

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT
FAMILY COURT DIVISION
JUVENILE COURT DIVISION

In re: Court Procedure to Open,
Consolidate and Process
Parentage Proceedings in All
Assisted Reproductive Technology
Cases in the Fourth Judicial District

ORDER

WHEREAS, the number of parentage proceedings initiated in Hennepin County following the birth of children pursuant to Assisted Reproductive Technology (“ART”) agreements is increasing; and,

WHEREAS, the proceedings in these ART cases often involve multiple issues under separate files of the family and juvenile court divisions; and,

WHEREAS, the presiding judges of both the family and juvenile court divisions have met and determined that a consistent and expedited procedure for opening, consolidating, and processing the orders in these proceedings before one judicial officer will promote the efficient administration of justice and conserve resources.

WHEREAS, all attorneys are required to electronically file pleadings, necessitating an amendment to this order.

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Separate cases shall be opened by the filing of an appropriate petition in each separate court proceeding necessary to establish the intended parentage of the child(ren) born as a result of ART.

2. Each petition filed shall contain a specific allegation stating whether the child(ren) who are the subjects of the proceeding are eligible for enrollment in an American Indian tribe and/or otherwise subject to the Indian Child Welfare Act.

3. If there is a request to open the file(s) prior to the child(ren)'s birth and/or expedite the proceedings after birth, the petition(s) shall be accompanied by an emergency filing order and an affidavit in support of the emergency relief requested. The files may then be opened prior to the birth of the child(ren) and/or the proceedings may be expedited after the birth of the child(ren).

4. All petitions filed in family court division and juvenile court division proceedings related to ART shall be electronically filed and ART shall be placed in the comment line to flag the receiving court clerk.

5. If the establishment of parentage requires court proceedings in the family and juvenile court divisions, the petition in each juvenile court proceeding shall be accompanied by an order for transfer of each juvenile court division case to the family court division for consolidation and assignment pursuant to Minn. Stat, § 484.78 so all the files related to ART can be assigned to one judicial officer in the family court division.

6. Promptly upon receipt of the petitions and any related pleadings in the family court or juvenile court proceedings, the court clerk accepting the e-filing shall contact the division presiding judge or her/his designee for execution of the emergency filing order and any related pleadings.

7. Immediately upon execution of a family division emergency filing order and any related pleadings, the Family Court Manager or that person's designee shall assign all family court division matters to one of the judicial officers designated to hear ART matters in family court.

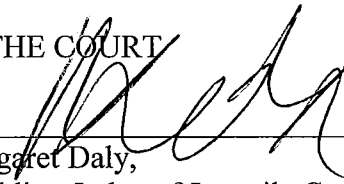
8. Immediately upon execution of the juvenile division emergency filing and file transfer orders and any related pleadings, the adoption clerk shall relate the family court division case to the juvenile court division case in MNCIS and enter the family court division judicial officer assignment on the juvenile court division cases.

9. All proceedings in each ART matter shall be conducted before the single assigned family judicial officer at the Family Justice Center. Once a hearing date has been set, the clerk assigned to the judicial officer will email 4th Juvenile Service Updates so the juvenile court division can schedule hearings on the juvenile cases. Once the proceedings have been concluded and the assigned judicial officer has signed the resulting orders, the assigned judicial officer's clerk will efile the signed orders. The clerk will email 4th Juvenile Service Updates so juvenile court division staff know there is an ARTS order filing that needs immediate attention. Upon request, and if the orders so state, the respective administrative clerks will process and deliver to the parties or their designated attorney certified copies of all executed court orders and

the original certificate of adoption, if requested, on the same day as the hearing is conducted, if possible, or as soon thereafter as is possible.


Date: 6-12-14

BY THE COURT



Margaret Daly,
Presiding Judge of Juvenile Court
Fourth Judicial District

SigPlus1


06/11/2014 11:24:40 am

Anne McKeig,
Presiding Judge of Family Court
Fourth Judicial District