

STATE OF MINNESOTA
IN SUPREME COURT
ADM10-8003



**ORDER REGARDING PROPOSED AMENDMENTS AND
ESTABLISHING PUBLIC COMMENT ON THE MINNESOTA
RULES OF JUVENILE DELINQUENCY PROCEDURE**

On July 28, 2022, we directed the Minnesota Supreme Court Advisory Committee on the Rules of Juvenile Delinquency Procedure (“Advisory Committee”) to consider whether the Minnesota Rules of Juvenile Delinquency Procedure should be amended to create a procedural mechanism for a post-adjudication or post-certification evidentiary proceeding to develop a record for a claim of ineffective assistance of counsel, or any other appropriate claim. The Advisory Committee filed its report on October 9, 2023. *See* Report and Proposed Amendments to the Minnesota Rules of Juvenile Delinquency Procedure, No. ADM10-8003 (filed Oct. 9, 2023). The report recommended amendments to provide a mechanism to seek post-disposition relief in juvenile delinquency cases.

By order filed on December 4, 2023, we established a period for the public to file written comments in response to the report filed by the Advisory Committee. We received two comments from the Minnesota County Attorneys Association and the Office of the Minnesota Appellate Public Defender.

A public hearing was held on October 22, 2024, in which representatives from the Advisory Committee, the Minnesota County Attorneys Association, and the Office of the

Minnesota Appellate Public Defender spoke. During the hearing, concerns about the short and inflexible timelines in juvenile appeals were also raised.

After careful consideration of the Advisory Committee's report, the written comments, and the statements at the public hearing, we conclude that the issue of whether and how to create a procedural mechanism for a post-adjudication or post-certification evidentiary proceeding to develop a record for a claim of ineffective assistance of counsel, or any other appropriate claim, would benefit from further consideration by a newly formed workgroup with a broader cross-section of legal experience. This workgroup will be a joint effort of the Advisory Committees on the Minnesota Rules of Juvenile Delinquency Procedure and Criminal Procedure. Some members from each advisory committee will be appointed to this workgroup in a future order, along with additional individuals with expertise in different areas of the law such as juvenile delinquency, postconviction law, and appellate practice.

Based on the concerns raised during the public hearing, we also establish a public comment period on whether Minnesota Rule of Juvenile Delinquency Procedure 21.03, subd. 2(B)(1), should be amended to permit, for good cause shown, up to a 30-day extension of time to file a notice of appeal.

Based on all of the files, records, and proceedings herein,

IT IS HEREBY ORDERED THAT:

1. We decline to adopt the proposed amendments to the Minnesota Rules of Juvenile Delinquency Procedure recommended by the Advisory Committee in its October 9, 2023 Report.

2. We will refer the issue of whether the Minnesota Rules of Juvenile Delinquency Procedure should be amended to create a procedural mechanism for a post-adjudication or post-certification evidentiary proceeding to develop a record for a claim of ineffective assistance of counsel, or any other appropriate claim, to a new workgroup. The membership of this new workgroup will be established in a forthcoming order.

3. Additionally, the court will consider whether Minnesota Rule of Juvenile Delinquency Procedure 21.03, subd. 2(B)(1) should be amended to include: “For good cause, the district court or a judge of the Court of Appeals may, before or after the time for appeal has expired, with or without motion and notice, extend the time for filing a notice of appeal up to thirty (30) days from the expiration of the time prescribed by these rules.” We will consider this proposed amendment to the Minnesota Rules of Juvenile Delinquency Procedure after providing a period for public comment and reviewing any comments received on the proposed amendments. Any person or organization wishing to provide written comments in support of or in opposition to the proposed amendment must file those comments with the Clerk of the Appellate Courts consistent with the filing requirements of Minn. R. Civ. App. P. 125.01(a). All comments must be filed so as to be received by the Clerk’s office no later than March 18, 2025.

Dated: January 17, 2025

BY THE COURT:

A handwritten signature in black ink, appearing to read "Natalie E. Hudson".

Natalie E. Hudson
Chief Justice