

STATE OF MINNESOTA
IN SUPREME COURT
ADM10-8003



**ORDER AUTHORIZING E-FILING/E-SERVICE
PILOT PROJECT IN JUVENILE DELINQUENCY CASES**

The eCourtMN Steering Committee has requested the authorization of a pilot project to test the feasibility of electronic filing and electronic service of certain documents in juvenile cases. The Juvenile Delinquency Rules Committee has recommended rules amendments and pilot project requirements to accommodate the eCourtMN pilot project in juvenile delinquency cases. The Court has reviewed the proposal and is advised in the premises.

IT IS HEREBY ORDERED THAT:

1. Specific district courts designated by the State Court Administrator are hereby authorized to conduct a pilot project ("Pilot Project") pursuant to the attached Juvenile Delinquency E-Filing and E-Service Pilot Project Provisions.
2. The Pilot Project is anticipated to be carried out in several phases at district courts of varying sizes and locations throughout the state.
3. The Pilot Project shall test the feasibility and impact of electronic filing and electronic service of certain documents by the court, attorneys, government agencies, and parties in juvenile cases. The district courts involved in the Pilot Project shall report to the eCourtMN Steering Committee periodically as requested by that Committee and to

the Supreme Court as the Court shall direct. The reports shall address the feasibility and impact of electronic filing and service of documents in juvenile cases.

4. To the extent of any conflict between the terms of this order and its attached Pilot Project Provisions for E-Filing and E-Service in Juvenile Delinquency Matters and the provisions of the Rules of Juvenile Delinquency Procedure, the General Rules of Practice for the District Courts, the Rules of Civil Appellate Procedure, or the Rules of Public Access to Records of the Judicial Branch, the terms of this order and its attached Pilot Project Provisions shall prevail.

5. The Pilot Project Provisions and this order shall be effective December 1, 2012, and shall continue until further order of the Court. The Pilot Project Provisions shall apply to all actions or proceedings pending or commenced on or after the effective date.

Dated: October 15, 2012

BY THE COURT:

/s/ _____

Lorie S. Gildea
Chief Justice

PILOT PROJECT PROVISIONS FOR E-FILING AND E-SERVICE IN JUVENILE DELINQUENCY MATTERS

1a. **Who May Electronically File and Serve.** During the Pilot Project, attorneys, government agencies, and parties designated by the State Court Administrator in consultation with the district court may, upon registering with the electronic filing service provider designated by the State Court Administrator (“Designated Provider”), electronically file documents other than charging documents¹ with the district courts designated by the State Court Administrator (“District Courts”). Electronic filing and electronic service shall be accomplished through the Designated Provider’s Internet-accessible electronic filing and service system (“E-Filing System”).

Registered attorneys, government agencies, and parties may electronically serve documents on other registered attorneys, government agencies, and parties in juvenile cases provided that the attorney, government agency, or party to be served has designated an e-mail address for receiving electronic service in the E-Filing System.

The District Courts may electronically file and serve any orders, notices, or other documents in juvenile cases provided that the attorney, government agency, or party to be served has designated an e-mail address for receiving electronic service in the E-Filing System.

1b. **What Documents May Be Electronically Transmitted; Alternative Method.** In addition to motions required to be served and filed under Minn. R. Juv. Del. P. 27, notices sent to counsel under Minn. R. Juv. Del. P. 25, and documents specifically authorized by court rule to be served by electronic means, other documents may be electronically filed, provided, or made available under this Order. Such documents include, but are not limited to: (a) detention reports under Minn. R. Juv. Del. P. 5.05, subd. 4; (b) predisposition reports under Minn. R. Juv. Del. P. 15.03, subd. 4; (c) certification study reports under Minn. R. Juv.

¹ Electronic filing of charging documents is addressed in Paragraph 1c.

Del. P. 18.04, subd. 4; and (d) extended jurisdiction juvenile study reports under Minn. R. Juv. Del. P. 19.03, subd. 4. Additionally, if authorized by the State Court Administrator in consultation with the District Court, the documents described in clauses (a)-(d) may be electronically filed with the District Court or provided or made available to government agencies via Court Integration Services. Court Integration Services facilitates application-to-application electronic exchange of data between the court and its business partners; government agencies may register for Court Integration Services under the process established by the State Court Administrator.

