

FILED

June 29, 2020

**OFFICE OF
APPELLATE COURTS**

STATE OF MINNESOTA
IN SUPREME COURT

ADM09-8009

**ORDER PROMULGATING AMENDMENTS TO THE
GENERAL RULES OF PRACTICE FOR THE DISTRICT COURTS**

In a report filed on July 31, 2019, the Advisory Committee for the General Rules of Practice for the District Courts recommended that the rules be amended to clarify the process for submitting filings that, whether in paper or electronic form, contain confidential or non-public information. The recommended amendments establish procedures for restricting public access to non-compliant documents in a publicly accessible court record, requiring the filer to correct the submission by appropriately designating the confidential or non-public information, striking a non-compliant document from the record if not corrected, and allowing the filer to secure the benefit of the original filing date if necessary. The committee also recommends that amendments be made to Form 11.2, the cover sheet to be filed with non-public documents, to assist filers in managing the submission of separate public and non-public documents. Additional amendments, in the nature of housekeeping, are recommended in Rule 377.09 and Rule 509 of the General Rules of Practice.

Comments were filed by the State Court Administrator, supporting the committee's recommended amendments and proposing additional clarifying amendments to address access issues with respect to specific document types or matter included in documents. The court has carefully considered the committee's recommendations and the input of the State Court Administrator, as well as the related amendments recommended by the advisory

committees for the Rules of Civil Procedure and the Rules of Public Access to Records of the Judicial Branch. Based on that review, we adopt the advisory committee's recommended amendments to the General Rules of Practice, including the additional amendments proposed by the State Court Administrator. We also agree with the recommendation to amend Form 11.2, and ask the State Court Administrator to implement that recommendation by working with the staff attorney to the Advisory Committee for the General Rules of Practice for the District Court.

The Advisory Committee's report also recommended a housekeeping amendment to Rule 509, and committee staff have identified a housekeeping amendment to Rule 377.09 that is related to timing amendments we previously promulgated. We also make these housekeeping changes in this order.

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

IT IS HEREBY ORDERED THAT:

1. The attached amendments to the General Rules of Practice for the District Courts are prescribed and promulgated as shown.

2. The amendments to Rule 377.09 and Rule 509 are effective as of September 1, 2020, and shall apply to all cases pending on or after the effective date, unless the district court concludes that application of the rules as amended to a case pending on the effective date is not feasible or would work a manifest injustice, *see* Minn. Gen. R. Prac. 1.02.

3. The amendments to Rules 7, 11, and 14 are effective as of January 1, 2021, and shall apply to all documents filed on or after the effective date, unless the district court

concludes that application of the rules as amended to a case pending on the effective date is not feasible or would work a manifest injustice, *see* Minn. Gen. R. Prac. 1.02.

4. The amendments to Form 11.2 are approved and the State Court Administrator shall make the amended form available on or before January 1, 2021.

5. The Advisory Committee comments are included for convenience and do not reflect court approval of the comments.

Dated: June 29, 2020

BY THE COURT:

A handwritten signature in black ink, appearing to read "Lorie S. Gildea".

Lorie S. Gildea
Chief Justice

AMENDMENTS TO THE GENERAL RULES OF PRACTICE FOR THE DISTRICT COURTS

[Note: 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.]

TITLE I. RULES APPLICABLE TO ALL COURT PROCEEDINGS

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RULE 7. PROOF OF SERVICE

When a document has been conventionally served before filing, proof of service shall be affixed to the document so that the identity of the document is not obscured. If a document is filed before conventional service has been made, proof of service shall be filed within 7 days after service is made. When a document has been both eFiled and eServed together using served ~~through~~ the E-Filing System in accordance with Rule 14, the record of service on the E-Filing System shall constitute proof of service.

