

**Rule 367. Administration of Expedited Child Support Process; Child Support Magistrates****Rule 367.01 Administration of Expedited Process**

The chief judge of each judicial district shall determine whether the district will administer the expedited process within the judicial district in whole or in part, or request that the state court administrator administer the expedited process in whole or in part for the district.

*Advisory Committee Comment*

*Rule 367.01 does not permit a judicial district to opt out of the expedited process. Rather, Rule 367.01 simply indicates that the chief judge of the district must decide who will be responsible for administering the expedited process within each judicial district.*

**Rule 367.02 Use and Appointment of Child Support Magistrates**

The chief judge of each judicial district shall determine whether the district will use child support magistrates, family court referees, district court judges, or a combination of these individuals to preside over proceedings in the expedited process. The chief judge of each judicial district, with the advice and consent of the judges of the district, shall appoint each child support magistrate, except family court referees and district court judges, subject to confirmation by the Supreme Court. Each child support magistrate serves at the pleasure of the judges of the judicial district. Child support magistrates may be appointed on a full-time, part-time, or contract basis.

*Advisory Committee Comment*

*Nothing in these rules precludes a family court referee or district court judge from serving in the capacity of a child support magistrate.*

**Rule 367.03 Powers and Authority**

Child support magistrates shall have the powers and authority necessary to perform their duties in the expedited process pursuant to statute and rule.

*Advisory Committee Comment*

*It is the intent of the Committee that child support magistrates have the authority to decide all issues permitted in the expedited process, including, but not limited to, awarding and modifying tax dependency exemptions, awarding costs and attorneys fees, and issuing orders to show cause.*

**Rule 367.04 Conflict of Interest**

**Subdivision 1. Generally.** A child support magistrate shall not serve as:

(a) an attorney in any family law matter within any county in which the person serves as a child support magistrate; or

(b) a guardian ad litem in any family law matter in any district in which the person serves as a child support magistrate.

**Subd. 2. Disqualification.** The disqualifications listed in subdivision 1 shall not be imputed to other members of a child support magistrate's law firm.

(Amended effective for guardians ad litem appointed in Minnesota's juvenile and family courts after 12 o'clock midnight January 1, 2005.)

**Rule 367.05 Code of Judicial Conduct**

Each child support magistrate is bound by the Minnesota Code of Judicial Conduct. The exceptions set forth in the Application of the Minnesota Code of Judicial Conduct relating to part-time judges apply to child support magistrates appointed on a part-time or contract basis.

***Advisory Committee Comment***

*A comment to the Application Section of the Minnesota Code of Judicial Conduct provides that "anyone, whether or not a lawyer, who is an officer of a judicial system and who performs judicial functions, including an officer such as a referee, special master or magistrate" is a judge within the meaning of the Minnesota Code of Judicial Conduct.*

**Rule 367.06 Impartiality**

Each child support magistrate shall conduct each hearing in an impartial manner and shall serve only in those matters in which the magistrate can remain impartial and evenhanded. If at any time a child support magistrate is unable to conduct any proceeding in an impartial manner, the magistrate shall withdraw.