

Rule 49. Venue**49.01 Venue**

Subdivision 1. Generally. Except as provided in subdivision 2, venue for an adoption proceeding shall be the county of the petitioner's residence.

Subd. 2. Child under Guardianship of Commissioner. Venue for the adoption of a child committed to the guardianship of the Commissioner of Human Services shall be the county with jurisdiction in the matter according to Minnesota Statutes, section 260C.317, subdivision 3.

(Added effective January 1, 2007.)

49.02 Request to Transfer Venue

Upon the petitioner's motion served and filed pursuant to Rule 15, the court having jurisdiction over the matter under Minnesota Statutes, section 260C.317, subdivision 3, may transfer venue of an adoption proceeding involving a child under the guardianship of the Commissioner of Human Services to the county of the petitioner's residence upon determining that:

(a) the Commissioner of Human Services has given consent to the petitioner's adoption of the child or that consent is unreasonably withheld;

(b) there is no other adoption petition for the child that has been filed or is reasonably anticipated by the Commissioner of Human Services or the Commissioner's delegate to be filed; and

(c) transfer of venue is in the best interests of the child.

(Added effective January 1, 2007.)

49.03 Transfer of Venue Procedures

(a) Transfer of Venue. If the court grants a motion to transfer venue to another county, the court shall do so by ordering a continuance and providing all documents filed in the adoption proceeding to the other court through the court information system. The transferring court also shall provide copies of the order of transfer to the Commissioner of Human Services and any agency participating in the proceedings. The judge of the receiving court shall accept the order of the transfer and any other documents transmitted and hear the case.

(b) Transfer of Jurisdiction. If the court grants a motion to transfer jurisdiction to another state or tribal court, the court shall do so by ordering a continuance and sending to the court administrator of the appropriate court a copy of all documents filed, together with a certification that all documents are true and accurate copies of the originals. In the alternative, all documents may be transferred to the receiving court electronically if the receiving court consents and both courts have the resources and technical capacity to accommodate the electronic transfer. The transferring court shall also provide copies of the order of transfer to the Commissioner of Human Services and any agency participating in the proceedings.

(Added effective January 1, 2007; amended effective July 1, 2015.)