FILED
March 13, 2020
OFFICE OF
APPELLATE COURTS

STATE OF MINNESOTA

IN SUPREME COURT

ADM20-8001

CONTINUING OPERATIONS OF THE COURTS OF THE STATE OF MINNESOTA UNDER A STATEWIDE PEACETIME DECLARATION OF EMERGENCY

The Governor of the State of Minnesota declared a peacetime emergency on March 13, 2020. Minn. Stat. § 12.31, subd. 2(a) (2018). The Governor's declaration relies on guidance provided by the Minnesota Department of Health to slow the spread of COVID-19 and protect public health; it does not order the closing of state and public facilities. The continuing operations of the Minnesota Judicial Branch, including the day-to-day operations of the state's district and appellate courts, are impacted by the declaration, as are the health and safety of judicial branch employees, the general public, and the interests of citizens in access to justice and the protection of constitutional rights.

The Chief Justice has general supervisory and administrative authority over the courts of the state of Minnesota, Minn. Stat. § 2.724 (2018); *see also* Minn. Stat. § 480.16 (2018). Based on the extraordinary circumstances that led to the Governor's declaration, and in light of the need for continued operations by the Judicial Branch,

IT IS HEREBY ORDERED THAT:

1. Proceedings in appeals pending before the Minnesota Court of Appeals and the Minnesota Supreme Court, including argument calendars, shall continue as scheduled by those courts.

2. Trials in any case type for which a jury has been empaneled and the trial has commenced as of the date of this order shall continue to conclusion, unless good cause exists based on the individual health and safety circumstances of any case participant to suspend that trial.

3. Effective March 16, 2020, the attached Minnesota Judicial Branch Case Priorities List (eff. Mar. 12, 2020) shall be used in each judicial district to identify, assign, schedule, and proceed with cases. Proceedings in Super High Priority and High Priority cases will continue as usual and in accord with the governing statute or court rule.

4. Other than for Super High Priority or High Priority cases subject to paragraph 3 of this order and criminal cases that are subject to a speedy trial demand under Rule 11.09 of the Rules of Criminal Procedure, no new jury trials will begin or be scheduled on or after March 16, 2020, for the next 30 days.

5. Other than for on-going jury trials, Super High Priority or High Priority cases, and criminal cases subject to a speedy trial demand, effective March 16, 2020, all district court proceedings are suspended through March 30, 2020.

6. Effective immediately or as soon as can be implemented, proceedings in any case type, including proceedings before the Supreme Court Commitment Appeal Panel, should be held through Interactive Video Teleconference (ITV) or other video or telephone conferencing to the extent practicable. Rule 1.05 of the Rules of Criminal Procedure and Rule 14 of the Rules of Procedure Governing Proceedings Under the Minnesota Commitment and Treatment Act are suspended until further order of the court in order to facilitate the use of ITV and video or telephone conferencing.

7. Citizens summoned for jury duty for cases governed by paragraphs 3–4 of this order, and jurors currently empaneled for a trial that is in progress as of the date of this order must appear as directed unless the person notifies court administration, in writing, by telephone, or e-mail, that the person cannot appear due to suspected or actual exposure to COVID-19. Parties and witnesses who are scheduled to appear for in-court hearings or proceedings in a case shall notify the court, in writing, by telephone, or by e-mail, if the person cannot appear due to suspected or actual exposure to COVID-19.

8. Courtrooms and court proceedings shall remain open to the public, though non-essential visits to Minnesota courthouses are discouraged. No person who has an elevated risk of transmitting the novel coronavirus that causes COVID-19 may attend any in-court hearing or proceeding. To the extent an individual's presence is required at a courthouse, court staff will promote the use of social distancing and other mitigation strategies as recommended by the Minnesota Department of Health. MDH Mitigation Guidance

9. This order will be updated as necessary based on changing circumstances.

Dated: March 13, 2020

BY THE COURT:

Lorie S. Gildea
Chief Justice

At its April 7, 2009 meeting the Court Operations Advisory Work Group (COAW) recommended that the case priorities list reviewed by the work group in December 2008 be utilized as the preferred list for courts to use in the event of an emergency or pandemic situation. The case priorities list was updated in March 2020.

