

utes, Section 97.55, Subdivision 1. Upon conviction of any person of any offense under this subdivision, any license hereunder then held by him shall immediately become null and void, and no such license shall be issued to him for one year after the date of such conviction.

Approved April 24, 1959.

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CHAPTER 685—S. F. No. 391

[Coded]

*An act for an act relating to jurisdiction of juvenile courts over delinquent, neglected, dependent and adoptive children, and children requiring special judicial supervision; their care; persons contributing to the delinquency or neglect of children; prescribing penalties; providing for the numbering of the sections thereof; amending Minnesota Statutes 1957, Sections 259.23, Subdivision 1; 259.24, Subdivision 1; 259.26, Subdivision 3; 259.27; 259.28; 259.32; 260.36; and 636.07; and repealing Minnesota Statutes 1957, Sections 260.01 to 260.04, 260.06 to 260.08, 260.10 to 260.26, 260.28 to 260.34, and 260.37.*

Be it enacted by the Legislature of the State of Minnesota:

Section 1. [260.011] Title, intent, and construction. Subdivision 1. Sections 1 to 44 may be cited as the Juvenile Court Act.

Subd. 2. *The purpose of the laws relating to juvenile courts is to secure for each minor under the jurisdiction of the court the care and guidance, preferably in his own home, as will serve the spiritual, emotional, mental, and physical welfare of the minor and the best interests of the state; to preserve and strengthen the minor's family ties whenever possible, removing him from the custody of his parents only when his welfare or safety and protection of the public cannot be adequately safeguarded without removal; and, when the minor is removed from his own family, to secure for him custody, care and discipline as nearly as possible equivalent to that which should have been given by his parents. The laws relating to juvenile courts shall be liberally construed to carry out these purposes.*

Sec. 2. [260.015] Definitions. Subdivision 1. As used in sections 1 to 44, the terms defined in this section have the meanings given to them.

*Subd. 2. "Child" means an individual under 18 years of age and includes any minor alleged to have been delinquent prior to having become 18 years of age.*

*Subd. 3. "Child placing agency" means anyone licensed under Minnesota Statutes, Section 257.091.*

*Subd. 4. "Court" means juvenile court unless otherwise specified in this section.*

*Subd. 5. "Delinquent child" means a child:*

- (a) Who has violated any state or local law or ordinance, except as provided in section 30, subdivision 1;*
- (b) Who has violated a federal law or a law of another state and whose case has been referred to the juvenile court; or*
- (c) Who is habitually truant from school; or*
- (d) Who is uncontrolled by his parent, guardian, or other custodian by reason of being wayward or habitually disobedient; or*
- (e) Who habitually deports himself in a manner that is injurious or dangerous to himself or others.*

*Subd. 6. "Dependent child" means a child:*

- (a) Who is without a parent, guardian, or other custodian; or*
- (b) Who is in need of special care and treatment required by his physical or mental condition and whose parent, guardian, or other custodian is unable to provide it; or*
- (c) Whose parent, guardian, or other custodian for good cause desires to be relieved of his care and custody.*

*Subd. 7. "Facility for foster care" means any facility for foster care defined in Minnesota Statutes, Section 257.081, subdivision 4.*

*Subd. 8. "Legal custody" means the right to the care, custody, and control of a child who has been taken from a parent by the court in accordance with the provisions of sections 28, 29, or 37. The expenses of legal custody are paid in accordance with the provisions of section 39.*

Subd. 9. "Minor" means an individual under 21 years of age.

Subd. 10. "Neglected child" means a child:

- (a) Who is abandoned by his parent, guardian, or other custodian; or
- (b) Who is without proper parental care because of the faults or the habits of his parent, guardian, or other custodian; or
- (c) Who is without proper parental care because of the emotional, mental, or physical disability, or state of immaturity of his parent, guardian, or other custodian; or
- (d) Who is without necessary subsistence, education or other care necessary for his physical or mental health or morals because his parent, guardian or other custodian neglects or refuses to provide it; or
- (e) Who is without the special care made necessary by his physical or mental condition because his parent, guardian, or other custodian neglects or refuses to provide it; or
- (f) Whose occupation, behavior, condition, environment or associations are such as to be injurious or dangerous to himself or others; or
- (g) Who is living in a facility for foster care which is not licensed as required by law, unless the child is living in the facility under court order; or
- (h) Whose parent, guardian, or custodian has made arrangements for his placement in a manner detrimental to the welfare of the child or in violation of law; or
- (i) Who comes within the provisions of section 2, subdivision 5, but whose conduct results in whole or in part from parental neglect.

