

ARTICLE 3

JUDICIARY POLICY

Section 1. **[260C.419] STATEWIDE OFFICE OF APPELLATE COUNSEL AND TRAINING.**

Subdivision 1. **Definitions.** (a) As used in this section, the following terms have the meanings given.

(b) "Board" means the State Board of Appellate Counsel and Training.

(c) "Juvenile protection matter" means any of the following:

(1) child in need of protection or services matters as defined in section 260C.007, subdivision 6, including habitual truant and runaway matters;

(2) neglected and in foster care matters as defined in section 260C.007, subdivision 24;

(3) review of voluntary foster care matters as defined in section 260C.141, subdivision 2;

(4) review of out-of-home placement matters as defined in section 260C.212;

(5) termination of parental rights matters as defined in sections 260C.301 to 260C.328; and

(6) permanent placement matters as defined in sections 260C.503 to 260C.521, including matters involving termination of parental rights, guardianship to the commissioner of human services, transfer of permanent legal and physical custody to a relative, permanent custody to the agency, temporary legal custody to the agency, and matters involving voluntary placement pursuant to section 260D.07.

(d) "Office" means the Statewide Office of Appellate Counsel and Training.

Subd. 2. **Statewide Office of Appellate Counsel and Training; establishment.** (a) The Statewide Office of Appellate Counsel and Training is established as an independent state office. The office shall be responsible for:

(1) establishing and maintaining a system for providing appellate representation to parents in juvenile protection matters, as provided in section 260C.163, subdivision 3, paragraph (c), and in Tribal court jurisdictions;

(2) providing training to all parent attorneys practicing in the state on topics relevant to their practice and establishing practice standards and training requirements for parent attorneys practicing in the state; and

2.1 (3) collaborating with the Minnesota Department of Human Services to coordinate and
2.2 secure federal Title IV-E support for counties and Tribes interested in accessing federal
2.3 funding.

2.4 (b) The office shall be governed by a board as provided in subdivision 3.

2.5 **Subd. 3. State Board of Appellate Counsel and Training; structure; membership. (a)**
2.6 The State Board of Appellate Counsel and Training is established to direct the Statewide
2.7 Office of Appellate Counsel and Training. The board shall consist of seven members,
2.8 including:

2.9 (1) four public members appointed by the governor; and

2.10 (2) three members appointed by the supreme court, at least one of whom must have
2.11 experience representing parents in juvenile court and who include two attorneys admitted
2.12 to practice law in the state and one public member.

2.13 (b) The appointing authorities may not appoint any of the following to be a member of
2.14 the board:

2.15 (1) a person who is a judge;

2.16 (2) a person who is a registered lobbyist;

2.17 (3) a person serving as a guardian ad litem or counsel for a guardian ad litem;

2.18 (4) a person who serves as counsel for children in juvenile court;

2.19 (5) a person under contract with or employed by the Department of Human Services or
2.20 a county department of human or social services; or

2.21 (6) a current city or county attorney or assistant city or county attorney.

2.22 (c) All members shall demonstrate an interest in maintaining a high quality, independent
2.23 appellate defense system for parents in juvenile protection proceedings who are unable to
2.24 obtain adequate representation, a robust program for parent attorneys in Minnesota, and an
2.25 efficient coordination effort, in collaboration with the Department of Human Services, to
2.26 secure and utilize Title IV-E funding. At least one member of the board appointed by the
2.27 governor must be a representative from a federally recognized Indian Tribe. No more than
2.28 five members of the board may belong to the same political party. At least three members
2.29 of the board shall be from judicial districts other than the First, Second, Fourth, and Tenth
2.30 Judicial Districts. To the extent practicable, the membership of the board must include
2.31 persons with disabilities, reflect the ethnic diversity of the state, take into consideration race
2.32 and gender, and include persons from throughout the state. The members shall be well

3.1 acquainted with representing parents in district court and appellate proceedings related to
3.2 child protection matters as well as the law that affect a parent attorney's work, including
3.3 chapter 260C, the Rules of Juvenile Protection Procedure, the Rules of Civil Appellate
3.4 Procedure, the Indian Child Welfare Act, and the Minnesota Indian Family Preservation
3.5 Act. The terms, compensation, and removal of members shall be as provided in section
3.6 15.0575. The members shall elect a chair from among the membership and the chair shall
3.7 serve a term of two years.

