

Minnesota Family Law – Jurisdiction and Service of Process

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Custody Determination - Jurisdiction

Initial Custody Determination

Minn. Stat. § 518D.201. Initial Child Custody Jurisdiction.

(a) Except as otherwise provided in section 518D.204, a court of this state has jurisdiction to make an initial child custody determination only if:

(1) this state is the home state of the child on the date of the commencement of the proceeding, or was the home state of the child within six months before the commencement of the proceeding and the child is absent from this state but a parent or person acting as a parent continues to live in this state;

(2) a court of another state does not have jurisdiction under clause (1), or a court of the home state of the child has declined to exercise jurisdiction on the ground that this state is the more appropriate forum under section 518D.207 or 518D.208, and:

(i) the child and the child's parents, or the child and at least one parent or a person acting as a parent, have a significant connection with this state other than mere physical presence; and

(ii) substantial evidence is available in this state concerning the child's care, protection, training, and personal relationships;

(3) all courts having jurisdiction under clause (1) or (2) have declined to exercise jurisdiction on the ground that a court of this state is the more appropriate forum to determine the custody of the child under section 518D.207 or 518D.208; or

(4) no court of any other state would have jurisdiction under the criteria specified in clause (1), (2), or (3).

(b) Paragraph (a) is the exclusive jurisdictional basis for making a child custody determination by a court of this state.

(c) Physical presence of, or personal jurisdiction over, a party or a child is not necessary or sufficient to make a child custody determination.

<https://www.revisor.mn.gov/statutes/cite/518D.201>

Temporary Emergency Jurisdiction

Minn. Stat. § 518D.204. Temporary Emergency Jurisdiction.

(a) A court of this state has temporary emergency jurisdiction if the child is present in this state and the child has been abandoned or it is necessary in an emergency to protect the child because the child, or a sibling or parent of the child, is subjected to or threatened with mistreatment or abuse.

(b) If there is no previous child custody determination that is entitled to be enforced under this chapter, and a child custody proceeding has not been commenced in a court of a state having jurisdiction under sections 518D.201 to 518D.203, a child custody determination made under this section remains in effect until an order is obtained from a court of a state having jurisdiction under sections 518D.201 to 518D.203. If a child custody proceeding has not been or is not commenced in a court of a state having jurisdiction under sections 518D.201 to 518D.203, a child custody determination made under this section becomes a final determination, if it so provides and this state becomes the home state of the child.

(c) If there is a previous child custody determination that is entitled to be enforced under this chapter, or a child custody proceeding has been commenced in a court of a state having jurisdiction under sections 518D.201 to 518D.203, any order issued by a court of this state under this section must specify in the order a period that the court considers adequate to allow the person seeking an order to obtain an order from the state having jurisdiction under sections 518D.201 to 518D.203. The order issued in this state remains in effect until an order is obtained from the other state within the period specified or the period expires.

(d) A court of this state which has been asked to make a child custody determination under this section, upon being informed that a child custody proceeding has been commenced in, or a child custody determination has been made by, a court of a state having jurisdiction under sections 518D.201 to 518D.203, shall immediately communicate with the other court. A court of this state which is exercising jurisdiction pursuant to sections 518D.201 to 518D.203, upon being informed that a child custody proceeding has been commenced in, or a child custody determination has been made by, a court of another state under a statute similar to this section shall immediately communicate with the court of that state to resolve the emergency, protect the safety of the parties and the child, and determine a period for the duration of the temporary order.

<https://www.revisor.mn.gov/statutes/cite/518D.204>

Custody Determination – Service/Notification Requirements

Minn. Stat. § 518D.205.

(a) Before a child custody determination is made under this chapter, notice and an opportunity to be heard in accordance with the standards of section 518D.108 must be given to all persons entitled to notice under the law of this state as in child custody proceedings between residents of this state, any parent whose parental rights have not been previously terminated, and any person having physical custody of the child.

(b) This chapter does not govern the enforceability of a child custody determination made without notice or an opportunity to be heard.

(c) The obligation to join a party and the right to intervene as a party in a child custody proceeding under this chapter are governed by the law of this state as in child custody proceedings between residents of this state.

<https://www.revisor.mn.gov/statutes/cite/518D.205>

Minn. Stat. § 518D.108.

(a) Notice required for the exercise of jurisdiction when a person is outside this state may be given in a manner prescribed by the law of this state for service of process or by the law of the state in which the service is made. Notice must be given in a manner reasonably calculated to give actual notice but may be by publication if other means are not effective.

