

General Rules of Practice for the District Courts

Adopted Effective January 1, 1992
With amendments effective through July 1, 2019

TABLE OF HEADNOTES

TITLE I. RULES APPLICABLE TO ALL COURT PROCEEDINGS

Rule

14 E-Filing and E-Service

TITLE II. RULES GOVERNING CIVIL ACTIONS

PART A. PLEADINGS, PARTIES, AND LAWYERS

105 Withdrawal of Counsel

106 Hearing on Motion to Remove Judge for Actual Prejudice or Bias

TITLE IV. RULES OF FAMILY COURT PROCEDURE

PART A. PROCEEDINGS, MOTIONS, AND ORDERS

302 Commencement; Parties

PART B. EXPEDITED CHILD SUPPORT PROCESS

I. GENERAL RULES

353 Types of Proceedings

355 Methods of Service; Filing

357 Legal Representation and Appointment of Guardian Ad Litem

363 Default

II. PROCEEDINGS

372 Motions to Modify, Motions to Set Support, and Other Matters

TITLE VII. HOUSING COURT RULES-HENNEPIN AND RAMSEY COUNTIES

Rule

602 Housing Court Referee

604 Complaint

605 Return of Summons

607 Calendar Call

608 Withheld Rent

609 Restitution

611 Review of Referee's Decision

TEXT OF RULES

Rule 14. E-Filing and E-Service

[For text of 14.01 to 14.05, see M.S.2018, Volume 15]

Rule 14.06 Sealed and Confidential Documents.

(a) Request to Submit Document for In Camera Review. Any interested person must seek and obtain advance approval from the court by motion, with notice thereof to all parties, to submit a document to the court for in camera review. The motion must be filed and served electronically.

(b) Process When Submission for In Camera Review Granted. A document submitted for in camera review as permitted by the court under part (a) of this rule shall be submitted to the court outside the E-Filing System by either:

(1) causing the document to be conventionally mailed or hand-delivered to the presiding judge or judicial officer; or

(2) upon approval of the presiding judge or judicial officer, transmitting the document to the presiding judge or judicial officer, via e-mail, as an attachment to an e-mail address as directed by the presiding judge or judicial officer. Any document submitted for in camera review must be clearly labeled "For In Camera Review" and, unless otherwise ordered by the court, shall be sealed and preserved as a court exhibit.

(c) Filer's Duty to Designate as Confidential or Sealed. A Registered User electronically filing a document that is not accessible to the public in whole or in part under the Rules of Public Access to Records of the Judicial Branch or other applicable law, court rules or court order, is responsible for designating that document as confidential or sealed in the E-Filing System before transmitting it to the court.

(d) Correction of Designation by the Court. Upon review, the court may modify the designation of any document incorrectly designated as sealed or confidential and shall provide prompt notice of any such change to the Registered User who filed the document. A Registered User must seek advance approval from the court to transmit a document for filing designated as sealed or confidential if that document is not already inaccessible to the public under the Rules of Public Access to Records of the Judicial Branch or other applicable law, court rules, or court order.

(e) Filing Sealed or Confidential Document in Paper Form When Not Seeking In Camera Review. A document to be filed under seal or as confidential may be filed in paper form if required or permitted by the court. A motion to file a document in paper form under seal or as confidential must be filed and served electronically.

(Added effective September 1, 2012; amended effective July 1, 2015; amended effective July 1, 2019.)

Advisory Committee Comment - 2019 Amendment

Rule 14.06 is amended in 2019 to improve readability and clarify the process for submitting motions under the rule. An "in camera" review is defined as "[i]n the judge's private chambers" or "[i]n the courtroom with all spectators excluded." Black's Law Dictionary 763 (7th ed. 1999).

[For text of 14.07, see M.S.2018, Volume 15]

Rule 105. Withdrawal of Counsel

After a lawyer has appeared for a party in any action, withdrawal will be effective only if written notice of withdrawal is served on all parties who have appeared, or their lawyers if represented by counsel, and is filed with the court administrator if any other document in the action has been filed. The notice of withdrawal shall include the address, email address, if known, and phone number where the party can be served or notified of matters relating to the action.

Withdrawal of counsel does not create any right to continuance of any scheduled trial or hearing.

(Amended effective January 1, 1998; amended effective July 1, 2015; amended effective July 1, 2019.)

