



## Minnesota Judicial Branch Policy and Procedures

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<b>Policy Source:</b>	State Court Administrator
<b>Policy Number:</b>	506 (h)
<b>Category:</b>	Court Operations
<b>Title:</b>	Motion Fee Policy
<b>Origination Date:</b>	
<b>Effective Date:</b>	June 10, 2010; June 1, 2021; June 6, 2022; January 1, 2023; April 12, 2023
<b>Revision Date:</b>	April 27, 2021; June 1, 2022; December 20, 2022; April 12, 2023
<b>Contact:</b>	Director, Court Services Division

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### Motion Fee Policy

#### I. POLICY

Pursuant to Judicial Council Policy 506, it is the policy of the Minnesota Judicial Branch to utilize Uniform Court Business Practices where necessary to ensure that clear and consistent information is provided to the public and the Court's business partners; provide consistent application of court rule or statute; and promote consistent fee assessment for services.

In furtherance of this goal, the State Court Administrator adopts this policy setting standard statewide practices for the application of the motion fee in Minn. Stat. § 357.021, subd. 2(4).

#### II. APPLICABILITY

This policy applies to motions filed in all civil, family (excluding child support motions<sup>1</sup>), and probate cases except:

- A. Conciliation Court;
- B. Civil Commitments;
- C. Juvenile Delinquency.

This policy is applicable to all district courts.

#### III. DEFINITIONS

**A. Motion.** For purposes of this policy, and subject to the exceptions below, a motion is a written request to the court to make a specific ruling or order<sup>2</sup>, and may be titled as a motion, petition, application, or correspondence. The name of the document or event chosen by the filer does not determine if a motion fee applies. Some examples of written requests that constitute a motion include, but are not limited to, the

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<sup>1</sup> The fee for filing a motion or response to a motion for modification of child support is set forth separately in Minn. Stat. § 357.021, subd. 2(13).

<sup>2</sup> Black's Law Dictionary (8th ed. 2004).

following: a motion seeking to dispose of all or part of the claims or parties; a non-dispositive motion including but not limited to discovery, third party practice, temporary relief, intervention, or amendment of pleadings; a petition for minor settlement; a petition for distribution of wrongful death proceeds, a petition for successor trustee; or a post-trial motion.

**B. Exceptions.** Motions do not include:

1. Written requests for administrative proceedings, e.g., administrative default judgments; request for order for disclosure; and supplemental collection enforcement proceedings.
2. Written stipulations to change scheduling orders.
3. Continuance requests (unless a formal motion is required by statute, court rule, or judicial direction).
4. Requests to file a motion to reconsider pursuant to General Rule of Practice 115.11 (However, if a motion to reconsider is filed, the motion fee applies at that time).
5. The following documents filed in probate matters (including estate, trust, guardianship, and conservatorship cases):
  - a. Petitions and objections, e.g., petition for approval to sell real estate, petition for final accounting;
  - b. Request for hearing brought pursuant to statute or rule, e.g., accounting hearing;
  - c. Ex Parte Requests for orders in cases where there is consent of all parties and interested participants.
6. Correspondence requesting informal conference with the court pursuant to Gen. R. Prac. 115.04(d) (Expedited, Informal Non-Dispositive Process), and related letter arguments with permitted attachments.
7. Petitions filed to initiate a case.
8. Any filing in post-conviction matters under Chapter 590, Minn. Stat. § 590.02, subd. 2.

**C. Motion fee.** A motion fee is the fee required to be charged and collected under Minn. Stat. § 357.021, subd. 2(4), which provides:

The fees to be charged and collected by the court administrator shall be as follows: ...

- (4) Filing a motion or response to a motion in civil, family, excluding child support, and guardianship cases, [see amount set by statute].

**D. United States Government.** The United States Government will be treated like “the state of Minnesota” (or “the state”) as that term is used in Minn. Stat. § 357.021.

