

STATE OF MINNESOTA
IN SUPREME COURT
ADM09-8009



**ORDER PROMULGATING AMENDMENTS TO THE MINNESOTA
GENERAL RULES OF PRACTICE FOR THE DISTRICT COURTS**

In a report dated December 28, 2022, the Minnesota Supreme Court Advisory Committee on General Rules of Practice (Advisory Committee) proposed amendments to the General Rules of Practice for the District Courts, including: (1) updating decorum and hearing format rules to reflect oneCourtMN Hearing Initiative recommendations; (2) updating Jury Management Rules 801–14 to reflect current Judicial Branch policy and practice developments; (3) updating the Expedited Process Rules to reflect current practices; and (4) housekeeping-related updates to Rules 14.01, 410, 416, 506, and 521. *See* Recommendations of Minnesota Supreme Court Advisory Committee on General Rules of Practice (Adv. Comm. Recs.), No. ADM09-8009 (filed Dec. 28, 2022).

By order filed on January 24, 2023, we established a period for the public to file written comments in response to the report filed by the committee. *See* Order Establishing Public Comment Period on Proposed Amendments to the Minnesota General Rules of Practice for the District Courts, ADM09-8009 (Minn. filed Jan. 24, 2023). Comments were received on some, but not all, of the proposed amendments.

Having carefully considered the Advisory Committee’s recommendations and the comments filed, we adopt in part, in full, or as modified, the proposed amendments in the categories listed above.¹

Decorum and Hearing Format Rules

First, the court approves the proposed amendments to the decorum and hearing format rules to reflect the oneCourtMN Hearing Initiative (OHI) recommendations. The Advisory Committee’s proposed amendments were in response to an April 19, 2022 order from the court, in which we asked the General Rules Advisory Committee, among others, to review whether amendments to the rules are necessary to implement the presumptive format for hearings reflected in Judicial Council Policy 525, as well as to consider other issues involving electronic service of process, E-Filing options for self-represented litigants, and livestreaming of proceedings in contemplation of the long-term use of remote hearings. *See* Order Governing the Continuing Operations of the Minnesota Judicial Branch, No. ADM20-8001 (Minn. filed Apr. 19, 2022). The Advisory Committee collaborated with OHI in proposing these amendments, and the only public comment received on this item

¹ The Advisory Committee also proposed a new Rule 315 addressing the impact of the Indian Child Welfare Act (ICWA) on third-party custody cases. The Advisory Committee acknowledged in its report that the case *Haaland v. Brackeen* was then pending before the U.S. Supreme Court, which called into question ICWA’s constitutionality. The Advisory Committee recognized that “the Court may need to direct the committee to make adjustments to its recommendations based on the impact such a case may have after the committee finalizes its report.” *See* Adv. Comm. Recs. at 57. The Supreme Court has since issued its decision in *Haaland v. Brackeen*, 599 U.S. ___, 143 S. Ct. 1609 (2023). On August 3, 2023, the Advisory Committee filed a letter attaching a revised Advisory Committee Comment following the U.S. Supreme Court’s decision. *See* Revised Advisory Comment to Rule 315, No. ADM09-8009 (filed Aug. 3, 2023). We will address proposed new Rule 315 and the accompanying Advisory Committee Comment in a future order.

was one of support by the Minnesota State Bar Association. We agree with the proposed amendments and adopt them.

Rule 2, which governs court decorum and the rules and conduct of judges and lawyers, is appropriately expanded to address decorum both in the courtroom and when using remote technology.

The proposed amendments to the General Rule governing Visual and Audio Recordings, Rule 4.01, reflect the broader use of remote court proceedings and ensure consistent limits on recording of proceedings regardless of format, and we adopt them. We note, however, that the language proposed by the General Rules Advisory Committee is substantially similar to amendment language proposed by the Criminal Rules Advisory Committee and adopted by the court in a March 15, 2023 order. *See* Order Promulgating Amendments to the General Rules of Practice for the District Courts, Nos. ADM10-8049, ADM09-8009 (Minn. filed Mar. 15, 2023). To the extent there are any slight differences between the version adopted from the Criminal Rules Advisory Committee and those proposed by the General Rules Advisory Committee, we adopt the General Rules Advisory Committee's proposal.

We also adopt the Advisory Committee's recommended amendments to Rule 14, governing the filing and service of documents and court notices, to permit electronic service for self-represented litigants who may not be registered users of the E-Filing System. The proposed rule permits other forms of electronic service or court notice upon parties not required to register through the E-Filing System, so long as it is agreed to by the party (or is otherwise ordered by the court or permitted by court rule). The proposed

amendment also makes clear that notice is effective upon transmission of the document or upon notice using the electronic means.

Jury Management Rules

The Advisory Committee considered and recommended comprehensive revisions to Jury Management Rules 801–14. These proposed amendments were generally aimed at updating the rules to conform with current practice, rather than adopting any substantive changes. The proposed amendments include:

- updating language to eliminate inaccurate and unnecessary definitions and outdated concepts and terminology;
- amending the rules to accurately reflect current statewide jury practices, including as it relates to compliance with the Americans with Disabilities Act;
- delegat[ing] to the jury commissioners and the State Court Administrator the authority to establish maximum terms of jury service, and to modify the prior jury service disqualification timeline when necessary to ensure adequate jurors in smaller counties when needed;
- provid[ing] clarity and guidance on a number of questions and issues the jury program frequently is called upon to address; and
- [incorporating] the Committee for Equality and Justice’s recommendation that the juror source lists be reviewed every year rather than every 4 years and clarify[ing] party and public access to jury information.

See Adv. Comm. Recs. at 40–41 (bullets added). No public comments were received regarding these general, non-substantive changes, which we adopt.

Comments were received, however, regarding the Advisory Committee’s proposed Rule 806(e), modifying current Rule 806(f). The current rule permits the chief judge (or designee) to order “appropriate corrective action” if that person “determines that improvement is needed in either the inclusiveness of the jury source list or the representativeness of the jury pool.” Minn. Gen. R. Prac. 806(f). We ordered the Advisory

Committee to consider whether the rule, “to the extent it gives chief judges of the district courts authority over the jury source list, should be amended,” particularly “[i]n light of the creation of the Judicial Council and given that jury management is the subject of Judicial Council policy.” *See In re Proposed Amendment to Minnesota Rules of General Practice*, No. ADM09-8009 (Minn. filed Sept. 29, 2022). The Advisory Committee, in response to the court’s order, recommended relabeling Current Rule 806(f) as Proposed Rule 806(e), and moving the authority to order corrective action from a chief judge to the Judicial Council. The proposed rule required the state court administrator or a jury commissioner, if they determined that improvement was needed in the inclusiveness of the jury source list or the representativeness of the jury pool, to report the issue to the Judicial Council.

Three public comments were received. The Minnesota State Bar Association proposed that the chief judge or designee also be able to report under-inclusiveness or under-representativeness in the jury pool. *See Comments of the Minnesota State Bar Association*, No. ADM09-8009 (filed Mar. 27, 2023). The two other comments were not supportive of Proposed Rule 806(e). *See Comments of Third Judicial District Committee for Equity and Justice*, No. ADM09-8009 (filed Mar. 23, 2023); *Comments of Cresston Gackle*, No. ADM09-8009 (filed Mar. 26, 2023). The Committee Chair filed a reply to these public comments, reiterating that concerns about jury representation should be addressed by a centralized, statewide system, but agreeing with the Minnesota State Bar Association’s recommendation that the chief judges or their designees be allowed to refer issues to the Judicial Council. *See Comments of General Rules Committee Chair, Judge Sarah Hennesy*, No. ADM09-8009 (filed Apr. 14, 2023).

We appreciate the work of the Advisory Committee on this issue and the public comments received. We agree that with authority for jury management placed with the Judicial Council, any solutions to problems should come in the form of Judicial Council–approved pilot programs or initiatives, rather than piecemeal programs and the possibility of inconsistent orders between districts. That approach, however, does not preclude the chief judge, or designee, along with the state court administrator or a jury commissioner, from bringing any concerns or proposals for action regarding the inclusiveness of the jury source list or the representativeness of the jury pool to the Judicial Council, which will then determine any appropriate corrective action. The rule we adopt as Rule 806(e) reflects these considerations.

Expedited Process Rules

General Rules 351–79 govern the Expedited Child Support Process under the Rules of Family Court Procedure. The current Expedited Child Support Process Rules were made part of the General Rules of Practice in 2001 and have only been subject to minor amendments in the subsequent 2 decades. The proposed amendments to the Expedited Child Support Process Rules are the product of a comprehensive review by the Child Support Unit of the State Court Administrator’s Office and recommendations by child support magistrates. The Minnesota State Bar Association also filed a public comment generally voicing its support of these amendments to reflect current practices. *See* Comments of the Minnesota State Bar Association, No. ADM09-8009 (filed Mar. 27, 2023). We appreciate the efforts by the Advisory Committee and Child Support Unit, agree with the proposed amendments, and adopt them.

Housekeeping-Related Updates to Rules 14.01, 410, 416, 506, and 521

The Advisory Committee proposed amendments to Rules 14.01, 410, 416, 506, and 521, which were intended to be housekeeping amendments and uncontroversial in nature. We agree and adopt those housekeeping amendments to these rules that proved to be uncontroversial when no public comments in opposition were received. This change includes amendments to Rule 14.01(b)(2)(i) to avoid courts from rejecting the E-Filing of a copy of an original will when the original will is also filed in hard-copy form; amendments to Rule 416 to conform to statutory terminology in Minn. Stat. § 524.5-102, subds. 13a, 13b (2022), referring to a “[p]erson subject to conservatorship” or “[p]erson subject to guardianship”; revising the time standards in Rule 410 to conform to Minn. Stat. §§ 524.3-310 and 524.3-711 (2022); and to add the qualifier “except as otherwise provided by law” to both Rules 506 and 521—which concern the payment of fees—to account for statutory fee waivers found in Minn. Stat. §§ 169A.63, subd. 8(e) and 609.5314, subd. 3(a) (2022).

IT IS HEREBY ORDERED that the attached amendments to the Minnesota General Rules of Practice for the District Courts are prescribed and promulgated effective on November 22, 2023, with the exception of the amendment to Rule 4.01, which is effective January 1, 2024.

Dated: August 24, 2023

BY THE COURT:

A handwritten signature in cursive script, appearing to read "Lorie S. Gildea".

Lorie S. Gildea
Chief Justice

AMENDMENTS TO THE GENERAL RULES OF PRACTICE FOR THE DISTRICT COURTS

[Note: In the following amendments, deletions are indicated by a line drawn through the words and additions are indicated by a line drawn under the words.]

