

STATE OF MINNESOTA  
IN SUPREME COURT  
CX-89-1863

PROMULGATION OF AMENDMENTS  
TO THE MINNESOTA GENERAL RULES OF PRACTICE  
FOR THE DISTRICT COURTS

**ORDER**

In its report filed November 6, 2007, the Supreme Court Advisory Committee on the General Rules of Practice recommended amendments to the General Rules of Practice for the District Courts. This Court established a deadline of December 14, 2007, for submitting comments on the proposal. The Supreme Court has reviewed the proposals and the submitted comments, and is fully advised in the premises.

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The attached amendments to the General Rules of Practice for the District Courts be, and the same hereby are, prescribed and promulgated to be effective on January 1, 2008.
2. The attached amendments shall apply to all actions pending on the effective date and to those filed thereafter.
3. The inclusion of Advisory Committee comments is made for convenience and does not reflect court approval of the comments made therein.
4. The State Court Administrator's Office Child Support Magistrate staff shall work with the Minnesota Department of Human Services Child Support Enforcement Division, the Anoka County Attorney's Office, and other interested individuals to resolve outstanding issues regarding expedited process rules and submit a revised proposal to the advisory committee.

5. The State Court Administrator's Office Interpreter Program shall work with the Judicial Council to address concerns regarding recording of interpreted testimony as discussed in the advisory committee report and the comments submitted in response thereto.

DATED: December 28, 2007

BY THE COURT:



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Russell A. Anderson  
Chief Justice

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OFFICE OF  
APPELLATE COURTS

JAN - 3 2008

FILED

**Amendments to the General Rules of Practice for the District Courts:**

[Note to publishers: Deletions are indicated by a line drawn through the text; additions are underlined.]

**RULE 114—APPENDIX**

**CODE OF ETHICS  
ENFORCEMENT PROCEDURE**

\* \* \*

**Rule II. Procedure**

\* \* \*

**B.** The State Court Administrator's Office, in conjunction with one ADR Review Board member shall review the complaint and recommend to determine whether the allegations(s), if true, constitute a violation of the Code of Ethics, and whether to refer the complaint to mediation. The State Court Administrator's Office and ADR Review Board member may also request additional information from the complainant if it is necessary prior to making a recommendation.

**C.** If the allegations(s) of the complaint do not constitute a violation of the Code of Ethics, the complaint shall be dismissed and the complainant and the neutral shall be notified in writing.

**D.** If the ~~Board concludes that~~ the allegation(s) of the complaint, if true, constitute a violation of the Code of Ethics, the Board will undertake such review, investigation, and action it deems appropriate. In all such cases, the Board shall send to the neutral, by certified mail, a copy of the complaint, a list identifying the ethical rules which may have been violated, and a request for a written response to the allegations and to any specific questions posed by the Board. It shall not be

23 considered a violation of Rule 114.08(e) of the Minnesota General Rules of  
24 Practice or of Rule IV of the Code of Ethics, Rule 114 Appendix, for the neutral to  
25 disclose notes, records, or recollections of the ADR process complained of as part  
26 of the complaint procedure. Except for good cause shown, if the neutral fails to  
27 respond to the complaint in writing within thirty (30) days, the allegations(s) shall  
28 be deemed admitted.

29 E. The complainant and neutral may agree to mediation or the State  
30 Court Administrator's Office or Board, at its discretion, may refer them  
31 ~~complainant and neutral~~ to mediation conducted by a ~~volunteer~~ qualified neutral to  
32 resolve the issues raised by the complainant. Mediation shall proceed only if both  
33 the complainant and neutral consent. If the complaint is resolved through  
34 mediation, ~~the Board shall dismiss the complaint~~ shall be dismissed, unless the  
35 resolution includes sanctions to be imposed by the Board. If no agreement is  
36 reached in mediation, the Board shall determine whether to proceed further.

37 \* \* \*

38 Advisory Committee Comments—2007 Amendments

39 Rule II. B. is amended in 2007 to implement a streamlined process so that  
40 one ADR Review Board member together with state court administration staff  
41 can make initial determinations. This will allow the process to proceed instead  
42 of waiting for monthly board meetings. Rule II.E. is amended to clarify that  
43 the parties may voluntarily elect mediation in addition to mediation being  
44 offered by the Board.

46 **Rule IV. Confidentiality**

47 \* \* \*

48 D. Accessibility to records maintained by district court administrators  
49 relating to complaints or sanctions about neutrals ~~parenting time expeditors~~ shall  
50 be consistent with this rule.

52 Advisory Committee Comments—2007 Amendments

53 Rule IV. D. is amended in 2007 to clarify that accessibility to district  
54 court information about sanctions is consistent with Rule 114 for all neutrals.  
55 In addition to maintaining local rosters of parenting time expeditors, district  
56 courts receive notice of sanctions imposed by the ADR Review Board.

57 **RULE 302. COMMENCEMENT; CONTINUANCE;**  
58 **TIME; PARTIES**

59 **Rule 302.01 Commencement of Proceedings**

60 \* \* \*

61 **(b) Joint Petition.**

62 (1) No summons shall be required if a joint petition is filed.  
63 Proceedings shall be deemed commenced when both parties have signed the  
64 verified petition.

