



The Minnesota Judicial Council, the policymaking body of the Minnesota Judicial Branch, held an emergency meeting on Friday, March 13, 2020 to discuss **Emergency Executive Order 20-01**; Declaring a Peacetime Emergency and Coordinating Minnesota's Strategy to Protect Minnesotans from COVID-19. Following that meeting, Chief Justice Lorie S. Gildea issued a **statewide order**, effective Monday, March 16, 2020, for all Minnesota courts. The order establishes temporary procedures for district court case processing:

- All court facilities shall remain open. Service windows at court facilities will also remain open, and courts will continue to accept filings in all case types. The Judicial Branch discourages the public from making any non-essential visits to court facilities.
- All jury trials currently underway should continue until the trial is complete, regardless of case type.
- For case types designated "High Priority" or "Super High Priority" in the **Limited Court Service Case Priorities List**, all court proceedings should continue as normal. Courts will schedule new jury trials as needed in those case types. Wherever possible, courts should explore the use of ITV/remote technology to conduct these hearings. The order also eases restrictions on the use of these technologies currently in Court Rules.
- For case types designated "Medium Priority" or "Low Priority" in **the Limited Court Service Case Priorities List**, all court proceedings (except jury trials currently underway, or cases where a speedy trial has been demanded) will be suspended for 14 days. No new jury trials in these case types should be scheduled for the next 30 days.

To implement the Order issued by Chief Justice Gildea, the Second Judicial District has developed case handling protocols by Division. Please note that the information contained in this document is specific to the Second Judicial District.

#### **Civil:**

There will be no hearings held in the civil division over the next 14 days, with the following exceptions:

- Civil Commitments
- Motions for emergency relief, such as motions for temporary restraining orders or motions for temporary injunctions;
- Expedited eviction hearings and trials, which have been commenced under Minn. Stat. 504B.321, subd. 2;
- Housing court hearings and trials which in which personal safety concerns are vital (e.g. lockout, matters concerning domestic abuse);
- Emergency guardianship/conservatorship matters.

Any civil jury trials which have already commenced may continue. No new jury trials shall occur in the next 30 days, unless the case is a super high priority or high priority case. Individual judicial officers will need to determine if any such cases fall into that category in consultation with the presiding judge and the chief judge.

#### **Family and Domestic Abuse/Harassment:**

High Priority Hearings That Will Occur Over the Next 14 Days as Scheduled

- Emergency Pre-Adoptive Custody Motion

- Domestic Abuse Order for Protection, Ex Parte Order Request
- Domestic Abuse Order for Protection, Ex Parte Hearings
- Domestic Abuse Order for Protection Hearings
- Ex Parte Harassment Restraining Orders
- Harassment Restraining Order Hearings
- Return of Child Order Enforcement
- Warrant for Custody of Child
- In custody hearings related to a family bench warrant
- Emergency Family Hearings/Emergency Family Motions
- Family Court Temporary Custody/Parenting Time Hearings
- Trials when custody or parenting time is an issue

Medium or Low Priority Hearings Not Listed Above Will Be Rescheduled, such as

- Non-Emergency Direct Placement Adoption Hearing
- Expedited Child Support Hearings
- Paternity custody trials
- Post-Decree custody, support, and maintenance hearings
- Temporary support and maintenance hearings
- Review Hearings
- Dissolution trials when custody is not an issue

**Criminal:**

High Priority Calendars That Will Occur Over the Next 14 Days

- LEC 101 for in custody matters
- LEC 102 for in custody matters
- In custody 10 Day Demands will be consolidated with the misdemeanor LEC calendar
- Chambers
- All in custody probation violations where the 7 day period has not been waived will become resolvable at the LEC.

