

**STATE OF MINNESOTA  
IN SUPREME COURT  
ADM10-8041**



**ORDER PROMULGATING PILOT PROJECT  
REQUIREMENTS FOR E-FILING AND  
E-SERVICE IN JUVENILE PROTECTION  
AND ADOPTION MATTERS**

The eCourtMN Steering Committee has requested the authorization of a pilot project to test the feasibility of electronic filing and electronic service of certain documents in juvenile protection and adoption matters. The Supreme Court Advisory Committee on the Rules of Juvenile Protection Procedure has recommended rules amendments and pilot project requirements to accommodate the eCourtMN pilot project in juvenile protection and adoption matters, including e-filing and e-service. The Court has reviewed the proposal and is advised in the premises.

IT IS HEREBY ORDERED that:

1. Select district courts designated by the State Court Administrator are hereby authorized to conduct a pilot project (“Pilot Project”) pursuant to the attached Pilot Project Requirements for E-Filing and E-Service in Juvenile Protection and Adoption Matters. The Pilot Project is anticipated to be carried out in several phases at district courts of varying sizes and locations throughout the state.

2. The Pilot Project shall test the feasibility and impact of electronic filing and electronic service of documents by the court, attorneys, parties, and participants in juvenile protection and adoption matters. The district courts involved in the Pilot Project shall report to the eCourtMN Steering Committee periodically as requested by that Committee and to the Supreme Court as the Court shall direct. The reports shall address the feasibility and impact of electronic filing and electronic service of documents in juvenile protection and adoption matters.

3. To the extent that any conflict exists between the terms of the Pilot Project Requirements for E-Filing and E-Service in Juvenile Protection and Adoption Matters and the provisions of the Rules of Juvenile Protection Procedure, the Rules of Adoption Procedure, the General Rules of Practice for the District Courts, the Rules of Civil Appellate Procedure, or the Rules of Public Access to Records of the Judicial Branch, the terms of the Pilot Project order and Pilot Project Requirements shall prevail.

4. The Pilot Project Requirements and this order shall be effective September 1, 2012, and shall continue until further order of the Court. The Pilot Project Requirements shall apply to all actions or proceedings pending or commenced on or after the effective date.

Dated: July 9, 2012

BY THE COURT:

/s/  
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Lorie S. Gildea  
Chief Justice

**PILOT PROJECT REQUIREMENTS FOR E-FILING AND E-SERVICE IN JUVENILE  
PROTECTION AND ADOPTION MATTERS**

**1. Who May Electronically File and Serve.**

**1.01 Filing – Attorneys, Parties, and Participants.** During the pilot project, attorneys, parties, and participants designated by the State Court Administrator in consultation with the district courts may, upon registering with the electronic filing service provider designated by the State Court Administrator (“Designated Provider”), electronically file documents with the district court in juvenile protection matters, as defined in Minn. Stat. § 260C.101, and adoption matters brought pursuant to Minn. Stat. §§ 259.20-.89. Electronic filing and electronic service shall be accomplished through the Designated Provider’s Internet-accessible electronic filing and service system (“E-Filing System”). Attorneys, parties, and participants who cannot register or are not registered with the Designated Provider shall file documents as otherwise provided in the Rules of Juvenile Protection Procedure or the Rules of Adoption Procedure, whichever is applicable.

**1.02 Service – Attorneys, Parties, and Participants.** During the pilot project, attorneys, parties, and participants designated by the State Court Administrator in consultation with the district courts may, upon registering with the Designated Provider, electronically serve documents on other registered attorneys, parties, and participants in juvenile protection matters and adoption matters, provided that the attorney, party, or participant to be served has designated in the E-Filing System an e-mail address for receiving electronic service. Initiating documents, such as a summons and petition or a notice of hearing and petition, shall not be served electronically upon any attorney, party, or participant, but shall be served as otherwise provided in the Rules of Juvenile Protection Procedure or the Rules of Adoption Procedure, whichever is applicable. The notice required to be served by the petitioner under the Indian Child Welfare Act, 25 U.S.C. § 1912(a), shall be served by registered mail with return receipt requested as required under Minn. R. Juv. Prot. P. 32.06.

**1.03 Filing and Service – District Court.** With the exception of initiating documents, such as a summons and petition or a notice of hearing and petition, the district courts may electronically file and serve any orders, notices (e.g., notice of

hearing, notice of filing of order, etc.), or other documents in juvenile protection matters and adoption matters, provided that the attorney, party, or participant to be served has designated in the E-Filing System an e-mail address for receiving electronic service. Attorneys, parties, and participants who are not registered with the Designated Provider shall be served as otherwise provided in the Rules of Juvenile Protection Procedure or the Rules of Adoption Procedure, whichever is applicable.