(b) Proof of service may be made in the manner prescribed by the law of this state or by the law of the state in which the service is made.

(c) Notice is not required for the exercise of jurisdiction with respect to a person who submits to the jurisdiction of the court.

<https://www.revisor.mn.gov/statutes/cite/518D.108>

Paternity and Child Support Proceeding – Jurisdiction

Minn. Stat. § 518C.201. Bases for Jurisdiction over Nonresident.

(a) In a proceeding to establish or enforce a support order or to determine parentage of a child, a tribunal of this state may exercise personal jurisdiction over a nonresident individual or the individual's guardian or conservator if:

- (1) the individual is personally served with a summons or comparable document within this state;
- (2) the individual submits to the jurisdiction of this state by consent, by entering a general appearance, or by filing a responsive document having the effect of waiving any contest to personal jurisdiction;
- (3) the individual resided with the child in this state;
- (4) the individual resided in this state and provided prenatal expenses or support for the child;
- (5) the child resides in this state as a result of the acts or directives of the individual;
- (6) the individual engaged in sexual intercourse in this state and the child may have been conceived by that act of intercourse;
- (7) the individual asserted parentage of a child under sections 257.51 to 257.75; or
- (8) there is any other basis consistent with the constitutions of this state and the United States for the exercise of personal jurisdiction.

(b) The bases of personal jurisdiction in paragraph (a) or in any other law of this state may not be used to acquire personal jurisdiction for a tribunal of this state to modify a child support order of another state unless the requirements of section 518C.611 are met, or, in the case of a foreign support order, unless the requirements of section 518C.615 are met.

<https://www.revisor.mn.gov/statutes/cite/518C.201>

Paternity and Child Support Proceeding – Service/Notification Requirements

Minn. Stat. § 543.20. Personal Jurisdiction in Support Enforcement Cases and Paternity Suits.

Subdivision 1. Service. In addition to the methods of service of process provided in the Rules of Civil Procedure, service of a summons, an order to show cause, or an order or judgment within this state may also be made upon an individual by delivering a copy to the individual personally at the individual's place of employment or at a postsecondary education institution in which the individual is enrolled. The employer shall make the individual available for the purpose of delivering a copy. The postsecondary education institution must make the individual's class schedule available to the process server or make the individual available for the purpose of delivering a copy. No employer or postsecondary education institution shall deny a process server admittance to the employer's or postsecondary education institution's premises for the purpose of making service under this section.

No service shall be allowed under this section unless such service is made personally on the individual.

Subd. 2. Applicability. Service of an employee at a place of employment or of a student at a postsecondary education institution applies only to: (a) a summons in an action for dissolution, annulment, legal separation, or under the Parentage Act and under section 256.87; (b) orders to show cause under both section 256.87 and the revised uniform Reciprocal Enforcement of Support Act as well as for contempt of court for failure to pay child support; (c) petitions under the Domestic Abuse Act; and (d) motions, orders, and judgments for the payment of child support when the court orders personal service.

Subd. 3. Retaliation prohibited. An employer shall not discharge or otherwise discipline an employee, nor shall a postsecondary education institution dismiss or discipline a student as a result of service under this section.

Subd. 4. Definition. For purposes of this section "postsecondary education institution" means any state university, community college, technical college, private college, private postsecondary school, or the University of Minnesota.

<https://www.revisor.mn.gov/statutes/cite/543.20>

Child Abuse/Neglect Proceeding – Jurisdiction

Minn. Ann. Stat. § 260C.101.

Subdivision 1. Children in need of protection or services, or neglected and in foster care. The juvenile Court has original and exclusive jurisdiction in proceedings concerning any child who is alleged to be in need of protection or services, or neglected and in foster care.

Subd. 2. Other matters relating to children. The juvenile court has original and exclusive jurisdiction in proceedings concerning:

- (1) the termination of parental rights to a child in accordance with the provisions of sections 260C.301 to 260C.328;
- (2) permanency matters under sections 260C.503 to 260C.521;
- (3) the appointment and removal of a juvenile court guardian for a child, where parental rights have been terminated under the provisions of sections 260C.301 to 260C.328;
- (4) judicial consent to the marriage of a child when required by law;
- (5) all adoption matters and review of the efforts to finalize the adoption of the child under section 260C.317;
- (6) the review of the placement of a child who is in foster care pursuant to a voluntary placement agreement between the child's parent or parents and the responsible social services agency under section 260C.227; or between the child, when the child is over age 18, and the agency under section 260C.229;
- (7) the review of voluntary foster care placement of a child for treatment under chapter 260D according to the review requirements of that chapter; and
- (8) the reestablishment of a legal parent and child relationship under section 260C.329.

