

RULE 24. PARENTAGE MATTER**Rule 24.01. Scope**

Subd. 1. Parentage Matter and Juvenile Protection Matter Brought at the Same Time. The establishment of a parent and child relationship or the declaration of the nonexistence of the parent and child relationship shall occur pursuant to the Parentage Act, Minnesota Statutes, sections 257.51 to 257.74, in a separate file in family court. A parentage matter regarding the child may be brought at the same time as a juvenile protection matter.

Subd. 2. Original and Exclusive Jurisdiction in Juvenile Court. The juvenile court has original and exclusive jurisdiction in proceedings described in Minnesota Statutes, section 260C.101.

Subd. 3. Family Court Jurisdiction. When a parentage matter and a juvenile protection matter regarding the same child are pending at the same time, the family court has jurisdiction to determine parentage, the child's name, and child support. The family court shall not make determinations regarding custody or parenting time until the juvenile court makes an order under Rule 24.06.

Rule 24.02. Judicial Assignment and Calendaring

Subd. 1. Assignment and Calendaring. With the consent of the judicial officer assigned to the juvenile protection matter, a parentage matter commenced in family court under the Parentage Act, Minnesota Statutes, sections 257.51 to 257.74, may be assigned to the same judicial officer assigned to the juvenile protection matter regarding the same child. Hearings in the parentage matter may be calendared at the same time as hearings on the juvenile protection matter.

Subd. 2. Communication Between Judicial Officers. When different judicial officers are assigned to handle a juvenile protection matter and a parentage matter regarding the same child, the judicial officers may communicate with each other as permitted under the Code of Judicial Conduct.

Rule 24.03. Applicable Statutes and Rules

Parentage matters under the Parentage Act, Minnesota Statutes, sections 257.51 to 257.74, calendared at the same time as juvenile protection matters regarding the same child continue to be governed by:

- (a) the provisions of Minnesota Statutes, section 257.70, limiting access to hearings, and of Rule of Public Access 4, subd. 1(n), limiting access to records;
- (b) the right to appointed counsel under Minnesota Statutes, section 257.69;
- (c) the Rules of Civil Procedure; and
- (d) the Rules of Civil Appellate Procedure.

Rule 24.04. Responsible Social Services Agency to Provide Copy of Petition and Orders to County Child Support Enforcement Agency

Subd. 1. Copy of Petition and Interim Orders Provided to Child Support Agency. The responsible social services agency shall provide a copy of the juvenile protection petition and any orders related to the status and progress of the case plan in the juvenile protection matter to the appropriate county child support enforcement agency whenever parentage is an issue in the juvenile protection matter.

Subd. 2. Copy of Orders to be Provided to County Child Support Enforcement Agency. The responsible social services agency shall provide a copy of any order listed in Rule 24.06 to the

appropriate county child support enforcement agency when the order is issued regarding a child who is the subject of both a juvenile protection matter and a parentage matter.

Rule 24.05. No Extension of Permanency Timelines

The pendency of a parentage matter shall not extend the permanency timelines set forth in these rules and Minnesota Statutes, section 260C.503.

Rule 24.06. Notification to Family Court of Juvenile Protection Orders

When a parentage matter is pending regarding a child who is the subject of a juvenile protection matter and the family court has not issued an order regarding child support, legal and physical custody, or parenting time, the court administrator shall send notification to the family court administrator and the assigned family court judicial officer of the filing of any of the following orders:

(a) an order for guardianship to the Commissioner of Human Services under Minnesota Statutes, section 260C.515, subdivision 3, or 260C.325, in which case the family court may close the parentage file;

(b) an order for permanent legal and physical custody to a relative, including an order for one of the child's parents to be the permanent legal and physical custodian pursuant to Minnesota Statutes, section 260C.515, subdivision 4, in which case the family court may make a determination regarding child support in the parentage matter;

(c) an order for permanent custody to the agency pursuant to Minnesota Statutes, section 260C.515, subdivision 5, or temporary custody to the agency under Minnesota Statutes, section 260C.515, subdivision 6, in which case the family court may make a determination of child support in the parentage matter;

(d) unless preceded by an order under paragraphs (a) to (c):

(1) an order for dismissal of the child from the only or last pending juvenile protection matter under Minnesota Statutes, section 260C.193, subdivision 1, in which case the family court may make determinations regarding child support, legal and physical custody, and parenting time; or

(2) an order for termination of juvenile court jurisdiction over the child in the only or last pending juvenile protection matter under Minnesota Statutes, section 260C.193, subdivision 6, paragraph (b) or (c), in which case the family court may make determinations regarding child support, legal and physical custody, and parenting time; and

(e) any other order required by the juvenile court judicial officer to be filed in a pending parentage matter in family court.

2019 Advisory Committee Comment

Rule 24 is amended in 2019 as part of a revision of the Rules of Juvenile Protection Procedure. The rule was formerly codified as Rule 50. The amendments are not intended to substantively change the rule's meaning.