RULE 11. SUBMISSION OF CONFIDENTIAL INFORMATION

Rule 11.01 Definitions

The following definitions apply for the purposes of this rule:

(a) “Restricted identifiers” ~~shall mean~~ any of the following numbers of ~~a party or other person~~ any person or legal entity: a complete or partial social security number, complete or partial employer identification number, or other taxpayer identification numbers; and any financial account numbers other than the last four numbers of a financial account number that is not also a social security, employer identification, or other taxpayer identification number.

(b) “Financial account number” means a string of numeric or alphanumeric characters assigned to a credit, deposit, trust, insurance, or other account that can be used by someone other than those authorized to access the account to obtain access to the account for unauthorized transactions, provided that a billing number issued by a government entity which number is publicly accessible from such government entity is not a financial account number under this rule. For the convenience of filers, the state court administrator may establish a non-exclusive list of examples of financial account numbers, and the list shall be posted on the judicial branch website (www.mncourts.gov).

(c) “Financial source documents” means income tax returns, W-2 forms and schedules, wage stubs, credit card statements, financial institution statements, check registers, and other financial information deemed financial source documents by court order.

Rule 11.02 Restricted Identifiers; Submission; Certification

(a) ~~Pleadings and Other Documents Submitted by a Party~~ Records Generated by External Filers. ~~No party shall submit~~ Restricted identifiers are prohibited in all ~~on any pleading~~

~~or other documents or other records that is to be filed with the court except when the restricted identifiers are information is germane and necessary for the court's consideration of the issues then before the court. If it is necessary to provide restricted identifiers to the court, they must be submitted in either one of the following two ways:~~

- ~~(1) on a separate form entitled Confidential Information Form (see Form 11.1 as published by the state court administrator) filed with the pleading or other document; or~~
- ~~(2) on a non-public document submitted in accordance with Confidential Financial Source Documents under Rule 11.03.~~

The Confidential Information Form (Form 11.1) shall not be accessible to the public.

~~The parties are~~ Every person who files any other document or other record with the court is solely responsible for ensuring that it contains no restricted identifiers, except as permitted in section (a) of this rule do not otherwise appear on the pleading or other document filed with the court. The court administrator will not review each record pleading or document filed by a party for compliance with this rule. Notwithstanding this provision, the court administrator may take any action consistent with Rule 11.05-11.04.

(b) Records Generated by the Court. Restricted identifiers maintained by the court in its register of actions (i.e., activity summary or similar information that lists the title, origination, activities, proceedings and filings in each case), calendars, indexes, and judgment docket shall not be accessible to the public. Courts shall not include restricted identifiers on judgments, orders, decisions, and notices except on ~~the a~~ Confidential Information Form (Form 11.1), which shall not be accessible to the public.

(c) Certification. Every filing shall constitute a certification by the filer that the documents filed contain no restricted identifiers, except as permitted in section (a) of this rule. For documents filed using the E-Filing System, this certification may additionally be provided by electronically acknowledging the certification statement in the manner designated by the E-Filing System.

Rule 11.03 Confidential Financial Source Documents-Filer's Duty to Identify Non-Public Document Using Cover Sheet Plus E-filing Designation, or Using E-Filing Code Plus E-filing Designation

(a) Cover Sheet or E-filing Code Required. Every person filing non-public documents with the court in public case types is solely responsible for identifying and designating them as non-public. When e-filing, non-public documents shall also be designated as Confidential or Sealed in the E-Filing System as required by Rule 14.06 of these rules. In all case types, restricted identifiers shall only be filed as authorized in Rule 11.02 of these rules. In juvenile protection cases, other confidential information and confidential documents must be filed as provided in Rule 8.04 of the Rules of Juvenile Protection Procedure. All other individual non-public documents filed in public cases, including but not limited to financial source documents shall be;

- (i) ~~submitted to filed with the court under with a separate, publicly accessible cover sheet designated “Confidential Financial Source Documents” and substantially in the form set forth as Form 11.2 Cover Sheet for Non-Public Documents as published by the state court administrator; or~~
- (ii) e-filed with a specific filing code in the E-Filing system or via Court Integration Services, which defaults the document to Confidential or Sealed, as published in the E-Filing Code Guides by the state court administrator for that specific type of non-public document and case type.