Subd. 11. "Parent" means the natural or adoptive parent of a minor.

Subd. 12. "Person" includes any individual, association, corporation, partnership, and the state or any of its political subdivisions, departments, or agencies.

*Subd. 13. "Relative" means a parent, step parent, grandparent, brother, sister, uncle, or aunt of the minor. This relationship may be by blood or marriage.*

**Sec. 3. [260.021] District and probate juvenile courts. Subdivision 1. District court; juvenile court.** *In counties now or hereafter having a population of more than 100,000, the district court is the juvenile court.*

*Subd. 2. Juvenile court; Ramsey and St. Louis Counties. In Ramsey and St. Louis counties the judges of the district court shall, at such times as they shall determine, designate one of their number to hear all cases arising under sections 1 to 44. This designation is for a period of one year unless otherwise ordered. If the designated judge is absent or disabled, another judge shall be temporarily assigned for these purposes. The judge designated as the judge of juvenile court shall devote his first service and all necessary time to the business of the juvenile court, and this work has precedence over all his other court work. When considered advisable, the district court judges may designate two or more judges for the purposes and subject to the provisions specified in this section. A special court room, designated as the juvenile court room, shall be provided for the hearing of these cases. The court, for convenience, may be called the juvenile court of the county.*

*Subd. 3. Juvenile court; Hennepin County. In Hennepin county, the juvenile court judge has the title "District Court Judge, Juvenile Court Division", and if appointed, shall be so designated. At the primary or general election, the office shall be designated on the ballot as "District Court Judge, Juvenile Court Division". The judge of the juvenile court division has charge of the juvenile court in Hennepin county, and shall hear and determine all matters brought before the juvenile court, and shall perform all other duties of the judge of juvenile court under the laws of the state. The performance of these duties takes precedence over all other work. In case of the absence, sickness, or other disability, or workload of the judge which prevents him from performing his duties, the chief judge of the district court of Hennepin county may designate or assign one or more of the other judges of the district court to perform the duties of the judge of the juvenile court division. Vacancies in this office shall be filled in the manner provided by law for the filling of vacancies in the office of other judges of the district court. The judge of the juvenile court division may be designated in writing by the governor to the regular or ordinary duties of a judge of the district*

court without this designation affecting the term of office to which he was elected.

**Subd. 4. Probate court; juvenile court.** *In counties now or hereafter having a population of not more than 100,000, the probate court is the juvenile court. At the primary or general election, the office of probate judge shall also be designated on the ballot as "Judge of the Juvenile Court".*

**Sec. 4. [260.025] Place of hearing.** *The judge of the juvenile court may hold hearings in the county seat of the county, or in any other city, village or borough in the county. The county shall provide suitable quarters at the county seat for the hearing of cases and the use of judges and other employees of the court.*

**Sec. 5. [260.031] Referee.** *Subdivision 1. The judge of the juvenile court may appoint one or more suitable persons to act as referees. These referees shall be qualified for their duties by their previous training and experience and shall hold office at the pleasure of the judge. The compensation of a referee shall be fixed by the judge and approved by the county board and shall be payable from the general revenue funds of the county not otherwise appropriated.*

**Subd. 2.** *The judge may direct that any case or class of cases shall be heard in the first instance by the referee in the manner provided for the hearing of cases by the court.*

**Subd. 3.** *Upon the conclusion of the hearing in each case, the referee shall transmit to the judge all papers relating to the case, together with his findings and recommendations in writing. Notice of the findings of the referee together with a statement relative to the right of rehearing shall be given to the minor, parents, guardian, or custodian of the minor whose case has been heard by the referee, and to any other person that the court may direct. This notice may be given at the hearing, or by certified mail or other service directed by the court.*

**Subd. 4.** *The minor and his parents, guardians, or custodians are entitled to a hearing by the judge of the juvenile court if, within three days after receiving notice of the findings of the referee, they file a request with the court for a hearing. The court may allow such a hearing at any time.*

**Subd. 5.** *In case no hearing before the judge is requested, or when the right to a hearing is waived, the findings and recommendations of the referee become the decree of the court when confirmed by an order of the judge. The final order*

of the court shall, in any event, be proof of such confirmation, and also of the fact that the matter was duly referred to the referee.

