



Minnesota Judicial Branch Policy/Procedures

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| Category: | Court Operations |
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| Contact: | Director, Court Services Division |

Motion Fee Policy

I. POLICY

Pursuant to Judicial Council Policy 506, it is the policy of the Minnesota Judicial Branch to utilize Uniform Court Business Practices where necessary to ensure that clear and consistent information is provided to the public and the Court's business partners; provide consistent application of court rule or statute; and promote consistent fee assessment for services.

In furtherance of this goal, the State Court Administrator adopts this policy setting standard statewide practices for the application of the motion fee in Minn. Stat. § 357.021, subd. 2(4).

II. APPLICABILITY

This policy applies to motions filed in all civil, family (excluding child support motions¹), and probate cases except:

- A. Conciliation Court;
- B. Civil Commitments;
- C. Juvenile Delinquency.

This policy is applicable to all district courts.

III. DEFINITIONS

A. Motion. For purposes of this policy, a motion is a written request to the court to make a specific ruling or order², such as a motion seeking to dispose of all or part of the claims or parties; a non-dispositive motion including but not limited to discovery,

¹ The fee for filing a motion or response to a motion for modification of child support is set forth separately in Minn. Stat. § 357.021, subd. 2(13).

² Black's Law Dictionary (8th ed. 2004).

third party practice, temporary relief, intervention or amendment of pleadings; or a post-trial motion. Motions do not include:

1. Written requests for administrative proceedings, e.g., administrative default judgments; request for order for disclosure; and supplemental collection enforcement proceedings.
2. Written stipulations to change scheduling orders.
3. The following requests filed in guardianship and conservatorship cases:
 - a. Petitions and objections, e.g., petition for approval to sell real estate, petition for final accounting;
 - b. Request for hearing brought pursuant to statute or rule, e.g., accounting hearing;
 - c. Ex Parte Requests for orders in Guardianship cases where there is consent of all interested parties.

B. Motion fee. A motion fee is the fee required to be charged and collected under Minn. Stat. § 357.021, subd. 2(4), which provides:

The fees to be charged and collected by the court administrator shall be as follows: ...

(4) Filing a motion or response to a motion in civil, family, excluding child support, and guardianship cases, [see amount set by statute].

IV. PROCEDURES

- A. A motion fee should be charged and collected upon the filing of a written motion or response to a motion in all civil, family (excluding child support motions), or guardianship and conservatorship cases to which this policy applies. For example:
 1. When a separate written motion is filed along with the summons and complaint or petition, a motion fee should be charged in addition to the filing fee.
 2. If during the course of an action a party brings a discovery motion and later brings a summary judgment motion, the motion fee should be charged and collected upon the filing of each motion.
 3. If a party brings a motion for reconsideration, this is a separate motion for which a motion fee should be charged and collected.
- B. The court should charge and collect one motion fee if:
 1. A single motion is jointly filed by multiple parties to the action or proceeding.
 2. A party files multiple motions, in the same file, on the same day, that are to be heard together (e.g., the party files two motion forms – one for modification of custody and one for modification of parenting time).

C. If the first paper filed by a party is a motion or a response to a motion, the party should be charged both the applicable filing fee and the motion fee, unless the action or claim is one initiated by filing a motion instead of a complaint or petition (e.g., applications to confirm, vacate, modify and correct arbitration awards under Minn. Stat. § 572.23; motion for order directing issuance of title to motor vehicle; application for change of name under Minn. Stat. § 259.10). If the exception applies, then charged only the filing fee.

D. The court should not charge a motion fee when:

1. A party has been authorized to proceed *In Forma Pauperis* under Minn. Stat. § 563.01.
2. A party is exempt from paying fees under Minn. Stat. § 357.021, subd. 1a(c).
3. A party files a reply to a response, amended motion, or supplemental motion.
4. A more specific fee has been established by statute or court rule, e.g., Minn. Stat. § 357.021, subd. 2(6) (transcript of judgment) or (13) (motion for modification of child support).
5. Motion is brought by a non-party witness to quash a subpoena.

V. RELATED DOCUMENTS

Judicial Council Policy [506](#)

VI. REVISION HISTORY

Supersedes: Response to Implementation Issues, 2003 Legislative Session, Changes in fees and surcharges, effective 07/01/2003.

Approval:



Sue Dosal, State Court Administrator

June 10, 2010

Date