

AMENDMENTS TO RULES OF JUVENILE PROTECTION PROCEDURE

[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.]

RULE 16. SIGNING OF PLEADINGS, MOTIONS, AND OTHER DOCUMENTS PAPERS; SERVICE AND FILING OF MOTIONS AND OTHER DOCUMENTS; SANCTIONS

Rule 16.01. Signature

Subd. 1. Generally. Except as otherwise provided in these rules, every pleading, written motion, and other similar document ~~paper~~ shall be signed by at least one attorney of record in the attorney's individual name, or, if the party is not represented by an attorney, shall be signed by the party. Each paper shall state the signer's name, address, and telephone number, and attorney registration number if signed by an attorney. If providing a party's address and telephone number would endanger the party, the address and telephone number may be provided to the court in a separate information statement and shall not be accessible to the public or to the parties. Upon notice and motion, the court may disclose the address and telephone number as it deems appropriate. Except when otherwise specifically provided by rule or statute, pleadings need not be verified or accompanied by affidavit. An unsigned document ~~paper~~ shall be stricken unless omission of the signature is corrected promptly after being called to the attention of the attorney or party. When authorized by order of the Minnesota Supreme Court, the filing, serving, or submitting of a document using an E-Filing System established by order of the court constitutes certification of compliance with the signature requirements of these rules.

Subd. 2. Exception – Social Worker and Guardian Ad Litem Reports. Reports filed by social workers and guardians ad litem under Rule 38 need not be signed.

Advisory Committee Comment – 2012 Amendment

Rule 16.01, subd. 1, is amended to add the last sentence, which is intended to facilitate a pilot project on electronic filing and service, but is designed to be a model for the implementation of electronic filing and service if the pilot project is made permanent and statewide. The sole purpose of the amendment is to make explicit the status of "signatures" affixed to pleadings and other documents that are electronically filed and served. Whatever means are used to sign these documents, whether pen and ink, facsimile of a signature, or an indication that the document is signed (such as a "/s/ Pat Smith" notation), each will be treated the same way and deemed to be signatures for all purposes under the rule.

Rule 16.02. Representations to Court

By presenting to the court, whether by signing, filing, submitting, or later advocating, a pleading, motion, report, affidavit, or other similar document ~~paper~~, an attorney or unrepresented party is certifying that to the best of the person’s knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, that:

- (a) it is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;
- (b) the claims, defenses, and other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;
- (c) the allegations and other factual contentions have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and
- (d) the denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on a lack of information or belief.

Rule 16.03. Service and Filing of Motions and Other Documents

Except as otherwise provided in this Rule, the party filing a motion or other document, except a pleading, shall be responsible for serving the motion or other document upon the parties or, if represented, upon the attorneys for such individuals. The court administrator shall serve the motion or other document if the address of the person being served is confidential.

Rule 16.04. Sanctions

If a pleading, motion, affidavit, or other similar document ~~paper~~ is not signed, it shall be stricken unless it is signed promptly after the omission is called to the attention of the pleader or movant. If a pleading, motion, affidavit, or other similar document ~~paper~~ is signed in violation of this rule, the court, upon motion or upon its own initiative, shall impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of the reasonable expenses incurred because of the filing of the pleading, motion, affidavit, or other similar document ~~paper~~, including reasonable attorney fees.

RULE 31. METHODS OF FILING AND SERVICE

Rule 31.01. Types of Filing

Subd. 1. Generally; Electronic Filing. Any document paper may be filed with the court either personally, by U.S. mail, or by facsimile transmission. When authorized by order of the Minnesota Supreme Court, documents may be filed electronically by following the procedures of that order and will be deemed filed in accordance with the provisions of that order.

Subd. 2. Filing by Facsimile Transmission.

(a) Any document paper may be filed with the court by facsimile transmission. Filing shall be deemed complete at the time that the facsimile transmission is received by the court. The facsimile shall have the same force and effect as the original. Only facsimile transmission equipment that satisfies the published criteria of the supreme court shall be used for filing in accordance with this rule.

(b) Within five (5) days after the court has received the transmission, the party filing the document shall forward the following to the court:

(1) a \$25 transmission fee for each 50 pages, or part thereof, of the filing, unless otherwise provided by statute or rule or otherwise ordered by the court;

(2) any bulky exhibits or attachments; and

(3) the applicable filing fee or fees, if any.

(c) If a document paper is filed by facsimile, the sender's original must not be filed but must be maintained in the files of the party transmitting it for filing and made available to the court or any party to the action upon request.

(d) Upon failure to comply with the requirements of this rule, the court in which the action is pending may make such orders as are just including, but not limited to, an order striking pleadings or parts thereof, staying further proceedings until compliance is complete, or dismissing the action, proceeding, or any part thereof.

Advisory Committee Comment – 2012 Amendment

Rule 31.01, subd. 1, is amended to add the last sentence, which is intended to facilitate a pilot project on electronic filing and service, but is designed to be a model for the implementation of electronic filing and service if the pilot project is made permanent and statewide. The purpose of the amendment is to authorize electronic filing when authorized by order of the Minnesota Supreme Court.

Rule 31.02. Types of Service

Subd. 5. Electronic Service. When authorized by order of the Minnesota Supreme Court, documents, except those required by these rules to be served personally or by registered

mail return receipt requested, may be served, by electronic means other than facsimile transmission by following the procedures of that order and will be deemed served in accordance with the provisions of that order.

Advisory Committee Comment – 2012 Amendment

Rule 31.02, subd. 5, is added to facilitate a pilot project on electronic filing and service, but is designed to be a model for the implementation of electronic filing and service if the pilot project is made permanent and statewide. The purpose of the amendment is to authorize electronic service by use of an authorized e-filing and e-service system if authorized by rule or order of the Minnesota Supreme Court. Service by electronic means is allowed for all documents except those required to be served personally or by registered mail return receipt requested.