Medium or Low Priority Calendars That Will Not Occur in the Next 14 Days

- All Maplewood Calendars
- Arraignments (131A)
- Sentencings
- St. Paul Petty Court Trials
- Implied Consents
- Out of custody Rule 8 and OH hearings
- Out of custody criminal trials
- Evidentiary/suppression hearings
- Misdemeanor Pretrial/OH Calendars
- Trials, even if a speedy is demanded, in gross misdemeanor and misdemeanor cases and the following felony cases: DWI, Crimes against Persons, Domestic Abuse, VOOP, Felony Property Crimes. The policy contains an exception for those cases involving "an immediate liberty and/or safety concern" and "requiring the attention of the court as soon as the court is available."

**Please Note:** If a medium/low priority hearing is postponed, individual parties may request a hearing from the assigned judge as needed.

Any criminal jury trials which have already commenced may continue. No new jury trials shall occur in the next 30 days unless the case is a super high priority or high priority case. Individual judicial officers will need to determine if any such cases fall into that category in consultation with the presiding judge and the chief judge. Additional information on super high and high priority trials includes:

- All in custody speedy trial demands will have an in person appearance at the courthouse as scheduled.
- All out of custody trials will be automatically continued and an in person appearance will not be necessary, unless the court is notified that the case is a super high or high priority case (constitutional rights are primarily implicated, public safety concerns are paramount, personal safety concerns are vital), in which case the court should schedule a hearing to address the priority concern.
- All in custody trials with no speedy trial demand will not be brought over on Monday for an in person appearance. However, judges and counsel should meet as scheduled and decide how to address the continuing custody status of the defendant and schedule of any trial in such a matter

### **Child Protection:**

#### High Priority Hearings That Will Occur Over the Next 14 Days As Scheduled

- Admit/Deny Hearing when child is in placement
- Admit/Deny Hearing related to Termination of Parental Rights or Permanency Petition
- Emergency Protective Care Hearing or Continued Emergency Protective Care Hearing
- Private CHIPS Petition
- Emergency Pre-Adoptive Custody Motion

#### Medium or Low Priority Hearings Not Listed Above Will Be Rescheduled, such as

- Termination of Parental Rights or Permanency Trial
- CHIPS Intermediate Disposition Review Hearings and Permanency Progress Review Hearings
- Long Term Foster Care Review Hearings

### **Juvenile Delinquency:**

#### High Priority Hearings That Will Occur Over the Next 14 Days as Scheduled

- All hearings related to in-custody juvenile delinquency matters
- EJJ hearings
- Non-custody delinquency trials with a speedy trial demand
- Omnibus hearing
- Certification Hearings

#### Medium or Low Priority Hearings Not Listed Above Will Be Rescheduled, such as

- Non-custody delinquency trials without a speedy trial demand
- Juvenile status offenses
- Juvenile traffic

Please note that within all case types there may be certain matters not covered above, which may fall into the "Super High Priority" (where an immediate liberty and/or safety concern are present regarding the attention of the court as soon as the court is available) or "High Priority" categories (immediate Constitutional Rights are implicated, public safety concerns are paramount, personal safety concerns are vital, or economic concerns are coupled with public or personal safety concerns). Individual judicial officers will need to determine if any such cases fall into those categories in consultation with the Chief Judge.

The Second Judicial District will make every effort to notify attorneys and self-represented litigants of the postponement and rescheduling of hearings during the next 14 days. However, if you have a court case scheduled at a Ramsey County District Court location between March 16, 2020 and March 27, 2020 and you are unable to discern whether your case will be heard or will be scheduled to a future date, please call **(651) 266-8266**.

The Minnesota Judicial Branch continues to monitor the most current statements and recommendations regarding COVID-19 in Minnesota. The Branch is coordinating closely with statewide partners, including the Minnesota Department of Health (MDH). The Branch will be following MDH recommendations as the situation evolves. Therefore, anyone who plans to or is required to go to a courthouse will be asked to follow all necessary precautions to prevent spread. When measures are implemented, they will be posted at <http://mncourts.gov/emergency>