Financial source documents ~~and other non-public documents~~ submitted ~~as with the~~ required ~~in parts (i) or (ii) above cover sheet~~ are not accessible to the public except to the extent that they are admitted into evidence in a testimonial hearing or trial or as provided in Rule ~~11.05~~ 11.06 of these rules. The filer must file the Form 11.2 Cover Sheet for Non-Public Documents as a separate document from the non-public documents. The Form 11.2 Cover Sheet for Non-Public Documents shall be accessible to the public. The cover sheet or copy of it shall be accessible to the public.

(b) Closed Account Statements. Statements from a permanently closed (also known as “charged off”) credit card or financial institution account that has been identified as a closed account in ~~the~~ related ~~pleading or other~~ filed document need not be submitted ~~with a Form 11.2 Cover Sheet for Non-Public Documents as a confidential financial source document under rule 11.03 of these rules~~ unless desired by the filing party or as directed by the court.

(c) Absence of Cover Sheet or E-Filing Code. ~~Financial source Non-public~~ documents that are not submitted ~~as required in part (a)(i) or (a)(ii) above with the required cover sheet~~ are accessible to the public, but the court may, upon motion or on its own initiative, order that any such ~~financial source~~ document be non-public confidential.

(d) Not Applicable to Non-Public Case Types. This Rule 11.03 is not applicable to non-public case types. The state court administrator shall maintain and publish on the judicial branch website a list of non-public case types.

Rule 11.04. When Documents May Be Filed as Non-Public

Non-public documents may be filed as “confidential documents” or as “sealed documents.” A person may submit a document for filing as a “confidential document” or “sealed document” only if one of these circumstances exists:

- (a) The court has issued an order permitting the filing of the particular document or class of documents under seal or as confidential.
- (b) This rule or any applicable court rule, court order, or statute expressly authorizes or requires filing under seal or as confidential.
- (c) The filer files a motion for leave to file as confidential or under seal not later than at the time of submission of the document.

The court may require a filing party to specify the authority for asserting that a filing is a “confidential document” or “sealed document.” For purposes of this rule, the terms “confidential document” and “sealed document” shall have the meanings set forth in Rule 14.01. Additional requirements for electronically submitting a document as confidential or sealed in the E-Filing System are set forth in Rule 14.06.

Upon review, the court may modify the designation of any document incorrectly designated as confidential or sealed and shall provide prompt notice of any such change to the person who filed the document.

Rule ~~11.04~~ 11.05 Failure to Comply

If a ~~party-filer~~ fails to comply with the requirements of this rule in regard to any ~~person’s~~ restricted identifiers or ~~other non-public information/financial source documents~~, the court may upon motion or its own initiative impose appropriate sanctions, including costs necessary to prepare an appropriate document for filing.

Any person may notify the court administrator at any time that a restricted identifier or other non-public information appears in a publicly accessible court record. Upon discovery that a document containing a restricted identifiers or other non-public information has not been submitted in a confidential manner as required by this rule, the court administrator shall file it with a temporary non-public status-restrict public access to the document pending redaction or court order and direct the filer to, within 3-21-days, either:

- (1) serve and file a properly redacted filing, including any necessary cover sheet, and pay any prescribed monetary fee to the court, and, if the party desires that the filing date of the resubmitted document(s) relates back to the filing date of the original document(s), serve and file a motion requesting the relation-back to the original filing date; or
- (2) file a motion for relief from the court.

Any other party may oppose the motion seeking relation-back to the original filing date within the same time limits as are provided by law for the type of document(s) being filed. If a filer timely pays the monetary fee, and timely requests relation-back of the filing date, the court may, in the interests of justice, order that the filing date of the properly submitted document(s) relate back to the filing date of the original document(s). The court may additionally impose any sanctions it finds appropriate for the filer’s non-compliance.