TITLE I. RULES APPLICABLE TO ALL COURT PROCEEDINGS

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RULE 2. COURT DECORUM; ~~ROLES~~ CONDUCT OF JUDGES AND LAWYERS

Rule 2.01 Behavior and Ceremony in General

(a) **Acceptable Behavior.** Dignity and solemnity shall be maintained in the courtroom whether in person or using remote technology. Appropriate courtroom clothing is required. Hats and head coverings that are not worn for religious or medical reasons shall be removed unless permitted by the presiding judicial officer. There shall be no consumption of food or beverages, with the exception of water by permission of the judge. There shall be no gum chewing, smoking or use of vaping products, ~~no~~ unnecessary conversation, background noise, loud whispering, newspaper, electronic device or magazine reading, or other distracting activity in the courtroom while court is in session. While using remote technology, attorneys, parties, participants, and observers shall remain in a stationary location in front of the device camera, mute their microphone when not speaking, and not engage in distracting activities. The court or presiding judicial officer has discretion to limit or prohibit the use of electronic devices in the courtroom. The court or presiding officer's discretion is limited by Rule 4 of these Rules as it pertains to electronic devices used to photograph or record the proceedings. Permitted electronic devices must in all instances be set to silent mode, and must be used in an unobtrusive manner.

(b) **Flag.** The flags of the United States and the State of Minnesota shall be displayed on or in close proximity to the bench when court is in session but need not be displayed at all times when using remote technology.

(c) **Formalities in Opening Court.** At the opening of each court day, the formalities to be observed shall consist of the following: court personnel shall direct all physically present to stand, and shall say clearly and distinctly: Everyone please rise! The District Court of the _____ Judicial District, County of _____, State of Minnesota is now open. Judge _____ presiding. Please be seated. (Rap gavel or give other signal immediately prior to directing audience to be seated.)

At any time thereafter during the day that court is reconvened court personnel shall give warning by gavel or otherwise, and as the judge enters, cause all physically present to stand until the Judge is seated.

(The above rule (to) or (to not) apply to midmorning and midafternoon recesses of the court at the option of the judge.)

(d) **The Jury.** ~~Jurors shall take their places in the jury box before the judge enters the courtroom.~~ Court personnel shall assemble the jurors when court is reconvened.

When a jury has been selected and is to be sworn, the presiding judge or clerk shall request everyone physically present in the courtroom to stand.

(e) **Court Personnel.** Court personnel shall maintain order as litigants, witnesses and the public assemble in the courtroom, during trial and during recesses. Court personnel shall direct them to seats and refuse admittance to the courtroom in such trials where the courtroom is occupied to its full seating capacity. In proceedings where remote technology is used, court personnel shall assist with decorum as directed by the judge.

(f) **Swearing of Witnesses.** When the witness is sworn, court personnel shall request the witness' full name, and after being sworn, courteously invite the witness if physically present to be seated on the witness stand.

(g) **Manner of Administration of Oath.** Oaths and affirmations shall be administered to jurors and witnesses in a slow, clear, and dignified manner. Witnesses physically present in the courtroom should stand near the bench, or witness stand as sworn. The swearing of witnesses should be an impressive ceremony and not a mere formality.

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Rule 2.02 Role of Judges

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(e) **Decorum in Court.** The judge shall be responsible for order and decorum in the court whether in person or using remote technology and shall see to it at all times that parties and witnesses in the case are treated with proper courtesy and respect.

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Rule 2.03 Role of Attorneys

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(b) **Addressing Court or Jury.** Except when making objections, lawyers physically present in the courtroom should rise and remain standing while addressing the court or the jury. In addressing the court, the lawyer should refer to the judge as "Your Honor" or "The Court." Counsel shall not address or refer to jurors individually or by name or occupation, except during voir dire, and shall never use the first name when addressing a juror in voir dire examination. During trial, counsel shall not exhibit familiarity with the judge, jurors, witnesses, parties or other counsel, nor address them by use of first names (except for children).

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Advisory Committee Comment—2023 Amendments

Rule 2 is modified in 2023 to reflect broader use of remote court proceedings and the decorum challenges that arise in the remote context.

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RULE 4. VISUAL AND AUDIO RECORDINGS

Rule 4.01. General Rule

Except as set forth in this rule, no visual or audio recordings, except the recording made as the official court record, shall be taken in any courtroom, whether in person or using remote technology, area of a courthouse where courtrooms are located, or other area designated by order of the chief judge made available in the office of the court administrator in the county, during a trial or hearing of any case or special proceeding incident to a trial or hearing, or in connection with any grand jury proceedings. Visual and audio coverage or recording includes film, video, livestreaming, and still photography. For purposes of this rule, a hearing held remotely using video technology is not considered livestreaming and any recording or broadcasting of such hearings is prohibited unless specifically authorized by the presiding judge.

This rule may be superseded by specific rules of the Minnesota Supreme Court relating to use of cameras in the courtroom for courtroom security purposes, for use of video or audio recording of proceedings to create the official recording of the case, ~~or~~ for interactive video hearings pursuant to rule or order of the supreme court, or by exceptions listed in Rule 4.02. This Rule 4 does not supersede the provisions of the Minnesota Rules of Public Access to Records of the Judicial Branch.

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Advisory Committee Comment—2023 Amendments

Rule 4.01 is modified in 2023 to reflect broader use of remote court proceedings and to ensure consistent limits on recording of proceedings regardless of format.

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RULE 14. E-FILING AND E-SERVICE

Rule 14.01. Mandatory and Voluntary E-File and E-Service

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(b) Scope and Effective Date of Mandatory and Voluntary E-File and E-Service.

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- (2) Prohibited E-Filing.** The following documents may not be filed electronically:
- (i) Wills deposited for safekeeping under Minn. Stat. § 524.2-515 or original wills filed in probate cases under Rule 403(e) (provided that this shall not prohibit e-filing of a copy of an original will in probate cases); and
 - (ii) All documents in parental notification bypass proceedings under Minn. Stat. § 144.343.

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Advisory Committee Comment—2023 Amendments

Rule 14.01(b)(2) is modified in 2023 to avoid rejection of filings when a copy of an original will is e-filed.

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Rule 14.03. Filing and Service of Documents and Court Notices

(d) Service by Registered Users. Unless personal service is otherwise required by statute, these rules, other rules of court, or an order of the court, a Registered User shall serve all documents required or permitted to be served upon another party or person in the following manner:

* * *

(2) Service on Other Parties or Participants. Where the party or participant to be served is not a Registered User or has not either designated an email address for receiving electronic service in the E-Filing system for the case or electronically filed a document in the case but has agreed to service by electronic means outside the E-Filing System (such as by e-mail or other electronic means), service may be made in the agreed upon manner. The presiding judge or judicial officer may also order that service on the non-Registered User be made by electronic means outside of the E-Filing System. Where service by electronic means is not required or permitted, another method of service authorized under applicable rules or law must be used.

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(e) Effective Date of Service. Service is complete upon completion of the electronic transmission of the document to the E-Filing System notwithstanding whether the document is subsequently rejected for filing by the court administrator. Service by facsimile transmission, where authorized, is complete upon the completion of the facsimile transmission. Service using other agreed upon electronic means pursuant to Rule 14.03(d)(2) is complete upon transmission of the document using that electronic means.

(f) Court Notices. Unless otherwise required by statute, these rules, other rules of court, or an order of the court, the court may transmit any document or notice in the following manner:

(1) to a Registered User through the E-Filing System. Notice is effective upon transmission of the document or notice to the E-Filing System by the court. The court may also transmit notices outside the E-Filing System as provided in Rule 14.02(a) or other applicable rules.

(2) to any Party or Participant who is not a Registered User through any electronic means agreed to by the Party or Participant, or as ordered by the court, or as permitted by any other rule. Notice is effective upon transmission of the document or notice using that electronic means.

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Advisory Committee Comment—2023 Amendments

Rule 14.03 is modified in 2023 to reflect broader use of remote court proceedings and participation by self-represented litigants who may not be Registered Users of the E-Filing System. The rule permits, for example, court notices and orders to be served via email or other electronic means if the receiving party agrees, and that such service is effective upon transmission.

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AMENDMENTS TO THE GENERAL RULES OF PRACTICE FOR THE DISTRICT COURTS

[Note: In the following amendments, deletions are indicated by a line drawn through the words and additions are indicated by a line drawn under the words.]

TITLE IV. RULES OF FAMILY COURT PROCEDURE

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PART B. EXPEDITED CHILD SUPPORT PROCESS

1. GENERAL RULES

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RULE 352. DEFINITIONS

Rule 352.01 Definitions

For purposes of these rules, the following terms have the following meanings:

- (g) “**IV-D case**” means any proceeding where a party has either (1) assigned to the State rights to child support because of the receipt of public assistance as defined in Minn. Stat. § 256.741, subd. 1(b) ~~(2006)~~, or (2) applied for child support services under Title IV-D of the Social Security Act, 42 U.S.C. § 654(4) ~~(2006)~~. “IV-D case” does not include proceedings where income withholding is the only service applied for or received under Minn. Stat. § 518A.53 ~~(2006)~~. Pursuant to 45 CFR § 302.33(a)(4), a case remains a IV-D case when assigned public assistance closes unless the applicant requests closure of the child support case.

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Advisory Committee Comment—2023 Amendments

Rule 352.01(g) is modified in 2023 to include the federal requirement to clarify that a case remains IV-D after the assigned public assistance closes unless the applicant requests case closure.

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RULE 353. TYPES OF PROCEEDINGS

Rule 353.01 Types of Proceedings

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Subd. 2. Permissive Proceedings.

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(c) Change of Venue. Upon motion by a party for a change of venue, a child support magistrate shall issue the following order:

(1) Upon consent of all parties, or the failure of any party to file a timely objection, a child support magistrate may issue an order changing venue or may sign a proposed default order changing venue. The court administrator shall forward the court file to the county that has been granted venue.

(2) If any party disputes a motion to change venue, the child support magistrate shall issue an order referring the matter to district court and the court administrator shall schedule the matter for hearing. The court administrator shall transmit notice of the date, time, and location of the hearing to all parties. Notice shall be sent in accordance with Rule 14 to all parties who have agreed to or are required to accept electronic service, and to all other parties in accordance with Rule 13 of these Rules and Rule 77.04 of the Rules of Civil Procedure.

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Advisory Committee Comment—2023 Amendments

Rule 353.01, subd. 2(c), is modified in 2023 to allow magistrates to approve default orders for uncontested change of venue motions, without scheduling these matters for hearing.

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RULE 356. FEES

Rule 356.01 Collection of Fees

The court administrator shall charge and collect fees pursuant to Minnesota Statutes. Fees must be paid, or a fee waiver granted, 7 days in advance of the scheduled hearing.

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Advisory Committee Comment—2023 Amendments

Rule 356.01 is modified in 2023 to require an approved fee waiver or payment of fees 7 days prior to a hearing to allow court staff time to remove cases from the calendar that are not going to be able to proceed due to failure of payment.

Rule 356.02 Waiver of Fees

If a party indicates an inability to pay any fee required under Rule 356.01, the court administrator shall explain that the party may apply for permission to proceed without payment of the fee. Upon request, the court administrator shall provide to such a party an application to proceed in forma pauperis. If a party signs and submits to the court administrator an application to proceed without payment of the fee, and such a request to waive the fee is approved by a child support magistrate or other judicial officer, the court administrator shall not charge and collect the fee.

