

Rule 301. Scope; Time**Rule 301.01 Applicability of Rules**

(a) Applicable Rule or Statute. Rules 301 through 314 and, where applicable, the Minnesota Rules of Civil Procedure shall apply to Family Law actions except where they are in conflict with applicable statutes or the Expedited Child Support Process Rules, Minn. Gen. R. Prac. 351 through 379.

(b) Included Proceedings. The following types of proceedings are referred to in these rules as Family Court Actions:

(1) Marriage dissolution, legal separation, annulment proceedings, and child custody actions (Minnesota Statutes, chapter 518);

(2) Child custody enforcement proceedings (Minnesota Statutes, chapter 518D);

(3) Domestic abuse proceedings (Minnesota Statutes, chapter 518B);

(4) Proceedings to determine or enforce child support obligations (Minnesota Statutes, chapters 518A, 518C - U.I.F.S.A., sections 256.87; 289A.50, subdivision 5; and 393.07, subdivision 9);

(5) Contempt proceedings in Family Court (Minnesota Statutes, chapter 588);

(6) Parentage determination proceedings (Minnesota Statutes, sections 257.51 to 257.74);

(7) Proceedings for support, maintenance or county reimbursement judgments (Minnesota Statutes, section 548.091);

(8) Third-party custody proceedings (Minnesota Statutes, chapter 257C); and

(9) Proceedings pursuant to the Hague Convention on Civil Aspects of International Child Abductions and the International Child Abduction Remedies Act.

Other matters may be treated as family court matters by order of the court.

(c) Excluded proceedings. Rules 301 through 314 do not apply to proceedings commenced in the Expedited Child Support Process, except for Rules 302.02, 303.05, 308.02, 309, 313, and 314.

(d) Applicability of Rules of Civil Procedure. The Minnesota Rules of Civil Procedure apply to Family Court Actions as to matters not addressed by these rules. To the extent there is any conflict in the rules, these rules govern.

(Amended effective May 1, 2012; amended effective September 1, 2018.)

Advisory Committee Comment - 2012 Amendment

Rules 301 through 314 were originally derived primarily from the Rules of Family Court Procedure as they existed in 1992. These rules have been revised in several important ways in the ensuing years, and were revised and completely restated in 2011. The prior Advisory Committee Comments have been incorporated into a single set of Advisory Committee Comments for the benefit of the Minnesota Supreme Court as well as for courts and litigants. As is consistently made clear by the orders that have amended the rules, the Advisory Committee Comments are not adopted by the Supreme Court and do not have any official status. They reflect the views of the Supreme Court's advisory committees that have recommended amendments of the rules from time to time.

Rules 301 through 314 apply in the enumerated proceedings, comprising the majority of types of cases involving family relations. Adoption proceedings are governed by separate Rules of Adoption Procedure, adopted effective January 1, 2005.

Minn. Gen. R. Prac. 351.01 states that the Rules of Civil Procedure, Rules of Evidence, and General Rules of Practice shall apply to proceedings in the expedited process unless inconsistent with the Expedited Child Support Rules, Minn. Gen. R. Prac. 351 through 379. With the exception of Family Court Rules 302.02, 303.05, 308.02, 309, 313 and 314, Rules 301 through 314 are inconsistent with the Expedited Child Support Rules and therefore do not apply to the expedited process.

Rule 301.02 Time

Computation of time under these rules is governed by Rule 6 of the Minnesota Rules of Civil Procedure.

(Amended effective March 1, 2001; amended effective September 5, 2001; amended effective May 1, 2012.)

Advisory Committee Comment - 1992 Amendment

These rules are derived primarily from the Rules of Family Court Procedure. The advisory committee comments from the Rules of Family Court Procedure are included except where inconsistent with new provisions or where applicable rules are not retained.

These rules apply to the following specific types of proceedings that are generally treated as family court actions:

- 1. Marriage dissolution, legal separation, and annulment proceedings (Minnesota Statutes, chapter 518);*
- 2. Child custody enforcement proceedings (Minnesota Statutes, chapter 518A);*
- 3. Domestic abuse proceedings (Minnesota Statutes, chapter 518B);*
- 4. Support enforcement proceedings (Minnesota Statutes, chapter 518C--R.U.R.E.S.A.);*
- 5. Contempt actions in Family Court (Minnesota Statutes, chapter 588);*
- 6. Parentage determination proceedings (Minnesota Statutes, sections 257.51 to 257.74);*
- 7. Actions for reimbursement of public assistance (Minnesota Statutes, section 256.87);*
- 8. Withholding of refunds from support debtors (Minnesota Statutes, section 289A.50 subdivision 5,);*
- 9. Proceedings to compel payment of child support (Minnesota Statutes, section 393.07, subdivision 9); and*
- 10. Proceedings for support, maintenance or county reimbursement judgments (Minnesota Statutes, section 548.091).*

Other matters may be heard and treated as family court matters.

Advisory Committee Comment - 2001 amendment

Minn. Gen. R. Prac. 351.01 states that the Rules of Civil Procedure, Rules of Evidence, and General Rules of Practice shall apply to proceedings in the expedited process unless inconsistent

with the Expedited Child Support Rules, Minn. Gen. R. Prac. 351 through 379. With the exception of Family Court Rules 302.04, 303.05, 303.06, 308.02, and 313, Minn. Gen. R. Prac. 301-313 are inconsistent with the Expedited Child Support Rules and therefore do not apply to the expedited process.

Advisory Committee Comment - 2012 Amendment

The rules relating to computation of time are critical, and it is important that they be clear and predictable to all users of the court system. Rule 6 of the Minnesota Rules of Civil Procedure provides the appropriate clarity and makes it expressly applicable in family matters thereby eliminating any room for confusion. Rule 6 is consistent with the general day-counting rules set forth in Minnesota Statutes, section 645.15, and provides additional guidance for counting days where the periods of time are short and for responding to papers served by mail, or facsimile.

The time periods in the rules are intended to apply in most situations. Where unusual circumstances exist and justice so requires, the court may shorten the time limits. See Rule 1.02 of these rules.