FILED
April 24, 2020
OFFICE OF
APPELLATE COURTS

STATE OF MINNESOTA

IN SUPREME COURT

ADM10-8041

ORDER CLARIFYING THE APPLICATION OF THE RULES OF JUVENILE PROTECTION PROCEDURE DURING THE STATEWIDE PEACETIME EMERGENCY

On March 13, 2020, the Governor of Minnesota declared a statewide peacetime emergency based on the outbreak of COVID-19. *See* Exec. Order No. 20-01 (Mar. 13, 2020). On April 15, 2020, the Governor signed legislation that suspends statutory deadlines governing district and appellate court proceedings during the peacetime emergency and for 60 days after the end of that declared emergency. *See* Act of Apr. 15, 2020, ch. 74, art. I, § 16.

The April 15 legislation does not suspend deadlines imposed by court rules, but several provisions in the Rules of Juvenile Protection Procedure impose deadlines consistent with the deadlines that are imposed by the statutes that govern the proceedings subject to those rules. Timing provisions imposed by court rules are generally procedural and, thus, will control when in conflict with a statute. *State v. Lindsey*, 632 N.W.2d 652, 658–59 (Minn. 2001) (explaining that the judiciary is responsible for "matters of trial and appellate procedure"). Guidance to parties, attorneys, case participants, and court staff on the impact of the April 15 legislation for cases governed by the Rules of Juvenile Protection Procedure is needed, particularly in light of the important reasons that require timely action

in these cases, *see, e.g., In re Welfare of J.R., Jr.*, 655 N.W.2d 1, 5 (Minn. 2003) (explaining that child-protection cases require expeditious processing).

Based on all the files, records, and proceedings herein,

IT IS HEREBY ORDERED that the deadlines in the following rules shall continue to apply during the peacetime emergency declared in Minnesota and are not tolled by the April 15 legislation:

Minn. R. Juv. Prot. P. 23.02 (establishing the appeal deadline)

Minn. R. Juv. Prot. P. 27.04 (report deadline on efforts to identify/notify relatives)

Minn. R. Juv. Prot. P. 39, 42.01 (establishing the deadline for an EPC hearing)

Minn. R. Juv. Prot. P. 43 (deadline to hold a permanency progress review hearing)

Minn. R. Juv. Prot. P. 52 (deadline to file petition after foster care placement)

Minn. R. Juv. Prot. P. 60.02 (deadline to file treatment report)

IT IS FURTHER ORDERED that the deadline established by Rule 26.02 of the Rules of Juvenile Protection Procedure, to file an out-of-home placement plan, shall continue to apply during the peacetime emergency declared in Minnesota and shall not be tolled by the April 15 legislation unless the district court judge determines that the circumstances of the case warrant an extension of the deadline in the rule for up to 30 days.

Dated: April 24, 2020

BY THE COURT:

Lorie S. Gildea
Chief Justice