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Advisory Committee Comment—2023 Amendments

Rule 356.02 is modified in 2023 to recognize that under local practice in forma pauperis requests may be reviewed and signed by either a magistrate, a referee, or a judge.

RULE 357. LEGAL REPRESENTATION AND APPOINTMENT OF GUARDIAN AD LITEM

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Rule 357.03 Appointment of Attorney at Public Expense

Unless a party voluntarily waives the right to counsel, the child support magistrate shall appoint an attorney at public expense for a party who requests an attorney and who cannot afford to retain an attorney when the case involves:

- (a) establishment of parentage; or
- (b) contempt proceedings in which incarceration of the party is a possible outcome of the proceeding.

Pursuant to Minn. Stat. § 257.69, subd. 1 (2018), a court-appointed attorney shall represent a party only with respect to issues necessary for the initial establishment of parentage.

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Advisory Committee Comment—2023 Amendments

Rule 357.03 is modified in 2023 to narrow the statutory reference to subdivision 1 as other parts of the statute address different issues.

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RULE 358. COURT INTERPRETERS

Rule 358.01 Appointment Mandatory

The child support magistrate shall appoint a qualified interpreter in any proceeding conducted in the expedited process in which a person ~~handicapped~~ disabled in communication is a party or witness. Such appointment shall be made according to the provisions of Minn. Gen. R. Prac. 8.

Rule 358.02 “Person ~~Handicapped~~ Disabled in Communication” Defined

For the purpose of Rule 358.01, a “person ~~handicapped~~ disabled in communication” is one who, because of a hearing, speech, or other communication disorder, or because of difficulty in speaking or comprehending the English language, is unable to fully understand the proceedings in which the person is required to participate, or when named as a party to a legal proceeding is unable by reason of the ~~handicap~~ disability to obtain due process of law.

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Advisory Committee Comment—2023 Amendments

Rules 358.01-.02 are modified in 2023 to adopt terminology that is consistent with Minn. Stat. § 546.42.

RULE 359. TELEPHONE AND INTERACTIVE VIDEO

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Rule 359.02 Procedure

The court administrator or court administrator’s designee shall arrange remote participation in a hearing ~~for any by telephone or other remote or interactive video means, as hearing approved by the child support magistrate. When conducting a remote proceeding by telephone or interactive video and with a party or witness that resides out of state, the child support magistrate shall ensure that the requirements of Minn. Stat. § 518C.316 (2000) are met. The child support magistrate Court Administration shall make adequate provision for a record of any remote proceeding conducted by telephone or interactive video. No recording may be made of any remote proceeding conducted by telephone or interactive video, except the recording made as the official court record.~~

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Advisory Committee Comment—2023 Amendments

Rule 359.02 is modified in 2023 to recognize broader use of remote hearing technology and that court staff make arrangements for recording such proceedings.

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RULE 361. DISCOVERY

Rule 361.01 Witnesses

Any party may call witnesses to testify at any hearing. Any party intending to call a witness other than an employee of the county agency or any party to the proceeding shall, at least 7 days before the hearing, provide to the other parties and the county agency written notice of the name and address of each witness. The proposed witness list must be served on the other parties and filed with the court at least 7 days before the hearing.

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Advisory Committee Comment—2023 Amendments

Rule 361.01 is modified in 2023 to require serving and filing the witness list 7 days before the hearing to prevent unfair surprise and allow for better calendar management. Expedited process hearings are typically scheduled for 30–45 minutes each, and without advance notice of additional witnesses, the matter risks being continued or rescheduled.

Rule 361.02 Exchange of Documents

Subdivision 1. Documents Required to be Provided Upon Request. If a complaint or motion has been served and filed in the expedited process, a party may request any of the documents listed below. The request must be in writing and served upon the appropriate party. The request may be served along with the pleadings. A party shall provide the following documents to the requesting party no later than 14 days from the date of service of the written request.

- (a) Verification of income, costs and availability of dependent health coverage, child care costs, ~~and~~ monthly living expenses, and, if self-employed, monthly business expenses.
- (b) Copies of last three months of pay stubs.
- (c) A copy of last two years' State and Federal income tax returns with all schedules and attachments, including Schedule Cs, W-2s and/or 1099s.

- (d) Written verification of any voluntary payments made for support of a joint child.
- (e) Written verification of any other court-ordered child support obligations for a nonjoint child
- (f) Written verification of any court-ordered spousal maintenance obligation.

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Advisory Committee Comment—2023 Amendments

Rule 361.02, subd. 1, is modified in 2023 to clarify the types of expenses that should be disclosed during informal discovery.

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Rule 361.03 Other Discovery

Subdivision 1. Motion for Discovery. Any additional means of discovery available under the Minnesota Rules of Civil Procedure, including requests for subpoenas for the attendance of witnesses or for the production of documents, may be allowed only by order of the child support magistrate. The party seeking discovery shall serve and file a motion before the child support magistrate for an order permitting additional means of discovery. The motion shall include the reason for the request and shall notify the other parties of the opportunity to respond within 7 days. The party seeking discovery has the burden of showing that the discovery is needed for the party's case, is not for purposes of delay or harassment, and that the issues or amounts in dispute justify the requested discovery. The motion for discovery shall be decided without a hearing unless the child support magistrate determines that a hearing is necessary. The child support magistrate shall issue an order granting or denying the discovery motion. If the discovery motion is granted, the requesting party must serve the approved discovery requests upon the responding party and the discovery responses are due 14 days following service of the discovery request, unless otherwise ordered.

~~———— **Subd. 2. Objections to Discovery.** If a party objects to discovery that party may serve and file a motion within 7 days of service of discovery. The motion may be decided without a hearing unless the child support magistrate determines that a hearing is necessary.~~

Subd. 2. Subpoenas.

(a) The motion for a subpoena shall specifically identify any documents requested, include the full name and home or business address of all persons to be subpoenaed, and specify the date, time, and place for responding to the subpoena.

(b) The motion for a subpoena shall be decided without a hearing unless the child support magistrate determines that a hearing is necessary. The child support magistrate shall issue an order approving or denying the motion.

(c) If the order approves the motion, the court administrator shall issue a subpoena in accordance with Minn. R. Civ. P. 45. The party requesting the subpoena shall fill out the subpoena before having it served. An attorney as officer of the court may also issue and sign a subpoena on behalf of the court where the action is pending.

(d) All subpoenas shall be personally served by the sheriff or by any other person who is at least 18 years of age who is not a party to the action. Employees of the county agency may personally serve subpoenas. The person being served shall, at the time of service, be given the fees and mileage allowed by Minn. Stat. § 357.22. When the subpoena is requested by the county agency, fees and mileage need not be paid. The cost of service, fees, and expenses of any witnesses who have been served subpoenas shall be paid by the party at whose request the witness appears. The person serving the subpoena shall provide proof of service by filing the original subpoena with the court, along with an affidavit of personal service.

(e) A child support magistrate shall deny or modify the subpoena if it is unreasonable or oppressive, taking into account the issues or amounts in controversy, the costs or other burdens of compliance when compared with the value of the testimony or evidence requested, and whether there are alternative methods of obtaining the desired testimony or evidence. Modification may include requiring the party requesting the subpoena to pay reasonable costs of producing documents, books, papers, or other tangible things.

Subd. 3. Objections to Discovery or Subpoena.

(a) **Objection to Discovery.** If a party objects to discovery, that party may serve and file a motion within 7 days of service of the discovery request. The motion may be decided without a hearing unless the child support magistrate determines that a hearing is necessary.

(b) **Objection to Subpoena.** Any person served with a subpoena who objects to the request shall serve upon the parties and file with the court a motion objecting to the subpoena. The motion shall indicate why the request is unreasonable or oppressive. The motion shall be served and filed promptly and no later than the time specified in the subpoena for compliance.

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Advisory Committee Comment—2023 Amendments

Rule 361.03 is modified in 2023 to make subpoenas a part of the formal discovery process, which requires judicial officer permission in the expedited process. This ensures that subpoenas for documents remain within the allowable scope of Rule 361.02. Any person being served with a subpoena may waive the personal service requirement and consent to an alternative means of service, such as service by U.S. Mail or e-mail. These changes replace former Rule 361.06 which is deleted. A motion objecting to discovery or a subpoena is also commonly titled a motion for protective order.

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Rule 361.06 Subpoenas

~~**Subdivision 1. Written Request.** Requests for subpoenas for the attendance of witnesses or for the production of documents shall be in writing and shall be submitted to the court administrator. The request shall specifically identify any documents requested, include the full name and home or business address of all persons to be subpoenaed, and specify the date, time, and place for responding to the subpoena. The court administrator shall issue a subpoena in accordance with Minn. R. Civ. P. 45. The party requesting the subpoena shall fill out the subpoena before having it served. An attorney as officer of the court may also issue and sign a subpoena on behalf of the court where the action is pending.~~

~~**Subd. 2. Service of Subpoenas Shall be by Personal Service.** All subpoenas shall be personally served by the sheriff or by any other person who is at least 18 years of age who is not a party to the action. Employees of the county agency may personally serve subpoenas. The person being served shall, at the time of service, be given the fees and mileage allowed by Minn. Stat. § 357.22 (2000). When the subpoena is requested by the county agency, fees and mileage need not be paid. The cost of service, fees, and expenses of any witnesses who have been served subpoenas shall be paid by the party at whose request the witness appears. The person serving the subpoena shall provide proof of service by filing the original subpoena with the court, along with an affidavit of personal service.~~

~~**Subd. 3. Objection to Subpoena.** Any person served with a subpoena who objects to the request shall serve upon the parties and file with the court an objection to subpoena. The party objecting shall state on the objection to subpoena why the request is unreasonable or oppressive. The objection to subpoena shall be filed promptly and no later than the time specified in the subpoena for compliance. A child support magistrate shall cancel or modify the subpoena if it is unreasonable or oppressive, taking into account the issues or amounts in controversy, the costs or other burdens of compliance when compared with the value of the testimony or evidence requested, and whether there are alternative methods of obtaining the desired testimony or evidence. Modification may include requiring the party requesting the subpoena to pay reasonable costs of producing documents, books, papers, or other tangible things.~~

* * *

RULE 363. DEFAULT

Rule 363.01 Scope

The default procedure set forth in this rule applies to actions to establish support under Minn. Stat. § 256.87 (2000) (Rule 370), and proceedings to modify support or set support (Rule 372), proceedings to change venue under Rule 353.01, subd. 2(c), and proceedings to reinstate a recreational license under Minn. Stat. § 518A.68(c).

Advisory Committee Comment—2023 Amendments

Rule 363.01 is modified in 2023 to recognize that magistrates can process default proceedings under Rule 353.01 and default proceedings to reinstate a recreational license under Minn. Stat. § 518A.68(c). Reinstatements of a recreational license are required under the statute if the obligor is compliant with a payment agreement or subpoena or the IV-D case is closing. These reinstatements are usually not contested and it wastes court hearing time slots to require these cases on the Ex Pro calendar. A party retains the ability to request a hearing if they disagree with the reinstatement.

