

Appendix A

STATE OF MINNESOTA COURT OF APPEALS

JUDGMENT

In the Matter of Joseph Rued, Appellant, vs. the
Commissioner of Human Services, Respondent.

Appellate Court # A25-0831

Trial Court # 70-CV-22-7318

*Pursuant to a decision of the Minnesota Court
of Appeals duly made and entered, it is determined
and adjudged that the decision of the Hennepin
County District Court, Juvenile Division herein
appealed from be and the same hereby is affirmed and
judgment is entered accordingly.*

Dated and signed: March 11, 2026

FOR THE COURT

*Attest: s/Christ Rutherford-Block
Clerk of the Appellate Courts*

*By: s/Amy Schroeder
Assistant Clerk*

STATE OF MINNESOTA COURT OF APPEALS
TRANSCRIPT OF
JUDGMENT

I, Christa Rutherford-Block, Clerk of the Appellate Courts, do hereby certify that the foregoing is a full and true copy of the Entry of Judgment in the cause therein entitled, as appears from the original record in my office; that I have carefully compared the within copy with said original and that the same is a correct transcript therefrom.

Witness my signature at the Minnesota Judicial Center, In the City of St. Paul March 11, 2026
Dated

Attest: *s/Christa Rutherford-Block*
Clerk of the Appellate Courts

By: *s/Amy Schroeder*
Assistant Clerk

Appendix B

STATE OF MINNESOTA
IN SUPREME COURT
A25-0831

In re the Matter of
Joseph Rued,

Petitioner,

vs.

the Commissioner of Human Services,
Respondent.

PER CURIAM.

ORDER

Based upon all the files, records, and
proceedings herein,

IT IS HEREBY ORDERED that the petition of
Joseph Rued for further review is denied.

Dated: February 25, 2026

GAÏTAS, J., took no part in the consideration
or decision of this case.

Appendix C

STATE OF MINNESOTA
IN COURT OF APPEALS

A25-0831

In re the Matter of

ORDER OPINION

Joseph Rued,
Appellant

Scott County
District Court File
No 70-CV-22-7318

vs.

the Commissioner of Human
Services,
Respondent.

Considered and decided by Schmidt, Presiding
Judge; Worke, Judge; and Smith, John, Judge.*
[[John Smith is a r]etired judge of the Minnesota
Court of Appeals, serving by appointment pursuant
to Minn. Const. art. VI, § 10.]

**BASED ON THE FILE, RECORD, AND
PROCEEDINGS, AND BECAUSE:**

1. Appellant-father Joseph Rued appeals the
district court's dismissal of his appeal from a
determination by the Commissioner of Human
Services' (the commissioner) that Rued was not
entitled to a fair hearing pursuant to Minnesota

Statutes section 256.045, subdivision 3(a)(6) (2024), following a finding of no maltreatment of his child. The district court ordered the dismissal based on Rued's failure to serve his notice of appeal on Scott County Health and Human Services (the county) within 30 days as required by statute. Minn. Stat. § 256.045, subd. 7 (2024).

2. Rued reported to the county that his child was the victim of sexual abuse. After investigating the allegations in January 2022, the county's disposition was "that no maltreatment was determined." Rued requested reconsideration, and the county affirmed its disposition after conducting an independent review of the record. Rued then appealed to the Minnesota Department of Human Services. The commissioner dismissed the appeal on the basis that Rued lacked standing to request a fair hearing under Minnesota Statutes section 256.045, subdivision 3(a) (2024).

3. Rued appealed the commissioner's determination to the district court pursuant to Minnesota Statutes section 256.045, subdivision 7, which states:

any party who is aggrieved by an order of the commissioner of human services . . . may appeal the order to the district court of . . . the county where the maltreatment occurred, by serving a written copy of a notice of appeal upon the applicable commissioner or executive board and *any adverse party of record* within 30 days after the date the commissioner or executive board issued the order, the amended order, or order affirming the original order,

and by filing the original notice and proof of service with the court administrator of the district court.

(Emphasis added.) He served the notice of appeal on the commissioner, but did not serve the county. The district court held a hearing where the county raised a personal-jurisdiction defense based on Rued's failure to serve them with the notice of appeal. The district court's resulting order rejected the county's personal-jurisdiction defense as waived but agreed with the commissioner's conclusion that Rued lacked standing to challenge the county's no-maltreatment determination and dismissed the appeal. Rued's appeal of this dismissal was heard by this court and the Minnesota Supreme Court See *Rued v. Comm'r of Hum. Servs.*, 13 N.W.3d 42 (Minn. 2024).

4. On October 23, 2024, the supreme court issued its opinion and reached three key conclusions: 1) "the time limit in section 256.045, subdivision 7, is a waivable limitations period and not a requirement for subject-matter jurisdiction"; 2) that it "see[s] no indication in the record that the county waived or forfeited its defense regarding the limitations period"; and 3) "[a]dequate service of the notice of appeal under section 256.045, subdivision 7 . . . is an independent statutory requirement related to personal jurisdiction" but the county forfeited appellate review on this issue. *Id.* at 44, 52. The supreme court then reversed this court's decision and "remand[ed] to the district court so that the [c]ounty may either waive its defense related to the limitations period or move for dismissal on that basis." *Id.* at 52.