## IV. PROCEDURES

- A. A motion fee should be charged and collected upon the filing of a written motion or response to a motion in all civil, family (excluding child support motions), or guardianship and conservatorship cases to which this policy applies. For example:
1. When a separate written motion is filed along with the summons and complaint or petition, a motion fee should be charged in addition to the filing fee.
  2. If during the course of an action a party brings a discovery motion and later brings a summary judgment motion, the motion fee should be charged and collected upon the filing of each motion.
  3. If a party brings a motion for reconsideration, this is a separate motion for which a motion fee should be charged and collected.
- B. The court should charge and collect one motion fee if:
1. A single motion is jointly filed by multiple parties to the action or proceeding.
  2. A party files multiple motions, in the same file, on the same day, that are to be heard together (e.g., the party files two motion forms – one for modification of custody and one for modification of parenting time).
- C. If the first paper filed by a party is a motion or a response to a motion, the party should be charged both the applicable filing fee and the motion fee, unless the action or claim is one initiated by filing a motion instead of a complaint or petition (e.g., applications to confirm, vacate, modify and correct arbitration awards under Minn. Stat. § 572.23; motion for order directing issuance of title to motor vehicle; application for change of name under Minn. Stat. § 259.10). If the exception applies, then charged only the filing fee.
- D. The court will not charge a motion fee when:
1. A party has been authorized to proceed *In Forma Pauperis* under Minn. Stat. § 563.01.
  2. A party is exempt from paying fees under Minn. Stat. § 357.021, subd. 1a(c).
  3. A party files a reply to a response, amended motion, or supplemental motion.
  4. A more specific fee has been established by statute or court rule, e.g., Minn. Stat. § 357.021, subd. 2(6) (transcript of judgment) or (13) (motion for modification of child support).
  5. A motion is brought by a non-party to quash a subpoena.
  6. A motion is filed by a petitioner in a Domestic Abuse Order for Protection case. 34 U.S.C. § 10450(a)(1) and § 10461(c)(1)(D).
  7. A motion is filed by a petitioner in a Harassment Restraining Order case in which the judge has signed an order waiving fees under Minn. Stat. § 609.748, subd. 3a. 34 U.S.C. § 10450(a)(1) and § 10461(c)(1)(D).

8. A motion is filed by a party for remote or in-person appearance pursuant to Judicial Council Policy 525.
9. A motion is brought for final distribution of minor settlement proceeds.
10. A request is brought by a debtor to pay an outstanding money judgment. Minn. Stat. § 548.17.

## V. RELATED DOCUMENTS

Judicial Council Policy [506; Uniform Court Practices](#)

Judicial Council Policy [525; oneCourtMN Hearings Initiative Policy](#)

## VI. REVISION HISTORY

Supersedes: Response to Implementation Issues, 2003 Legislative Session, Changes in fees and surcharges, effective 07/01/2003.

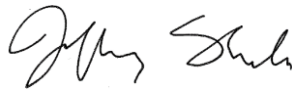
June 2021 - Clarifies that no fees are collected from petitioners when filing motions in domestic abuse cases and qualifying harassment cases.

June 2022 – Added exception to include motions for remote or in-person appearance.

January 2023 – Added more examples and language to better clarify the definition of motion; added a new section for exceptions and added two additional exceptions to include correspondence pursuant to Minn. Gen. R. Prac. 115.04(d) and petitions filed to initiate a case do not require a motion fee; clarifies no motion fee is collected for quashing a subpoena when filed by a non-party and added language no motion fee is collected when a request is brought by a debtor to pay an outstanding money judgment.

April 2023 – Added estate and trust cases to the exception listed in III.B.5. Added an exception for continuance requests, requests for motions to reconsider under Minn. Gen. R. Prac. 115, and for documents related to post-conviction relief pursuant to Minnesota Chapter 590. Added section III.D. regarding the treatment of the U.S. Government pursuant to the Intergovernmental Immunity Doctrine.

Approval:



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Jeffrey Shorba, State Court Administrator

April 12, 2023

Date