* * *

Rule 363.02 Procedure

The initiating party may proceed by default if:

- (a) all non-initiating parties have been properly served with the summons or notice of motion;
- (b) the summons or notice of motion did not contain a hearing date; and
- (c) there has been no written answer or return of the request for hearing form from any party within 21 days from the date the last party was served.

The initiating party shall file an order with the court within 45 days from the date the last non-initiating party was served with the summons and complaint or notice of motion and motion. The initiating party shall also file with the court a separate current affidavit of default and a current affidavit of non-military status regarding each non-initiating party. If an order is not filed with the court within 45 days, the court administrator shall mail a notice to all parties that the matter shall be scheduled for hearing unless the initiating party files an order along with all necessary documents within 14 days from the date notice was mailed. If the initiating party fails to file the necessary documents within the allotted 14 days, the court administrator shall set the matter on for hearing and serve upon all parties and the county agency by U.S. mail at least 14 days before the scheduled hearing, notice of the date, time, and location of the hearing. The notices shall be sent by electronic means in accordance with Rule 14 to any party who has agreed to or is required to accept electronic service under Rule 14.

* * *

Advisory Committee Comment—2023 Amendments

Rule 363.02 is modified in 2023 to require a separate affidavit for each defaulting party, which results in a clear record with separate case events in the court's case management system.

* * *

RULE 364. HEARING PROCESS

* * *

Rule 364.03 Timing of Hearing

In the event the parties are unable to resolve the matter, a hearing shall be held no sooner than 21 days after service of the summons and complaint or notice of motion and motion, unless the time period is waived by the parties. Every effort shall be made to conduct the hearing no later than 60 days after service of the summons and complaint or notice of motion and motion on the last person served or, in an establishment of parentage case, no later than 60 days after receipt of the genetic test results. ~~If conducted later than 60 days, the court administrator shall report that fact to the chief judge of the judicial district.~~ Conducting a hearing later than 60 days after service or receipt of blood or genetic test results does not deprive the child support magistrate of jurisdiction.

* * *

Advisory Committee Comment—2023 Amendments

Rule 364.03 is modified in 2023 to remove notice to the chief judge, which has fallen out of practice and will minimize burdens on court staff.

Rule 364.04 Notice of Hearing

A notice of the hearing shall:

- (a) state the name of the court;
- (b) state the names of the parties;
- (c) state the date, time, and location of the hearing;
- (d) state that the parties shall appear at the hearing, unless otherwise provided in these rules;
- (e) inform the parties of the requirement to submit ~~bring to the hearing~~ sufficient copies of all documents the parties intend to offer ~~paper or electronic copies of documents to all other parties and the court that they intend to present as evidence at least 7 days before the hearing. The court has discretion to disregard the documents if they are not received at least 7 days before the hearing;~~ and
- (f) if possible, include the name of the child support magistrate assigned to the case.

Advisory Committee Comment—2023 Amendments

Rule 364.04 is modified in 2023 to recognize that in remote proceedings parties will not bring evidentiary documents to the hearing as they would for an in-person hearing, but parties are required to submit them to the court and other parties least 7 days in advance of the hearing in the manner as directed by applicable court order or notice. The Minnesota Digital Exhibit System (MNDES), to the extent that it

is available in a particular county, was designed for submission of evidentiary documents to the court. Details regarding MNDES are available on the main judicial branch website (www.mncourts.gov).

* * *

Rule 364.08 Record of Hearing

The ~~Each~~ child support magistrate shall ensure that an accurate record is made of each hearing over which the magistrate presides; be in complete charge of the hearing at all times and shall see to it that everything is done to obtain a clear and accurate record of the hearing. It is a duty to see that the witnesses testify clearly so that a correct record of the hearing is obtained.

* * *

Advisory Committee Comment—2023 Amendments

Rule 364.08 is modified in 2023 to make it consistent with Rule 2.02(f).

* * *

Rule 364.09 Right to Present Evidence

* * *

Subd. 3. Necessary Preparation Required. ~~The parties shall exchange copies of documents~~ At least 7 days before the hearing the parties shall submit to all other parties and the court paper or electronic copies of any documents they intend to present as evidence. ~~If the exchange is not completed within the required time frame, each party shall bring to the hearing all evidence, both oral and written, the party intends to present. Each party must have enough copies of each exhibit the party intends to offer so that a copy can be provided to all other parties and the child support magistrate at the time of the hearing.~~ The child support magistrate shall have the discretion in determining whether evidence that was not timely exchanged before the hearing should or should not be admitted into evidence.

* * *

Advisory Committee Comment—2023 Amendments

Rule 364.09, subd. 3, is modified in 2023 to recognize that in remote proceedings parties will not bring evidentiary documents to the hearing as they would for an in-person hearing, but parties are required to submit them to the court and other parties at least 7 days in advance of the hearing as directed by applicable court order or notice. The Minnesota Digital Exhibit System (MNDES), to the extent that is available in a particular county, was designed for submission of evidentiary documents to the court. Details regarding MNDES are available on the main judicial branch website (www.mncourts.gov).

* * *

Rule 364.10 Evidence

Subdivision 1. Type of Evidence Admissible. The child support magistrate may admit any evidence that possesses probative value, including hearsay, if it is the type of evidence on which reasonable, prudent persons are accustomed to rely in the conduct of their serious affairs. The child support magistrate shall give effect to the rules of privilege recognized by law. ~~Evidence that is not related to the issue of support, is unimportant to the issue before the magistrate, or that repeats evidence that has already been provided shall not be allowed.~~

Subd. 2. Evidence Part of Record.

In rendering a decision, a child support magistrate may consider:

- (a) All pleadings and supporting documentation previously served upon the parties and filed with the court, unless objected to, ~~may be considered by the magistrate;~~
- (b) ~~Only~~ Evidence that is offered and received during the hearing; ~~or~~
- (c) Evidence that is timely submitted following the hearing with the permission of the child support magistrate; ~~may be considered in rendering a decision, including, but not limited to, and~~
- (d) ~~†~~ Testimony, affidavits, exhibits, and financial information, and anything additional that is related to the issue of support or is important to the issue before the child support magistrate.

Evidence that is unrelated to the issue of support, is unimportant to the issue before the child support magistrate, or that repeats evidence that has already been provided shall not be allowed.

* * *

Advisory Committee Comment—2023 Amendments

Rule 364.10 is modified in 2023 to clarify the types of evidence that may be considered by the magistrate.

* * *

Rule 364.14 Discretion to Leave Record Open

At the conclusion of a hearing, the child support magistrate may leave the record open and request or permit submission of additional documentation. Unless otherwise ordered by the child support magistrate, such additional documentation shall be submitted to the court within 14 days after the conclusion of the hearing. Documents submitted after the due date or without permission

of the child support magistrate ~~shall be returned to the sender and~~ shall not be considered by the child support magistrate when deciding the case and if submitted in person or by mail, court administration shall return the documents to the sender.

* * *

Advisory Committee Comment—2023 Amendments

Rule 364.14 is modified in 2023 to recognize that documents submitted electronically after the deadline for a remote proceeding are not physically returned.

* * *

RULE 365. DECISION AND ORDER OF CHILD SUPPORT MAGISTRATE

* * *

Rule 365.02 Timing

Within 30 days of the close of the record the child support magistrate shall file with the court a decision and order. ~~The child support magistrate~~ Court administration may serve the order upon the parties at the hearing.

Advisory Committee Comment—2023 Amendments

Rule 365.02 is modified in 2023 to recognize that court staff serve the orders that the magistrates sign and file.

* * *

RULE 367. ADMINISTRATION OF EXPEDITED CHILD SUPPORT PROCESS; CHILD SUPPORT MAGISTRATES

* * *

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~~ or less than full-time basis.

* * *

Advisory Committee Comment—2023 Amendments

Rule 367.02 is modified in 2023 to recognize that all child support magistrates are now judicial branch employees.

* * *

Rule 367.04 Conflict of Interest

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

- (a) ~~an a practicing 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; or
- (c) a mediator unless they receive written permission from the appointing authority to do so.

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

Advisory Committee Comment—2023 Amendments

Rule 367.04 is modified in 2023 to recognize that all child support magistrates are now judicial branch employees and may not practice law, even if employed on a less than full-time basis. The rule is also modified to allow magistrates to serve as a mediator, but only if approved by the appointment authority, which will reduce any potential conflicts of interest.

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~~ less than full-time basis.

* * *

Advisory Committee Comment—2023 Amendments

Rule 367.05 is modified in 2023 to recognize that all child support magistrates are now judicial branch employees.

* * *

RULE 369. ROLE OF COUNTY ATTORNEY AND EMPLOYEES OF THE COUNTY AGENCY

* * *

Rule 369.02 Role of Employees of County Agency

Subdivision 1. County Attorney Direction. Under the direction of, and in consultation with, the county attorney, and consistent with Rules 5.3 and 5.5 of the Minnesota Rules of Professional Conduct, employees of the county agency may perform the following duties:

* * *

- (c) prepare pleadings, subject to review and approval of the county attorney, including, but not limited to, summonses and complaints, notices, motions, subpoenas, orders to show cause, proposed orders, administrative orders, and stipulations and agreements;

* * *

Advisory Committee Comment—2023 Amendments

Rule 369.02, subd. 1, is modified in 2023 to make it consistent with Minn. Stat. § 518A.46, subd. 2.

* * *

2. PROCEEDINGS

RULE 370. ESTABLISHMENT OF SUPPORT PROCEEDINGS

* * *

Rule 370.02 Content of Summons, Complaint, Motion, Supporting Affidavit, and Request for Hearing Form

Subdivision 1. Content of Summons. A summons shall:

- (a) state the name of the court;
- (b) state the names of the parties;

- (c) state an address where the initiating party may be served;
- (d) state that the purpose of the action is to establish support;
- (e) either set a hearing date or attach a request for hearing form;
- (f) provide information about serving and filing a written response pursuant to Rule 370.04 and Rule 370.05;
- (g) state that all parties shall appear at the hearing if one is scheduled, and state that if any party fails to appear at the hearing the child support magistrate shall proceed pursuant to Rule 365.01;
- (h) state that the child support magistrate may sign a default order pursuant to Rule 363.03;
- (i) state that a party has the right to representation pursuant to Rule 357;
- (j) state that the case may be settled informally by contacting the initiating party, and include the name, address, and telephone number of the person to contact to discuss settlement; and
- (k) be signed by the initiating party or that party's attorney.

If there is reason to believe that domestic violence exists or if an order for protection has been issued, the party may provide an alternative address and telephone number. Pursuant to Minn. Stat. § 518.005, subd. 5 ~~(2000)~~, in all actions in which public assistance is assigned or the county agency is providing services to a party or parties to the action, information regarding the location of one party may not be released by the county agency to any other party if the county agency has knowledge that ~~a protective order with respect to the other party has been entered~~ one party is currently subject to a protective order with respect to the other party or the joint child, and disclosure has not been authorized, or has reason to believe that the release of the information may result in physical or emotional harm to ~~the other~~ a party or the joint child.