[For text of Advisory Committee Comment, see M.S.2018, Volume 15]

Advisory Committee Comment - 2019 Amendment

Rule 105 is amended in 2019 to clarify that a withdrawing attorney is to provide the party's email address, if known, so that the court can efficiently notify the party.

Rule 106. Hearing on Motion to Remove Judge for Actual Prejudice or Bias

All motions for removal of a judge, referee, or judicial officer, on the basis of actual prejudice or bias shall be heard in the first instance by the judge sought to be removed. If that judge denies the motion, it may subsequently be heard and reconsidered by the Chief Judge of the district or another judge designated by the Chief Judge upon a motion filed and served within 7 days of the judge's order.

(Amended effective July 1, 2019.)

[For text of Task Force Comment, see M.S.2018, Volume 15]

Advisory Committee Comment - 2019 Amendment

Rule 106 is amended in 2019 to establish a deadline for seeking review by the Chief Judge (or designee) of a judge's decision denying a motion for removal of a judge for cause. The absence of a deadline hinders efficient case processing and the importance of the recusal or disqualification issue merits prompt resolution.

Rule 302. Commencement; Parties

Rule 302.01 Commencement of Proceedings

(a) Methods of Commencement. Family Court Actions shall be commenced by service of a summons and petition or other means authorized by statute upon the person of the other party. Commencement can be accomplished by the following means:

(1) *Personal Service.* The summons and petition may be served upon the person of the party to be served.

(2) *Admission or Waiver of Service.* Service may be accomplished when the party to be served signs an admission of service or waives service as permitted in Minn. R. Civ. P. 4.05.

(3) *Alternate Means.* Service of the summons and petition may be accomplished by alternate means as authorized by statute.

(4) *Publication.* Service of the summons and petition may be made by publication only upon an order of the court. If the respondent subsequently is located and has not been served personally or by alternate means, personal service shall be made before the final hearing.

(5) *Joint Petition.* The filing of a joint petition as provided in section (c) of this rule.

(b) Service After Commencement. After a Family Law Action has been commenced, service may be accomplished in accordance with Minn. R. Civ. P. 5.

(c) Joint Petition in Marriage Dissolution Proceedings.

(1) No summons shall be required if a joint petition is filed to commence marriage dissolution proceedings. Proceedings shall be deemed commenced when both parties have signed the verified petition.

(2) Where the parties to a marriage dissolution proceeding agree on all issues, the parties may proceed using a joint petition, agreement, and judgment and decree for marriage dissolution.

(3) Upon filing of the "Joint Petition, Agreement and Judgment and Decree," and Form 11.1 appended to Title I of these rules, and a Notice to the Public Authority if required by Minnesota Statutes, section 518A.44, the court administrator shall place the matter on the appropriate calendar pursuant to Minnesota Statutes, section 518.13, subdivision 5. A Certificate of Representation and Parties and documents required by Rule 306.01 shall not be required if the "Joint Petition, Agreement and Judgment and Decree" published by the state court administrator is used.

(4) The state court administrator shall develop forms that may be used by parties to file joint petitions to commence marriage dissolution proceedings.

(Amended effective January 1, 2004; amended effective January 1, 2006; amended effective January 1, 2008; amended effective May 1, 2012; amended effective July 1, 2019.)

[For text of Comments, see M.S.2018, Volume 15]

Advisory Committee Comment - 2019 Amendment

Rule 302.01(a) is amended to reflect the amendment of Rule 4.05 of the Rules of Civil Procedure, effective July 1, 2018, to create a new means of obtaining waiver of service under the rule. A new subsection (5) is added to reflect that an action can be commenced by joint petition as provided in Rule 302.01(c).

[For text of 302.02, see M.S.2018, Volume 15]

Rule 353. Types of Proceedings

Rule 353.01 Types of Proceedings

[For text of subd 1, see M.S.2018, Volume 15]

Subd. 2. Permissive Proceedings.

(a) **County Option.** At the option of each county, the following proceedings may be initiated in the expedited process if the case is a IV-D case, except to the extent prohibited by subdivision 3:

- (1) parentage actions; and
- (2) civil contempt matters.

(b) **Parentage Actions.** Any order issued pursuant to Rule 353.01, subd. 2(b) shall address the financial issues if appropriate, whether or not agreed upon by the parties.

(1) **Complete Order.** Notwithstanding subdivision 3 a child support magistrate has the authority to establish the parent-child relationship, legal and physical custody, parenting time, and the legal name of the child when:

- (A) the parties agree or stipulate to all of these particular issues; or
- (B) the pleadings specifically address these particular issues and a party fails to serve a response or appear at the hearing.

