

Rule 18. Default**18.01 Procedure**

If a party fails to appear, as that term is defined in Minn. R. Civ. P. 5.01, after being properly served with a notice pursuant to Rule 31, the court may take testimony in support of the petition. If the court determines that the petition is proven in accordance with the applicable standard of proof and the adoption is in the best interests of the child, the court shall enter an order granting the relief sought. The court shall not grant a default if a party was not served with notice within the time period set forth in Rule 31. The court shall not grant a default regarding the issue of consent to adopt.

(Amended effective January 1, 2007.)

2004 Advisory Committee Comment

If consent is required and has not been given, the procedure that must be followed is to initiate a termination of parental rights proceeding pursuant to the Minnesota Rules of Juvenile Protection Procedure.