* * *

Subd. 3. Content of Motion. A motion shall:

- (a) state the specific relief being requested from the court;
- (b) provide information about the right to respond and the timing requirements; and
- (c) set forth the acknowledgment required under Rule 379.04.

Subd. 34. Content of Supporting Affidavit. A supporting affidavit is required when the summons does not contain a hearing date. The supporting affidavit shall:

- (a) state detailed facts supporting the request for relief;
- (b) provide all information required by Minn. Stat. § 518A.46, subd. 3(a) ~~(2006)~~, if known; and
- (c) be either:
 - (1) signed and sworn to under oath; or
 - (2) signed under penalty of perjury pursuant to Minn. Stat. § 358.116, provided that the signature is affixed immediately below a declaration using substantially the following language: "I declare under penalty of perjury that everything I have stated in this document is true and correct." In addition to

the signature, the date of signing and the county and state where the document was signed shall be noted on the document.

Subd. ~~4~~5. Content of Request for Hearing Form. A request for hearing form shall contain the name and address of the initiating party and a short, concise statement that a non-initiating party requests a hearing.

* * *

Advisory Committee Comment—2023 Amendments

Rule 370.02 is modified in 2023 to require a motion to commence a support proceeding and to recognize the statutory limits on the public authority's disclosure of address information pursuant to Minn. Stat. §§ 518.005, subd. 5, and 257.70(b).

* * *

Rule 370.03 Service of Summons and Complaint

Subdivision 1. Who is Served. All parties, and the county agency even if not a party, shall be served pursuant to subdivision 2.

Subd. 2. How Served. The summons, ~~and~~ complaint, and motion, and if required the supporting affidavit and request for hearing form, shall be served upon the parties by personal service, or alternative personal service, pursuant to Rule 355.02, unless personal service has been waived in writing. Where the county agency is the initiating party, a non-parent who is receiving assistance from the county or who has applied for child support services from the county may be served by any means permitted under Rule 355.02.

Advisory Committee Comment—2023 Amendments

Rule 370.03, subd. 2, is modified in 2023 to require a motion to commence a support proceeding.

Rule 370.04 Filing Requirements

Subdivision 1. Initiating Party. No later than ~~7~~ 14 days before any scheduled hearing or, ~~if no hearing is scheduled, within 14 days~~ after the last party was served, the initiating party shall file the following with the court:

- (a) the original summons;
- (b) the original complaint;
- (c) the original motion;
- ~~(e)~~(d) the original supporting affidavit, if served;
- ~~(d)~~(e) the request for hearing form, if returned to the initiating party; and
- ~~(e)~~(f) proof of service upon each party pursuant to Rule 355.04.

* * *

Advisory Committee Comment—2023 Amendments

Rule 370.04, subd. 1, is modified in 2023 to require a motion to commence a support proceeding and to require earlier filing of the required documents to allow court staff adequate time to open a case in MNCIS and schedule the hearing. The filing requirement changes from 7 days to 14 days in advance of the hearing.

* * *

Rule 370.07 Fees

A filing fee shall be paid pursuant to Rule 356 upon the filing of:

- (a) the summons, ~~and~~ complaint, and motion; and
- (b) the written answer, if any.

Advisory Committee Comment—2023 Amendments

Rule 370.07 is modified in 2023 to require a motion to commence a support proceeding.

* * *

RULE 371. PARENTAGE ACTIONS

Rule 371.01 Commencement

A proceeding to establish parentage shall be commenced in the expedited process by service of a summons, ~~and~~ complaint, and motion pursuant to Rule 371.03. A supporting affidavit may also be served. Unless blood or genetic testing has already been completed, a request for blood or genetic testing shall be served with the summons and complaint. In addition to service of the summons and complaint, an order to show cause may be issued pursuant to Minn. Gen. R. Prac. 303.05. Service shall be completed at least 21 days before any scheduled hearing.

Advisory Committee Comment—2023 Amendments

Rule 371.01 is modified in 2023 to require a motion to commence a parentage action.

Rule 371.02 Content of Summons, Complaint, Motion, and Supporting Affidavit

Subdivision 1. Content of Summons. A summons shall:

- (a) state the name of the court;
- (b) state the names of the parties;
- (c) state an address where the initiating party may be served;
- (d) state that the purpose of the action is to establish parentage;
- (e) state the date, time, and location of the hearing;
- (f) provide information about serving and filing a written response pursuant to Rule 371.04 and Rule 371.05;
- (g) state that all parties shall appear at the hearing, and if any party fails to appear at the hearing the child support magistrate shall proceed pursuant to Rule 365.01;
- (h) state that a party has the right to representation pursuant to Rule 357;
- (i) state that the case may be settled informally by contacting the initiating party and include the name, address, and telephone number of the person to contact to discuss settlement; and
- (j) be signed by the initiating party or that party's attorney.

If there is reason to believe that domestic violence exists or if an order for protection has been issued, a party may provide an alternative address and telephone number. Pursuant to Minn. Stat. § 257.70(b) (2000), in all actions in which public assistance is assigned or the county agency is providing services to a party or parties to the action, information regarding the location of one party may not be released by the county agency to any other party if the county agency has knowledge that ~~a protective order with respect to the other party has been entered~~ one party is currently subject to a protective order with respect to the other party or the joint child, and disclosure has not been authorized, or has reason to believe that the release of the information may result in physical or emotional harm to ~~the other~~ a party or joint child.

Subd. 2. Content of Complaint. A complaint shall:

- (a) state the specific relief the initiating party wants the child support magistrate to order, including all of the required elements listed in Minn. Stat. § 257.66, subd. 3;
- (b) state the facts and grounds supporting the request for relief;
- (c) set forth the acknowledgement required under Rule 379.04; and
- (d) be signed by the initiating party or that party's attorney.

Subd. 3. Content of motion. A motion shall:

- (a) state the specific relief being requested from the court, including a determination of parentage, the child's legal name, legal and physical custody, parenting time, and child support;
- (b) provide information about the right to respond and the timing requirements; and
- (c) set forth the acknowledgment required under Rule 379.04.

Subd. 34. Content of Supporting Affidavit. A supporting affidavit shall:

- (a) state detailed facts supporting the request for relief, including the facts establishing parentage;

- (b) provide all information required by Minn. Stat. § 518A.46, subd. 3(a) ~~(2006)~~, if known; and
- (c) be either:
 - (1) signed and sworn to under oath; or
 - (2) signed under penalty of perjury pursuant to Minn. Stat. § 358.116, provided that the signature is affixed immediately below a declaration using substantially the following language: “I declare under penalty of perjury that everything I have stated in this document is true and correct.” In addition to the signature, the date of signing and the county and state where the document was signed shall be noted on the document.

* * *

Advisory Committee Comment—2023 Amendments

Rule 371.02 is modified in 2023 to require a motion to commence a support proceeding and to recognize the statutory limits on the public authority’s disclosure of address information pursuant to Minn. Stat. §§ 518.005, subd. 5, and 257.70(b). Changes also recognize that pleading the issues of custody and parenting time is required by statute (Minn. Stat. § 257.66, subd. 3) as well as case law (Morey v. Peppin, 375 N.W.2d. 19 (Minn. 1985)).

Rule 371.03 Service of Summons and Complaint

Subdivision 1. Who is Served. The biological mother, each man presumed to be the father under Minn. Stat. § 257.55 ~~(2000)~~, each man alleged to be the biological father, and the county agency even if not a party, shall be served pursuant to subdivision 2.

Subd. 2. How Served. The summons, ~~and~~ complaint, motion, and any supporting affidavit, and if required, a request for blood or genetic testing, shall be served upon the parties by personal service, or alternative personal service, pursuant to Rule 355.02, unless personal service has been waived in writing.

* * *

Advisory Committee Comment—2023 Amendments

Rule 371.03 is modified in 2023 to require a motion to commence a parentage action.

Rule 371.04 Filing Requirements

Subdivision 1. Initiating Party. No later than ~~7~~ 14 days before any scheduled hearing the initiating party shall file the following with the court:

- (a) the original summons;
- (b) the original complaint;
- (c) the original motion;
- (~~e~~d) the original supporting affidavit, if served; and
- (~~e~~) proof of service upon each party pursuant to Rule 355.04.

* * *

Advisory Committee Comment—2023 Amendments

Rule 371.04, subd. 1, is modified in 2023 to require a motion to commence a parentage action and to require earlier filing of the required documents to allow court staff adequate time to open a case in MNCIS and schedule the hearing. The filing requirement changes from 7 days to 14 days in advance of the hearing.

* * *

Rule 371.08 Fees

A filing fee shall be paid pursuant to Rule 356 upon the filing of:

- (a) the summons, ~~and~~ complaint, and motion; and
- (b) the written answer or the request for blood or genetic testing, if any.

Advisory Committee Comment—2023 Amendments

Rule 371.08 is modified in 2023 to require a motion to commence a parentage action.

* * *

RULE 372. MOTIONS TO MODIFY, MOTIONS TO SET SUPPORT, AND OTHER MATTERS

* * *

Rule 372.02 Content of Notice of Motion, Motion, Supporting Affidavit, and Request for Hearing Form

Subdivision 1. Content of Notice. A notice of motion shall:

- (a) state the name of the court;
- (b) state the names of the parties as set forth in the summons and complaint, or summons and petition, unless amended by order of the court;
- (c) state an address where the initiating party may be served;
- (d) state the purpose of the action;

- (e) for motions brought pursuant to Rule 372.01, subd. 2, state the date, time, and location of the hearing;
- (f) for motions brought pursuant to Rule 372.01, subd. 1, either state the date, time, and location of the hearing if one is scheduled or, if no hearing is scheduled, state that any party has a right to a hearing and attach a request for hearing form;
- (g) provide information about serving and filing a written response pursuant to Rule 372.04 and Rule 372.05;
- (h) state that all parties shall appear at the hearing if one is scheduled, and if any party fails to appear at the hearing, the child support magistrate shall proceed pursuant to Rule 365.01;
- (i) state that a party has a right to representation pursuant to Rule 357;
- (j) state that the case may be settled informally by contacting the initiating party and include the name, address, and telephone number of the person to contact to discuss settlement; and
- (k) be signed by the initiating party or that party's attorney.

If there is reason to believe that domestic violence exists or if an order for protection has been issued, the party may provide an alternative address and telephone number. Pursuant to Minn. Stat. § 518.005, subd. 5, in all actions in which public assistance is assigned or the county agency is providing services to a party or parties to the action, information regarding the location of one party may not be released by the county agency to the other party if the county agency has knowledge that ~~a protective order with respect to the other party has been entered~~ one party is currently subject to a protective order with respect to the other party or the joint child, and disclosure has not been authorized, or has reason to believe that the release of the information may result in physical or emotional harm to ~~the other~~ a party or joint child.