3.8 **Subd. 4. Head appellate counsel for parents; assistant and contracted attorneys;**
3.9 **other employees.** (a) Beginning January 1, 2024, and for every four years after that date,
3.10 the board shall appoint a head appellate counsel in charge of executing the responsibilities
3.11 of the office who shall provide for sufficient appellate counsel for parents and other personnel
3.12 necessary to discharge the functions of the office. The head appellate counsel shall serve a
3.13 four-year term and may be removed only for cause upon the order of the board. The head
3.14 appellate counsel shall be a full-time qualified attorney, licensed to practice law in this state,
3.15 and serve in the unclassified service of the state. Vacancies of the office shall be filled by
3.16 the appointing authority for the unexpired term. The head appellate counsel shall devote
3.17 full time to the performance of duties and shall not engage in the general practice of law.
3.18 The compensation of the head appellate counsel shall be set by the board and shall be
3.19 commensurate with county attorneys in the state.

3.20 (b) Consistent with the decisions of the board, the head appellate counsel shall employ
3.21 assistants or hire independent contractors to serve as appellate counsel for parents. Each
3.22 assistant appellate counsel and independent contractor serves at the pleasure of the head
3.23 appellate counsel. The compensation of assistant appellate counsel and independent
3.24 contractors shall be set by the board and shall be commensurate with county attorneys in
3.25 the state.

3.26 (c) A person serving as appellate counsel shall be a qualified attorney licensed to practice
3.27 law in this state. A person serving as appellate counsel practicing in Tribal court shall be a
3.28 licensed attorney qualified to practice law in Tribal courts in the state. Assistant appellate
3.29 counsel and contracted appellate counsel may engage in the general practice of law where
3.30 not employed or contracted to provide services on a full-time basis.

3.31 (d) The head appellate counsel shall, consistent with the responsibilities under subdivision
3.32 2, employ or hire the following:

3.33 (1) one managing appellate attorney;

3.34 (2) two staff attorneys;

4.1 (3) one director of training;

4.2 (4) one program administrator to support Title IV-E reimbursement in collaboration
4.3 with the Department of Human Services; and

4.4 (5) one office administrator.

4.5 (e) Each employee identified in paragraph (d) serves at the pleasure of the head appellate
4.6 counsel. The compensation of each employee shall be set by the board and shall be
4.7 commensurate with county attorneys in the state.

4.8 (f) Any person serving as managing appellate attorney, staff attorney, and director of
4.9 training shall be a qualified attorney licensed to practice law in the state.

4.10 (g) A person serving as the program administrator and office administrator must be
4.11 chosen solely on the basis of training, experience, and qualifications.

4.12 Subd. 5. Duties and responsibilities. (a) The board shall work cooperatively with the
4.13 head appellate counsel to govern the office and provide fiscal oversight.

4.14 (b) The board shall approve and recommend to the legislature a budget for the board,
4.15 the office, and any programs operated by that office.

4.16 (c) The board shall establish procedures for distribution of funding under this section to
4.17 the office and any programs operated by that office.

4.18 (d) The head appellate counsel with the approval of the board shall establish appellate
4.19 program standards, administrative policies, procedures, and rules consistent with statute,
4.20 rules of court, and laws that affect appellate counsel's work. The standards must include but
4.21 are not limited to:

4.22 (1) standards needed to maintain and operate an appellate counsel for parents program,
4.23 including requirements regarding the qualifications, training, and size of the legal and
4.24 supporting staff for an appellate counsel program;

4.25 (2) standards for appellate counsel caseloads;

4.26 (3) standards and procedures for the eligibility of appointment, assessment, and collection
4.27 of the costs for legal representation provided by appellate counsel;

4.28 (4) standards for contracts between contracted appellate counsel and the state appellate
4.29 counsel program for the legal representation of indigent persons;

4.30 (5) standards prescribing minimum qualifications of counsel appointed under the board's
4.31 authority or by the courts; and

5.1 (6) standards ensuring the independent, competent, and efficient representation of clients
5.2 whose cases present conflicts of interest.

5.3 (e) The head appellate counsel, with approval of the board, shall establish training
5.4 program standards and processes and procedures necessary to carry out the office's
5.5 responsibilities for statewide training of parent attorneys, including but not limited to
5.6 establishing uniform practice standards and training requirements for all parent attorneys
5.7 practicing in the state.

