



Minnesota Judicial Branch Policy and Procedures

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Category:	Court Operations
Title:	oneCourtMN Hearings Initiative Policy
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Supersedes:	

oneCourtMN Hearings Initiative Policy

I. POLICY STATEMENT

It is the policy of the Minnesota Judicial Branch to have a uniform process for determining whether a court proceeding is heard remotely or in-person.

In furtherance of this goal, the Judicial Council adopts the following policies to implement the oneCourtMN Hearings Initiative.

II. APPLICABILITY

This policy is applicable to all district courts.

III. DEFINITIONS

- A. Exceptional Circumstances – Case-specific or party-specific exceptional circumstances that justify departing from the presumption to hold a hearing remotely or in-person as defined in the [Chief Justice Order](#), dated April 19, 2022.
- B. In-Person Hearing – A hearing at which all parties are physically present in the courtroom.
- C. Remote Hearing – A hearing at which no parties are physically present in the courtroom.
- D. Hybrid Hearing – A hearing at which some parties appear in person and others appear remotely. The presiding judge may authorize a hybrid hearing for exceptional circumstances.

IV. PROCESS

A. Non-Criminal Case Types

1. All hearings in non-criminal case types shall be conducted either remotely or in-person, as provided in the attached table, unless the district court finds that exceptional circumstances exist that justify a departure from the presumption.

B. Criminal and Juvenile Delinquency Case Types.

1. a) **District Criminal Hearings Plans.** In order to facilitate district courts' efforts to work through the temporary criminal backlog of cases created by the COVID pandemic, each judicial district shall develop a plan for conducting criminal hearings, subject to the approval of the Chief Judge of the district. Each district may establish a single criminal hearings plan for all courthouses within the district, or may choose to establish individualized criminal hearings plans for each county within the district.

b) **District Juvenile Delinquency Hearings Plans.** Each judicial district shall develop a plan for conducting juvenile delinquency hearings, subject to the approval of the Chief Judge of the district. Each district may establish a single juvenile delinquency plan for all courthouses within the district, or may choose to establish individualized juvenile delinquency hearings plans for each county within the district.
2. **Requirement to Classify Hearings as Remote or In-Person.** Each criminal and juvenile delinquency hearings plan must dictate which types of criminal and juvenile delinquency hearings are to be conducted remotely and which types of criminal and juvenile delinquency hearings are to be conducted in-person. Each criminal hearings plan must be designed to prioritize the pandemic-related backlog of criminal cases within the district.
3. **Factors for Considering Departures from Presumption.** Each criminal and juvenile delinquency hearings plan must specify the factors district courts are to apply when considering requests to conduct a presumptively in-person hearing remotely, or to conduct a presumptively remote hearing in-person. It is within each district's discretion whether to use the factors listed in paragraph 2 of the Chief Justice Order, dated April 19, 2022, for the criminal and juvenile delinquency hearings plan, or to identify separate lists of factors that will apply for criminal and juvenile delinquency case types.

C. Treatment Court Proceedings.

1. Treatment court proceedings are presumptively in-person for participants. Remote access may be granted when the circumstances of the participant are such that without a remote appearance, they are unable to successfully participate in treatment court.

V. IMPLEMENTATION AUTHORITY

Implementation of this policy is the responsibility of the State Court Administrator, acting as the Judicial Council’s agent, and the Chief Judges of the Judicial Districts.

VI. EXECUTIVE LIMITATIONS

None.

Case Category and Case Type	Hearing Type	Remote	In-Person
Family:			
<i>Dissolution, Custody, etc.</i>	Court Trial		X
	Defaults	X	
	Evidentiary		X
	ICMC	X	
	Motions	X	
	Pre-Trial Conference		X
	Scheduling Conference	X	
<i>Domestic Abuse</i>	Evidentiary		X*
	Motions	X	
	Order for Protection-Initial appearance	X	
<i>Expedited Process</i>	Contempt	X	
	Hearing	X	
	Review	X	
<i>Paternity</i>	Hearing	X	
	Court Trial		X
	Evidentiary		X
<i>Adoption</i>	Adoption		X
Civil:			
<i>Harassment</i>	Evidentiary		X*
	Harassment	X	
	Motions	X	
<i>Minor Civil</i> ¹	Conciliation	X	
	Eviction (Unlawful Detainer)	X	
	Hearing	X	
	Implied Consent	X	
	Motions	X	
<i>Major Civil</i> ²	Arbitration	X	
	Contempt		X
	Court Trial		X
	Default	X	
	Hearing	X	
	Jury Trial		X
	Pre-Trial		X
	Motions	X	

¹ Minor civil case types include implied consent, unlawful detainer, conciliation cases, and minor civil judgments.

² Major civil case types include all other case types that are not classified in minor civil types.

Case Category and Case Type	Hearing Type	Remote	In-Person
	Scheduling Conference	X	
	Settlement Conference		X
	Temporary Restraining Order		X
Juvenile:			
<i>Juvenile Protection **</i>	Admit/Deny		X
	Court Trial		X
	EPC		X
	IDH	X	
	Permanency Progress Review		X
	Post-Permanency Review	X	
	Pre-Trial	X	
Probate/Mental Health:			
<i>Guardianship/ Conservatorship</i>	Account	X	
	Final Account	X	
	Hearing	X	
	Order to Show Cause	X	
	Probate	X	
<i>Civil Commitment</i>	Commitment	X	
	Jarvis	X	
	Motions	X	
	Preliminary	X	
	Re-Commitment	X	
<i>Informal Probate</i>	Probate	X	
<i>Formal Probate</i>	Order to Show Cause		X
	Probate	X	

Additional Guidance

* Domestic Abuse and Harassment evidentiary hearings shall be in person unless the judicial officer is remote.

** District courts may pilot holding juvenile protection hearings differently than shown in the table if it is approved by their chief judge and reported to the Steering Committee.