* * *

Advisory Committee Comment—2023 Amendments

Rule 372.02 is modified in 2023 to recognize the statutory limits on the public authority's disclosure of address information pursuant to Minn. Stat. §§ 518.005, subd. 5, and 257.70(b).

* * *

RULE 374. CIVIL CONTEMPT

* * *

Rule 374.03 Evidentiary Hearing

If the parties do not reach agreement at the initial appearance, the child support magistrate shall refer the matter ~~to the court administrator to schedule~~ for an evidentiary hearing before a district court judge or a family court referee. A child support magistrate shall not consider or decide a contempt matter, except as provided in Rule 353.01, subd. 2.

Advisory Committee Comment—2023 Amendments

Rule 374.03 is modified in 2023 to make clear that the matter is referred to the district court for an evidentiary hearing and not to court administration to schedule a hearing on a contested contempt proceeding.

* * *

AMENDMENTS TO THE GENERAL RULES OF PRACTICE FOR THE DISTRICT COURTS

[Note: In the following amendments, deletions are indicated by a line drawn through the words and additions are indicated by a line drawn under the words.]

TITLE V. PROBATE RULES

* * *

RULE 410. TRANSFER OF REAL ESTATE

(a) Transfers of Real Estate in Supervised and Unsupervised Administration; Transfer by Personal Representative of Real Property for Value; Documents Required. A personal representative shall provide a transferee of real property for value with the following documents:

- (1) A certified copy of unrestricted letters (~~28~~ 30 days must have elapsed since date of issuance of letters to an informally appointed personal representative);
- (2) A certified copy of the will; and
- (3) A personal representative's deed or other instrument transferring any interest in real property which shall contain the marital status of the decedent and the consent of spouse, if any.

(b) Distribution of Real Property; Documents Required. A personal representative shall provide a distributee of real property with the following documents:

- (1) When distribution is made by decree, a certified copy of the decree of distribution assigning any interest in real property to the distributee.
- (2) When distribution is made by deed from a personal representative in unsupervised administration:
 - (i) A certified copy of unrestricted letters (~~28~~ 30 days must have elapsed since date of issuance of letters to an informally appointed personal representative);
 - (ii) A certified copy of the will; and
 - (iii) A personal representative's deed of distribution of any interest in real property to the distributee which shall contain the marital status of the decedent and consent of spouse, if any.
- (3) When distribution is made by deed from the personal representative in supervised administration:
 - (i) A certified copy of unrestricted letters;
 - (ii) A certified copy of an order of distribution which authorizes the distribution of any interest in real property to the distributee;
 - (iii) A certified copy of the will; and
 - (iv) A personal representative's deed of distribution of any interest in real property to the distributee.

Advisory Committee Comment Amendment – 2023

Rule 410 is amended in 2023 to correct the time frames to match applicable statutes. Minn. Stat. §§ 524.3-310; 524.3-711.

* * *

RULE 416. GUARDIANSHIPS AND CONSERVATORSHIPS

* * *

(b) Visitors in Guardianship and Conservatorship Proceedings. A visitor, as defined by law, may be appointed in every general guardianship or conservatorship proceeding.

Every visitor shall have training and experience in law, health care or social work, as the case may be, depending upon the circumstances of the proposed ~~ward or conservatee~~ person subject to guardianship or conservatorship.

The visitor shall be an officer of the court and shall be disinterested in the guardianship or conservatorship proceedings. If the court at any time determines that the visitor, or the firm or agency by which he or she is employed, has or had, at the time of the hearing, a conflict of interest, the court shall immediately appoint a new visitor and may, if necessary, require a hearing de novo.

The visitor shall, (a) without outside interferences, meet with the proposed person subject to guardianship or conservatorship ~~ward or conservatee~~, either once or more than once as the visitor deems necessary, (b) observe his or her appearance, lucidity and surroundings, (c) serve, read aloud, if requested, and explain the petition and notice of hearing, (d) assist, if requested, in obtaining a private or court appointed lawyer, (e) advise the proposed person subject to guardianship or conservatorship ~~ward or conservatee~~ that a report will be filed at least 7 days before the hearing and that the report is available to the proposed person subject to guardianship or conservatorship ~~ward or conservatee~~ or the person's ~~ward's or conservatee's~~ lawyer, (f) prepare a written report to the court setting forth all matters the visitor deems relevant in determining the need for a guardian or conservator, including recommendations concerning appointment and limitation of powers, (g) file the original report with the court and, (h) serve a copy upon the petitioner or petitioner's lawyer at least 7 days before the hearing, (i) appear, testify and submit to cross examination at the hearing concerning his or her observations and recommendations, unless such appearance is excused by the court.

* * *

(g) Notice of Hearing on Account. Notice of time and place for hearing on the petition for final settlement and allowance of any account shall be given to the person subject to conservatorship ~~ward or conservatee~~, to the ~~guardian or~~ conservator if such person was not the petitioner for settlement of the accounts, to the spouse, adult children and such other interested persons as the court may direct. Whenever any funds have been received by the estate from the Veterans Administration during the period of accounting, notice by mail shall be given to the regional office. The notice may be served in person or by depositing a copy in the U.S. mail to the last known address of the person or entity being served. Service shall be sent by electronic means in accordance with Rule 14 to any party that has agreed to or is required to accept electronic

service under Rule 14. When a person subject to conservatorship ~~ward or conservatee~~ is restored to capacity, that person is the only interested person. When a person subject to conservatorship ~~ward or conservatee~~ dies, the personal representative of the estate is the only interested person.

(h) Appearance on Petition for Adjudication of Accounts. When a verified annual or final account is filed in accord with the law and an adjudication is sought, and notice given as required by the law or waived as provided below, and the court determines that the account should be allowed, the account may be allowed upon the pleadings without appearance of the ~~guardian or~~ conservator. If the person subject to conservatorship ~~ward, conservatee~~ or any interested person shall object to the account, or demand the appearance of the ~~guardian or~~ conservator for hearing on the account, at any time up to and including the date set for the hearing, the court will continue the hearing, if necessary, to a later date and require the appearance of the ~~guardian/~~conservator for examination. Notice of hearing may be waived with the consent of all interested persons.

(i) Successor Guardian or Conservator; Notice to Person Subject to Guardianship or Conservatorship ~~Ward or Conservatee~~. The notice required by law shall include the right of the person subject to guardianship or conservatorship ~~ward or conservatee~~ to nominate and instruct the successor.

* * *

Advisory Committee Comment—2023 Amendments

Rule 416(b), (g), (h) and (i) are modified in 2023 to reflect current statutory terminology. Minn. Stat. § 524.5-102, subds. 13a, 13b.

* * *

AMENDMENTS TO THE GENERAL RULES OF PRACTICE FOR THE DISTRICT COURTS

[Note: In the following amendments, deletions are indicated by a line drawn through the words and additions are indicated by a line drawn under the words.]

TITLE VI. CONCILIATION COURT RULES

* * *

RULE 506. FEES; AFFIDAVIT IN LIEU OF FEES

Except as otherwise provided by law, ~~t~~The court administrator shall charge and collect a filing fee in the amount established by law and the law library fee, from every plaintiff and from every defendant when the first document for that party is filed in any conciliation court action. If the plaintiff or defendant who is a natural person signs and files with the court administrator an affidavit claiming an inability to pay the applicable fees, no fees are required. If the affiant prevails on a claim or counterclaim, the amount of the fees which would have been payable by the affiant must be included in the order for judgment and paid to the administrator of conciliation court by the affiant out of any money recovered by the affiant on the judgment.

Advisory Committee Comment—2023 Amendments

Rule 506 is modified in 2023 to accommodate fee waivers including statutory fee waivers under Minn. Stat. §§ 169A.63, subd. 8(e), and 609.5314, subd. 3(a).

* * *

RULE 521. REMOVAL (APPEAL) TO DISTRICT COURT

* * *

(b) Removal Procedure. To effect removal, the aggrieved party must perform all the following within 21 days after the date the court administrator transmitted to that party notice of the judgment order:

* * *

(4) Except as otherwise provided by law, ~~p~~Pay to the court administrator as the fee for removal the amount prescribed by law for filing a civil action in district court, and if a jury trial is demanded under Rule 521(b)(1) of these rules, pay to the court administrator the amount prescribed by law for requesting a jury trial in a civil action in district court. A party who is unable to pay the fees may apply for permission to proceed without payment of fees pursuant to the procedure set forth in Minnesota Statutes, section 563.01.

* * *

Advisory Committee Comment—2023 Amendments

Rule 521(b)(4) is modified in 2023 to accommodate fee waivers including statutory fee waivers under Minn. Stat. §§ 169A.63, subd. 8(e), and 609.5314, subd. 3(a).

* * *

AMENDMENTS TO THE GENERAL RULES OF PRACTICE FOR THE DISTRICT COURTS

[Note: In the following amendments, deletions are indicated by a line drawn through the words and additions are indicated by a line drawn under the words.]

TITLE IX. JURY MANAGEMENT RULES

RULE 801. GENERAL POLICY

Persons shall be selected randomly for jury service, from the broadest possible cross section of people in the area served by the court. All qualified persons have an obligation to serve as jurors when summoned, and all ~~should~~must be considered for jury service.

* * *

RULE 802. DEFINITIONS

(a) “Court” means a district court of this state, and includes, when the context requires, any judge of the court.

~~(b) “Court administrator,” “judicial district administrator,” and “jury commissioner” include any deputy of the court designated to perform the functions listed in these rules.~~

~~(e)~~(b) “Jury source Source list” means the list of all prospective jurors statewide resulting from combining the voter registration list and the driver’s license and ID cardholders list, following the requirements for the jurisdiction served by the court, which may be supplemented with names from other sources as set out in Rule 806 and the State Jury Administration Plan jury administration plan.

~~(d)~~(c) “Voter registration list” means the official record, maintained by the secretary of state, of persons registered to vote.

~~(e)~~(d) “Drivers’ Driver’s license and ID cardholders list” means the record, maintained by the Minnesota Department of Public Ssafety, of persons over 18 years old who have been issued a licensed to drive a motor vehicle or ~~issued~~ a state identification card.

~~(f) “Master list” means a list of names and addresses, or identifying numbers of prospective jurors, randomly selected from the source list.~~

~~(g) “Juror” means a person summoned for service who either is deferred to a specific future date, attends court for the purpose of serving on a jury, or is on call and available to report to court when requested.~~

~~(h)~~(e) “Random selection” means the selection of names in a manner totally immune to the purposeful or inadvertent introduction of subjective bias and such that no recognizable class of the population from which names are being selected can be purposely included or excluded, and such that each eligible and available person has an equal probability of selection.

~~(i)~~(f) “Petit jury” means a body of six persons, impaneled and sworn in any court to try and determine, by verdict, any question or issue of fact in a civil or criminal action or proceeding, according to law and the evidence as given them in court. In a criminal action where the offense charged is a felony, a petit jury is a body of 12 persons, unless a different size is established in ~~accordance with~~ the Minnesota Rules of Criminal Procedure.