If all of the otherwise prohibited issues above have been resolved on a permanent basis, the child support magistrate shall issue an order which shall be a final determination of all claims raised in the parentage action.

(2) Partial Order.

(A) **Minimal Requirements.** If the parties at least agree to the parent-child relationship and temporary or permanent physical custody, the child support magistrate shall issue an order:

- (1) establishing the parent-child relationship; and
- (2) establishing temporary or permanent physical custody.

(B) **Further Agreed Upon Issues.** The order of the child support magistrate shall also establish parenting time and the legal name of the child if the parties so agree.

The order is final as to the parent-child relationship. The order is also final as to any agreement concerning permanent legal or physical custody, parenting time, name of the child, and any financial issues decided by the child support magistrate. If there is no agreement concerning permanent legal and/or physical custody, parenting time, or the legal name of the child, those issues shall be referred to the district court. The issues referred to district court are considered pending before the district court and are not final until the district court issues an order deciding those issues. The order of the child support magistrate referring the remaining issues to district court is not appealable pursuant to Rule 378. This rule shall not limit the right to appeal the district court's order. When one or more issues are referred to district court, service of the summons and complaint in the expedited process is sufficient for the matter to proceed in district court.

(3) Order When Parent-Child Relationship Not Resolved. In an action to establish parentage, if the parties do not agree to the parent-child relationship and the temporary or permanent physical custody, the child support magistrate shall make findings and issue an order as follows.

(A) Blood or Genetic Testing Not Completed. When the issue of the parent-child relationship is not resolved and genetic testing has not been completed, the child support magistrate shall order genetic testing and shall continue the hearing in the expedited process to allow the tests to be completed and the results to be received.

(B) Blood or Genetic Testing Completed. When genetic testing has been completed, if the parties still disagree about the parent-child relationship, the child support magistrate shall refer the entire matter to district court for further proceedings. The child support magistrate may set temporary support pursuant to Rule 371.11, subd. 2.

(c) Change of Venue. Upon motion by a party for a change of venue, a child support magistrate shall issue the following order:

(1) Upon consent of all parties, or the failure of any party to file a timely objection, a child support magistrate may issue an order changing venue. The court administrator shall forward the court file to the county that has been granted venue.

(2) If any party disputes a motion to change venue, the child support magistrate shall issue an order referring the matter to district court and the court administrator shall schedule the matter for hearing. The court administrator shall transmit notice of the date, time, and location of the hearing to all parties. Notice shall be sent in accordance with Rule 14 to all parties who have agreed to or are required to accept electronic service, and to all other parties in accordance with Rule 13 of these Rules and Rule 77.04 of the Rules of Civil Procedure.

[For text of subd 3, see M.S.2018, Volume 15]

(Amended effective July 1, 2001; amended effective November 1, 2003; amended effective July 1, 2015; amended effective July 1, 2019.)

Advisory Committee Comment - 2019 Amendment

Rule 353.01, subd. 2(c), is amended in 2019 to clarify that unopposed motions for change of venue do not need to be referred for hearing before a district court judge but may be granted by the child support magistrate.

[For text of 353.02, see M.S.2018, Volume 15]

Rule 355. Methods of Service; Filing

[For text of 355.01, see M.S.2018, Volume 15]

Rule 355.02 Types of Service

Subdivision 1. Personal Service.

(a) Upon Whom.

(1) Upon an Individual. Personal service upon an individual in the state shall be accomplished by delivering a copy of the summons and complaint, notice, motion, or

other document to the individual personally or by leaving a copy at the individual's house or usual place of residence with some person of suitable age and discretion who presently lives at that location. If the individual has, pursuant to statute, consented to any other method of service or appointed an agent to receive service, or if a statute designates a state official to receive service, service may be made in the manner provided by such statute. If the individual is confined to a state institution, personal service shall be accomplished by also serving a copy of the document upon the chief executive officer at the institution. Personal service upon an individual outside the state shall be accomplished according to the provisions of Minnesota Statutes 2000, chapter 518C, and Minnesota Statutes 2000, section 543.19. Personal service may not be made on a legal holiday or election day.

(2) Upon the County Agency. Personal service upon the county agency shall be accomplished by serving the director of the county human services department or the director's designee.