COAW acknowledged that there may be a need for a "Super High" category depending upon the situation in each particular district or county. The Super High category is subject to interpretation by each individual court when the need arises.

COAW further requested that definitions for each category be provided with the case priorities list. Below are definitions for each category as defined by COAW at its December 2008 and April 2009 meetings.

Super High Priority

- High Priority Case (see below) + an immediate liberty and/or safety concern are present requiring the attention of the court as soon as the court is available.
- Examples of Case and Hearing types that may fall in the Super High category include:
    - Criminal Court search warrants, arrest warrants, initial appearances and bond reviews;
    - Family Court domestic abuse temporary protective orders;
    - Juvenile Court delinquency detention hearings and emergency removal matters; and
    - Mental Health commitment hearing.

High Priority

- Statutory and/or rule time line is short, typically less than 30 days
- Constitutional Rights are primarily implicated (i.e.: criminal, juvenile delinquency, commitments)
- Public safety concerns are paramount
- Personal safety concerns are vital (i.e.: housing, custody, domestic assault)
- Economic concerns coupled with any of the above concerns (i.e.: guardianship/conservatorship, housing)

Medium Priority

- Statutory and/or rule time lines are greater than 30 days
- Constitutional Rights are implicated but are not a primary concern (i.e.: non-custody criminal trials)
- Public safety, personal safety and economic concerns are implicated but urgency is low (i.e.: long-term foster care review, post-decree family hearings, contested probate)

Low Priority

- No statutory and/or rule time lines are immediately applicable
- If timelines are applicable the implications of the other identified rights are negligible

April 30, 2009, rev. March 2020 **[MINNESOTA JUDICIAL BRANCH CASE PRIORITIES]**

Priority Level	Case Type	Hearing Type	Timing (provided in statute or rule)	Authority
High	Adoption	Emergency Pre-Adoptive Custody Motion	Order issued within 24 hours	Minn. R. of Adopt. P. 29.04(2)(a)
High	Family	Domestic Abuse Order for Protection Ex Parte Order request	Immediate	Minn. Stat. § 518B.01, subd. 5(c), 7(c)
High	Family	Domestic Abuse Order for Protection Ex Parte Hearings	Hold Hearing within 7-10 days	Minn. Stat. § 518B.01, subd. 5(c)
High	Family	Domestic Abuse Order for Protection Hearings	Hold Hearing within 14 days of order	Minn. Stat. § 518B.01, subd. 5(a)
High	Civil	Ex Parte Temporary Restraining Order Hearings	Immediate if irreparable harm	Minn. R. Civ. P. 65.01
High	Civil	Ex Parte Harassment Restraining Orders	Immediate	Minn. Stat. § 609.748, subd. 3
High	Civil	Harassment Hearings		Minn. Stat. § 609.748, subd. 3
High	Civil	Temporary Injunction Hearings	Earliest practical time if ex parte TRO	Minn. R. Civ. P. 65.02
High	Juvenile	Judicial Bypass/Parental Notification	24 hours	Minn. Stat. § 144.343, subd. 6(c)(iv)
High	Criminal	First appearance (F, GM, MSD) if in-custody	36 hours	Minn. R. Crim. P. 4.02, subd. 5(1), (3)
High	Criminal	First Appearance on Probation Violation Warrant	36 hours	Minn. R. Crim. P. 27.04, subd. 1(2)
High	Criminal	Probable Cause Determining (no hearing required)	48 hours	Minn. R. Crim. P. 4.03, subd. 1
High	Criminal	Arraignment Hearing if not arraigned at first appearance on indictment	7 days from first appearance	Minn. R. Crim. P. 19.04, subd. 4
High	Criminal	Omnibus Hearing After Indictment	7 days	Minn. R. Crim. P. 19.04, subd. 5
High	Criminal	Probation Violation Hearing when D is in-custody	7 days	Minn. R. Crim. P. 27.04, subd. 2
High	Criminal	Trials (M) – In-Custody	10 days	Minn. R. Crim. P. 6.06
High	Criminal	Rule 8 appearance (F, GM) if right to separate hearing under Rule 8 not waived	14 days	Minn. R. Crim. P. 5.05
High	Criminal	Omnibus Hearing (non-indictment cases)	28 days	Minn. R. Crim. P. 8.04(c) (felony and GM)

