

PARTY AND PARTICIPANT STATUS

Rules 45.02 and 54.02, subs. 1(h) and (i), of the Rules of Juvenile Protection Procedure (RJPP) provide that it is the responsibility of the petitioner to set forth in the petition the names and addresses of all parties and participants known to the petitioner after reasonable inquiry, and to specify whether each such person has party or participant status. It is the petitioner's obligation to update and provide such information to the parties, participants, attorneys, and court when it becomes known. Court administration staff require this information in order to determine whether the person should be served a Summons and Petition as a party, or a Notice of Hearing and Petition as a participant, and whether the person is to receive copies of any orders which are required to be served only upon parties (unless the court otherwise directs).

Although their party/participant status may change from case to case, following is the party/participant status specified in the RJPP along with their rights.

PERSON	CHIPS MATTERS (Abuse, Neglect, Truancy, Runaway)	PERMANENCY MATTERS (TPR, TLC, LTFC)
<u>Attorneys:</u> Count attorney and attorneys for other parties and participants	Attorneys are neither parties nor participants but, instead, they represent parties or participants and, as such, must be served notice of hearings and copies of orders	Attorneys are neither parties nor participants but, instead, they represent parties or participants and, as such, must be served notice of hearings and copies of orders
Petitioner (either social services agency or someone other than social services agency)	Party <i>RJPP 32.01, subd. 1(d)</i>	Party <i>RJPP 32.01, subd. 1(d)</i>
Social services agency	Party (if the agency is the petitioner) <i>RJPP 32.01, subd. 1(d)</i> Participant (if someone else is petitioner; usually joined as a party if the court adjudicates child as CHIPS) <i>RJPP 33.01(c)</i>	Party (if the agency is the petitioner) <i>RJPP 32.01, subd. 1(d)</i> Participant (if someone else is petitioner) <i>RJPP 33.01(c)</i>
GAL for child	Party <i>RJPP 32.01, subd. 1(a)</i>	Party <i>RJPP 32.01, subd. 1(a)</i>
GAL for minor or incompetent parent or legal custodian	Participant <i>RJPP 33.01(d)</i>	Participant <i>RJPP 33.01(d)</i>
Parent who is legal and physical custodian	Party <i>RJPP 32.01, subd. 1(b)</i>	Party <i>RJPP 32.01, subd. 1(b)</i>
Parent who is non-legal and non-physical custodian (including presumed or adjudicated father)	Participant <i>RJPP 33.01(b)</i>	Party <i>RJPP 32.01, subd. 3(a)</i>
Parent who is an alleged father	Participant <i>RJPP 33.01(b)</i>	Neither party nor participant <i>RJPP 32.01, subd. 3(a)</i>
Legal custodian (if no parent)	Party <i>RJPP 32.01, subd. 1(b)</i>	Party <i>RJPP 32.01, subd. 1(b)</i>
Child (regardless of age)	Participant <i>RJPP 33.01(a)</i> Party (only if child is alleged truant, runaway, or sexually exploited) <i>RJPP 32.01, subd. 2</i>	Participant <i>RJPP 33.01(a)</i>
Child's spouse	Participant <i>RJPP 33.01(h)</i>	Participant <i>RJPP 33.01(h)</i>
Indian child's tribe through tribal representative (e.g. tribal social worker)	Party <i>RJPP 32.01, subd. 1(c)</i>	Party <i>RJPP 32.01, subd. 1(c)</i>
Indian child's Indian Custodian (in lieu of parent)	Party <i>RJPP 32.01, subd. 1(c)</i>	Party <i>RJPP 32.01, subd. 1(c)</i>

PERSON	CHIPS MATTERS (Abuse, Neglect, Truancy, Runaway)	PERMANENCY MATTERS (TPR, TLC, LTFC)
Foster parent	Participant <i>RJPP 33.01(g)</i>	Participant <i>RJPP 33.01(g)</i>
Person proposed as long term foster care parent	Participant <i>RJPP 33.01(g)</i>	Participant <i>RJPP 33.01(g)</i>
Person proposed as adoptive parent	Participant <i>RJPP 33.01(g)</i>	Participant <i>RJPP 33.01(g)</i>
Grandparent with whom child resided within two years preceding filing of petition	Participant <i>RJPP 33.01(e)</i>	Participant <i>RJPP 33.01(e)</i>
Relative or other person providing care for the child who request notice	Participant <i>RJPP 33.01(f)</i>	Participant <i>RJPP 33.01(f)</i>
Person entitled to notice of any adoption proceeding involving the child	Neither party nor participant	Party <i>RJPP 32.01, subd. 3</i>
School if truancy is alleged	Party (if petition alleges child is an habitual truant) <i>RJPP 32.01, subd. 2</i>	Neither party nor participant (unless the court issues order making them party or participant)
Person who intervenes as a party	Party <i>RJPP 32.01, subd. 1(e)</i>	Party <i>RJPP 32.01, subd. 1(e)</i>
Person who is joined as a party	Party <i>RJPP 32.01, subd. 1(f)</i>	Party <i>RJPP 32.01, subd. 1(f)</i>
Person who is deemed by the court to be important to resolution of the case	Party <i>RJPP 32.01, subd. 1(g)</i>	Party <i>RJPP 232.01, subd. 3(c)</i>

Rule 32.02. Rights of Parties. A party shall have the right to:

- (a) notice pursuant to Rule 44 or 53;
- (b) legal representation pursuant to Rule 36;
- (c) be present at all hearings unless excluded pursuant to Rule 38;
- (d) conduct discovery pursuant to Rule 17;
- (e) bring motions before the court pursuant to Rule 14;
- (f) participate in settlement agreements pursuant to Rule 19;
- (g) subpoena witnesses pursuant to Rule 12;
- (h) make argument in support of or against the petition;
- (i) present evidence;
- (j) cross-examine witnesses;
- (k) request review of the referee's findings and recommended order pursuant to Rule 7;
- (l) request review of the court's disposition upon a showing of a substantial change of circumstances or that the previous disposition was inappropriate;
- (m) bring post-trial motions pursuant to Rule 21;
- (n) appeal from orders of the court pursuant to Rule 23; and
- (o) any other rights as set forth in statute or these rules.

Rule 33.02. Rights of Participants.

Subd. 1. Generally. 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:

- (a) notice and a copy of the petition pursuant to Rule 44 or 53;
- (b) legal representation pursuant to Rule 36;
- (b) being present at hearings unless excluded pursuant to Rule 36; and
- (c) offering information at the discretion of the court, except as provided in subdivision 2.

Subd. 2. Foster Parents, Pre-Adoptive Parents, and Relatives Providing Care. 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.