(b) By Whom Served. Unless otherwise ordered by the child support magistrate, personal service shall be made only by the sheriff or by any other person who is at least 18 years of age who is not a party to the proceeding. Pursuant to Minnesota Statutes 2006, section 518A.46, subdivision 2, paragraph (c), clause (4), an employee of the county agency may serve documents on parties.

(c) Alternative Personal Service.

(1) Admission or Acknowledgment or Waiver of Service. Service may be accomplished when the party to be served signs an admission or waives service as provided in Minn. R. Civ. P. 4.05.

(2) Service by Publication.

(A) Service. Service by publication means the publication of the entire summons or notice in the regular issue of a qualified newspaper, once each week for 3 weeks. Service by publication shall be permitted only upon order of a child support magistrate. The child support magistrate may order service by publication upon the filing of an affidavit by the serving party or the serving party's attorney stating that the person to be served is not a resident of the state or cannot be found within the state, the efforts that have been made to locate the other party, and either that the serving party has mailed a copy of the summons or notice to the other party's place of residence or that such residence is not known to the serving party. When the person to be served is not a resident of the state, statutory requirements regarding long-arm jurisdiction shall be met.

(B) Defense by Noninitiating Party. If the summons or notice is served by publication and the noninitiating party receives no actual notification of the proceeding, either before judgment or within one year of entry of judgment the noninitiating party may seek relief pursuant to Minn. R. Civ. P. 4.043.

[For text of subs 2 and 3, see M.S.2018, Volume 15]

(Amended effective January 1, 2006; amended effective June 1, 2009; amended effective July 1, 2015; amended effective July 1, 2019.)

Advisory Committee Comment - 2008 Amendment

Rule 355.02, subdivisions 1 and 2, are amended to reflect the recodification, effective on January 1, 2007, of portions of the relevant statutes, that became part of Minnesota Statutes, chapter 518A.

Advisory Committee Comment - 2019 Amendment

Rule 355, subdivision (c)(1), is amended to reflect the amendment of Rule 4.05 of the Rules of Civil Procedure, effective July 1, 2018, to create a new means of obtaining consent to service under the rule. The former rule's reference to "service by mail" is potentially misleading, as the procedure set forth in the rule only accomplished service if the party to be served returned the acknowledgement of service.

[For text of 355.03 and 355.04, see M.S.2018, Volume 15]

Rule 357. Legal Representation and Appointment of Guardian Ad Litem

[For text of 357.01 and 357.02, see M.S.2018, Volume 15]

Rule 357.03 Appointment of Attorney at Public Expense

Unless a party voluntarily waives the right to counsel, the child support magistrate shall appoint an attorney at public expense for a party who requests an attorney and who cannot afford to retain an attorney when the case involves:

- (a) establishment of parentage; or
- (b) contempt proceedings in which incarceration of the party is a possible outcome of the proceeding.

Pursuant to Minnesota Statutes 2018, section 257.69, a court-appointed attorney shall represent a party only with respect to issues necessary for the initial establishment of parentage.

(Amended effective January 1, 2005; amended effective July 1, 2019.)

[For text of Advisory Committee Comment, see M.S.2018, Volume 15]

Advisory Committee Comment - 2019 Amendment

Rule 357.03 is amended to reflect the 2012 amendment of Minnesota Statutes, section 257.69, to limit appointments of counsel to the initial establishment of parentage. Custody, parenting time, and name of child, to the extent agreed upon or defaulted, can be included in the initial establishment of parentage. Otherwise, under Rule 353.01, subd. 3(g), evidentiary hearings to establish custody, parenting time, or name of the child under Minnesota Statutes, chapter 257, must be held outside the expedited process.

[For text of 357.04, see M.S.2018, Volume 15]

Rule 363. Default

[For text of 363.01, see M.S.2018, Volume 15]

Rule 363.02 Procedure

The initiating party may proceed by default if:

- (a) all noninitiating parties have been properly served with the summons or notice of motion;
- (b) the summons or notice of motion did not contain a hearing date; and
- (c) there has been no written answer or return of the request for hearing form from any party within 21 days from the date the last party was served.