Priority Level	Case Type	Hearing Type	Timing (provided in statute or rule)	Authority
High	Criminal	Non-Custody Probable Cause Hearings	28 days	Minn. R. Crim. P. 8.04(c) (felony and GM)
High	Family	UCCJEA-Return of child order enforcement	Hold Hearing 1 day after service of order	Minn. Stat. § 518D.308(c)
High	Family	Warrant for custody of child	Hold Hearing 1 day after warrant is executed	Minn. Stat. § 518D.311(b)
High	Family	In-Custody Hearings (family bench warrant)	72 hours	518B.01, subd 14
High	Family	Emergency Family Hearings/Motions	Within 14 days from relief being granted if relief affects custody or parenting time	Minn. Gen. R. Prac. 303.04(f)
High	Family	Family Court Temporary Custody/Parenting Time hearings	Earliest practicable date	Minn. Stat. § 518.131, Minn. Stat. § 518.168
High	Family	Trials when custody/parenting time is an issue	Earliest practicable date	Minn. Stat. § 518.131, Minn. Stat. § 518.168
High	Housing	Expedited Eviction Hearing	5-7 days	Minn. Stat. § 504B.321, subd. 2
High	Juvenile Delinquency	Juvenile Delinquency In-Custody	24 hrs (if in adult det.) 36 hrs (if in juvenile det.)	Minn. R. Juv. Del. P. 5.07, subd. 1
High	Juvenile Delinquency	Probable Cause In-Custody		Minn. R. Juv. Del. P. 6.05
High	Juvenile Delinquency	Detention Review	8 days	Minn. R. Juv. Del. P. 5.08, subd. 1
High	Juvenile Delinquency	EJJ Hearing	30 days; order issued within 15 days	Minn. R. Juv. Del. P. 19.09, subd. 1(B) ; 19.07, subd. 2
High	Juvenile Delinquency	Non-custody delinquency trials	60 days from demand for speedy	Minn. R. Juv. Del. P. 13.02, subd. 2
High	Juvenile Delinquency	Omnibus Hearing	Before trial	Minn. R. Juv. Del. P. 12.01
High	Juvenile Delinquency	CertificationHearing	30 days	Minn. R. Crim. P. 18.05 subd. 1(B)

Priority Level	Case Type	Hearing Type	Timing (provided in statute or rule)	Authority
High	Juvenile Protection	Admit/Deny Hearing when child is in placement	Hold Hearing within 10 days of EPC hearing	Minn. R. Juv. Prot. P. 46.02, subd. 1
High	Juvenile Protection	Admit/Deny Hearing for TPR and Permanency	Hold Hearing within 10 days of service of summons and petition, or within 10 days of filing of petition if court finds reasonable efforts to reunify are not required	Minn. R. Juv. Prot. P. 55.02
High	Juvenile Protection	Emergency Protective Care Hearing	Hold Hearing within 72 hours	Minn. R. Juv. Prot. P. 39 & 42.01, subd. 1
High	Juvenile Protection	Continued Emergency Child Protection	Hold Continued Hearing within period approved by judge, which cannot exceed 8 days	Minn. R. Juv. Prot. P. 42.01, subd. 2
High	Juvenile Protection	Private CHIPS Petition	Court Review within 3 days of Filing	Minn. R. Juv. Prot. P. 45.03
High	MH/P	Continued Hold/Preliminary Hearing ("PC Hearing" or "Settlement Conference")	Within 72 hours of issuance of a judicial hold	Minn. Stat. §§ 253B.05, subd. 3; 253B.07, subds. 2b & 7
High	MH/P	Judicial Commitment Hearing ("Trial" or "Rule 20 Hearing")	Within 14 days of filing the commitment petition - 30 day continuance for good cause	Minn. Stat. § 253B.08, subd. 1
High	MH/P	SPP/SDP Commitment Hearing – In-Custody	Within 90 days of filing - 30 day continuance for good cause	Minn. Stat. § 253B.08, subd. 1
High	MH/P	Commitment In-Custody Hearings upon demand	Hold Hearing within 5 days May extend another 10 days for good cause	Minn. Stat. § 253B.08, subd. 2
High	MH/P	Emergency Guardianship/Conservatorship Petitions	Within 5 days after ex parte appointment	Minn. Stat. §§ 524.5-311(b); 524.5-409, subd. 2(b)