5.8 (f) The head appellate counsel and the program administrator with approval of the board
5.9 shall establish processes and procedures for collaborating with the Department of Human
5.10 Services to secure and utilize Title IV-E funds and communicating with counties and Tribes
5.11 and any other processes and procedures necessary to carry out the office's responsibilities.

5.12 (g) The board may:

5.13 (1) propose statutory changes to the legislature and rule changes to the supreme court
5.14 that are in the best interests of the operation of the appellate counsel for parents program;
5.15 and

5.16 (2) require the reporting of statistical data, budget information, and other cost factors
5.17 by the appellate counsel for parents program.

5.18 Subd. 6. **Limitation.** In no event shall the board or its members interfere with the
5.19 discretion, judgment, or zealous advocacy of counsel in their handling of individual cases
5.20 as a part of the judicial branch of government.

5.21 Subd. 7. **Budget; county and Tribe use.** The establishment of the office and its
5.22 employees and support staff and the board shall be funded by the state of Minnesota.
5.23 Minnesota counties and Tribes may utilize this office to provide appellate representation
5.24 to indigent parents in their jurisdiction who are seeking an appeal and for assistance in
5.25 securing Title IV-E funding through collaboration with the Department of Human Services.

5.26 Subd. 8. **Collection of costs; appropriation.** If any of the costs provided by appellate
5.27 counsel are assessed and collected or otherwise reimbursed from any source, the State Board
5.28 of Appellate Counsel and Training shall deposit payments in a separate account established
5.29 in the special revenue fund. The amount credited to this account is appropriated to the State
5.30 Board of Appellate Counsel and Training. The balance of this account does not cancel but
5.31 is available until expended.

6.1 Sec. 2. Minnesota Statutes 2022, section 357.021, subdivision 2, is amended to read:

6.2 Subd. 2. **Fee amounts.** The fees to be charged and collected by the court administrator
6.3 shall be as follows:

6.4 (1) In every civil action or proceeding in said court, including any case arising under
6.5 the tax laws of the state that could be transferred or appealed to the Tax Court, the plaintiff,
6.6 petitioner, or other moving party shall pay, when the first paper is filed for that party in said
6.7 action, a fee of \$285, except in marriage dissolution actions the fee is \$315.

6.8 The defendant or other adverse or intervening party, or any one or more of several
6.9 defendants or other adverse or intervening parties appearing separately from the others,
6.10 shall pay, when the first paper is filed for that party in said action, a fee of \$285, except in
6.11 marriage dissolution actions the fee is \$315. This subdivision does not apply to the filing
6.12 of an Application for Discharge of Judgment. Section 548.181 applies to an Application
6.13 for Discharge of Judgment.

6.14 The party requesting a trial by jury shall pay \$100.

6.15 The fees above stated shall be the full trial fee chargeable to said parties irrespective of
6.16 whether trial be to the court alone, to the court and jury, or disposed of without trial, and
6.17 shall include the entry of judgment in the action, but does not include copies or certified
6.18 copies of any papers so filed or proceedings under chapter 103E, except the provisions
6.19 therein as to appeals.

6.20 (2) Certified copy of any instrument from a civil or criminal proceeding, \$14, ~~and \$8~~
6.21 ~~for an uncertified copy.~~

6.22 (3) Issuing a subpoena, \$16 for each name.

6.23 (4) Filing a motion or response to a motion in civil, family, excluding child support, and
6.24 guardianship cases, \$75.

6.25 (5) Issuing an execution and filing the return thereof; issuing a writ of attachment,
6.26 injunction, habeas corpus, mandamus, quo warranto, certiorari, or other writs not specifically
6.27 mentioned, \$55.

6.28 (6) Issuing a transcript of judgment, or for filing and docketing a transcript of judgment
6.29 from another court, \$40.

6.30 (7) Filing and entering a satisfaction of judgment, partial satisfaction, or assignment of
6.31 judgment, \$5.

7.1 (8) Certificate as to existence or nonexistence of judgments docketed, \$5 for each name
7.2 certified to.

7.3 (9) Filing and indexing trade name; or recording basic science certificate; or recording
7.4 certificate of physicians, osteopathic physicians, chiropractors, veterinarians, or optometrists,
7.5 \$5.

7.6 (10) For the filing of each partial, final, or annual account in all trusteeships, \$55.