The initiating party shall file an order with the court within 45 days from the date the last noninitiating party was served with the summons and complaint or notice of motion and motion. The initiating party shall also file with the court a current affidavit of default and a current affidavit of non-military status. If an order is not filed with the court within 45 days, the court administrator shall mail a notice to all parties that the matter shall be scheduled for hearing unless the initiating party files an order along with all necessary documents within 14 days from the date notice was mailed. If the initiating party fails to file the necessary documents within the allotted 14 days, the court administrator shall set the matter on for hearing and serve upon all parties and the county agency by U.S. mail at least 14 days before the scheduled hearing, notice of the date, time, and location of the hearing. The notices shall be sent by electronic means in accordance with Rule 14 to any party who has agreed to or is required to accept electronic service under Rule 14.

(Amended effective July 1, 2015; amended effective July 1, 2019.)

Advisory Committee Comment - 2019 Amendment

Rules 372.05 and 363.02 and .03 are amended in 2019 to harmonize the rules and create a uniform 21-day period for responding to motions for child support.

Rule 363.03 Order Accepted

The child support magistrate may sign an order filed pursuant to Rule 363.02 if the child support magistrate finds that it is supported by law, is reasonable and fair, and that each noninitiating party:

(a) was properly served with the summons and complaint or notice of motion and motion;

(b) was notified of the requirement to either serve and file a written answer or return the request for hearing form within 21 days of service of the summons and complaint or notice of motion and motion; and

(c) failed to serve and file a written answer or return the request for hearing form within 21 days from the date of service.

(Amended effective July 1, 2019.)

Advisory Committee Comment - 2019 Amendment

Rules 372.05 and 363.02 and .03 are amended in 2019 to harmonize the rules and create a uniform 21-day period for responding to motions for child support.

[For text of 363.04, see M.S.2018, Volume 15]

Rule 372. Motions to Modify, Motions to Set Support, and Other Matters

[For text of 372.01 to 372.04, see M.S.2018, Volume 15]

Rule 372.05 Response

Subdivision 1. Hearing Date Included in the Notice of Motions to Modify and Motions to Set Support. Inclusion of a hearing date does not preclude a noninitiating party from serving and filing a responsive motion or counter motion. A noninitiating party may serve upon all parties a responsive motion or counter motion along with a supporting affidavit at least 14 days before the hearing. The service and filing of a responsive motion or counter motion does not preclude the hearing from going forward and the child support magistrate may issue an order based upon the information in the file or evidence presented at the hearing if a noninitiating party fails to appear at the hearing.

Subd. 2. Hearing Date Not Included in the Notice of Motions to Modify and Motions to Set Support. If the notice of motion does not contain a hearing date, within 21 days from service of the motion, a noninitiating party shall either:

(a) request a hearing by returning the request for hearing form to the initiating party; or

(b) serve upon all other parties a responsive motion or counter motion.

The initiating party shall schedule a hearing upon receipt of a request for hearing form, a responsive motion, or counter motion. Failure of the noninitiating party to request a hearing, to serve a responsive motion, or to appear at a scheduled hearing shall not preclude the matter from going forward, and the child support magistrate may issue an order based upon the information in the file or the evidence presented at the hearing.

Subd. 3. Other Motions. Except as otherwise provided in these rules, all responsive motions shall be served upon all parties at least 7 days before the hearing. A responsive motion raising new issues shall be served upon all parties at least 14 days before the hearing.

(Amended effective June 1, 2009; amended effective July 1, 2019.)

[For text of Advisory Committee Comment, see M.S.2018, Volume 15]

Advisory Committee Comment - 2019 Amendment

Rules 372.05 and 363.02 and .03 are amended in 2019 to harmonize the rules and create a uniform 21-day period for responding to motions for child support.

[For text of 372.06 to 372.12, see M.S.2018, Volume 15]

Rule 602. Housing Court Referee

The housing court referee may preside over all actions brought under Minnesota Statutes, chapter 504B, criminal and civil proceedings related to violations of any health, safety, housing, building, fire prevention or housing maintenance code, escrow of rent proceedings, landlord and tenant damage actions, and actions for rent and rent abatement.

A party may request that a judge hear a case by filing such request in writing with the court administrator at least one day before the scheduled hearing date.

(Amended effective January 1, 2000; amended effective July 1, 2019.)

[For text of Comments, see M.S.2018, Volume 15]

Rule 604. Complaint

(a) Contents of Complaint. The plaintiff in an eviction action case shall file with the court administrator a complaint containing the following:

- (1) A description of the premises including a street address;
- (2) The legal owner of the property or other person entitled to possession of the premises;
- (3) A statement of how plaintiff has complied with Minnesota Statutes, section 504B.181, by written notice to the defendant, by posting or by actual knowledge of the defendant;
- (4) The facts which authorize recovery; and,
- (5) A request for return of possession of the property.