Subd. 3. Matters relating to domestic child abuse. The juvenile court has jurisdiction in proceedings concerning any alleged acts of domestic child abuse. In a jurisdiction which utilizes referees in child in need of protection or services matters, the court or judge may refer actions under this subdivision to a referee to take and report the evidence in the action. If the respondent does not appear after service is duly made and proved, the court may hear and determine the proceeding as a default matter. Proceedings under this subdivision shall be given docket priority by the court.

Subd. 4. Parents and guardians. A parent, guardian, or custodian of a child who is subject to the jurisdiction of the court is also subject to the jurisdiction of the court in any matter in which that parent, guardian, or custodian has a right to notice under section 260C.151 or 260C.152, or the right to participate under section 260C.163. In any proceeding concerning a child alleged to be in need of protection or services, the court has jurisdiction over a parent, guardian, or custodian for the purposes of a disposition order issued under section 260C.201, subdivision 6.

<https://www.revisor.mn.gov/statutes/cite/260C.101>

Child Abuse/Neglect Proceeding – Service/Notification Requirements

Minn. Stat. § 260C.152. Service of Summons; Notice.

Subdivision 1. Notice in lieu of summons; personal service. The service of a summons or a notice in lieu of summons shall be as provided in the Rules of Juvenile Procedure.

Subd. 2. Service; fees. Service of summons, notice, or subpoena required by sections 260C.151 to 260C.307 shall be made by any suitable person under the direction of the court, and upon request of the court shall be made by a probation officer or any peace officer. The fees and mileage of witnesses shall be paid by the county if the subpoena is issued by the court on its own motion or at the request of the county

attorney. All other fees shall be paid by the party requesting the subpoena unless otherwise ordered by the court.

Subd. 3. Notification. In any proceeding regarding a child in need of protection or services in a state court, where the court knows or has reason to know that an Indian child is involved, the prosecuting authority seeking the foster care placement of, or termination of parental rights to an Indian child, shall notify the parent or Indian custodian and the Indian child's tribe of the pending proceedings and of their right of intervention. The notice must be provided by registered mail with return receipt requested unless personal service is accomplished. If the identity or location of the parent or Indian custodian and the tribe cannot be determined, the notice shall be given to the Secretary of the Interior of the United States in like manner, according to the Indian Child Welfare Act of 1978, United States Code, title 25, section 1912. No foster care placement proceeding or termination of parental rights proceeding shall be held until at least ten days after receipt of notice by the parent or Indian custodian and the tribe or the Secretary. However, the parent or Indian custodian or the tribe shall, upon request, be granted up to 20 additional days to prepare for the proceeding.

Subd. 4. Proof of service. Proof of the service required by this section shall be made by the person having knowledge thereof.

Subd. 5. Notice to foster parents and preadoptive parents and relatives. The foster parents, if any, of a child and any preadoptive parent or relative providing care for the child must be provided notice of and a right to be heard in any review or hearing to be held with respect to the child. Any other relative may also request, and must be granted, a notice and the opportunity to be heard under this section. This subdivision does not require that a foster parent, preadoptive parent, or relative providing care for the child be made a party to a review or hearing solely on the basis of the notice and right to be heard.

<https://www.revisor.mn.gov/statutes/cite/260C.152>

Minn. Ct. Rules, Rules of Juvenile Protection Procedure, Rule 16.02.

Governs the types of service permissible in juvenile protection matters in Minnesota juvenile courts. Per Juvenile Court Rule 2.01(19), this includes a child in need of protection or services; neglected children and in foster care a review of out-of-home placement; termination of parental rights; and permanent placement matters.

Juvenile Court Rule 16.02 covers personal service, including service upon individuals outside of the United States; service by U.S. Mail; and service by publication, among other provisions.

https://www.revisor.mn.gov/court_rules/ju/subtype/rjpp/id/16/#16.01

Divorce and Legal Separation – Jurisdiction

Minn. Stat. § 518.07. Residence of parties.

