

FILED

February 15, 2024

**OFFICE OF
APPELLATE COURTS**

STATE OF MINNESOTA

IN SUPREME COURT

ADM10-8041

**ORDER ESTABLISHING COMMENT PERIOD ON
PROPOSED AMENDMENTS TO THE MINNESOTA
RULES OF JUVENILE PROTECTION
AND GUARDIAN AD LITEM PROCEDURE**

On July 26, 2022, the Advisory Committee on the Rules of Juvenile Protection, Adoption, and Guardian Ad Litem Procedure issued a report proposing a number of amendments to the Rules of Juvenile Protection Procedure, the Rules of Adoption Procedure, and the Rules of Guardian ad Litem Procedure. Among the proposed amendments were proposals from the Guardian ad Litem Program to amend Rules 902, 903, and 904 of the Rules of Guardian Ad Litem Procedure, Rule 37 of the Rules of Juvenile Protection Procedure, and Rule 24 of the Rules of Adoption Procedure. Following a public comment period, on September 25, 2023, we issued an order regarding a number of rules proposals. With respect to the proposals concerning the Guardian ad Litem Program, we noted that a matter involving the appointment and discharge of guardians ad litem was then pending before the court, and indicated we would take further action as appropriate following resolution of that case. On November 1, 2023, we issued an opinion in that case, *Blakey v. Jones*, 997 N.W.2d 67 (Minn. 2023).

On January 10, 2024, the Guardian ad Litem Program sent correspondence to court staff requesting that, in light of our decision in *Blakey*, the court consider additional

amendments to the Rules of Juvenile Protection Procedure and the Rules of Guardian ad Litem Procedure “to ensure that Guardians ad Litem remain parties for such period of time as necessary to preserve their right . . . to fully participate in any appeal.” Court staff engaged in further communications with the Guardian ad Litem Program in order to clarify the request. The request, as clarified, is to modify the amendments proposed by the Advisory Committee in its July 26, 2022 report, as follows:

That the proposal to amend Rule 37.03 of the Rules of Juvenile Protection Procedure be modified as follows:

Unless a new guardian ad litem is designated by the guardian ad litem manager or manager’s designee, or otherwise ordered by the court, upon appointment to a juvenile protection matter the guardian ad litem shall serve as follows: . . .

(b) when the permanency plan for the child is transfer of permanent legal and physical custody to a relative, the court shall issue an order ~~discharging the guardian ad litem from ongoing responsibilities but continuing the guardian ad litem as a party to the proceeding until final resolution of all post-trial motions and appeal or until the time for appeal has passed if no appeal is filed upon issuance of the order transferring custody and terminating the juvenile protection matter;~~ . . .

That the proposal to amend Rule 904 of the Rules of Guardian ad Litem Procedure be modified as follows:

Rule 904. ~~REMOVAL OR SUSPENSION DESIGNATION OF NEW GUARDIAN AD LITEM OR DISCHARGE OF GUARDIAN AD LITEM~~ FROM PARTICULAR CASE

A guardian ad litem appointed by the court and designated by the guardian ad litem manager or manager’s designee shall continue to serve as a guardian ad litem until such time as: . . .

d) ~~all district court proceedings in the matter have been completed, including filing and resolution in district court~~ of all post-trial motion[s] and appeal or until the time for appeal has passed if no appeal is filed . . .

f) the guardian ad litem has fulfilled their specific duties identified by the Court in [the] Family Court matter and, the Court determines that the minor child(ren)'s best interests do not require continuing the guardian ad litem as a party to the proceeding until final resolution of all post-trial motions and appeal or until the time for appeal has passed if no appeal is filed; or . . .

(Single underlines and single strikethroughs indicate amendments proposed in the Advisory Committee's July 26, 2022 report; double underlines and double strikethroughs indicate the Guardian ad Litem Program's proposed modifications of those amendments.)

The court will consider the proposed amendments to the Minnesota Rules of Juvenile Protection and Guardian ad Litem Procedure after providing a period for public comment and reviewing any comments on the proposed amendments.

IT IS HEREBY ORDERED that any person or organization wishing to provide written comments in support of or in opposition to the proposed amendments to the Minnesota Rules of Juvenile Protection and Guardian ad Litem Procedure shall file those comments with the Clerk of the Appellate Courts using the appellate courts' e-filing application, E-MACS, if required to do so. *See* Minn. R. Civ. App. P. 125.01(a). All comments shall be filed so as to be received by the Clerk's office no later than April 15, 2024.

Dated: February 15, 2024

BY THE COURT:



Natalie E. Hudson
Chief Justice