5. On remand, the county moved for dismissal on those grounds. In its resulting order, the district court cited the supreme court opinion, concluded that “[b]ased on the State’s lack of waiver as to the limitations period and their motion for dismissal, [its] decision is clear,” and dismissed. Rued appeals.

6. We review the district court’s findings on waiver, or nonwaiver, of rights for clear error. See *In re Civ. Commitment of Giem*, 742 N.W.2d 422, 432 (Minn. 2007); see also *Valspar Refinish, Inc. v. Gaylord’s, Inc.*, 764 N.W.2d 359, 367 (Minn. 2009) (stating that “[w]aiver generally is a question of fact, and it is rarely to be inferred as a matter of law” (quotation omitted)). The district court’s dismissal “[b]ased on the State’s lack of waiver as to the limitations period” demonstrates that it found that the county had not waived its time-limitation defense. This finding is consistent with both the record and the supreme court’s opinion in this matter. The record contains a letter sent from the county to the district court following the first hearing. In its letter, the county cites the statutory requirement to serve any adverse party of record within 30 days, and states, “[Rued] clearly failed to serve Scott County as an adverse party and is now time barred from doing so.” (Emphasis added.) A finding of nonwaiver is also consistent with the supreme court’s opinion in this case. The court stated that “the [c]ounty has consistently maintained its challenge to Rued’s noncompliance with the statutory service requirements in section 256.045, subdivision 7,” “the [c]ounty challenged Rued’s untimely service at the August 2022 hearing—the first and only proceeding on the matter,” it saw “no indication in the record that the [c]ounty waived or forfeited its

defense regarding the limitations period,” and “the [c]ounty did not waive its defense by merely appearing at the August 2022 hearing.” *Rued*, 13 N.W.3d at 44, 51-52. As such, we discern no clear error by the district court in its finding that the county did not waive its time-limitation defense.

7. *Rued*’s arguments that the county waived the defense do not persuade us otherwise. The county was not required to raise its time-limitation defense on appeal when the district court never ruled on it, nor were they obligated to provide the appeals court with an alternative basis upon which to affirm. See *Leiendecker v. Asian Women United of Minn.*, 895 N.W.2d 623, 631-33 (Minn. 2017) (holding that a party is not obligated to raise an issue on appeal if it is not “ripe”). *Rued*’s further argument that the time-limitation requirement is merely an element of personal jurisdiction, a defense that the county forfeited, is explicitly foreclosed by the supreme court’s decision. *Rued*, 13 N.W.3d at 51-52 (stating “that the service requirement . . . is a requirement for personal jurisdiction, independent of the 30-day time limit”). He further argues that the county is not an “adverse party of record” but if they are, the proper remedy is for the district court to join them as an indispensable party, not dismiss. The county’s classification as an “adverse party of record” was addressed in the original appeal. We concluded that “the county was an ‘adverse party of record’ in the proceedings that led to the commissioner’s decision,” and *Rued* was therefore required by statute to serve it. *Rued v. Comm’r of Hum. Servs.*, 993 N.W.2d 295, 301 (Minn. App. 2023). The supreme court then adopted this conclusion and noted that “*Rued* did not dispute that conclusion in his appeal to [the supreme

court].” *Rued*, 13 N.W.3d at 46 n.2. *Rued* provides no persuasive reason why this panel should disturb this conclusion, nor is joinder proper here. See Minn. R. Civ. P. 21.

8. Having discerned no clear error in the district court’s finding of nonwaiver, we must also determine whether the district court’s dismissal was within the bounds of the supreme court’s remand instructions. “Appellate courts review a district court’s compliance with remand instructions under the deferential abuse of discretion standard.” *Janssen v. Best & Flanagan, LLP*, 704 N.W.2d 759, 763 (Minn. 2005). “Though trial courts generally have broad discretion to determine how to proceed on remand, they cannot act in a way that is inconsistent with the remand instructions provided.” *Dobbins v. State*, 845 N.W.2d 148, 156 (Minn. 2013) (quotation omitted). As previously stated, the supreme court instructed the district court that “the [c]ounty may either waive its defense related to the limitations period or move for dismissal on that basis.” *Rued*, 13 N.W.3d at 52. The district court’s actions here—inviting written submissions “in light of the remand decision” on the “focused issue,” allowing the county to move to dismiss on the time-limitation ground and granting that motion—were firmly within the scope of those instructions. The district court, therefore, did not abuse its discretion in any of these actions upon remand.

9. *Rued* raised additional arguments on the merits of his entitlement to a fair hearing pursuant to Minnesota Statutes section 256.045, subdivision 3(a)(6). Such arguments, however, are not properly

before us on appeal and we therefore decline to reach them here.

IT IS HEREBY ORDERED:

1. The district court's order is affirmed.
2. Pursuant to Minn. R. Civ. App. P. 136.01, subd. 1(c), this order opinion is nonprecedential, except as law of the case, res judicata, or collateral estoppel.

Dated: December 9, 2025 **BY THE COURT**

s/
Judge John Smith

**Additional material
from this filing is
available in the
Clerk's Office.**