Subdivision 1. General. Except as provided in subdivision 2, no dissolution shall be granted unless:

- (1) one of the parties has resided in this state, or has been a member of the armed services stationed in this state, for not less than 180 days immediately preceding the commencement of the proceeding; or
- (2) one of the parties has been a domiciliary of this state for not less than 180 days immediately preceding commencement of the proceeding.

Subd. 2. Action for dissolution by certain nonresidents. (a) If neither party to the civil marriage is a resident of this state at the commencement of the proceeding, a court of this state has jurisdiction over the dissolution if: (1) the civil marriage was performed in this state; and (2) neither party to the civil marriage resides in a jurisdiction that will maintain an action for dissolution by the parties because of the sex or sexual orientation of the spouses.

(b) There is a rebuttable presumption that a jurisdiction will not maintain an action for dissolution if the jurisdiction does not recognize the civil marriage.

(c) An action for dissolution authorized by this subdivision must be adjudicated in accordance with the laws of this state.

<https://www.revisor.mn.gov/statutes/cite/518.07>

Personal Jurisdiction: Is governed by the statutory long-arm statute (Minn. Stat. § 543.19, copied in full below). And there also must be minimum contacts between the party and the state, such that personal jurisdiction will not offend due process. See *Sherburne Cty. Soc. Servs. v. Kennedy*, 426

N.W.2d 866, 67 (Minn. 1988).

Minn. Stat. § 518.09. Proceeding; How and Where Brought; Venue.

A proceeding for dissolution or legal separation may be brought by either or both spouses and shall be commenced by personal service of the summons and petition venued in the county where either spouse resides. If neither party resides in the state and jurisdiction is based on the domicile of either spouse, the proceeding may be brought in the county where either party is domiciled. If neither party resides or is domiciled in this state and jurisdiction is premised upon one of the parties being a member of the armed services stationed in this state for not less than 180 days immediately preceding the commencement of the proceeding, the proceeding may be brought in the county where the member is stationed. This venue shall be subject to the power of the court to change the place of hearing by consent of the parties, or when it appears to the court that an impartial hearing cannot be had in the county where the proceedings are pending, or when the convenience of the parties or the ends of justice would be promoted by the change. No summons shall be required if a joint petition is filed.

<https://www.revisor.mn.gov/statutes/cite/518.09>

Divorce and Legal Separation – Service/Notification Requirements

Minn. Stat. § 518.11. Service; Alternate Service; Publication.

(a) Unless a proceeding is brought by both parties, copies of the summons and petition shall be served on the respondent personally.

(b) When service is made out of this state and within the United States, it may be proved by the affidavit of the person making the same. When service is made without the United States it may be proved by the affidavit of the person making the same, taken before and certified by any United States minister, charge d'affaires, commissioner, consul or commercial agent, or other consular or diplomatic officer of the United States appointed to reside in such country, including all deputies or other representatives of such officer authorized to perform their duties; or before an officer authorized to administer an oath with the certificate of an officer of a court of record of the country wherein such affidavit is taken as to the identity and authority of the officer taking the same.

(c) If personal service cannot be made, the court may order service of the summons by alternate means. The application for alternate service must include the last known location of the respondent; the petitioner's most recent contacts with the respondent; the last known location of the respondent's employment; the names and locations of the respondent's parents, siblings, children, and other close relatives; the names and locations of other persons who are likely to know the respondent's whereabouts; and a description of efforts to locate those persons.

The court shall consider the length of time the respondent's location has been unknown, the likelihood that the respondent's location will become known, the nature of the relief sought, and the nature of efforts made to locate the respondent. The court shall order service by first class mail, forwarding address

requested, to any addresses where there is a reasonable possibility that mail or information will be forwarded or communicated to the respondent or, if no address so qualifies, then to the respondent's last known address.

If the petitioner seeks disposition of real estate located within the state of Minnesota, the court shall order that the summons, which shall contain the legal description of the real estate, be published in the county where the real estate is located. The court may also order publication, within or without the state, but only if it might reasonably succeed in notifying the respondent of the proceeding. Also, the court may require the petitioner to make efforts to locate the respondent by telephone calls to appropriate persons. Service shall be deemed complete 21 days after mailing or 21 days after court-ordered publication.

<https://www.revisor.mn.gov/statutes/cite/518.11>

Minn. Stat. § 518.09. Proceeding; How and Where Brought; Venue.

