

Rule 304. Scheduling of Cases**Rule 304.01 Scope**

Rules 304.01 through 304.05 provide for scheduling matters for disposition and trial in all Family Court Actions, excluding only the following:

- (a) Actions for reimbursement of public assistance (Minnesota Statutes, section 256.87);
- (b) Contempt (Minnesota Statutes, chapter 588);
- (c) Domestic abuse proceedings (Minnesota Statutes, chapter 518B);
- (d) Child custody enforcement proceedings (Minnesota Statutes, chapter 518D);
- (e) Support enforcement proceedings (Minnesota Statutes, chapter 518C--U.I.F.S.A.);
- (f) Withholding of refunds from support debtors (Minnesota Statutes, section 289A.50, subdivision 5);
- (g) Proceedings to compel payment of child support (Minnesota Statutes, section 393.07, subdivision 9);
- (h) Proceedings for support, maintenance or county reimbursement judgments (Minnesota Statutes, section 548.091); and
- (i) Expedited Child Support Proceedings (Minn. Gen. R. Prac. 351 through 379). Rule 304.06 applies to all Family Court Actions.

(Amended effective May 1, 2012.)

Rule 304.02 Scheduling Statement

(a) Except where the court orders the parties to use an Initial Case Management Conference ("ICMC"), within 60 days after the initial filing in a case, or sooner if the court requires, the parties shall file a Scheduling Statement that substantially conforms to the form developed by the state court administrator.

(b) In cases where the court orders the parties to use an Initial Case Management Conference, the parties shall comply with the order issued by the court as to what form to submit, its due date, and whether it should be filed or submitted to the court without filing.

(Amended effective January 1, 1993; amended effective January 1996; amended effective July 1, 1997; amended effective January 1, 2008; amended effective January 1, 2010; amended effective May 1, 2012; amended effective January 1, 2014.)

Advisory Committee Comment - 2009 Amendment

Rule 304.02 is amended to include section (b)(7) adopted to implement the gathering of information about the potential need for interpreter services in a case, either for witnesses or for a party. See Minn. Gen. R. Prac. 8.13.

Advisory Committee Comment - 2012 Amendment

Rule 304.02 is amended to reflect the more varied approaches to case management being used in Minnesota courts. The Initial Case Management Statement replaces the former Party's Information Statement form and is intended to be a more flexible device for obtaining information to be used by the court in making case-management decisions. Supplemental information regarding local

programs such as Early Case Management and/or Early Neutral Evaluation addressing may require submission of separate information on a separate time deadline.

Advisory Committee Comment - 2014 Amendment

The amendments to Rules 304.02 and 304.03 recognize that different districts and counties use different processes for scheduling family law matters. Rule 304.02 is amended to rename the Initial Case Management Statement (formerly known as the Informational Statement) as the Scheduling Statement. This change is intended to make clear the distinction between it and the Initial Case Management Conference (ICMC) Data Sheet used in the many counties that hold Initial Case Management Conferences (ICMCs) and find them useful tools in managing their cases. Pursuant to Judicial Branch Policy 520.1, section IV, the ICMC Data Sheet is not to be filed with the court, but is provided to the court in advance of the ICMC to assist the court in preparing for and holding the ICMC. Further information on the ICMC process, if in use in a particular court, may be obtained on the individual court's websites, which may be accessed through the state court website, www.mncourts.gov.

The Scheduling Statement is formally filed with the court within 60 days of filing of the case. The court's management of the case from and after the ICMC ensures the case is concluded in a timely manner, alleviating the necessity of filing a Scheduling Statement. In counties that do not utilize ICMCs as part of case management, the filing of the Scheduling Statement will assist the court in scheduling appropriate court appearances to conclude the case in a timely manner.

Rule 304.03 Scheduling Order

(a) When issued. Within 28 days after the expiration of the time set forth in Rule 304.02 for filing a Scheduling Statement, the court shall enter its scheduling order. The court may issue the order after either a telephone or in court conference, or without a conference or hearing if none is needed.

(b) Contents of Order. The scheduling order shall provide for alternative dispute resolution as required by Rule 114.04(c) and may establish any of the following:

- (1) Deadlines or specific dates for the completion of alternative dispute resolution including but not limited to mediation and early neutral evaluations;
- (2) Deadlines or specific dates for the completion of discovery and other pretrial preparation;
- (3) Deadlines or specific dates for serving, filing or hearing motions;
- (4) Deadlines or specific dates for custody, parenting time or property evaluations;
- (5) A deadline or specific date for the pretrial conference; and
- (6) A deadline or specific date for the trial or final hearing.

(Amended effective July 1, 1997; amended effective May 1, 2012; amended effective January 1, 2014; amended effective January 1, 2020.)

Rule 304.04 Amendment

A scheduling order pursuant to this rule may be amended at any pretrial or settlement conference, upon motion for good cause shown, or upon stipulation of the parties if approved by the court.

(Amended effective May 1, 2012.)

Rule 304.05 Collaborative Law

A scheduling order under this rule may include provision for deferral on the calendar pursuant to Rule 111.05(b) of these rules and for exemption from additional ADR requirements pursuant to Rule 111.05(c).

(Added effective January 1, 2008.)

Advisory Committee Comment - 2007 Amendment

Rule 304.05 is a new provision, intended primarily to make it clear that the special scheduling procedures relating to collaborative law in Minn. Gen. R. Pract. 111.05 apply to scheduling of family law matters subject to Rule 304. The rule permits a scheduling order to include provision for collaborative law, but does not require it.

Rule 304.06 Continuances

(a) Trial. Minn. Gen. R. Prac. 122 governs continuances for trial settings unless the court directs otherwise.

(b) Motions and Pretrial. A request for a continuance of a motion or pretrial conference shall be in writing and set forth the basis for the request.

(Added effective May 1, 2012.)

Advisory Committee Comment - 1996 Amendment

This rule is new. It is patterned after the similar new Minn. Gen. R. Prac. 111. The Task Force believes that the scheduling information and procedures in family court and other civil matters should be made as uniform as possible, consistent with the special needs in family court matters. It is amended in 1996 to include information needed for using alternative dispute resolution in family law matters as required by Minn. Gen. R. Prac. 301.01, also as amended in 1996. These amendments follow the form of similar provisions in Minn. Gen. R. Prac. 111, and should be interpreted in the same manner.

Matters not scheduled under the procedures of this rule are scheduled by motion practice under Minn. Gen. R. Prac. 303.

Rule 304.02 now provides a definite time by which informational statements are required, even if a temporary hearing is contemplated and postponed. Under the prior version of the rule, informational statements might never be due because a temporary hearing might be repeatedly postponed. If the parties seek to have a case excluded from the court scheduling process, they may do so by stipulating to having the case placed on "Inactive Status." This stipulation can be revoked by either party, but removes the case from active court calendar management for up to one year. See Minnesota Conference of Chief Judges (See Exhibit A), Resolution Relating to the Adoption of Uniform Local Rules, Jan. 25, 1991.

This rule provides for a separate Form 9B for use by unrepresented parties. This form contains additional information useful to the court in managing cases where one or both parties are not represented by an attorney. This form is updated in 1996 to request information about any history or claims of domestic abuse and the views of the parties on the use (or potential use) of alternative dispute resolution in the same manner as Form 9A for represented parties.