

STATE OF MINNESOTA

IN SUPREME COURT

C2-95-1476

**ORDER ESTABLISHING
PILOT PROJECT ON
OPEN HEARINGS IN
JUVENILE PROTECTION MATTERS**

WHEREAS, the Supreme Court Foster Care and Adoption Task Force recommended that hearings in juvenile protection proceedings be presumed open absent exceptional circumstances and that the corresponding juvenile file be accessible to the public, except for certain documents and reports; and

WHEREAS, the Open CHIPS Proceedings Subcommittee of the Conference of Chief Judges held a hearing on the Task Force recommendation on November 21, 1997; and

WHEREAS, the Open CHIPS Proceedings Subcommittee of the Conference of Chief Judges, the Conference of Chief Judges Administration Committee, and the full Conference of Chief Judges recommended that this Court establish an open hearings pilot project in representative metropolitan, suburban, and rural jurisdictions to be evaluated by an independent research organization; and

WHEREAS, open hearings in juvenile protection proceedings are authorized in other states, (See e.g. Michigan Rules of Juvenile Procedure 5.925(A); 22 New York Codes, Rules, and Regulations 205.4; and *Oregonian Pub. Co. v. Deiz*, 613 P.2d 23 (Or. 1980));

NOW, THEREFORE, by virtue of and under the inherent power and statutory authority of the Minnesota Supreme Court to regulate public access to records and proceedings of the judicial branch, IT IS HEREBY ORDERED that:

1. Subject to the requirements of this order and rules promulgated by this Court, each judicial district is hereby authorized to conduct a three year pilot project in one or more counties designated by the chief judge of the district, using open hearings in the following juvenile court proceedings: child in need of protection or services proceedings including permanent placement proceedings, termination of parental rights proceedings and subsequent state ward reviews.
2. Open proceedings authorized pursuant to this order shall be presumed open and may be closed or partially closed by the presiding judge only in exceptional circumstances.

3. The pilot projects shall begin June 1, 1998.
4. The State Court Administrator, in consultation with the Conference of Chief Judges and this Court, shall contract with an independent research organization to conduct an evaluation of the pilot projects authorized pursuant to this order. On or before August 1, 2001, such organization shall file with this Court a report addressing the impact of open hearings and records.
5. The Minnesota Supreme Court Advisory Committee on Open Juvenile Protection Hearings is hereby established to consider and recommend rules regarding public access to records relating to open juvenile protection hearings. The advisory committee shall file its recommendations with this Court on or before April 15, 1998. The following individuals are hereby appointed as members of the advisory committee:

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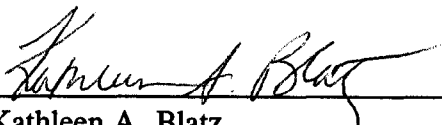
Dated: January 22, 1998

By the Court:

**OFFICE OF
APPELLATE COURTS**

JAN 22 1998

FILED



Kathleen A. Blatz
Associate Justice and
Chief Justice Designate