Priority Level	Case Type	Hearing Type	Timing (provided in statute or rule)	Authority
High	MH/P	Jarvis hearings	14+30 days	Minn. Stat. § 253B.092, subd. 8
Medium	Adoption	Non-Emergency Direct Placement Hearing	Hold hearing within 30 days of petition filing	Minn. R. Adopt. P. 29.04, subd. 1
Medium	Civil	Objection to Exemption Hearings (garnishment cases)	Hold hearing no sooner than 5 days and no later than 7 days from date of filing, with one continuance of up to 7 days. Issue order within 3 days of hearing	Minn. Stat. § 571.914
Medium	Civil	Writ requests – Hearings	Hold Hearing within 60 days Issue order within 14 days	Minn. Stat. § 169A.53(s)(3)(a) Minn. Stat. § 169A.53(s)(3)(e)
Medium	Civil	Contested Foreign Judgments	Statute requires the court administrator to "promptly" notify the debtor upon filing of foreign judgment, and no process can issue until 20 days after judgment is filed	Minn. Stat. § 548.28
Medium	Civil	Appeals from Administrative Hearings		
Medium	Civil	Civil Jury and Court trials		Minn. R. Civ. P. 38 & 39
Medium	Civil	Scheduling Order	No sooner than due date for last cover sheet and no later than 90 days after filing	Minn. Gen. R. Prac. 111.03
Medium	Criminal	Trials (MSD) – non-custody if speedy demanded	Within 60 days from demand	Minn. R. Crim. P. 6.06

Priority Level	Case Type	Hearing Type	Timing (provided in statute or rule)	Authority
Medium	Criminal	Trials (F, GM) if speedy demanded DWI, Crimes Against Persons, Domestic Abuse, VOOP, Felony Property Crimes	Within 60 days from demand	Minn. R. Crim. P. 11.09
Medium	Criminal	Evidentiary/Suppression Hearings	Before Trial	Minn. R. Crim. P. 12.04, subd. 3 (misdemeanors)
Medium	Family	Expedited Child Support Hearings	No sooner than 21 days after service but within 60 days of service	Minn. Gen. R. Prac. 364.03
Medium	Family	Paternity custody trials		Minn. Stat. §§ 257.541, 257.61
Medium	Family	Family Court Cases with mandatory GAL		Minn. Stat. § 518.165 Gen. R. Prac.903
Medium	Family	Family court Post-decree custody motions		Minn. R. Gen. P. 364.02 Minn. Stat. § 518A.39
Medium	Family	Family Court Temporary support and maintenance hearings		Minn. Stat. §§ 518.131
Medium	Family	Post-Decree Support, Maintenance, and other Family Judgments		Minn. Stat. § 548.091, subd. 1
Medium	Family	Financial Institution Data Match Hearing	Hold Hearing at earliest practical time but no later than 10 days after request for hearing	Minn. Stat. § 552.06, subd. 5(c)
Medium	Housing	Unlawful Detainer Eviction Hearing	7-10 days	Minn. Stat. § 504B.321, subd. 1
Medium	Juvenile Delinquency	All Other Juvenile custody trials	30 days	Minn. R. Juv. Del. P. 13.02, subd. 1
Medium	Juvenile Protection	TPR trials	60 days	Minn. R. Juv. Prot. P. 52.02, subd. 4 and 58.01, subd. 1(c)
Medium	Juvenile Protection	CHIPS permanency hearings	90 days or 6 months, depending on disposition	Minn. R. Juv. Prot. P. 51.03;
Medium	Juvenile Protection	Long term foster care review hearings		Minn. Stat. § 260C.201, subd. 11(g)

