCY OR TERMINATION OF PARENTAL RIGHTS

57.01 Timing

57.02 Purpose

57.03 Pretrial Order

57.04 Continuing Obligation to Update Information

RULE 58. TRIAL - PERMANENCY OR TERMINATION OF PARENTAL RIGHTS

58.01 Timing

58.02 Procedure

58.03 Standard of Proof

58.04 Decision

RULE 59. PERMANENCY ORDER MODIFICATIONS

59.01 Reestablishment of Legal Parent and Child Relationship

59.02 Modification of Transfer of Permanent Legal and Physical Custody to a Relative Order

H. Voluntary Placement Proceedings

RULE 60. REVIEW OF CHILDREN IN VOLUNTARY FOSTER CARE FOR TREATMENT

- 60.01 Generally
- 60.02 Report by Agency
- 60.03 Court Review and Determinations Based on Court Report
- 60.04 Court Review of Agency Determination Under Section 260D.07
- 60.05 Review of Voluntary Foster Care After Adjudication Under Chapter 260C

RULE 61. REVIEW OF VOLUNTARY PLACEMENT MATTERS

- 61.01 Generally
- 61.02 Review of Petition

RULE 62. VOLUNTARY FOSTER CARE FOR CHILDREN OVER 18

TEXT OF RULES