7.7 (11) For the deposit of a will, \$27.

7.8 (12) For recording notary commission, \$20.

7.9 (13) Filing a motion or response to a motion for modification of child support, a fee of
7.10 \$50.

7.11 (14) All other services required by law for which no fee is provided, such fee as compares
7.12 favorably with those herein provided, or such as may be fixed by rule or order of the court.

7.13 (15) In addition to any other filing fees under this chapter, a surcharge in the amount of
7.14 \$75 must be assessed in accordance with section 259.52, subdivision 14, for each adoption
7.15 petition filed in district court to fund the fathers' adoption registry under section 259.52.

7.16 The fees in clauses (3) and (5) need not be paid by a public authority or the party the
7.17 public authority represents. No fee may be charged to view or download a publicly available
7.18 instrument from a civil or criminal proceeding or for an uncertified copy of that instrument.

7.19 Sec. 3. Minnesota Statutes 2022, section 363A.06, subdivision 1, is amended to read:

7.20 Subdivision 1. **Formulation of policies.** (a) The commissioner shall formulate policies
7.21 to effectuate the purposes of this chapter and shall do the following:

7.22 (1) exercise leadership under the direction of the governor in the development of human
7.23 rights policies and programs, and make recommendations to the governor and the legislature
7.24 for their consideration and implementation;

7.25 (2) establish and maintain a principal office in St. Paul, and any other necessary branch
7.26 offices at any location within the state;

7.27 (3) meet and function at any place within the state;

7.28 (4) employ attorneys, clerks, and other employees and agents as the commissioner may
7.29 deem necessary and prescribe their duties;

8.1 (5) to the extent permitted by federal law and regulation, utilize the records of the
8.2 Department of Employment and Economic Development of the state when necessary to
8.3 effectuate the purposes of this chapter;

8.4 (6) obtain upon request and utilize the services of all state governmental departments
8.5 and agencies;

8.6 (7) adopt suitable rules for effectuating the purposes of this chapter;

8.7 (8) issue complaints, receive and investigate charges alleging unfair discriminatory
8.8 practices, and determine whether or not probable cause exists for hearing;

8.9 (9) subpoena witnesses, administer oaths, take testimony, and require the production for
8.10 examination of any books or papers relative to any matter under investigation or in question
8.11 as the commissioner deems appropriate to carry out the purposes of this chapter;

8.12 (10) attempt, by means of education, conference, conciliation, and persuasion to eliminate
8.13 unfair discriminatory practices as being contrary to the public policy of the state;

8.14 (11) develop and conduct programs of formal and informal education designed to
8.15 eliminate discrimination and intergroup conflict by use of educational techniques and
8.16 programs the commissioner deems necessary;

8.17 (12) make a written report of the activities of the commissioner to the governor each
8.18 year;

8.19 (13) accept gifts, bequests, grants, or other payments public and private to help finance
8.20 the activities of the department;

8.21 (14) create such local and statewide advisory committees as will in the commissioner's
8.22 judgment aid in effectuating the purposes of the Department of Human Rights;

8.23 (15) develop such programs as will aid in determining the compliance throughout the
8.24 state with the provisions of this chapter, and in the furtherance of such duties, conduct
8.25 research and study discriminatory practices based upon race, color, creed, religion, national
8.26 origin, sex, age, disability, marital status, status with regard to public assistance, familial
8.27 status, sexual orientation, or other factors and develop accurate data on the nature and extent
8.28 of discrimination and other matters as they may affect housing, employment, public
8.29 accommodations, schools, and other areas of public life;

8.30 (16) develop and disseminate technical assistance to persons subject to the provisions
8.31 of this chapter, and to agencies and officers of governmental and private agencies;

9.1 (17) provide staff services to such advisory committees as may be created in aid of the
 9.2 functions of the Department of Human Rights;

9.3 (18) make grants in aid to the extent that appropriations are made available for that
 9.4 purpose in aid of carrying out duties and responsibilities; ~~and~~

9.5 (19) cooperate and consult with the commissioner of labor and industry regarding the
 9.6 investigation of violations of, and resolution of complaints regarding section 363A.08,
 9.7 subdivision 7; and

9.8 (20) analyze civil rights trends pursuant to this chapter, including information compiled
 9.9 from community organizations that work directly with historically marginalized communities,
 9.10 and prepare a report each biennium that recommends policy and system changes to reduce
 9.11 and prevent further civil rights incidents across Minnesota. The report shall be provided to
 9.12 the chairs and ranking minority members of the house of representatives and senate
 9.13 committees with jurisdiction over the Department of Human Rights. This report must also
 9.14 be posted on the Department of Human Rights' public website and shared with community
 9.15 organizations that work with historically marginalized communities.