2. **Registration Process and Duty to Designate E-Mail Address for Service.** The process for registering with the Designated Provider is governed by Minn. Gen. R. Prac. 14.02, with the exception that the process applies to attorneys, parties, and participants in juvenile protection and adoption matters.
3. **Document Format.** Documents filed electronically shall be in the format required by Minn. Gen. R. Prac. 14.03.
4. **Signatures.**
  - 4.01 **Judge and Court Administrator Signatures.** Judge or court administrator signatures on documents electronically filed or served using the E-Filing System are governed by Minn. R. Gen. Prac. 14.04(a).
  - 4.02 **Attorney or Declarant Signature.** Attorney or declarant signatures on documents electronically filed or served using the E-Filing System are governed by Minn. Gen. R. Prac. 14.04(b).
  - 4.03 **Notary Signature, Stamp.** Notary signatures and stamps on documents electronically filed or served using the E-Filing System are governed by Minn. Gen. R. Prac. 14.04(c).
  - 4.04 **Perjury Penalty Acknowledgement.** Documents electronically filed or served using the E-Filing System are governed by the perjury provisions of Minn. Gen. R. Prac. 14.04(d).
  - 4.05 **Certification of Compliance.** Consistent with the provisions of Minn. Gen. R. Prac. 14.04(e), by electronically filing, serving, or submitting a document using the E-Filing System, the registered attorney, party, or participant filing or serving is certifying compliance with the signature requirements of this order, and the

signatures on the document shall have the same legal effect as the signatures on the original document.

**4.06 Retention of Original Document.** A registered attorney, party, or participant electronically filing or serving a document using the E-Filing System shall maintain the original document bearing actual signatures if in paper form, or electronic signatures if the original is in electronic form, and shall make the original document available upon reasonable request of the district court, the signatories, or other parties.

## **5. Filing and Service**

**5.01 Effect of Electronic Filing or Service.** A document electronically filed or served by the district court or a registered attorney, party, or participant under this order has the same legal effect as an original document filed or served in paper form.

**5.02 Effective Date of Electronic Filing; Filing Fees.** A document that is electronically filed under this order is deemed to have been filed by the court administrator on the date and time of its transmittal to the district court through the E-Filing System and the filing shall be stamped with this date and time subject to acceptance by the court administrator. If the filing is not subsequently accepted by the court administrator for reasons authorized in section 5.03 below, the date stamp shall be removed and the document electronically returned to the person who filed it. The district court shall establish procedures for payment of fees electronically.

**5.03 Non-acceptance of Filing.** The court administrator shall not refuse to accept for filing any document presented for that purpose solely because it is not presented in proper form as required by this order, the General Rules of Practice for the District Courts, or any local rules or practices. Documents may be rejected for filing if tendered:

- (1) without a required fee (e.g., filing fee or motion fee); or
- (2) without a correct assigned file number; or
- (3) to a court other than the court where the action is pending.

**5.04 Effective Date of Electronic Service.** Except when service is otherwise prohibited (e.g., holidays), service by authorized electronic means using the court's E-Filing System is complete:

- (1) upon completion of the electronic transmission of the document(s) to the E-Filing System if the E-Filing System service command is used; and
- (2) upon acceptance of the electronic filing by the court, as provided in Minn. Gen. R. Prac. 14, if the E-Filing System joint service and filing command is used.

**5.05 Proof of Service.** Proof of service of documents served using the E-Filing System is governed by Minn. Gen. R. Prac. 14.05.

**5.06 Technical Errors; Relief.** A motion for relief because of a technical error may be made, and relief may be granted, as provided in Rule 14.01(f) of the General Rules of Practice for the District Courts.

6. **Confidential or Sealed Documents.** Except as modified here, Minn. Gen. R. Prac. 14.06 governs electronic filing of sealed and confidential documents. During this pilot project, a document to be filed under seal or as confidential may be filed in paper form if required or permitted by the court; a motion to file a document in paper form under seal or as confidential may, but is not required to, be filed and served electronically.
7. **Records: Official; Appeal; Certified Copies.** Minn. Gen. R. Prac. 14.07 governs documents electronically filed under this order.
8. **Access to Documents.** Access to documents electronically filed or served using the E-Filing System is governed by Rule 8, subdivision 2(e)(4), of the Rules of Public Access to the Records of the Judicial Branch.
9. **Applicability of General Rules of Practice for the District Courts.** For purposes of this pilot project, the following General Rules of Practice for the District Courts apply to juvenile protection matters and adoption matters for all district courts participating in the pilot project authorized under section 1 of this order, unless such rules conflict with this order in which case this order supersedes the rules:
  - Rule 11 regarding submission of confidential information;
  - Rule 13 regarding the requirement to provide notice of current address; and
  - Rule 14 regarding e-filing and e-service.
10. **Computation of Time Periods.** When computing any period of time prescribed or allowed by the Rules of Juvenile Protection Procedure, the Rules of Adoption Procedure,

the local rules of any district court, an order of court, or any applicable statute, unless otherwise provided by statute, the day of the act or event from which the designated period of time begins to run shall not be included in the computation of time. The last day of the period shall be included, unless:

- it is a Saturday,
- it is a Sunday,
- it is a legal holiday, or
- when the act to be done is the filing of a document in court, a day on which weather or other conditions results in the closing of the office of the court administrator of the court where the action is pending, or
- when filing or service is either permitted or required to be made electronically, a day on which unavailability of the E-Filing System used by the court for electronic filing and service makes it impossible to accomplish service or filing,

in which event the period runs until the end of the next day that is not a Saturday, Sunday, or legal holiday.