

RULE 21 POST-TRIAL MOTIONS**Rule 21.01. Procedure and Timing**

Subd. 1. Timing. All post-trial motions shall comply with Rule 14 and shall be filed with the court and served upon the parties within 10 days of the service of notice by the court administrator of the filing of the court's order finding that the statutory grounds set forth in the petition are or are not proved. Any response to a post-trial motion shall comply with Rule 14 and shall be filed with the court and served upon the parties within five days of service of the post-trial motion.

Subd. 2. Basis of Motion. A post-trial motion shall be made and decided on the files, exhibits, and minutes of the court. Pertinent facts that would not be a part of the minutes may be shown by affidavit except as otherwise provided by these rules. A full or partial transcript may be used in deciding the motion.

Subd. 3. Time for Serving Affidavits. When a post-trial motion is based upon affidavits, the affidavits shall be served with the notice of motion. The parties and the county attorney shall have five days after the service in which to serve opposing affidavits. The court may permit reply affidavits so long as the time for issuing a decision is not extended beyond the time permitted in Rule 21.05.

Subd. 4. Hearing. If the trial court grants a hearing on a post-trial motion, the hearing shall take place within 10 days of the date the post-trial motion is filed.

Rule 21.02. New Trial on Court's Own Initiative

Not later than 15 days after finding that the statutory grounds set forth in the petition are or are not proved, the court may upon its own initiative order a new trial for any reason for which it might have granted a new trial on a motion. After giving appropriate notice and an opportunity to be heard, the court may grant a motion for a new trial, timely served, for reasons not stated in the motion. In either case, the court shall specify in the order the basis for ordering a new trial.

Rule 21.03. Amendment of Findings

Upon motion, the court may amend its findings or make additional findings, and may amend the order accordingly. The motion may be made with a motion for a new trial and may be made on the files, exhibits, and minutes of the court. The question of sufficiency of the evidence to support the findings may be raised whether or not the party raising the question has made in the district court an objection to the findings or has made a motion to amend the order.

Rule 21.04. Grounds for New Trial

A new trial may be granted on all or some of the issues for any of the following reasons:

(a) irregularity in the proceedings of the court, referee, or prevailing party, or any order or abuse of discretion whereby the moving party was deprived of a fair trial;

(b) misconduct of counsel;

(c) fraud, misrepresentation, or other misconduct of the county attorney, any party, their counsel, or their guardian ad litem;

(d) accident or surprise that could not have been prevented by ordinary prudence;

(e) material evidence, newly discovered, which with reasonable diligence could not have been found and produced at the trial;

(f) errors of law occurring at the trial and objected to at the time, or if no objection need have been made, then plainly assigned in the motion;

(g) a finding that the statutory grounds set forth in the petition are proved is not justified by the evidence or is contrary to law; or

(h) if required in the interests of justice.

Rule 21.05. Decision

The court shall rule on all post-trial motions within 10 days of the conclusion of the motion hearing, which shall include the time for filing written arguments, if any. The findings and order shall be filed with the court administrator, who shall proceed pursuant to Rule 9.

Rule 21.06. Relief

In response to any post-trial motion, including a motion for a new trial, the court may:

(a) conduct a new trial;

(b) reopen the proceedings and take additional testimony;

(c) amend the findings of fact and conclusions of law;

(d) make new findings and conclusions as required; or

(e) deny the motion.

2019 Advisory Committee Comment

Rule 21 is amended in 2019 as part of a revision of the Rules of Juvenile Protection Procedure. The rule was formerly codified as Rule 45.