(g) “State Jury Administration Plan” means the jury administration plan adopted for use statewide by all judicial district administrators and published by the state court administrator’s office.

(h) “State Jury Program” means the statewide jury program administered by the state court administrator’s office, jury commissioners, and any judicial branch office or employees designated to perform tasks related to summoning and qualifying jurors for service.

* * *

Advisory Committee Comment—2023 Amendments

Rule 802 is modified in 2023 to: remove inaccurate and unnecessary definitions; reflect the consolidation of jury processes into a consistent, statewide system and process overseen and coordinated by the state court administrator’s office under Judicial Council Policy, rather than a county-by-county system; and recognize that in 2021 a State Jury Administration Plan was adopted by all 10 judicial district administrators in their capacity as jury commissioners under Rule 803. Rule 802(d) clarifies that the driver’s license and ID cardholders list includes all who have been issued a license or card, including those whose license has been suspended or revoked.

RULE 803. JURY COMMISSIONER

- (a) A jury commissioner is established in each county to administer the jury system in cooperation with the state court administrator’s office as part of the State Jury Program under the supervision of the Judicial Council ~~under the supervision and control of the chief judge of the judicial district~~. The jury commissioner shall be the judicial district administrator or designee. If another person is designated jury commissioner, the other person shall be an employee of the judicial branch and responsible to the judicial district administrator in the performance of the jury commissioner’s tasks.

- (b) The jury commissioner shall ~~collect and~~ analyze information collected by the state court administrator's office regarding the performance of the jury system on a regular basis ~~in order~~ to evaluate:
- (1) the inclusiveness of the jury source list and the representativeness of the jury pool;
 - (2) the effectiveness of qualification and summoning procedures;
 - (3) the responsiveness of individual citizens to jury duty summonses;
 - (4) the efficient use of jurors; and
 - (5) the cost effectiveness of the jury system.

The jury commissioner must promptly report to the state court administrator's office any area of concern identified as a result of this analysis. The jury commissioner must work with the state court administrator's office to make any needed changes or improvements to the county's jury system as part of the State Jury Program.

- (c) The jury commissioner should seek to secure adequate and suitable facilities for juror use in each court facility in which jury trials are held.

* * *

Advisory Committee Comment—2023 Amendments

Rule 803 is modified in 2023 to reflect the consolidation of jury processes into a consistent, statewide system and process overseen and coordinated by the state court administrator's office under Judicial Council Policy, rather than a county-by-county system.

RULE 804. JURY ADMINISTRATION PLAN

- (a) Each jury commissioner must follow the State Jury Administration Plan and must supplement the plan as needed based on the county's court facilities and population ~~shall develop and place into operation a written plan for the administration of the jury system.~~ The plan shall be designed to further the policies of these rules.
- (b) Each plan must
- (1) describe the jury system including the process for creation of the jury source list;
 - (2) give a detailed description of the random selection procedures to be used in all phases of juror selection, in accordance with Rule 805;
 - (3) ~~identify the lists of names, if any, which shall be used to supplement the source list, and~~ describe the storage media or electronic system by which the jury source list ~~lists~~ shall be maintained;

- (4) specify the maximum term of jury service for each county, in accordance with Rule 811 ~~indicate if a master list is to be used, and set the minimum number of names which can be used;~~
- (5) list the conditions which will justify excusing a prospective juror, as well as those which justify deferral;
- (6) describe the juror qualification questionnaire, which will be used to gather information to determine if a prospective juror is qualified;
- (7) contain policies and procedures for enforcing a summons and for monitoring failures to respond;
- (8) describe juror orientation and instruction for jurors upon initial contact prior to service; upon first appearance at the courthouse; upon reporting to a courtroom for voir dire; following empanelment; during the trial; prior to deliberations; and after the verdict has been rendered or when a proceeding is terminated without a verdict.

Advisory Committee Comment—2023 Amendments

Rule 804 recognizes that in 2021, a State Jury Administration Plan was adopted by all 10 judicial district administrators in their capacity as jury commissioners under Rule 803.

RULE 805. RANDOM SELECTION PROCEDURES

- (a) Random selection procedures shall be used throughout the juror selection process. Any method may be used, manual or automated, that provides each eligible and available person with an equal probability of selection.
- (b) Random selection procedures shall be employed in
 - (1) selecting persons to be summoned for jury service;
 - (2) assigning ~~prospective jurors~~ persons to panels; and
 - (3) calling ~~prospective jurors~~ persons for voir dire.
- (c) Departures from the principle of random selection are appropriate
 - (1) to exclude persons ineligible for service in accordance with Rule 808;
 - (2) to excuse or defer prospective jurors in accordance with Rule 810;
 - (3) to remove prospective jurors for cause or if challenged peremptorily in accordance with applicable rules of procedure; or
 - (4) to equalize service among all prospective jurors in accordance with Rule 812.

RULE 806. JURY SOURCE LIST

(a) ~~The state court administrator's office in cooperation with the~~ The jury commissioner for each county shall be is responsible for compiling and maintaining copies of all lists to be used in the random selection of prospective jurors. These lists shall be compiled annually when possible ~~when the court finds it necessary~~. No names shall be placed on the jury source list, ~~master list~~, grand jury list, or petit jury venire except as provided by the State Jury Administration Plan ~~applicable jury administration plan~~, or these rules.

(b) The voter registration list and the ~~drivers'~~ driver's license and ID cardholders list ~~for the county~~ must serve as the basis for the jury source list. The jury source list may be supplemented with names from other lists only as directed by the Judicial Council specified in the jury administration plan. Whoever has custody, possession, or control of the lists used in compiling the jury source list shall provide them to the state court administrator's office ~~jury commissioner~~, upon request ~~and for a reasonable fee~~, at any reasonable time. ~~All lists shall contain the name and address of each person on the list.~~

(c) The jury source list must be used for the random selection of names or identifying numbers of prospective jurors to whom qualification questionnaires and summonses for service must be sent.

~~(d) — When the source list is so large that its use for selecting prospective jurors and mailing out summonses and questionnaires is unreasonably cumbersome, burdensome, and noneconomical, a second list may be created. This master list shall be randomly drawn from the source list.~~

~~(e)~~(d) The state court administrator's office and the jury commissioners shall review data derived from the jury source list ~~once every year~~ four years for its inclusiveness and the jury pool for its representativeness of the adult population in the each county ~~and report the results to the chief judge of the judicial district~~. The state court administrator's office shall report the results of the review annually to Judicial Council.

~~(f)~~(e) If the chief judge, or designee, the state court administrator, or a jury commissioner determines that improvement is needed in either the inclusiveness of the jury source list or the representativeness of the jury pool, ~~appropriate corrective action shall be ordered~~ they may bring any such concerns to the Judicial Council, who will determine any appropriate corrective action.

* * *

Advisory Committee Comment—2023 Amendments

Rule 806 is modified in 2023 to reflect the consolidation of jury processes into a consistent, statewide system and process overseen and coordinated by the state court administrator's office (SCAO) under Judicial Council Policy, rather

than a county-by-county system. All counties now summon jurors from a juror source list created at the statewide level, all counties use the same summons and questionnaire form, which is mailed to prospective jurors by a single statewide vendor, and the majority of the work summoning and qualifying jurors is done by a Consolidated Jury Unit. In 2021, a State Jury Administration Plan was adopted by all 10 judicial district administrators in their capacity as jury commissioners under Rule 803. In addition, the state Jury Management Resource Team (JMRT), which includes members with jury expertise from all 10 judicial districts, advises SCAO on statewide jury program management issues. Overall jury program management policy is set by the Judicial Council, and chief judges retain authority to address local issues via their policy-setting role as members of the Judicial Council.

Rule 806(d) incorporates the recommendation of the Committee for Equality and Justice that the juror source list be reviewed for representativeness every year rather than every four years.

RULE 807. JURY QUESTIONNAIRE AND SUMMONS. ~~ONE-STEP PROCESS~~

- (a) The ~~jury commissioner~~ State Jury Program shall ~~mail~~ send to every prospective juror whose name has been drawn a ~~juror qualification questionnaire and summons~~ for service, along with instructions to ~~fill out complete and return~~ submit the juror qualification questionnaire by mail within 10 days of receiving the summons receipt.
- (b) The summons and the juror qualification questionnaire ~~notice summoning a person to jury service and the questionnaire eliciting essential information regarding that person~~ shall be:
 - ~~(1) combined in a single mailing;~~
 - ~~(2)~~(1) phrased so as to be readily understood by an individual unfamiliar with the legal and jury systems; and
 - ~~(3)~~(2) delivered by the means directed by the state court administrator ~~first class mail~~.
- (c) A summons shall clearly explain how and when the recipient must respond and the consequences of a failure to respond.
- (d) The juror qualification questionnaire shall be phrased and organized so as to facilitate quick and accurate screening, and should request only that information essential for:
 - (1) determining whether a person is qualified for jury service under Rule 808~~meets the criteria for eligibility~~;
 - (2) determining whether ~~there exists a mental or physical disability which would prevent the person from~~ the person is capable of rendering satisfactory jury service, including whether the person needs reasonable disability accommodations to serve;

- (3) providing basic background information including date of birth~~age~~, race, gender, occupation, educational level, address, marital status, ~~prior jury service within the past four years~~, occupation of spouse, and the age(s) of any children; and
 - (4) efficiently managing the jury system.
- (e) The state court administrator's office in cooperation with the jury commissioners shall ~~maintain~~make a list of the persons to whom a summons has ~~the summons and questionnaire have~~ been sent, but neither the names nor the list shall be disclosed except as provided in these rules.

Advisory Committee Comment—2023 Amendments

Rule 807 is modified in 2023 to reflect the current process for summoning and receiving juror qualification questionnaires.

RULE 808. QUALIFICATIONS FOR JURY SERVICE

- (a) The jury commissioner or designated judicial branch staff shall determine and document on the basis of information provided on the juror qualification questionnaire, supplemented if necessary, whether the prospective juror is qualified for jury service. ~~This determination shall be entered on the questionnaire or other record designated by the court.~~
- (b) To be qualified to serve as a juror, the prospective juror must be:
- (1) A citizen of the United States.
 - (2) At least 18 years old.
 - (3) A resident of the county.
 - (4) Able to communicate in the English language.
 - (5) ~~Be physically and mentally capable of rendering~~ Able to render satisfactory jury service, with reasonable disability accommodations if necessary.~~—A person claiming disability may be required to submit a physician's certificate as to the disability, and the Judge may inquire of the certifying physician. A prospective qualified juror who is 70 years of age or older, who requests to be excused from jury service shall be automatically excused from service without having to submit evidence of an inability to serve.~~
 - (6) A person who has had their civil rights restored if they have been convicted of a felony.
 - (7) A person who has not served as a state or federal grand or petit juror in the past four years, except where the jury commissioner has determined that a county has an insufficient number of prospective jurors and the state court administrator has approved qualifying for service a person who has not served in the past two years.
- (c) A judge, serving in the judicial branch of the government, is District court and court of appeals judges and supreme court justices currently serving in the Minnesota Judicial

Branch are disqualified from jury service. Federal judges, tribal judges, and other judicial officers, such as referees and magistrates, are not disqualified from jury service.

