

**CHAPTER 23****PARTIES AND PARTICIPANTS****TABLE OF CONTENTS**

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	PROCEDURE	AUTHORITY
	<b>PARTIES</b>	
23.01	<p><b>Party Status</b></p> <p>A. <b>Parties Generally.</b> Parties to a juvenile protection matter shall include:</p> <ol style="list-style-type: none"> <li>1. the child’s guardian ad litem;</li> <li>2. the child’s legal custodian;</li> <li>3. in the case of an Indian child, the child’s parents as defined in Rule 2.01(16), the child’s Indian custodian, and the Indian child’s tribe through the tribal representative;</li> <li>4. the petitioner;</li> <li>5. any person who intervenes as a party pursuant to Rule 23;</li> <li>6. any person who is joined as a party pursuant to Rule 24; and</li> <li>7. any other person who is deemed by the court to be important to a resolution that is in the best interests of the child.</li> </ol> <p>B. <b>Habitual Truant, Runaway, and Child Prostitution Matters.</b> In addition to the parties identified in section A, in any matter alleging a child to be a habitual truant, a runaway, or engaged in prostitution, the child, regardless of age, shall also be a party. In any matter alleging a child to be a habitual truant, the child’s school district may be joined as a party.</p> <p>C. <b>Termination of Parental Rights Matters and Permanent Placement Matters.</b> In addition to the parties identified in section A, in any termination of parental rights matter or permanent placement matter the parties shall also include:</p> <ol style="list-style-type: none"> <li>1. the child’s parents, including any noncustodial parent and any adjudicated or presumed father;</li> <li>2. any person entitled to notice of any adoption proceeding involving the child;</li> <li>3. the responsible social services agency when the agency is not the petitioner; and</li> <li>4. any other person who is deemed by the court to be important to a resolution that is in the best interests of the child.</li> </ol> <p>D. <b>Relatives Recommended as Permanent Custodians.</b> If, in a proceeding involving a child in need of protection or services, the responsible social services agency recommends transfer of permanent legal and physical custody to a relative, the relative has a right to participate as a party and shall receive notice of all hearings and copies of all orders.</p>	<p>RJPP 21.01, subd. 1</p> <p>RJPP 21.01, subd. 2</p> <p>RJPP 21.01, subd. 3</p> <p>RJPP 21.01, subd. 4</p>
23.02	<p><b>Rights of Parties</b></p> <p>A party shall have the right to:</p> <ol style="list-style-type: none"> <li>1. notice pursuant to Rule 32;</li> <li>2. legal representation pursuant to Rule 25;</li> <li>3. be present at all hearings unless excluded pursuant to Rule 27;</li> <li>4. conduct discovery pursuant to Rule 17;</li> <li>5. bring motions before the court pursuant to Rule 15;</li> <li>6. participate in settlement agreements pursuant to Rule 19;</li> <li>7. subpoena witnesses pursuant to Rule 13;</li> </ol>	RJPP 21.02

	<b>PROCEDURE</b>	<b>AUTHORITY</b>
	<p><b>23.02 Parties (Continued)</b></p> <ol style="list-style-type: none"> <li>8. make argument in support of or against the petition;</li> <li>9. present evidence;</li> <li>10. cross-examine witnesses;</li> <li>11. request review of the referee’s findings and recommended order pursuant to Rule 7;</li> <li>12. request review of the court’s disposition upon a showing of a substantial change of circumstances or that the previous disposition was inappropriate;</li> <li>13. bring post-trial motions pursuant to Rule 45;</li> <li>14. appeal from orders of the court pursuant to Rule 47; and</li> <li>15. any other rights as set forth in statute or these rules.</li> </ol>	RUPP 21.02
23.03	<p><b>Parties’ Addresses</b></p> <p>It shall be the responsibility of the petitioner to set forth in the petition the names and addresses of all parties if known to the petitioner after reasonable inquiry, and to specify that each such person has party status. It shall be the responsibility of each party to inform the court administrator of any change of address. If a party is endangered, the party may ask the court to keep the party’s address confidential.</p>	RJPP 21/03
<b>PARTICIPANTS</b>		
23.04	<p><b>Participant Status</b></p> <p>Unless already a party pursuant to Rule 21, or unless otherwise specified, participants to a juvenile protection matter shall include:</p> <ol style="list-style-type: none"> <li>1. the child;</li> <li>2. any parent who is not a legal custodian and any alleged, adjudicated, or presumed father;</li> <li>3. the responsible social services agency, when the responsible social services agency is not the petitioner;</li> <li>4. any guardian ad litem for the child’s legal custodian;</li> <li>5. grandparents with whom the child has lived within the two (2) years preceding the filing of the petition;</li> <li>6. relatives or other persons providing care for the child and other relatives who request notice;</li> <li>7. current foster parents, persons proposed as long-term foster care parents, and persons proposed as pre-adoptive parents;</li> <li>8. the spouse of the child, if any; and</li> <li>9. any other person who is deemed by the court to be important to a resolution that is in the best interests of the child.</li> </ol>	RJPP 22.01
23.05	<p><b>Rights of Participants</b></p> <p>A. <b>Generally.</b> Unless a participant intervenes as a party pursuant to Rule 23, or is joined as a party pursuant to Rule 24, the rights of a participant shall be limited to:</p> <ol style="list-style-type: none"> <li>(a) notice and a copy of the petition pursuant to Rule 32;</li> <li>(b) attending hearings pursuant to Rule 27; and</li> <li>(c) offering information at the discretion of the court, except as provided in subdivision 2.</li> </ol>	RJPP 22.02, subd. 1

	PROCEDURE	AUTHORITY
	<p><b>23.05 Rights of Participants (continued)</b></p> <p>B. <b>Foster Parents, Pre-Adoptive Parents, and Relatives Providing Care.</b> Notwithstanding subdivision 1, any foster parent, pre-adoptive parent, relative providing care for the child, or relative to whom the responsible social services agency recommends transfer of permanent legal and physical custody of the child shall have a right to be heard in any hearing regarding the child. Any other relative may request an opportunity to be heard. This subdivision does not require that a foster parent, pre-adoptive parent, or relative providing care for the child be made a party to the matter. Each party and the county attorney shall be provided an opportunity to respond to any presentation by a foster parent, pre-adoptive parent, or relative.</p>	RJPP 22.02, subd. 2
23.06	<p><b>Participants' Addresses</b></p> <p>It shall be the responsibility of the petitioner to set forth in the petition the names and addresses of all participants if known to the petitioner after reasonable inquiry, and to specify that each such person has participant status. It shall be the responsibility of each participant to inform the court administrator of any change of address. If a participant is endangered, the participant may ask the court to keep the participant's address confidential.</p>	RJPP 22.03