

Rule 3. Applicability of Other Rules and Statutes**3.01 Rules of Civil Procedure**

Except as otherwise provided by statute or these rules, the Minnesota Rules of Civil Procedure do not apply to adoption matters.

3.02 Rules of Evidence

The Minnesota Rules of Evidence apply to adoption matters.

3.03 Rules of Guardian Ad Litem Procedure

The Minnesota Rules of Guardian Ad Litem Procedure, codified as Rules 901-907 of the General Rules of Practice for the District Courts, apply to adoption matters.

(Amended effective September 1, 2019.)

3.04 Indian Child Welfare Act and Other Minnesota Statutes

Adoption matters concerning an Indian child shall be governed by the Indian Child Welfare Act (ICWA), 25 U.S.C. sections 1901 to 1963; the ICWA regulations, 25 C.F.R. pt. 23; the Minnesota Indian Family Preservation Act (MIFPA), Minnesota Statutes, sections 260.751 to 260.835; and by these rules when these rules are not inconsistent with ICWA, the ICWA regulations, or MIFPA.

(Amended effective September 1, 2019.)

3.05 Court Interpreter Statutes, Rules, and Court Policies

The statutes, court rules, and court policies regarding appointment of court interpreters apply to adoption matters. The court may appoint an interpreter of its own selection and may fix reasonable compensation pursuant to such statutes, court rules, and court policies.

3.06 Interstate Compact on the Placement of Children

Adoption matters concerning children crossing state lines for the purpose of adoption are subject to the provisions of the Interstate Compact on the Placement of Children, Minnesota Statutes, section 260.851.

(Amended effective July 1, 2014.)

3.07 Human Services Licensing Act

The Human Services Licensing Act, Minnesota Statutes, section 245A.03, applies to adoption matters.

3.08 Review of Progress toward Adoption of Children under State Guardianship

The requirements for the responsible social services agency's reasonable efforts to finalize adoption and for court review of progress towards adoption of children under guardianship of the Commissioner of Human Services are governed by Minnesota Statutes, sections 260C.601 to 260C.619.

(Added effective July 1, 2014; amended effective September 1, 2019.)

3.09 General Rules of Practice for the District Courts

Except as otherwise provided by statute or these rules, Rules 1, 2, 4-17, and 901-907 of the General Rules of Practice for the District Courts apply to adoption matters. Rules 3 and 101-814 of the General Rules of Practice for the District Courts do not apply to adoption matters. Rule 5 of

the General Rules of Practice for the District Courts does not apply to attorneys who represent Indian tribes in adoption matters.

(Added effective July 1, 2015; amended effective January 1, 2022.)

2004 Advisory Committee Comment

The Human Services Licensing Act establishes that only Minnesota licensed adoption agencies or county social services agencies are authorized to complete adoption "placement activities" defined under Rule 2.01(v). Minnesota Statutes, section 245A.03, subdivisions 1 and 2.

2015 Advisory Committee Comment

Rule 3.09 is added to clarify the applicability of the General Rules of Practice to adoption matters.

Rule 5 of the General Rules of Practice provides, in part: "Lawyers who are admitted to practice in the trial courts of any other jurisdiction may appear in any of the courts of this state provided (a) the pleadings are also signed by a lawyer duly admitted to practice in the State of Minnesota, and (b) such lawyer admitted in Minnesota is also present before the court, in chambers or in the courtroom or participates by telephone in any hearing conducted by telephone." General Rule 5 is being amended in 2015 to provide an "out-of-state lawyer is subject to all rules that apply to lawyers admitted in Minnesota, including rules related to e-filing." Consistent with the letter and spirit of the Indian Child Welfare Act, the Juvenile Protection Rules Committee does not want to place any barriers to participation by Indian tribes in adoption matters. For that reason, Rule 3.09 is added to provide that the requirements of Rule 5 dealing with pro hac vice and electronic filing are not applicable to attorneys who represent Indian tribes.