

RULE 4. TIME**Rule 4.01. Computation of Time**

Unless otherwise provided by statute, the day of the act or event from which the designated period of time begins to run shall not be included in the computation of time. The last day of the period shall be included, unless it is a Saturday, Sunday, or legal holiday. When a period of time prescribed or allowed is three days or less, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation. As used in this rule, "legal holiday" includes any holiday designated in Minnesota Statutes, section 645.44, subdivision 5, as a holiday for the state or any state-wide branch of government and any day that the U.S. mail does not operate.

Rule 4.02. Additional Time After Service by U.S. Mail or Other Means

Whenever a person has the right or is required to do an act within a prescribed period after the service of a notice or other document and the notice or other document is served by U.S. mail, three days shall be added to the prescribed period. If service is made by any means other than U.S. mail and accomplished after 5:00 p.m. local Minnesota time on the day of service, one additional day shall be added to the prescribed period.

Rule 4.03. Sanctions for Violations of Timelines

These rules contain several timelines that apply to different types of juvenile protection matters. The court may impose sanctions upon any county attorney, party, or counsel for a party who willfully fails to follow the timelines set forth in these rules.

2019 Advisory Committee Comment

Rule 4 is amended in 2019 as part of a revision of the Rules of Juvenile Protection Procedure. The amendments to Rule 4 are not intended to substantively change the rule's meaning.

Rule 4.01 is amended to more closely track the language of Rule 6.01 of the Rules of Civil Procedure, and to eliminate a potential conflict between the rule and the statutory definition of "holiday."

Rule 4.02 is amended to refer to "local Minnesota time," which tracks the language in Rule 6.05 of the Rules of Civil Procedure. This eliminates a potential ambiguity in the rule: the extra day to respond arises if service is accomplished after 5:00 p.m. under Minnesota time. This clarification is important with the use of service through the court's E-Filing System, which can be used from anywhere in the world, in any time zone.

Until 2019, Rule 4.03 listed timeline requirements for several types of juvenile protection matters. To promote clarity, those timeline requirements have been moved to the rules governing each type of juvenile protection matter: Rules 39, 43 and 52.

The former Rule 4.04 has been renumbered to Rule 4.03, and recognizes the court's authority to issue sanctions for willful violations of the timelines set forth in these rules.