**Sec. 6. [260.041] Clerk. Subdivision 1.** *The clerk of the juvenile court shall keep necessary books and records, issue summons and process, attend to the correspondence of the court, and in general perform such duties in the administration of the business of the court as the judge may direct.*

*Subd. 2. In counties having a population of not more than 100,000, the clerk of the probate court shall serve as clerk of the juvenile court.*

**Sec. 7. [260.092] Expert assistance.** *In any county the court may provide for the physical and mental diagnosis of cases of minors who are believed to be physically or mentally diseased or defective, and for such purpose may appoint professionally qualified persons, whose compensation shall be fixed by the judge with the approval of the county board.*

**Sec. 8. [260.094] County home schools.** *In any county or group of counties the county boards may purchase, lease, erect, equip, and maintain a county home school for boys and girls, or a separate home school for boys and a separate home school for girls. The juvenile court may transfer legal custody of a delinquent child to the home school in the manner provided in section 28. The county home school may, with the approval of the district court judges in counties now or hereafter having a population of more than 100,000, or of the juvenile court judges in all other counties, be a separate institution, or it may be established and operated in connection with any other organized charitable or educational institution. However, the plans, location, equipment, and operation of the county home school shall in all cases have the approval of the said judges. There shall be a superintendent or matron, or both, for such school, who shall be appointed and removed by the said judges. The salaries of the superintendent, matron, and other employees shall be fixed by the said judges, subject to the approval of the county board. The county board of each county to which this section applies is hereby authorized, empowered, and required to provide the necessary funds to make all needful appropriations to carry out the provisions of this section. The board of education, commissioner of education, or other persons having charge of the public schools in any city of the first or second class in a county where a county home school is maintained pursuant to the provisions of this section may furnish all necessary instructors, school*

books, and school supplies for the boys and girls placed in any such home school.

**Sec. 9. [260.096] Existing home schools continued.** *All juvenile detention homes, farms, and industrial schools heretofore established under the provisions of Laws 1905, Chapter 285, Section 5, as amended by Laws 1907, Chapter 172, and Laws 1911, Chapter 353, or Laws 1913, Chapter 83, Laws 1915, Chapter 228, or Laws 1917, Chapter 317, as amended, are hereby declared to be county home schools within the meaning of sections 1 to 44 and all the provisions of those sections relating to county home schools shall apply thereto.*

**Sec. 10. [260.101] Detention homes.** *In any county or group of counties the county boards may purchase, lease, erect, equip, and maintain a detention home for boys and girls, or a separate detention home for boys and girls, or a separate detention home for boys or a separate detention home for girls. Any child alleged to be delinquent may be detained in the detention home in the manner provided in section 25, subdivision 2. The detention home may, with the approval of the district court judges in counties now or hereafter having a population of more than 100,000 or of the juvenile court judges in all other counties, be a separate institution, or it may be established and operated in connection with a county home school or any organized charitable or educational institution. However, the plans, location, equipment, and operation of the detention home shall in all cases have the approval of the judges. Necessary staff shall be appointed and removed by the judges. The salaries of the staff shall be fixed by the judges, subject to the approval of the county boards. The county board of each county to which this section applies shall provide the necessary funds to carry out the provisions of this section.*

**Sec. 11. [260.103] Juvenile court judges; annual conference.** *Subdivision 1. Purpose of conference. For the purpose of promoting economy and efficiency in the enforcement of laws relating to children and particularly of the laws relating to defective, delinquent, dependent and neglected children, the president of the association of juvenile court judges may at such time and place as he deems advisable call an annual conference of all judges acting as judge of juvenile court.*

*Subd. 2. Expenses paid by counties. The necessary expenses of the judges attending such conference shall be paid by their respective counties.*

*Subd. 3. County board to audit claims for expenses in attending conference. The county board of each county shall audit and, if found correct, allow duly itemized and verified claims of the juvenile judge for travel and other necessary expenses incurred and paid by him in attending the annual conference called by the president of the association of juvenile court judges.*

