

INSTRUCTIONS

Request for Remote or In-Person Appearance

Important Notices and Resources

The court has forms and instructions, for some types of cases, as a general guide to the court process. These instructions explain the steps in more detail and answer common questions but are not a full guide to the law. Court employees may be able to give general information on court rules and procedures, but they cannot give legal advice.

Have questions about court forms or instructions?

- Visit www.MNCourts.gov/SelfHelp
- Call the Statewide Self-Help Center at 651-435-6535

Not sure what to do about a legal issue or need advice?

- Talk with a lawyer
- Visit www.MNCourts.gov/Find-a-Lawyer.aspx

Helpful materials may be found at your public county law library. For a directory, see <http://mn.gov/law-library/research-links/county-law-libraries.jsp>. For more information, contact court administration or call the Minnesota State Law Library at 651-297-7651.

Forms You May Need

- *Request for Remote or In-Person Appearance* (OTH1002).

The form is available online at <https://mncourts.gov/GetForms.aspx?c=28&p=162>.

What You Need to Do

1. Complete the *Request for Remote or In-Person Appearance* (OTH1002), following all of the steps in these instructions.
2. File the *Request for Remote or In-Person Appearance* (OTH1002) with Court Administration in the county where the case is located (there will not be a filing fee).
3. Wait to hear from the court.

General Information

How a hearing is scheduled is decided by court policy. Hearings can be held in person at the courthouse or be a held using remote technology. For more information on how hearings are generally held:

- [Criminal Hearing Appearance](http://mncourts.gov/Criminal-Hearing-Appearance.aspx) (mncourts.gov/Criminal-Hearing-Appearance.aspx); and
- [Non-Criminal Hearing Appearance](http://mncourts.gov/Non-Criminal-Hearing-Appearance.aspx) (mncourts.gov/Non-Criminal-Hearing-Appearance.aspx).

For permission to appear remotely for an in-person hearing **or** appear in person for a remote hearing, parties and/or their attorneys need to file the request, and the judicial officer must determine that there are exceptional circumstances for that change. A *Request* should be filed with the court as soon as possible before the hearing.

Step 1
Fill Out the *Request for Remote or In-Person Appearance* (OTH1002)

The Caption

State of Minnesota	District Court
County of: _____	Court File Number: _____
Judicial District: _____	Case Type: _____
_____ Plaintiff/Petitioner VS/AND _____ Defendant/Respondent	
Request for Remote or In-Person Appearance (OTH1002)	

The caption is at the top of the form. Look at other forms in the case to see how to fill in the caption.

- A. List the county where the case is located.
- B. List the Judicial District. Each county belongs in 1 of 10 judicial districts. If you need help, see <http://www.mncourts.gov/Find-Courts.aspx>.
- C. Fill in the Court File Number. The Court File Number usually starts with 2 digits, followed by letters and digits (for example, 88-FA-22-1234).
- D. Fill in the Case Type.
- E. Fill in the name of the Plaintiff or Petitioner as it appears on other documents in the case. For example, if it is a criminal case, the Plaintiff is likely the State of Minnesota.
- F. Fill in the name of the Defendant or Respondent as it appears on other documents in the case.

The Request

1. Fill in your full legal name.
2. List the date and time when the hearing is scheduled (don't forget to say whether it is a.m. or p.m.).
3. Check the box showing what you are asking for.
4. Check the box stating whether your request is for just the hearing listed at #2, or for all future court appearances in the case.
5. When deciding whether to allow a person to appear remotely for an in-person hearing or appear in person for a remote hearing, a judicial officer considers many factors to decide if there are exceptional circumstances.

Explain, in detail, why you are asking to change your hearing. Be as specific as possible and include any of the factors below that you think may apply to your situation. If you need more space, add more paper.

Asking to Appear Remotely for an In-Person Hearing

Factors may include, but are not limited to, the following:

- All parties, and the court, agree that the hearing should be held remotely (this factor, by itself, is not an exceptional circumstance);
- Holding the hearing in person would cause a hearing participant to reasonably fear for their safety;
- The cost and time savings to any party;
- A hearing participant would need to travel unreasonably far to the hearing location, or it would be unduly burdensome for a hearing participant to arrange transportation to the hearing;
- A hearing participant is in custody or in residential treatment and cannot physically travel to the hearing but can participate remotely;
- Inclement weather conditions make travel to an in-person hearing a risk to the personal safety of any hearing participants;
- Unavoidable scheduling conflicts of the parties preventing the matter from moving forward in a more timely way;
- The importance and complexity of the proceedings;
- For an evidentiary proceeding or trial, whether appearing remotely would allow for effective examination of the witness and maintain the importance of the proceedings for the witness to testify truthfully;
- Any surprise or prejudice (harm) that would result if a party appears as instructed; and

- Such other factors, based on the specific facts and circumstances of the case, as the court determines to be relevant.

Asking to Appear In Person at a Remote Hearing

Factors may include, but are not limited to the following:

- All parties, and the court, agree that the hearing should be held in person (this factor, by itself, is not an exceptional circumstance);
- A party does not have access to technology to participate remotely, and the party cannot reasonably be expected to gain access to such technology before the hearing;
- The importance and complexity of the proceeding;
- There are too many participants in the hearing to easily keep track of them all on a computer screen;
- For an evidentiary proceeding, whether appearing remotely would allow for effective examination of the witness and maintain the importance of the proceedings for the witness to testify truthfully;
- Any surprise or prejudice (harm) that would result if a party appears as instructed; and
- Such other factors, based on the specific facts and circumstances of the case, as the court determines to be relevant.

6. This question is about whether the other party knows about your request. Check the first box if you have discussed your request with the other party. Then check one of the next set of boxes to describe the other party's response.

Check the second box if you *have not* discussed (or tried to discuss) your request with the other party. Then explain why you have not discussed it.

Signature Block

When you sign the *Request for Remote or In-Person Appearance*, you are signing under penalty of perjury. This means you are saying that everything in the form is true and correct; if you know something in the form is not true when you sign it, you could be found guilty of the crime of perjury (see Minn. Stat. § 609.48, <https://www.revisor.mn.gov/statutes/cite/609.48>).

- a. Date and sign the form.
- b. Fill in the county and state you were in when you signed the form.
- c. Fill in your personal contact information in the blanks under the signature line.

Step 2

File the Completed *Request for Remote or In-Person Appearance* with Court Administration

Ways to File	How to File
At the Courthouse	<ul style="list-style-type: none">You will need to file the original form with Court Administration.This can be done either in person at the courthouse or by mail. Addresses for courthouses are online at https://www.mncourts.gov/Find-Courts.aspx.
Electronic filing through the eFS System	<ul style="list-style-type: none">If you have an account, or want to create one, with the eFS System, you can file electronically (eFile). See https://www.mncourts.gov/eFile. NOTE: Once you decide to eFile, you must continue to eFile for the entire case.

NOTE: You need to file your *Request* with the court as soon as possible before the hearing. Judicial Officers may not consider, or may deny, Requests received closer to the time of the hearing.

What to Expect Next...

A judicial officer will review your *Request for Remote or In-Person Appearance* and will decide whether to grant your request. If your hearing date is coming up, and you have not heard from the court, call Court Administration for instructions on appearing for the hearing.