

STATE OF MINNESOTA

FOURTH JUDICIAL DISTRICT

COUNTY OF HENNEPIN

JUVENILE DIVISION

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In re: Minnesota Supreme Court  
Order dated April 19, 2022, and  
Judicial Branch Policy 525

**STANDING ORDER CREATING  
PILOT PROGRAM FOR  
CHILD PROTECTION CASES**

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WHEREAS the Chief Justice’s April 19, 2022, order sets forth that hearings in child protection cases are to happen in-person or remote (as defined in Judicial Branch Policy 525) and permits deviation, or the occurrence of hybrid hearings, on a showing of “exceptional circumstances,” and;

WHEREAS the Judicial Council and the Chief Justice have promulgated Judicial Branch Policy 525 setting forth policies for a uniform process for determining remote or in-person hearings, and;

WHEREAS the Fourth Judicial District has the highest volume of child protection cases in the State, and a separate, designated juvenile court where many judges have dockets made up exclusively of juvenile delinquency and child protection cases, with a significant portion of those being child protection cases, and;

WHEREAS the Fourth Judicial District has the highest volume of child protection cases in the State involving children benefited by the Indian Child Welfare Act (25 U.S.C. § 1901 *et seq.*) (hereinafter “ICWA”) and the Minnesota Indian Family Preservation Act (Minn. Stat. § 260.755 *et seq.*), and;

WHEREAS the Minnesota Tribal-State Agreement sets forward several commitments relevant to Minnesota’s Federally recognized Indian tribes and child protection cases, and;

WHEREAS the Fourth Judicial District is home to an ICWA-specialized court and has been for more than 25 years, and this court has, over time, developed a culture of cooperation wherever possible among all stakeholders, including the offices of the County Attorney, the Public Defender, Adult Representation Services, the Indian Child Welfare Law Center, the Guardian ad Litem, the Hennepin County Human Services and Public Health Department, and many Indian tribes, and;

WHEREAS the initial Emergency Protective Hearing in an ICWA case is, by law, followed by an admit-deny hearing as of right, rather than occurring at the same time as the EPC hearing, and;

WHEREAS there are often multiple admit-deny hearings in ICWA cases as notice needs to be completed for all potentially implicated Indian tribes, and;

WHEREAS there are often multiple admit-deny hearings in ICWA cases as alleged fathers and birth parents whose custodial rights have been transferred are considered parties under ICWA and require completed service before an admit-deny hearing can be concluded, and;

WHEREAS although a few of Minnesota's Federally recognized Indian tribes have representatives located in the Fourth Judicial District, most do not, and even those representatives frequently have to attend hearings in other Judicial Districts as well as those in this district, such that mandatory travel to the courthouse would impose a significant burden on their operations and engagement in cases, and;

WHEREAS many ICWA cases involve out-of-state Tribes, some of whom agree to accept representation from the Minneapolis American Indian Center but some of whom do not, and because requiring in-person participation for out-of-state tribes at every hearing would effectively deny them their legal right to participation, and because remote participation for Tribes has historically been permitted at the presiding judge's discretion, and;

WHEREAS tribal liaisons from the Minneapolis American Indian Center have hearings and other commitments to cover during their workdays such that mandatory travel to the courthouse would impose a significant burden on their operations and engagement in cases, and;

WHEREAS the ICWA-specialized GALs represent the best interests of children who are often placed outside of the metro area and thus are often traveling as part of their work such that mandatory travel to the courthouse would impose a significant burden on their operations and engagement in cases, and;

WHEREAS the Chief Justice's April 19, 2022, order states that "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,"

THEREFORE, the Fourth Judicial District adopts the following pilot program for child protection cases and child protection cases involving children benefited by the Indian Child Welfare Act in the Fourth Judicial District:

1. Emergency Protective Care Hearings

- a. Consistent with the April 19, 2022, order and Policy 525, these hearings are to be held in-person, except that Tribes or their representatives (including but not limited to liaisons, counsel, and social workers) may participate remotely unless the presiding judge specifically orders otherwise.
- b. Parties who are served at or before the Emergency Protective Care hearing do not need to participate in-person at any admit-deny hearing.

## 2. Admit-Deny Hearings

- a. Consistent with the April 19, 2022, order and Policy 525, these hearings are to be held in-person, except that Tribes or their representatives (including but not limited to liaisons, counsel, and social workers) may participate remotely unless the presiding judge specifically orders otherwise, and subject to the following exception:
  - i. Once a party has been served, that party does not need to participate in any future admit-deny hearing in-person even as other, unserved parties may be required to do so, unless the presiding judge specifically orders otherwise.

## 3. Pre-trial Hearings

- a. Consistent with the April 19, 2022, order and Policy 525, these hearings are presumed to be held remotely, except that the presiding judge may order the hearing to be in-person or hybrid in order to facilitate settlement if the presiding judge deems an in-person hearing is more likely to result in productive settlement conferences.

## 4. Court Trials

- a. Consistent with the April 19, 2022, order and Policy 525, court trials are presumed to be held in-person, except that Tribes (including but not limited to liaisons, counsel, and social workers) are presumed to participate remotely unless they wish otherwise or the presiding judge specifically orders otherwise.

## 5. Permanency Progress Review Hearing

- a. The Permanency Progress Review Hearing will be timely held as required by statute. If it co-occurs with another hearing type, it will occur in the same fashion as that hearing as specified herein. If it does not, it will be held as specified by the presiding judge.

## 6. Intermediate Disposition Hearings

- a. Consistent with the April 19, 2022, order and Policy 525, Intermediate Disposition Hearings are presumed to be held remotely. Parties may request a hybrid hearing if attendance at the courthouse would facilitate case-planning activities between the parent and the assigned social worker(s) and/or GAL.
7. Voluntary placement hearings may be held remotely or in a hybrid format unless specifically ordered to be in-person by the presiding judge.
8. Foster providers may participate in or attend any hearing, of any type, remotely, with permission of the presiding judge. If called as a witness, participation by a foster provider will be determined by the presiding judge.
9. A parent in an inpatient treatment program may participate in any hearing remotely, unless otherwise ordered by the presiding judge. If called as a witness, participation by a parent will be determined by the presiding judge.
10. A child with an attorney may participate in any hearing remotely unless otherwise ordered by the presiding judge.
11. Tribes or their representatives (including but not limited to liaisons, counsel, and social workers) may participate remotely in any hearing unless specified otherwise above, except that if called a tribal representative is called as a witness, participation will be determined by the presiding judge.
12. GALs are presumed to appear in-person for EPCs and for trials, but are presumed to appear remotely for all other hearings unless otherwise ordered by the presiding judge.
13. Parents who are in-custody are presumed to appear remotely for all hearings except at trial, unless the facility does not allow transportation or is out-of-state, in which case in-custody parents may appear remotely even for trial.
14. Attorneys for parties who are appearing remotely under this pilot program may also appear remotely, unless the presiding judge specifically orders otherwise. Attorneys for parties who are appearing in-person under this pilot program are presumed to appear in-person, unless the presiding judge specifically orders otherwise.
15. Notwithstanding this pilot program order, a party may request of the presiding judge that there be a deviation to a different type of hearing for themselves.

Date:

BY THE COURT:

Chief Judge Toddrick Barnette

Mark Kappelhoff  
Presiding Judge of District Court, Juvenile  
Division