(b) Signature. The complaint shall be signed by the plaintiff or the plaintiff's authorized agent or a duly licensed lawyer.

(c) Termination. If the complaint contains allegations of holding over after termination of the lease, a copy of the termination notice, if any, must be attached to the complaint or provided to defendant or defendant's counsel at the initial appearance, unless the plaintiff does not possess a copy of the notice or if the defendant at the hearing acknowledges receipt of the notice.

(d) Breach. If the complaint contains allegations of breach of the lease or rental agreement, a copy of the lease or rental agreement, if any, must be attached to the complaint or provided to defendant and defendant's counsel at the initial appearance, unless the plaintiff does not possess a copy.

(Amended effective January 1, 2000; amended effective July 1, 2019.)

Advisory Committee Comment - 1999 Amendment

The former statute section 504.22 was replaced by a new statute section 504B.181. This change is not intended to have any substantive effect other than to correct the statutory reference.

Rule 605. Return of Summons

All summons shall be served in the manner required by Minnesota Statutes, Chapter 504B, and the affidavit of service shall be filed with the court by 3:00 o'clock p.m. 3 business days before the hearing or the matter may be dismissed. The affidavit must contain the printed or typed name of the person who served the summons.

(Amended effective January 1, 2000; amended effective July 1, 2019.)

Advisory Committee Comment - 1999 Amendment

The former Minnesota Statutes, chapter 560, was replaced by a new Minnesota Statutes, chapter 504B. This change is not intended to have any substantive effect other than to correct the statutory reference.

Rule 607. Calendar Call

At the first call of the calendar the parties shall specify whether the case is a default or for trial, and if for trial, whether by court or jury. When each case is called for hearing, the defendant shall be asked whether the defendant admits or denies the charges in the complaint. If a jury trial is demanded, the jury fee must be paid before the jury is impaneled.

(Amended effective July 1, 2019.)

Rule 608. Withheld Rent

In any eviction action case where a tenant withholds rent in reliance on a defense, the defendant shall deposit forthwith into court an amount in cash, money order or certified check payable to the District Court equal to the rent due as the same accrues or such other amount as determined by the court to be appropriate as security for the plaintiff, given the circumstances of the case.

(Amended effective July 1, 2019.)

Rule 609. Recovery of Premises

A writ of recovery and order to vacate shall issue within 24 hours after the entry of judgment, excluding Saturdays, Sundays and legal holidays, unless a stay authorized by law is specifically ordered by the court.

(Amended effective July 1, 2019.)

Rule 611. Review of Referee's Decision

(a) Notice. In all cases except conciliation court actions, a party not in default may seek review by a judge of a decision or sentence recommended by the referee by serving and filing a notice of review on the form prescribed by the court administrator. The notice must be served and filed within ten days after an oral announcement in court by the referee of the recommended order or, if there is no announcement of the order in court, within 13 days after service by electronic means or mail of the adopted written order. Service by mail of the written order shall be deemed complete and effective upon the mailing of a copy of the order to the last known address of the petitioner. Service of the notice of review shall be in accordance with Rule 14 of these rules.

A judge's review of a decision recommended by the referee shall be based upon the record established before the referee. Upon the request of any party, a hearing shall be scheduled before the reviewing judge.

(b) Stays. In civil cases, filing and service of a notice of review does not stay entry of judgment nor vacate a judgment if already entered unless the petitioner requests and the referee orders a bond, payment(s) in lieu of a bond, or waiver of bond and payment(s). The decision to set or waive a bond or payment(s) in lieu of bond shall be based upon Minn. R. Civ. App. P. 108.02. A hearing on a bond or payment(s) in lieu of bond shall be scheduled before the referee, and the referee's order shall remain in effect unless a judge modifies or vacates the order.

In criminal cases, the execution of judgment or sentence shall be stayed pending review by the judge.

(c) Transcripts. The petitioner must obtain a transcript from the referee's court reporter. The petitioner must make satisfactory arrangements for payment with the court reporter or arrange for payment in forma pauperis.

Any transcript request by the petitioner must be made within one day of the date the notice of review is filed. The transcript must be provided within five business days after its purchase by the petitioner.

For good cause the reviewing judge may extend any of the time periods described in this Rule 611(c).

(Amended effective July 1, 2015; amended effective July 1, 2019.)