Except in criminal, civil commitment, and juvenile delinquency cases, or for medical records filed in any case type, if no action is taken within 3-21-days after notice/direction from the court administrator, the court administrator shall strike the document so it is not accessible to the public, the parties, or the court. The parties and the court shall not consider the stricken document to be part of the court record unless the court, in the interests of justice under the circumstances of the individual case, orders the court administrator to restore the document to the official court record, the filing shall be stricken.

Rule ~~11.05~~ 11.06 Procedure for Requesting Access to Confidential Financial Source Documents

(a) **Motion.** Any person may file a motion, supported by affidavit showing good cause, for access to Confidential Financial Source Documents or portions of the documents. Written notice of the motion to all parties is required.

(b) **Waiver of Notice.** If the person seeking access cannot locate a party to provide the notice required under this rule, after making a good faith reasonable effort to provide such notice as required by applicable court rules, an affidavit may be filed with the court setting forth the efforts to locate the party and requesting waiver of the notice provisions of this rule. The court may waive the notice requirement of this rule if the court finds that further good faith efforts to locate the party are unlikely to be successful.

(c) **Balancing Test.** The court shall allow access to Confidential Financial Source Documents, or relevant portions of the documents, if the court finds that the public interest in granting access or the personal interest of the person seeking access outweighs the privacy interests of the parties or dependent children. In granting access the court may impose conditions necessary to balance the interests consistent with this rule.

~~Rule 11.06. When Documents May Be Filed as Confidential or under Seal~~

~~_____ A party may submit a document for filing as a “confidential document” or “sealed document” only if one of these circumstances exists:~~

~~_____ (a) The court has entered an order permitting the filing of the particular document or class of documents under seal or as confidential.~~

~~_____ (b) This rule or any applicable court rule, court order, or statute expressly authorizes or requires filing under seal or as confidential.~~

~~_____ (c) The party files a motion for leave to file under seal or as confidential not later than at the time of submission of the document.~~

~~_____ The court may require a filing party to specify the authority for asserting that a filing is a “confidential document” or “sealed document.” For purposes of this rule, the terms “confidential document” and “sealed document” shall have the meanings set forth in Rule 14.01. Additional requirements for electronically submitting a document as confidential or sealed in the E-Filing System are set forth in Rule 14.06.~~

Rule 11.07. Procedure for Requesting Access to Other Non-Public Records.

Any person may request access to records not governed by Rule 11.06 of these rules by following the procedures set forth in Rule 7 of the Rules of Public Access to Records of the Judicial Branch and any other applicable court rules.

Rule 11.08. Exceptions.

Rule 11 does not apply to search warrants or related documents filed administratively by law enforcement pursuant to Minn. Stat. § 626.17 and Rule 33.04(a)-(b) of the Rules of Criminal Procedure, except that if such a document contains a restricted identifier it shall be filed with a Form 11.2 Cover Sheet for Non-Public Documents in the manner described in Rule 11.03(a)(1) of these rules. Rule 11 does apply to search warrants and related documents filed by parties in a case.

If any person filing a medical record in a civil commitment case fails to designate the medical record as non-public upon filing, the court administrator shall not reject the filing due to the failure to do so.

Advisory Committee Comment—2020 Amendments

Rule 11.01 is modified in 2020 to clarify the definition of financial account number, which has caused much confusion. Several important limitations are added. One is that only numbers that can be used by someone other than those authorized to access the account to obtain access to the account for unauthorized transactions are considered financial account numbers. The other limitation excludes any billing number issued by a government entity that is publicly accessible and these numbers are not a financial account number under this rule. For the convenience of filers, the state court administrator maintains a non-exclusive list of examples of financial account numbers on the judicial branch website (www.mncourts.gov). These changes will avoid an overbroad reading of the rule that some courts have adopted in regard to similar rules. *See, e.g., In re Chubb*, 426 B.R. 695, 699–700 (Bankr. E.D. Mich. 2010) (finding the twelve digit account number on statement of account that clearly and obviously relates to debtor’s finances by identifying a debt is enough to bring it within the rule, without any showing that the information in question could be used to steal one's identity or be misused for some other purpose).