1c. **Electronic Filing of Charging Documents.** If technologically feasible and if authorized by the State Court Administrator, citations, tab charges and petitions may be filed electronically via Court Integration Services. For electronically filed petitions, the signature of the prosecuting attorney under Minn. R. Juv. Del. P. 6.03, subd. 2, must comply with the electronic signature standard approved by the State Court Administrator, and the facts establishing probable cause under Minn. R. Juv. Del. P. 6.05, subd. 1, must be set forth in the electronically filed petition, rather than in attached police reports or affidavits.

2. **Registration and Designation of E-Mail Address for Service.** An attorney, government agency, or party is registered with the Designated Provider when they have entered into a subscriber agreement with the Designated Provider and obtained an E-Filing System user identification and password generated according to the Designated Provider's protocols. Registered attorneys, government agencies, or parties electronically filing documents shall diligently monitor the E-Filing System filing queue, and designate in the E-Filing System an e-mail address for receiving electronic service, as directed by the District Court. Registered attorneys, government agencies, and parties who have used the E-Filing system for a case shall maintain a designated e-mail address for receiving electronic service until all applicable appeal periods have expired for the case.

3. **Document Format.** Documents filed electronically shall be in the format required by Minn. Gen. R. Prac. 14.03.

4. **Effect of Electronic Filing or Service.** A document electronically filed or served by the District Court or a registered attorney, government agency, or party under this order has the same legal effect as an original document filed or served in paper form.

5. **Signatures.**

a. **Applicability of General Rules of Practice.** The provisions of Minn. Gen. R. Prac. 14.04, clauses (a) through (d) apply to all documents electronically filed and served using the E-Filing System.

b. **Certification; Retention.** By electronically filing or submitting a document using the E-Filing System, the registered attorney, government agency, or party filing or serving is certifying compliance with the signature requirements of the applicable rules, and the signatures on the document shall have the same legal effect as the signatures on the original document. A registered attorney, government agency, or party electronically filing or serving a document using the E-Filing system shall maintain the original document bearing actual signatures, if in paper form, or electronic signatures if the original is in electronic form and shall make the original document available upon reasonable request of the District Court, the signatories, or other parties.

6. **Time of Filing; Fees.** A document that is electronically filed under these provisions is deemed to have been filed with the court administrator on the date and time of its transmittal to the District Court through the E-Filing System, and the filing shall be stamped with this date and time subject to acceptance by the court administrator. If the filing is not subsequently accepted by the court administrator (e.g., for nonpayment of all applicable fees, attempted filing into the wrong case, or clearly incorrect venue as indicated in the caption), the date stamp shall be removed and the document electronically returned to the person who filed

it. The District Court shall establish procedures for payment of any applicable fees electronically.

7. **Effective Date of Service; Timing; Proof.**

a. **Service via E-Filing System.** Except when service is otherwise prohibited, service by authorized electronic means using the court's E-Filing System as defined by Minn. Gen. R. Prac. 14 is complete:

(1) upon completion of the electronic transmission of the document(s) to the E-Filing System if the E-Filing System service command is used; and

(2) upon acceptance of the electronic filing by the court, as provided in Rule 14, if the E-Filing System joint service and filing command is used.

b. **Technical Errors; Relief.** A motion for relief because of a technical error may be made, and relief may be granted, as provided in Minn. Gen. R. Prac. 14.01(f).

c. **Proof of Service; Timing.** Proof of service of documents served using the E-Filing System is governed by Minn. Gen. R. Prac. 14.05. The timing and proof of service requirements of Minn. R. Juv. Del. P. 25.03, subs. 4 and 5, that apply to service by mail also apply to electronic service.

8. **Sealed and Confidential Documents.** Minn. Gen. R. Prac. 14.06 governs electronic filing of sealed and confidential documents, except that during this pilot, a document to be filed under seal or as confidential may be filed in paper form if required or permitted by the court, and a motion to file a document in paper form under seal or as confidential may, but is not required to be, filed and served electronically.

9. **Records: Official; Appeal; Certified Copies.** Minn. Gen. R. Prac. 14.07 applies to documents electronically filed under this Order.

10. **Access to Documents.** A document electronically filed or served under these provisions shall be accessible as provided in the applicable court rules and statutes, including the Rules of Public Access to Records of the Judicial Branch.