65 (2) Where the parties to a proceeding agree on all property issues,  
66 ~~have no children together, the wife is not pregnant, and the wife has not give birth~~  
67 ~~since the date of the marriage to a child who is not a child of the husband, the~~  
68 parties may proceed using a joint petition, agreement, and judgment and decree for  
69 marriage dissolution, ~~without children. Form 12 appended to these rules is a~~  
70 ~~suffieient form for this purpose.~~

71 (3) Upon filing of the “Joint Petition, Agreement and Judgment  
72 and Decree,” and Form 11.1 appended to Title I of these rules, and a Notice to the  
73 Public Authority if required by Minn. Stat. § 518A.44 ~~518.551~~, subd. 5, the court  
74 administrator shall place the matter on the appropriate ~~default~~ calendar ~~for~~  
75 ~~approval without hearing pursuant to Minn. Stat. § 518.13, subd. 5. A Certificate~~  
76 of Representation and Parties and documents required by Rules 306.01 and 306.02  
77 shall not be required if the “Joint Petition, Agreement and Judgment and Decree”  
78 provided in Form 12 published by the state court administrator is used.

79 (4) The state court administrator shall maintain, publish and  
80 regularly update, or provide references to, forms that may be used by parties for

purposes of this rule. Court Administrators in each Judicial District shall make the forms “Joint Petition, Agreement and Judgment and Decree for Marriage Dissolution Without Children” available to the public at a reasonable cost, as a fill-in-the-blank form.

\* \* \*

#### Advisory Committee Comments—2007 Amendments

Rule 302(b) is amended to expand the availability of the streamlined procedure allowing a marriage dissolution to proceed by use of a single pleading that combines a joint petition, marital termination agreement, and judgment and decree. The prior rule allowed this procedure only in marriages with no children; the amendment allows its use in marriage dissolution proceedings with children where the parties have agreed on all issues. The combined form permits the parties to proceed more expeditiously and make it easier for the parties and the court to verify that the judgment and decree to be entered by the court conforms to the parties' agreement.

The rule also deletes the reference to the former Rule 12 as part of a transition to maintain practice forms related to practice under the rules by court administration and available on the courts' website [[www.mcourts.gov](http://www.mcourts.gov)] rather than as part of the rule.

### **Rule 303.02 Form of Motion**

\* \* \*

(b) **Application for Temporary Relief.** When temporary financial relief is initially requested, such as child support, maintenance and attorney's fees, the application for temporary relief form developed by the state court administrator set forth at form 1 appended to these rules shall be served and filed by the moving and responding parties. Additional facts, limited to relevant and material matters, shall be added at paragraph 10 of to the application form or by supplemental affidavit. Sanctions for failure to comply include, but are not limited to, the striking of pleadings or hearing.

110 **Rule 304.02 The Party's Informational Statement**

111 (a) **Timing.** Within 60 days after filing an action or, if a temporary  
112 hearing is scheduled within 60 days of the filing of the action, then within 60 days  
113 after a temporary hearing is initially scheduled to occur, whichever is later, each  
114 party shall submit, on a form to be available from the court and developed by the  
115 state court administrator (~~see Forms 9A and B appended to these rules~~), the  
116 information needed by the court to manage and schedule the case.

117 \* \* \*

118 (c) **Unrepresented Parties.** Parties not represented by a lawyer may  
119 use forms developed specially by the state court administrator for unrepresented  
120 parties shall, ~~instead of providing the information required above on Form 9A,~~  
121 ~~provide substantially the information required on Form 9B.~~

122 **Rule 305.01 Prehearing Statement**

Each party shall complete a prehearing conference statement substantially in the  
form developed by the state court administrator ~~set forth at form 2 appended to~~  
~~these rules~~ which shall be served upon all parties and mailed to or filed with the  
court at least 10 days prior to the date of the prehearing conference.

123 **Rule 306.01 Scheduling of Final Hearing**

124 Except when proceeding under Rule 302.01(b) by Joint Petition,  
125 Agreement and Judgment and Decree, to place a matter on the default calendar for  
126 final hearing or for approval without hearing pursuant to Minnesota Statutes,  
127 section 518.13, subdivision 5, the moving party shall submit a default scheduling  
128 request substantially in the form developed by the state court administrator ~~set~~  
129 ~~forth in Form 10 appended to these rules~~ and shall comply with the following, as  
130 applicable:

131 \* \* \*

132 **RULE 311. FORMS**

133 The forms developed by the state court administrator ~~contained in the~~  
134 ~~Appendix of Forms~~ are sufficient under these rules.

135 **Advisory Committee Comment**

136 The responsibility for forms development and review is being handed off  
137 to the state court administrator to permit more effective forms management and  
138 review. This process is already followed for the expedited process. Gen. R.  
139 Prac. 379 02

**APPENDIX OF FORMS**

**TITLE IV. RULES FOR FAMILY COURT PROCEDURE**

All forms in Title IV are hereby deleted from the rules; the deletions are not shown in strikeout - underline format to conserve space. Dissolution forms are currently maintained on the state court website ([www.mncourts.gov](http://www.mncourts.gov)).

140 **RULE 806. JURY SOURCE LIST**

141 \* \* \*

142 (e) The jury commissioner shall review the jury source list once every  
143 four years for its ~~representativeness and inclusiveness~~ and the jury pool for its  
144 representativeness of the adult population in the county and report the results to  
145 the chief judge of the judicial district.

146 (f) If the chief judge, or designee, determines that improvement is  
147 needed in either the ~~representativeness or inclusiveness~~ of the jury source list or



148 the representativeness of the jury pool, appropriate corrective action shall be  
149 ordered.

151 **Advisory Committee Comment—2007 Amendment**

152 Rules 806(e) & (f) are amended to state the jury commissioner's  
153 responsibility more precisely. Because a jury commissioner does not have  
154 control over the composition of the jury source list, the rule should not impose  
155 a duty relating to the source list. It shifts that responsibility, however, to  
156 require the jury commissioner assess the representativeness of the jury pool as a  
157 whole, not the constituent lists. This amendment is not intended to lessen in  
158 any way the representativeness of jury pools. This change is similar in purpose  
159 and form to the amendment of Minn. Gen. R. Prac. 803, effective January 1,  
160 2007.