Priority Level	Case Type	Hearing Type	Timing (provided in statute or rule)	Authority
				Minn. R. Juv. Prot. P. 42.05, subd. 2(e)(2), 2(g)
Medium	MH/P	Contested probate hearings		Minn. Stat. Ch. 524; 525
Medium	MH/P	Guardianship and Conservatorship Hearings non-emergency		Minn. Stat. §§ 524.5-304, .5-405, .5-406
Low	Adoption	Adoptions	24 months- federal law	No statute or rule
Low	Civil	Notice to Remove	Upon timely filing of a proper notice to remove, must immediately notify chief judge who will assign a substitute judge	Minn. R. of Civ. P. 63.03
Low	Civil	Implied Consent Hearings	The hearing must be held at the earliest practicable date, and in any event no later than 60 days following the filing of the petition for review.	Minn. Stat. § 169A.53, subd. 3
Low	Civil	Civil writ of attachments and contempt		Minn. R. Civ. P. 70
Low	Civil	Discovery Motions		Minn. R. Civ. P. 37
Low	Civil	Summary Judgment		Minn. R. Civ. P. 12 & 56
Low	Civil	Other Dispositive Motions		Minn. R. Civ. P. 12 & 56
Low	Civil	Order to Show Cause Hearings		Gen. R. Prac. 116; 303.05
Low	Civil	Vehicle Forfeiture		Minn. Stat. § 169A.63,
Low	Civil	Approval of minor settlements hearings		Minn. Gen. R. Prac. 145
Low	Civil	Name Changes		Minn. Stat. § 259.10
Low	Civil	Mortgage Foreclosure Hearings, including Redemption		Minn. Stat. §§ 325N and 580
Low	Conciliation	Conciliation Court hearings	Hold Hearing not less than 14 days from date of mailing or service of summons unless otherwise ordered by judge	Minn. R. Gen. P. 508(a)

Priority Level	Case Type	Hearing Type	Timing (provided in statute or rule)	Authority
Low	Conciliation	Conciliation Court appeals		Minn. R. Gen. P. 521
Low	Criminal	Non-traffic misdemeanors	60 Days (same procedure as Misdemeanor)	Minn. R. Crim. P. 23.05, subd. 3;
Low	Criminal	Misdemeanor traffic	60 Days (same procedure as Misdemeanor)	Minn. R. Crim. P. 23.05, subd. 3;
Low	Criminal	Forfeiture of Personal Property	Within 96 hours from forfeiture	MN Stat. §609. 5312, subd.3(b) & 4(b)
Low	Criminal	Forfeiture of Vehicles used in drive-by shootings		Minn. Stat. § 609.5318, etc.
Low	Family	6 Month Review Hearing	Court administrator shall schedule the six-month review hearing as soon as practicable following the receipt of the hearing request form	Minn. Stat. § 518.1781
Low	Family	Dissolution trials when custody not an issue		Minn. Stat. § 518.131, Minn. Stat. § 518.168
Low	Housing	Rent Escrow Hearings and Trials	10-14 days from deposit of rent with court or tenant files proper notice and is not required to deposit rent	Minn. Stat. §504B.385,subd.5
Low	Juvenile	Juvenile Status offenses		
Low	Juvenile	Juvenile traffic		Minn. R. Juv. Del. P. 17.05, subd. 2(A), (B)
Low	MH/P	Judicial Appeal Panelhearings	Within 45 days of filing-extension for good cause	Minn. Stat. § 253B.19, subd. 2
Low	MH/P	Other probate hearings		Minn. Stat. §§ 524.3-403, .3-405, etc.