



## Minnesota Judicial Branch Policy and Procedures

---

---

<b>Policy Source:</b>	Judicial Council
<b>Policy Number:</b>	525
<b>Category:</b>	Court Operations
<b>Title:</b>	oneCourtMN Hearings Initiative Policy
<b>Effective Date:</b>	June 6, 2022
<b>Revision Date:</b>	May 19, 2022
<b>Supersedes:</b>	

---

---

### oneCourtMN Hearings Initiative Policy

#### I. POLICY STATEMENT

It is the policy of the Minnesota Judicial Branch to have a uniform process for determining whether a court proceeding is heard remotely or in-person.

In furtherance of this goal, the Judicial Council adopts the following policies to implement the oneCourtMN Hearings Initiative.

#### II. APPLICABILITY

This policy is applicable to all district courts.

#### III. DEFINITIONS

- A. Exceptional Circumstances – Case-specific or party-specific exceptional circumstances that justify departing from the presumption to hold a hearing remotely or in-person as defined in the [Chief Justice Order](#), dated April 19, 2022.
- B. In-Person Hearing – A hearing at which all parties are physically present in the courtroom.
- C. Remote Hearing – A hearing at which no parties are physically present in the courtroom.
- D. Hybrid Hearing – A hearing at which some parties appear in person and others appear remotely. The presiding judge may authorize a hybrid hearing for exceptional circumstances.

## IV. PROCESS

### A. Non-Criminal Case Types

1. All hearings in non-criminal case types shall be conducted either remotely or in-person, as provided in the attached table, unless the district court finds that exceptional circumstances exist that justify a departure from the presumption.

### B. Criminal Case Types.

1. **District Criminal Hearings Plans.** In order to facilitate district courts' efforts to work through the temporary criminal backlog of cases created by the COVID pandemic, each judicial district shall develop a plan for conducting criminal hearings, subject to the approval of the Chief Judge of the district. Each district may establish a single criminal hearings plan for all courthouses within the district, or may choose to establish individualized criminal hearings plans for each county within the district.
2. **Requirement to Classify Hearings as Remote or In-Person.** Each criminal hearings plan must dictate which types of criminal hearings are to be conducted remotely and which types of criminal hearings are to be conducted in-person. Each criminal hearings plan must be designed to prioritize the pandemic-related backlog of criminal cases within the district.
3. **Factors for Considering Departures from Presumption.** Each criminal hearings plan must specify the factors district courts are to apply when considering requests to conduct a presumptively in-person hearing remotely, or to conduct a presumptively remote hearing in-person. It is within each district's discretion whether to use the factors listed in paragraph 2 of the Chief Justice Order, dated April 19, 2022, for the criminal hearings plan, or to identify separate lists of factors that will apply for criminal case types.

### C. Treatment Court Proceedings.

1. Treatment court proceedings are presumptively in-person for participants. Remote access may be granted when the circumstances of the participant are such that without a remote appearance, they are unable to successfully participate in treatment court.

## V. IMPLEMENTATION AUTHORITY

Implementation of this policy is the responsibility of the State Court Administrator, acting as the Judicial Council's agent, and the Chief Judges of the Judicial Districts.

## VI. EXECUTIVE LIMITATIONS

None.

Case Category and Case Type	Hearing Type	Remote	In-Person
<b>Family:</b>			
<i>Dissolution, Custody, etc.</i>	Court Trial		X
	Defaults	X	
	Evidentiary		X
	ICMC	X	
	Motions	X	
	Pre-Trial Conference	X	
	Scheduling Conference	X	
<i>Domestic Abuse</i>	Evidentiary		X*
	Motions	X	
	Order for Protection-Initial appearance	X	
<i>Expedited Process</i>	Contempt	X	
	Hearing	X	
	Review	X	
<i>Paternity</i>	Hearing	X	
	Court Trial		X
	Evidentiary		X
<i>Adoption</i>	Adoption		X
<b>Civil:</b>			
<i>Harassment</i>	Evidentiary		X*
	Harassment	X	
	Motions	X	
<i>Minor Civil</i> <sup>1</sup>	Conciliation	X	
	Eviction (Unlawful Detainer)	X	
	Hearing	X	
	Implied Consent	X	
	Motions	X	
<i>Major Civil</i> <sup>2</sup>	Arbitration	X	
	Contempt		X
	Court Trial		X
	Default	X	
	Hearing	X	
	Jury Trial		X
	Pre-Trial	X	
	Motions	X	
	Scheduling Conference	X	
	Settlement Conference	X	
	Temporary Restraining Order	X	
<b>Juvenile:</b>			
<i>Juvenile Protection</i> **	Admit/Deny		X
	Court Trial		X
	EPC		X
	IDH	X	
	Permanency Progress Review		X

<sup>1</sup> Minor civil case types include implied consent, unlawful detainer, conciliation cases, and minor civil judgments.

<sup>2</sup> Major civil case types include all other case types that are not classified in minor civil types.

Case Category and Case Type	Hearing Type	Remote	In-Person
	Post-Permanency Review	X	
	Pre-Trial	X	
<i>Juvenile Delinquency</i> <sup>3</sup>	Arraignment	X	
	Court Trial		X
	Detention	X	
	Disposition		X
	EJJ		X
	Motions	X	
	Pre-Trial	X	
	Restitution		X
	Revocation		X
<b><i>Probate/Mental Health:</i></b>			
<i>Guardianship/ Conservatorship</i>	Account	X	
	Final Account	X	
	Hearing	X	
	Order to Show Cause		X
	Probate	X	
<i>Civil Commitment</i>	Commitment	X	
	Jarvis	X	
	Motions	X	
	Preliminary	X	
	Re-Commitment	X	
<i>Informal Probate</i>	Probate	X	
<i>Formal Probate</i>	Order to Show Cause		X
	Probate	X	

### Additional Guidance

\* Domestic Abuse and Harassment evidentiary hearings shall be in person unless the judicial officer is remote.

\*\* District courts may pilot holding juvenile protection hearings differently than shown in the table if it is approved by their chief judge and reported to the Steering Committee.

<sup>3</sup> Juvenile Delinquency includes all juvenile criminal case types such as petty offenses and traffic.