Rule 11.03 is amended in 2020 to expand the use of a required cover sheet that previously applied only to Financial Source Documents and now applies to all non-public documents being filed. The requirement applies to those filing electronically or on paper. The cover sheet itself serves as a guide to trigger filers’ attention to certain non-public documents and information and sources of the same including the Rules of Public Access to Records of the Judicial Branch. By requiring a cover sheet for each individual document that is non-public, the cover sheet also serves to avoid the electronic filing of so-called “monster” documents. A monster document might contain, for example, a motion, notice of motion, affidavit, and any of a number of attachments all submitted as a single PDF document. The problem with monster documents is that if just one of the attachments is non-public, such as a medical record, then court staff must either keep the entire monster document non-public, which means the public is denied access to documents that it should be able to access, or court staff must separate out the attachments, which places an impossible burden on court staff. Filers are directed in the Registered User Guide, applicable to e-filers under Gen. R. Prac. 14.03(g), to separate documents, in particular the nonpublic documents, when e-filing them. The separate documents can be submitted in the same electronic envelope, just like a handful of separate paper documents can be placed in the same paper envelope, for filing.

Use of the new Cover Sheet for Non-Public Documents can be avoided only if the document is being e-filed and a filing code already exists in the E-Filing System that is specifically assigned by state court administration as the filing code for a particular type of non-public document. The filing code appears in the E-Filing system with the words “Select Filing Code” followed by a drop down box when a filer

selects the most appropriate code for each individual document being filed. The filing code for a non-public document, such as a pre-sentence investigation report in a criminal case, serves the same purpose as, and becomes the electronic equivalent of, the Non-Public Document Cover Sheet. Just like a cover sheet, the filing code transfers from the E-Filing System to the case management system (known as MNCIS). The state court administrator's office publishes commonly used filing codes on the main branch website (go to www.mncourts.gov and look for "Civil Case type Index (also includes Civil Case Filing Codes)," "Expedited Process Child Support Filing Codes Index," and "Criminal and Juvenile Delinquency Filing Codes Index").

In addition to filing the separate Form 11.2 Cover Sheet for Non-Public Documents or selecting a non-public document filing code, under Rule 14.06 a filer must also designate in the E-filing system whether the document is Confidential or Sealed. This designation is made in the E-Filing System in a field marked "Filing Comments" with a box beneath it asking "Is Document Public, Confidential, or Sealed?" Although this designation may seem redundant, filers need to remember that the cover sheet is intended to work in both the paper and electronic filing context. When an electronic filer selects a filing code for a non-public document as an alternative to the cover sheet, the filer will not see anything in the filing process marking the document as confidential or sealed. Accordingly, there must be a separate step to make this clear for each document being electronically filed. For a walk-through of the e-filing process illustrating the Select Filing Code location and the Filing Comments entry box, go to the main branch website at www.mncourts.gov/eFile and search for the Quick Reference Guide (QRG) titled "eFiling and eService into an Existing Case."

Rule 11 is also amended in 2020 to carve out certain exceptions in scope and enforcement impacting child protection, criminal, and juvenile delinquency case records. Rule 11.03(a) provides that juvenile protection filings that contain confidential information and confidential documents must be filed as provided in Rule 8.04 of the Rules of Juvenile Protection Procedure. This language is intended to preserve the current practice for juvenile protection cases: restricted identifiers are subject to the same rules as in other cases, while other types of confidential information and documents are governed by Juvenile Protection Rule 8.04. Juvenile Protection Rule 8.04, subd. 5(d), provides that if it is brought to the attention of court administration staff that confidential information or confidential documents have not been filed with the proper form, court administration staff shall designate the document as confidential, and direct the filer to file in compliance with Rule 8.04.

