

FILED

May 13, 2019

**OFFICE OF
APPELLATE COURTS**

STATE OF MINNESOTA

IN SUPREME COURT

ADM10-8041

ADM10-8040

**ORDER PROMULGATING AMENDMENTS TO
THE RULES OF JUVENILE PROTECTION PROCEDURE
AND THE RULES OF ADOPTION PROCEDURE**

The Advisory Committee for the Rules of Juvenile Protection Procedure and the Rules of Adoption Procedure filed a report on November 13, 2018, recommending amendments to those rules. Specifically, with respect to the Rules of Juvenile Protection Procedure, the advisory committee recommends amendments to simplify the rules and incorporate necessary changes for consistency with updated laws and regulations, including the Indian Child Welfare Act (ICWA), 25 U.S.C. §§ 1901–63 (2018); the Minnesota Indian Family Preservation Act (MIFPA), Minn. Stat. §§ 260.751–.835 (2018), and other statutes and laws that govern these proceedings. The committee also recommends a reorganization of the rules to facilitate their use by judges, practitioners, parties, and participants. Finally, the committee recommends amendments to the Rules of Adoption Procedure, primarily to maintain consistency with the Rules of Juvenile Protection Procedure as amended.

We opened a public comment period and scheduled a public hearing for March 27, 2019. No public comments or requests to appear at the March 27 hearing were filed as of the close of the comment period on February 19, 2019. We therefore cancelled the public hearing.

We have carefully reviewed the work and recommendations of the advisory committee, including the ICWA sub-committee, and the committee's report and proposed amendments. Based on that review, we promulgate the rules as amended, as shown in the addenda to this order. Due to the nature of the amendments to the Rules of Juvenile Protection Procedure, including the restructuring and reformatting of those rules, the traditional underline and strikethrough method showing additions and deletions to individual rules is not used in Addendum A. Rather, the rules as amended are presented in their entirety and in final form.

We appreciate the thorough and thoughtful work of the committee and sub-committee on this substantial project, and agree with the committee that the rules as reorganized and updated will provide guidance and direction regarding the procedures used in juvenile protection and adoption cases.

Based on all the files, records, and proceedings herein,

IT IS HEREBY ORDERED THAT:

1. The Rules of Juvenile Protection Procedure as shown in Addendum A to this order are prescribed and promulgated to be effective as of September 1, 2019. The rules as amended shall apply to all cases pending on, or filed on or after, the effective date, except that Rule 8.04 of the Rules of Juvenile Protection Procedure shall apply only to documents filed with a court on or after September 1, 2019.

2. The amendments to the Rules of Adoption Procedure shown in Addendum B to this order are prescribed and promulgated effective as of September 1, 2019, and shall apply to all cases pending on, or filed on or after, that date.

3. The advisory committee comments are included for convenience and do not reflect court approval of those comments.

Dated: May 13, 2019

BY THE COURT:

A handwritten signature in black ink, appearing to read "Lorie S. Gildea". The signature is written in a cursive style with a large initial "L".

Lorie S. Gildea
Chief Justice