



## AMENDMENTS TO RULES OF ADOPTION 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; SANCTIONS**

#### **Rule 16.01. Signing of Pleadings, Motions and Other Documents ~~Papers~~**

**Subd. 1. Party Represented by an Attorney.** When a party is represented by an attorney, every pleading, motion, and other similar document ~~paper~~ filed with the court shall be personally signed by at least one attorney of record in the attorney's individual name and shall state the attorney's address, telephone number, and attorney registration number.

**Subd. 2. Party Not Represented by an Attorney.** A party who is not represented by an attorney shall personally sign the pleading, motion, or other similar document ~~paper~~ filed with the court and shall state the party's address and telephone number. If a party asserts that providing the address and telephone number is not in the best interests of the child, the address and telephone number may be provided to the court in a separate informational statement and shall not be accessible to the public or to the parties. Upon notice of motion and motion, the court may disclose the address and telephone number as it deems appropriate.

**Subd. 3. Signing Constitutes Certification.** Except when otherwise specifically provided by rule or statute, pleadings need not be verified by affidavit or accompanied by affidavit. The signature of an attorney or party constitutes a certification that:

- (a) the pleading, motion, or other document ~~paper~~ has been read;
- (b) to the best of the signer's knowledge, information, and belief, formed after reasonable inquiry, the pleading, motion, or other document ~~paper~~ is well-grounded in fact and is warranted by existing law or a good-faith argument for the extension, modification, or reversal of existing law; and
- (c) it is not interposed for any improper purpose, such as to harass or cause unnecessary delay or needless increase in the cost of litigation.

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.

### **Advisory Committee Comment – 2012 Amendment**

Rule 16.01, subd. 3, is amended to add the last paragraph, 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. 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, may impose upon the person who signed it, a represented party, or both, an appropriate sanction, including sanctions permitted pursuant to Rule 11 of the Minnesota Rules of Civil Procedure, 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.

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### **RULE 25. METHODS OF FILING AND SERVICE**

#### **Rule 25.01. Types of Filing**

**Subd. 1. Generally.** 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.** Any document ~~paper~~ may be filed with the court by facsimile transmission. Filing shall be deemed complete at the time 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.

**Subd. 3. Fees; Original Document.** Within five (5) days after the court has received the facsimile transmission, the party filing the document shall forward the following to the court:

- (a) 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;
- (b) any bulky exhibits or attachments; and
- (c) the applicable filing fee or fees, if any.

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.

#### **Rule 25.02. 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 25.02, 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.