A proceeding for dissolution or legal separation may be brought by either or both spouses and shall be commenced by personal service of the summons and petition venued in the county where either spouse resides. If neither party resides in the state and jurisdiction is based on the domicile of either spouse, the proceeding may be brought in the county where either party is domiciled. If neither party resides or is domiciled in this state and jurisdiction is premised upon one of the parties being a member of the armed services stationed in this state for not less than 180 days immediately preceding the commencement of the proceeding, the proceeding may be brought in the county where the member is stationed. This venue shall be subject to the power of the court to change the place of hearing by consent of the parties, or when it appears to the court that an impartial hearing cannot be had in the county where the proceedings are pending, or when the convenience of the parties or the ends of justice would be promoted by the change. No summons shall be required if a joint petition is filed.

<https://www.revisor.mn.gov/statutes/cite/518.09>

Minn. Stat. § 518.091.

Subd. 1 – sets forth a specific notice that every summons must include, when issued under this subdivision seeking a temporary restraining order.

<https://www.revisor.mn.gov/statutes/cite/518.091>

Adoption Proceeding – Jurisdiction

Minn. Ann. Stat. § 259.23, subd. 1

The Juvenile Court shall have original jurisdiction in all adoption cases.

Minn. Ann. Stat. §§ 259.23, subd. 1, 260C.621, subd. 2.

The proper venue for an adoption proceeding shall be the county of the petitioner's residence, except as provided below in § 260C.621, subd. 2, for the adoption of children under the guardianship of the commissioner of the Department of Human Services.

In all adoptions under this chapter, if the petitioner has acquired a new residence in another county and requests a transfer of the adoption proceeding, the court in which an adoption is initiated may transfer the proceeding to the appropriate court in the new county of residence if the transfer is in the best interests of the person to be adopted.

Venue for the adoption of a child committed to the guardianship of the commissioner shall be the court conducting reviews in the matter according to § 260C.607. Upon request of the responsible social services

agency, the court conducting reviews under § 260C.607 may order that filing an adoption petition involving a child under the guardianship of the commissioner be permitted in the county where the adopting parent resides, upon determining that:

- There is no motion for an order for adoptive placement of the child that has been filed or that the agency reasonably anticipates will be filed.
- Filing the petition in the adopting parent's county of residence will expedite the proceedings and serve the best interests of the child.

<https://www.revisor.mn.gov/statutes/cite/259.23>

Minn. Ct. Rules, Rules of Adoption Procedure.

Rule 35.01. Governs who may petition for adoption and residency requirements.

Subd. 1. (a) Generally.

The adopting parent may petition for adoption of the child.

(b) Child Under Guardianship of Commissioner of Human Services. The responsible social services agency may petition for the adopting parent to adopt a child who is under the guardianship of the Commissioner of Human Services. The petition shall contain or have attached a statement certified by the adopting parent that the adopting parent desires that the relationship of parent and child be established between the adopting parent and the child and that adoption is in the best interests of the child. An adopting parent must be at least 21 years of age at the time the adoption petition is filed unless the adopting parent is an individual related to the child as defined under Rule 2.01.

Subd. 2. Residency Requirement.

(a) Child Not Under Guardianship of the Commissioner of Human Services. Any person who has resided in the state for one (1) year or more may petition to adopt.

(b) Child Under Guardianship of the Commissioner of Human Services. An adopting parent for a child under state guardianship may reside within or outside the state of Minnesota.

Subd. 3. Exception to Residency Requirement. The one (1) year residency requirement may be reduced to thirty (30) days by the court in the best interests of the child. The court may waive any residency requirement of this rule if the petitioner is an individual related to the child, as defined in Rule 2.01(19), or as a member of a

child's extended family or important friend with whom the child has resided or had significant contact or, upon a showing of good cause, the court is satisfied that the proposed adoptive home and the child are suited to each other.

<https://www.revisor.mn.gov/court rules/ju/subtype/radp/id/35/>

Adoption Proceeding – Service/Notification Requirements

Minn. Ct. Rules, Rules of Adoption Procedure.

Sets forth various Juvenile Court Rules specific to adoption matters.

<https://www.revisor.mn.gov/court rules/rule/juradp-toh/>

Rule 20.01, Party Status.