Rule 11.08 makes Rule 11 inapplicable to search warrants and related documents filed by law enforcement, but requires the same records filed by parties to comply with Rule 11. Regarding enforcement, criminal, civil commitment, and juvenile delinquency matters are exempted from striking of documents under Rule 11.05, and exempted from rejection of documents in rule 14.03(b), for violations of Rule 11.

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RULE 14. E-FILING AND E-SERVICE

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Rule 14.03. Filing and Service of Documents and Court Notices

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(b) Filed Upon Transmittal. A document that is electronically filed is deemed to have been filed by the court administrator on the date and time of its transmittal to the court through the E-Filing System, and except for proposed orders, the filing shall be stamped with this date and time if it is subsequently accepted by the court administrator. Acceptance of electronic filings is governed by Rule 5.04(c) of the Rules of Civil Procedure, except that Rule 5.04(c)(4) shall not apply to criminal, civil commitment, juvenile protection, or juvenile delinquency cases, or to medical records in any type of case. If the filing is not subsequently accepted by the court administrator ~~for reasons authorized in Rule 5.04 of the Rules of Civil Procedure,~~ no date stamp shall be applied, and the E-Filing System shall notify the filer that the filing was not accepted. Upon receipt of a document electronically transmitted for filing by a Registered User, the E-Filing System shall confirm to the Registered User, through an automatically generated notification to the Registered User's designated e-mail address, that the transmission of the document was completed and the date and time of the document's receipt. Absent confirmation of receipt, there is no presumption that the document was successfully transmitted to the court. The Registered User is solely responsible for verifying that the court received all electronically transmitted documents.

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Rule 14.05 Proof of Service

When a document is both eFiled and eServed together using the E-Filing system, tThe records of the E-Filing system indicating transmittal to the Registered User recipient shall be sufficient proof of service on the recipient for all purposes.

Rule 14.06 ~~Sealed and Confidential Documents~~Submission of Non-Public Information—E-Filing System.

~~(a) Request to Submit Document for In Camera Review.~~ Any interested person must seek and obtain advance approval from the court by motion, with notice thereof to all parties, to submit a document to the court for in camera review. The motion must be filed and served electronically.

~~(b) Process When Submission for In Camera Review Granted.~~ A document submitted for in camera review as permitted by the court under part (a) of this rule shall be submitted to the court outside the E-Filing System by either:

- ~~(1) causing the document to be conventionally mailed or hand-delivered to the presiding judge or judicial officer, or~~
- ~~(2) upon approval of the presiding judge or judicial officer, transmitting the document to the presiding judge or judicial officer, via e-mail, as an attachment to an e-mail address as directed by the presiding judge or judicial officer. Any document submitted for in camera review must be clearly labeled "For In Camera Review" and, unless otherwise ordered by the court, shall be sealed and preserved as a court exhibit.~~

(ea) Filer's Duty to Designate as Confidential or Sealed. In addition to filing a separate non-public cover sheet as required in Rule 11.03(a) or selecting a non-public document filing code from a drop-down box in the E-Filing system as required in Rule 11.03(a)(ii), a Registered User electronically filing a document that is not accessible to the public in whole or in part under the Rules of Public Access to Records of the Judicial Branch or other applicable law, court rules or court order, is responsible for designating that document as confidential or sealed in the E-Filing System before transmitting it to the court. This designation is made in the E-Filing system in a field marked "Filing Comments" containing the text, "Is Document Public, Confidential or Sealed?" The Registered User must file any Form 11.2 Cover Sheet for Non-Public Documents required by Rule 11.03(a)(i) as separate documents, and must designate them as public. The Registered User must separate all non-public documents from public documents when filing.

(db) Correction of Designation by the Court. Upon review, the court may modify the designation of any document incorrectly designated as ~~sealed or~~ confidential or sealed and shall provide prompt notice of any such change to the Registered User who filed the document. A Registered User must seek advance approval from the court to transmit a document for filing designated as ~~sealed or~~ confidential or sealed if that document is not already inaccessible to the public under the Rules of Public Access to Records of the Judicial Branch or other applicable law, court rules, or court order.