9.16 In performing these duties, the commissioner shall give priority to those duties in clauses
 9.17 (8), (9), and (10) and to the duties in section 363A.36.

9.18 (b) All gifts, bequests, grants, or other payments, public and private, accepted under
 9.19 paragraph (a), clause (13), must be deposited in the state treasury and credited to a special
 9.20 account. Money in the account is appropriated to the commissioner of human rights to help
 9.21 finance activities of the department.

9.22 **EFFECTIVE DATE.** This section is effective July 1, 2023, and the commissioner must
 9.23 provide the first report by February 1, 2025.

9.24 Sec. 4. Minnesota Statutes 2022, section 484.85, is amended to read:

9.25 **484.85 DISPOSITION OF FINES, FEES, AND OTHER MONEY; ACCOUNTS;**
 9.26 **RAMSEY COUNTY DISTRICT COURT.**

9.27 (a) In all cases prosecuted in Ramsey County District Court by an attorney for a
 9.28 municipality or subdivision of government within Ramsey County for violation of a statute;
 9.29 an ordinance; or a charter provision, rule, or regulation of a city; all fines, penalties, and
 9.30 forfeitures collected by the court administrator shall be deposited in the state treasury and
 9.31 distributed according to this paragraph. Except where a different disposition is provided by
 9.32 section 299D.03, subdivision 5, or other law, on or before the last day of each month, the

10.1 court shall pay over all fines, penalties, and forfeitures collected by the court administrator
 10.2 during the previous month as follows:

10.3 ~~(1) for offenses committed within the city of St. Paul, two-thirds paid to the treasurer~~
 10.4 ~~of the city of St. Paul municipality or subdivision of government within Ramsey County~~
 10.5 ~~and one-third credited to the state general fund; and.~~

10.6 ~~(2) for offenses committed within any other municipality or subdivision of government~~
 10.7 ~~within Ramsey County, one-half paid to the treasurer of the municipality or subdivision of~~
 10.8 ~~government and one-half credited to the state general fund.~~

10.9 All other fines, penalties, and forfeitures collected by the district court shall be distributed
 10.10 by the courts as provided by law.

10.11 (b) Fines, penalties, and forfeitures shall be distributed as provided in paragraph (a)
 10.12 when:

10.13 (1) a city contracts with the county attorney for prosecutorial services under section
 10.14 484.87, subdivision 3; or

10.15 (2) the attorney general provides assistance to the city attorney under section 484.87,
 10.16 subdivision 5.

10.17 Sec. 5. Minnesota Statutes 2022, section 611.23, is amended to read:

10.18 **611.23 OFFICE OF STATE PUBLIC DEFENDER; APPOINTMENT; SALARY.**

10.19 The state public defender is responsible to the State Board of Public Defense. The state
 10.20 public defender shall supervise the operation, activities, policies, and procedures of the
 10.21 statewide public defender system. When requested by a district public defender or appointed
 10.22 counsel, the state public defender may assist the district public defender, appointed counsel,
 10.23 or an organization designated in section 611.216 in the performance of duties, including
 10.24 trial representation in matters involving legal conflicts of interest or other special
 10.25 circumstances, and assistance with legal research and brief preparation. The state public
 10.26 defender shall be appointed by the State Board of Public Defense for a term of four years,
 10.27 except as otherwise provided in this section, and until a successor is appointed and qualified.
 10.28 The state public defender shall be a full-time qualified attorney, licensed to practice law in
 10.29 this state, serve in the unclassified service of the state, and be removed only for cause by
 10.30 the appointing authority. Vacancies in the office shall be filled by the appointing authority
 10.31 for the unexpired term. The salary of the state public defender shall be fixed by the State
 10.32 Board of Public Defense ~~but must not exceed the salary of a district court judge.~~ Terms of

- 11.1 the state public defender shall commence on July 1. The state public defender shall devote
- 11.2 full time to the performance of duties and shall not engage in the general practice of law.