Provides that the parties to an adoption matter shall include: (a) the child's guardian ad litem;

(b) the adoptee, if age ten (10) or older; (c) the child's legal custodian; (d) the child's legal guardian; (e) the petitioner;

(f) the adopting parent, in cases where the social services agency is the petitioner; (g) the child's biological parent, if the consent of the biological parent is required and has not been executed pursuant to Rule 33; (h) the child's Indian tribe, if the child is an Indian child and the tribe is or was a party in an underlying juvenile protection matter as defined in Rule 2.01(19) of the Minnesota Rules of Juvenile Protection Procedure; (i) the responsible social services agency, if the child is under the guardianship of the Commissioner of Human Services; (j) the child placing agency, if applicable; (k) any person who intervenes as a party pursuant to Rule 21; and (l) any person who is joined as a party pursuant to Rule 22.

Rule 20.01 further outlines the rights a “party” shall have, including to certain notices under the Rules.

https://www.revisor.mn.gov/court_rules/ju/subtype/radp/id/20/

Rule of Adoption Procedure 25.02. Types of Service.

Rule 25.05 describes permissible manners of service for adoption matters, including personal service (including service outside of the U.S.); service by U.S. Mail; and service by publication.

https://www.revisor.mn.gov/court_rules/ju/subtype/radp/id/25/

Domestic Violence – Jurisdiction

Minn. Stat. § 518B.01. Subd. 3. Court Jurisdiction.

An application for relief under this section may be filed in the court having jurisdiction over dissolution actions, in the county of residence of either party, in the county in which a pending or completed family court proceeding involving the parties or their minor children was brought, or in the county in which the alleged domestic abuse occurred. There are no residency requirements that apply to a petition for an order for protection. In a jurisdiction which utilizes referees in dissolution actions, the court or judge may refer actions under this section to a referee to take and report the evidence in the action in the same manner and subject to the same limitations provided in section 518.13. Actions under this section shall be given docket priorities by the court.

<https://www.revisor.mn.gov/statutes/cite/518B.01>

Domestic Violence– Service/Notification Requirements

Minn. Stat. § 518B.01. Subd. 5. Hearing on application; notice.

(a) Upon receipt of the petition, the court shall order a hearing which shall be held not later than 14 days from the date of the order for hearing unless an ex parte order is issued.

(b) If an ex parte order has been issued under subdivision 7 and the petitioner seeks only the relief under subdivision 7, paragraph (a), a hearing is not required unless:

(1) the court declines to order the requested relief; or

(2) one of the parties requests a hearing.

(c) If an ex parte order has been issued under subdivision 7 and the petitioner seeks relief beyond that specified in subdivision 7, paragraph (a), or if the court declines to order relief requested by the petitioner, a hearing must be held within seven days. Personal service of the ex parte order may be made upon the respondent at any time up to 12 hours prior to the time set for the hearing, provided that the respondent at the hearing may request a continuance of up to five days if served fewer than five days prior to the hearing which continuance shall be granted unless there are compelling reasons not to.

(d) If an ex parte order has been issued only granting relief under subdivision 7, paragraph (a), and the respondent requests a hearing, the hearing shall be held within ten days of the court's receipt of the respondent's request. Service of the notice of hearing must be made upon the petitioner not less than five days prior to the hearing. The court shall serve the notice of hearing upon the petitioner by mail in the manner provided in the Rules of Civil Procedure for pleadings subsequent to a complaint and motions and shall also mail notice of the date and time of the hearing to the respondent. In the event that service cannot be completed in time to give the respondent or petitioner the minimum notice required under this subdivision, the court may set a new hearing date no more than five days later.

(e) If for good cause shown either party is unable to proceed at the initial hearing and requests a continuance and the court finds that a continuance is appropriate, the hearing may be continued. Unless otherwise agreed by the parties and approved by the court, the continuance shall be for no more than five days. If the court grants the requested continuance, the court shall also issue a written order continuing all provisions of the ex parte order pending the issuance of an order after the hearing.

(f) Notwithstanding the preceding provisions of this subdivision, service on the respondent may be made by one week published notice, as provided under section 645.11, provided the petitioner files with the court an affidavit stating that an attempt at personal service made by a sheriff or other law enforcement or corrections officer was unsuccessful because the respondent is avoiding service by concealment or otherwise, and that a copy of the petition and notice of hearing has been mailed to the respondent at the respondent's residence or that the residence is not known to the petitioner. Service under this paragraph is complete seven days after publication. The court shall set a new hearing date if necessary to allow the respondent the five-day minimum notice required under paragraph (d).

<https://www.revisor.mn.gov/statutes/cite/518B.01>

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