(ec) Filing Sealed or Confidential or Sealed Document in Paper Form When Not Seeking In Camera Review. A document to be filed as ~~under seal or~~ confidential or under seal may be filed in paper form if required or permitted by the court. A motion to file a document in paper form ~~under seal or~~ as confidential or under seal must be filed and served electronically.

Rule 14.07 Procedures for In-Camera Review

(a) Request To Submit Document for In Camera Review. Any interested person must seek and obtain advance approval from the court by motion, with notice thereof to all parties, to submit a document to the court for in camera review. The motion must be filed and served electronically.

(b) Process When Submission for In-Camera Review Granted. A document submitted for in camera review as permitted by the court under part (a) of this rule shall be submitted to the court outside the E-Filing System by either:

- (1) causing the document to be conventionally mailed or hand-delivered to the presiding judge or judicial officer; or
- (2) upon approval of the presiding judge or judicial officer, transmitting the document to the presiding judge or judicial officer, via e-mail, as an attachment to an e-mail address as directed by the presiding judge or judicial officer. Any document submitted for in camera review must be clearly labeled "For In Camera Review"

and, unless otherwise ordered by the court, shall be sealed and preserved as a court exhibit.

Rule 14.078 Records: Official; Appeal; Certified Copies

Documents electronically filed and paper documents conventionally filed but converted into electronic form by the court are official court records for all purposes. Certified copies may be issued in the conventional manner or in any manner authorized by law, provided that no certified copies shall be made of any proposed orders. Unless otherwise provided in these rules or by court order, a conventionally filed paper document need not be maintained or retained by the court after the court digitizes, records, scans or otherwise reproduces the document into an electronic record, document or image.

Advisory Committee Comment—2020 Amendments

Rule 14 is modified in 2020 to separate its related in-camera review portions and move them to a new rule, 14.07, and renumber current 14.07 as 14.08. Changes are also made to clarify the process for designating non-public documents being e-filed as Confidential or Sealed and distinguish that process from selection of a filing code under Rule 11.03(a)(ii). See the comments under Rule 11 for a full description. Changes are also made to Rule 14.03(b) to recognize an exemption to rejection of filings in criminal, commitment, juvenile protection, and juvenile delinquency matters for violations of Rule 11; Rule 11 also exempts most of these cases from striking of filings in rule 11.05. See Rule 11 and its comments for a full description.

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TITLE IV. RULES OF FAMILY COURT PROCEDURE

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RULE 377.

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Rule 377.09 Basis of Decision and Order

Subdivision 1. Timing. Within 30 days of the close of the record, the child support magistrate or district court judge shall file with the court an order deciding the motion. In the event a notice to remove is granted pursuant to Rule 368, the 30 days begins on the date the substitute child support magistrate or district court judge is assigned. The record shall be deemed closed upon occurrence of one of the following, whichever occurs later:

- (a) filing of a response pursuant to Rule 377.04;
- (b) filing of a transcript pursuant to Rule 366;
- (c) withdrawal or cancellation of a request for transcript pursuant to Rule 366; or
- (d) submission of new evidence under subdivision 4.

If none of the above events occur, the record on a motion for review or combined motion shall be deemed closed forty-six (46) days after service of the notice of filing as required by Rule 365.034, despite the requirements of Rule 354.04. For a motion to correct clerical mistakes and none of the above events occur, the record shall be deemed closed upon expiration of the time to respond to 15 days after service of the motion to correct clerical mistakes.

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TITLE VI. CONCILIATION COURT RULES

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RULE 509. COUNTERCLAIM

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(c) **Administrator's Duties.** The court administrator shall assist with the preparation of the counterclaim on request. When the counterclaim has been properly asserted, the court administrator shall note the filing of the counterclaim in the court's case management system ~~on the original claim~~, promptly transmit notice of the counterclaim to plaintiff and set the counterclaim for trial on the same date as the original claim.

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