(d) If an otherwise qualified prospective juror claims to be incapable of serving due to a disability and requests to be excused from service, the judge may require the person to provide medical documentation proving the inability to serve, and may direct further inquiries to be made about the person's ability to serve as a juror. The judge may direct that reasonable accommodations be given to enable the person to serve in lieu of excusing the person from jury service.

(e) If a qualified prospective juror is 70 years of age or older and requests to be excused from jury service, the person shall be automatically excused from service without having to submit evidence of an inability to serve.

* * *

Advisory Committee Comment—2023 Amendments

Rule 808(a) is updated in 2023 to allow flexibility in the administrative duty of documenting qualification for jury service. It is no longer physically recorded on the questionnaire and is currently maintained in the jury software program, which itself is subject to change over time. Rule 808(b)(7) allows for an adjustment in service term by the jury commissioner subject to approval by the state court administrator to provide the flexibility necessary to address juror shortages. Rule 808(c) limits disqualification of judicial officers to state district court and court of appeals judges and supreme court justices. Rule 808(d) explains the process for requests for accommodations to allow a person to serve or to be excused from juror service due to a disability. Rule 808(e) allows a juror 70 years of age or older to decline jury service.

RULE 809. DISCRIMINATION PROHIBITED

A citizen shall not be excluded from jury service in this state on account of race, color, creed, religion, sex, national origin, marital status, status with regard to public assistance, disability, age, occupation, ~~physical or sensory disability~~, sexual orientation, or economic status.

* * *

Advisory Committee Comment—2023 Amendments

Rule 809 is modified in 2023 to remove redundant language. Disability is more fully addressed in Rule 808.

RULE 810. EXCUSES AND DEFERRALS

- (a) All automatic excuses or disqualifications from jury service are eliminated except as provided in Rule 808.
- (b) Eligible persons who are summoned may be excused from jury service only if:
- (1) their ability to receive and evaluate information is ~~too~~ impaired such that they are unable to perform their duties as jurors and they are excused for this reason by a ~~jury commissioner or a judge; or~~
 - (2) they request to be excused because their service would be a continuing hardship to them or to members of the public and they are excused for this reason by the jury commissioner.
- (c) Upon request from a qualified prospective juror, the jury commissioner shall determine whether the prospective juror meets the conditions for deferral set out in the jury administration plan. The deferral shall be for a reasonable time, after which the prospective juror shall be available for jury service, in accordance with the court's direction. Deferral of jury service is encouraged as an alternative to excuse from service.
- (d) The reason for the excuse or deferral of any prospective juror shall be documented by the court ~~must be entered in the jury commissioner's records.~~
- (e) A member, officer, or employee of the state or federal legislature ~~is excused from~~ shall be granted a deferral of jury service upon request while the legislature is in session.
- (f) A candidate who has filed an affidavit of candidacy for elected office under Minnesota Laws, chapter 103C, 122, 204B, 204D, 205, 205A, or 447 is deferred from jury service from the date of filing the affidavit until the day after the election for that office, if the person requests to be deferred for this reason.

Advisory Committee Comment—2023 Amendments

Rule 810 is updated in 2023 to clarify that service in a state or federal legislature is grounds for deferral, not an excuse, from juror service. The requirement to document reasons for excuse or deferral is an administrative one that is subject to change as new software programs are implemented.

RULE 811. TERM OF JURY SERVICE

~~The time that persons are called upon to perform jury service and be available for jury service is the shortest period consistent with the needs of justice.~~

- (a) ~~In counties~~ Counties with a population of 100,000 or more; must have the same maximum ~~a term of jury service must not exceed two weeks or the completion of one trial,~~

whichever is longer. Counties with a population of less than 100,000 but more than 50,000 must have the same maximum term of jury service. Counties with a population of 50,000 or less must have the same maximum term of jury service. The maximum term of jury service for each county must be specified in the State Jury Administration Plan.

~~(b) In counties with a population of less than 100,000 but more than 50,000, a term of service must not exceed two months. However, no~~ No person is required to continue to serve after the person has reported to the courthouse for 10 days within a term of jury service ~~or after the completion of the trial on which the juror is sitting, whichever is longer.~~

~~(c) In counties with a population of less than 50,001 a term of service must not exceed four months. However, no person is required to continue to serve after the person has reported to the courthouse for ten days or after the completion of the trial on which the juror is sitting, whichever is longer. Regardless of the maximum term of jury service established under the provisions in paragraphs (a) and (b), if a juror who has reached the maximum term of jury service is currently assigned to a trial, the juror's term of service continues until the completion of the trial on which the juror is sitting.~~

~~(d) The time that persons are called upon to perform jury service and be available for jury service shall be the shortest period consistent with the needs of justice. Chief judges and~~ The judicial district administrators shall periodically review the frequency of juror use in each county in determining the shortest period of jury service that will enable the greatest number of citizens to have the opportunity to report to the courthouse and participate in the jury system. ~~All courts~~ The judicial district administrators shall adopt in the State Jury Administration Plan the shortest period of jury service for each county that is practical.

~~(e) A juror is not disqualified under the provisions of Rule 808(b)(7) from serving on more than one trial during a term of jury service. A juror must be excused after completion of one trial to deliberation if the jury commissioner determines that the county has an adequate number of jurors available.~~

Advisory Committee Comment—2023 Amendments

Rule 811 is updated in 2023 to move juror term of service lengths out of the rule and into the Statewide Jury Administration Plan adopted by all 10 judicial district administrators in their role as jury commissioners. This allows for a more efficient review and updating than obtaining any needed rule change.

* * *

RULE 813. CHALLENGING COMPLIANCE WITH SELECTION PROCEDURE

(a) A party may move to stay the proceedings, quash the indictment or for other appropriate relief, on the ground that these rules have not been complied with. Such motion should be made within seven days after the moving party discovers or should have

discovered the grounds for the motion, and in any event before the petit jury is sworn to try the case.

(b) If a motion filed under (a) contains a sworn statement of facts which, if true, constitute a substantial failure to comply with these rules, the moving party is entitled to present the testimony of the jury commissioner, any relevant records and documents ~~papers even if not public or otherwise available~~, and any other relevant evidence in support of the motion. If the court determines that there has been a substantial failure to comply with these rules in the selection of either a grand jury or a petit jury, the court shall stay the proceedings while a jury is selected in conformity with these rules.

(c) The procedures prescribed by this Rule are the exclusive means by which a party may challenge a jury on the grounds that the jury was not selected in conformity to these rules.

Advisory Committee Comment—2023 Amendments

Rule 813(b) is updated in 2023 to substitute “documents” for “papers” in recognition of electronic records. The general reference to nonpublic information is removed as access to records is governed in Rule 814.

RULE 814. RECORDS

The jury source list, the names of qualified prospective jurors summoned, records regarding prospective jurors, drawn and the contents of juror qualification questionnaires shall not be disclosed except as provided by this rule ~~or as required by Rule 813.~~

(a) Public-Authorized Access.

(1) Jury Source List. The state court administrator’s office may disclose the jury source list to the Minnesota Federal District Court as needed to comply with 28 U.S.C. § 1863.

(2) Access by Parties. The names of the qualified prospective jurors assigned to a panel for voir dire, their city of residence, occupation, education, children’s ages, spouse’s occupation, birth date, reported race and whether or not of Hispanic origin, gender, and marital status provided on their ~~drawn and the contents of~~ juror qualification questionnaires are accessible and must be provided to the parties to the case, unless in a criminal case the court has restricted access to juror information pursuant to the Rules of Criminal Procedure, or in a civil case the court restricted access to the names or other identifying information of the jurors in the interests of justice. Court administration may provide mailing addresses, email addresses, or telephone numbers for jurors who serve on a jury only to the attorneys on the case, and

only if authorized by the presiding judge. The attorneys may use the juror contact information only for purposes of surveying the jury and must not otherwise disclose the information.

(3) Public Access. The names on the list of prospective jurors assigned to a panel for voir dire and any supplemental questionnaires completed by those prospective jurors are accessible to the public in a civil or criminal case only as authorized by the applicable rules of procedure and the Rules of Public Access to Records of the Judicial Branch, and only if the presiding judge has not restricted access to juror information in a specific case. Juror statistics and data that do not identify specific jurors may be disclosed to the public as authorized or required by the Rules of Public Access to Records of the Judicial Branch.

(4) Requests for Access. Any request to the court for access to information on persons who were summoned for jury service not specifically authorized by these rules must be directed to the presiding judge if the request is related to a challenge under Rule 813, and in all other circumstances to the chief judge. The request must set forth the specific reasons for the request and the specific information requested. The court may only authorize access as deemed appropriate in the interest of justice, and may only authorize the release of data and reports that can be readily generated from the court's records or jury management system. The court may include any provisions in the order that direct the recipient to keep certain information confidential or that limit use of the information in whole or in part. The court may not authorize access to any medical, financial, or other personal hardship information provided by a prospective juror to the court for purposes of determining the person's ability to serve on a jury.

~~, except identifying information to which access is restricted by court order and social security numbers, completed by those prospective jurors must be made available to the public upon specific requests to the court, supported by affidavit setting forth the reasons for the request, unless the court determines:~~

- ~~(1) in a criminal case that access to any such information should be restricted in accordance with Minn. R. Crim. P. 26.02, subd. 2(2); or~~
- ~~(2) in all other cases that in the interest of justice this information should be kept confidential or its use limited in whole or in part.~~

~~(b) — **Limits on Access by Parties.** The contents of completed juror qualification questionnaires except juror social security numbers must be made available to lawyers upon request in advance of voir dire. The court in a criminal case may restrict access to names, telephone numbers, addresses, and other identifying information of the jurors only as permitted by Minn. R. Crim. P. 26.02, subd. 2(2). In a civil case the court may restrict access to the names, addresses, telephone numbers, and other identifying information of the jurors in the interests of justice.~~

~~(e)~~ (b) **Retention.** The jury commissioner shall make sure that all records and lists including any completed juror qualification questionnaires, are preserved for the length of time ordered by the court or set forth in the official retention schedule ~~except that in criminal cases any information provided to counsel for voir dire as authorized by part (b) shall be preserved in the criminal file for at least ten years after judgment is entered.~~

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Advisory Committee Comment—2023 Amendments

Rule 814(a)(1) is new in 2023 and recognizes that the jury source list is also used by the Minnesota Federal District Court as needed to comply with federal law set forth in 28 U.S.C. § 1863. Rule 814(a)(2) details the juror information that is currently provided to parties in advance of voir dire and the limitations on the parties' use of the information. Rules 814(a)(3) and (4) describe what is currently publicly accessible and the process for making requests. Rule 814(b) recognizes that retention of juror information is governed by judicial branch retention schedules and court orders.