Children involved in juvenile protection matters who have two known, legal parents have significant advantages. When a child does not have a legal relationship with a parent, timely establishment of parentage helps ensure:

(1) that the rights and obligations of both parents are considered throughout the juvenile protection matter, including the agency's obligation, when the child is removed from one parent,

to consider the other parent for day-to-day care of the child (see Minnesota Statutes, section 260C.219, paragraph (a), clause (1));

(2) that maternal and paternal relatives are considered for placement in a timely manner when the child is in foster care (see Minnesota Statutes, sections 260C.212, subdivision 2, and 260C.221); and

(3) a timely permanency decision for a child in foster care through required planning and services for both parents and involvement of relatives (see Minnesota Statutes, sections 260.012; 260C.001, subdivision 2, paragraph (b), clause (7), item (ii); 260C.219; and 260C.221).

The purpose of Rule 24 is to help expedite decision-making in parentage matters in family court when a juvenile protection matter is pending. There are differences between juvenile protection and parentage matters. Judges, professionals, and families involved in both should understand the differences between the two, recognize the benefits to the child in making the two systems work together, and work to deliver known advantages of having two legal parents for the child. Significant dissimilarities in the two types of matters include:

(1) parentage matters are generally non-public under Rule 4, subd. 1(n) of the Rules of Public Access to Records of the Judicial Branch, but juvenile protection matters are generally public under Rule 4, subd. 1(s)(2)(D) of the Rules of Public Access to Records of the Judicial Branch and Rule 8 of the Rules of Juvenile Protection Procedure;

(2) parties under Minnesota Statutes, section 257.57 or 257.60 (parentage matters), and Rules 32 and 33 of the Rules of Juvenile Protection Procedure (juvenile protection matters);

(3) the right to appointed counsel under Minnesota Statutes, sections 257.69 (parentage matters), and 260C.163, subdivision 3 (juvenile protection matters); and

(4) procedural rules, including rules of discovery and rules governing appeals. The Rules of Civil Procedure apply to parentage matters under Minnesota Statutes, section 257.65, but do not apply in juvenile protection matters under Rule 3.01. The Rules of Civil Appellate Procedure apply to both types of matters, but are modified for juvenile protection matters under Rule 23.

Rule 24.01 cites the entire Parentage Act, Minnesota Statutes, sections 257.51 to 257.74. However, the provisions in Minnesota Statutes, section 257.74, relating to adoption do not apply to children under state guardianship, whose matters are governed by Minnesota Statutes, sections 260C.601 to 260C.637.

Rule 24.02 permits the assignment of juvenile protection matters and parentage matters to the same judicial officer, but does not require this because it may not be feasible in courts with separate family and juvenile divisions. When the matters cannot be calendared together and are assigned to different judicial officers, subdivision 2 supports communication between the judicial officers responsible for handling each matter so decision-making is coordinated and timely.

Judicial officers may wish to consider Rule 2.9(3) of the Code of Judicial Conduct:

A judge may consult with court staff and court officials whose functions are to aid the judge in carrying out the judge's adjudicative responsibilities, or with other judges, provided the judge makes reasonable efforts to avoid receiving factual information that is not part of the record, and does not abrogate the responsibility personally to decide the matter.

Judicial officers may also wish to consult the discussion of ethical considerations in Minnesota Board of Judicial Standards Advisory Opinion 2016-2, Judicial Notice of Electronic Court Records in OFP Proceedings.

Rule 24.03 alerts judges, professionals, and others involved in juvenile protection matters and parentage matters of some of the major differences between juvenile protection and parentage matters.

Rule 24.04 assists the responsible social services agency to fulfill its obligation under Minnesota Statutes, section 260C.219, paragraph (a), clause (1), to require the nonadjudicated parent to cooperate with paternity establishment procedures as part of a required case plan. Requiring the responsible social services agency to provide a copy of the petition and orders from juvenile court to the appropriate county child support enforcement agency whenever there is a parentage issue in a juvenile protection matter will support the responsible social services agency and the county child support enforcement agency to work together with the family to resolve parentage issues.

Rule 24.06 is intended to facilitate completion of a parentage matter when the family court judicial officer has deferred decisions in the parentage matter regarding child support, legal and physical custody, and parenting time during a pending juvenile protection matter. When these decisions have been deferred, the parentage matter is not considered complete (see Minnesota Statutes, section 257.66, subdivision 3). So that the parentage matter can be completed, Rule 24.06 requires notification of the specified orders issued in the juvenile protection file to be given to the family court administrator and family court judicial officer assigned to the matter. Local practice will dictate how this notification is made by juvenile court to family court. See also the Advisory Committee Comment to Rule 9.

The orders listed in Rule 24.06 are orders which:

(1) dispose of all issues in the pending parentage matter (an order for guardianship to the Commissioner of Human Services based on termination of parental rights or consent to adopt);

(2) dispose of some of the issues in the pending parentage matter (an order for permanent legal any physical custody to a relative, including a parent, or permanent or temporary custody to the agency that resolves custody and parenting time issues but does not address child support); or

(3) do not dispose of any of the pending issues in the parentage matter (an order for termination or dismissal of jurisdiction).

The required filing of the juvenile protection orders listed in Rule 24.06 and notice to the judicial officer hearing the parentage matter, permits the family court judicial officer to decide any remaining issues regarding child support, legal and physical custody, or parenting time in the parentage matter.