

STATE OF MINNESOTA

DISTRICT COURT

COUNTIES OF CARVER, DAKOTA, GOODHUE,
LESUEUR, MCLEOD, SCOTT & SIBLEY

FIRST JUDICIAL DISTRICT

In Re: Property Valuation
Date in the First Judicial District
For Initial Case Management Conferences

ORDER

WHEREAS Minnesota Statutes section 518.58, Subdivision. 1 states in part that:

The court shall value marital assets for purposes of division between the parties as to the day of the initially scheduled prehearing settlement conference, unless a different date is agreed upon by the parties, or unless the court makes specific findings that another date of valuation is fair and equitable. If there is a substantial change in value of an asset between the date of valuation and the final distribution, the court may adjust the valuation of that asset as necessary to effect an equitable distribution.

WHEREAS, the judges of the First Judicial District Court have agreed to designate an alternative valuation date in dissolution cases to provide certainty, uniformity and to assist in earlier settlement agreements between the parties; and

WHEREAS, a large portion of the dissolution cases filed in the First Judicial District County are handled to conclusion without ever having an appearance that may reasonably be labeled an “initially scheduled prehearing settlement conference” and thus some other appearance or event must be treated as the statutory valuation date; and;

WHEREAS, there is often confusion and uncertainty as to which hearing constitutes the initially scheduled prehearing settlement conference as referenced in Minn. Stat. § 518.58, subd. 1. Some litigants and judicial officers have taken the position that “initially scheduled prehearing settlement conference may only be a

scheduled Pretrial Hearing before the assigned judge, while other judicial officers have taken the position that the “initially scheduled prehearing settlement conference” was the Initial Case Management Conference (ICMC); and

WHEREAS, the judges of the First Judicial District believe that the Initial Case Management conference would be the optimum date for the valuation date; and

WHEREAS, the designation of the Initial Case Management Conference as the valuation date in the First Judicial District does not preclude either party from persuading individual judicial officers to determine on a case by case basis that “another date of valuation is fair and reasonable”; and

WHEREAS, litigants always remain free to argue on a case by case basis that the court should adjust the valuation of a particular asset when there has been a substantial change in value since the valuation date; and

WHEREAS, application of an early, uniform valuation date will lead to judicial economy and save litigant resources by eliminating uncertainty regarding the statutory valuation date, along with the attendant litigation, while still retaining each litigant’s ability to request a different date or different asset value as circumstances may warrant;

WHEREAS, addressing the valuation date at the ICMC permits parties to engage in settlement discussions with an agreed upon valuation date earlier than the statutory valuation date;

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The dissolution property valuation date in the First Judicial District shall be the date of the first scheduled ICMC Conference in all First District Counties utilizing ICMC scheduling in all applicable family law cases, unless otherwise

agreed upon by the parties in writing or determined differently by a Court Order.

2. The ICMC order should include the valuation date, and reiterate the parties' statutory right to argue for an alternative valuation date if individual circumstances warrant.

BY THE COURT:

Kathryn Messerich
Chief Judge
First Judicial District