**Sec. 12. [260.105] Salaries.** *All salaries and expenses to be paid by the county under the provisions of sections 3 to 11 shall be paid upon certification of the judge of juvenile court or upon such other authorization provided by law.*

**Sec. 13. [260.111] Jurisdiction over delinquent, neglected, and dependent children. Subdivision 1. Delinquent, neglected, and independent children.** *Except as provided in section 16, the juvenile court has original and exclusive jurisdiction in proceedings concerning any child who is alleged to be delinquent, a juvenile traffic offender, neglected, or dependent, and in proceedings concerning any minor alleged to have been delinquent prior to having become eighteen years of age. The juvenile court shall deal with such a minor as it deals with any other child who is alleged to be delinquent.*

*Subd. 2. Jurisdiction over other matters relating to children. Except as provided in clause (d), the juvenile court has original and exclusive jurisdiction in proceedings concerning:*

- (a) The termination of parental rights to a child in accordance with the provisions of sections 33 to 38.*
- (b) The appointment and removal of a juvenile court guardian of the person for a child, where parental rights have been terminated under the provisions of sections 33 to 38.*
- (c) Judicial consent to the marriage of a child when required by law.*
- (d) Adoptions. The juvenile court in those counties in which the judge of the probate-juvenile court has been admitted to the practice of law in this state shall proceed under the laws relating to adoptions in all adoption matters. In those counties in which the judge of the probate-juvenile court has not been admitted to the practice of law in this state the district court shall proceed under the laws relating to adoptions in all adoption matters.*



**Sec. 14. [260.115] Transfers from other courts.**  
*Subdivision 1. Except where a juvenile court has referred an alleged violation to a prosecuting authority in accordance with the provisions of section 16 or to a court in accordance with the provisions of section 30, a court other than a juvenile court shall immediately transfer to the juvenile court of the county the case of a minor who appears before the court on a charge of violating any state or local law or ordinance and who is under 18 years of age or who was under 18 years of age at the time of the commission of the alleged offense.*

*Subd. 2. The court transfers the case by filing with the judge or clerk of juvenile court a certificate showing the name, age, and residence of the minor, the names and addresses of his parent or guardian, if known, and the reasons for his appearance in court, together with all the papers, documents, and testimony connected therewith. The certificate has the effect of a petition filed in the juvenile court, unless the judge of the juvenile court in his discretion directs the filing of a new petition, which shall supersede the certificate of transfer.*

*Subd. 3. The transferring court shall order the minor to be taken immediately to the juvenile court and in no event shall detain the minor for longer than 48 hours after the appearance of the minor in the transferring court. The transferring court may release the minor to the custody of his parent, guardian, custodian, or other person designated by the court on the condition that the minor will appear in juvenile court as directed. The transferring court may require the person given custody of the minor to post such bail or bond as may be approved by the court which shall be forfeited to the juvenile court if the minor does not appear as directed. The transferring court may also release the minor on his own promise to appear in juvenile court.*

**Sec. 15. [260.121] Venue.** *Subdivision 1. Except where otherwise provided, venue for any proceedings under section 13 shall be in the county where the child is found, or the county of his residence. If delinquency is alleged, proceedings shall be brought in the county of his residence or the county where the alleged delinquency occurred.*

*Subd. 2. The judge of the juvenile court may transfer any proceedings brought under section 13, except adoptions, to the juvenile court of a county having venue as provided in subdivision 1, at any stage of the proceedings and in the following manner. When it appears that the best interests of the child, society, or the convenience of proceedings will be served by a transfer, the court may transfer the case to the*

*juvenile court of the county of the child's residence. With the consent of the receiving court, the court may also transfer the case to the juvenile court of the county where the child is found or, if delinquency is alleged, to the county where the alleged delinquency occurred. The court transfers the case by ordering a continuance and by forwarding to the clerk of the appropriate juvenile court a certified copy of all papers filed, together with an order of transfer. The judge of the receiving court may accept the findings of the transferring court or he may direct the filing of a new petition and hear the case anew.*

*Subd. 3. If it appears at any stage of the proceeding that a child before the court is a resident of another state, the court may invoke the provisions of the interstate compact on juveniles or, if it is in the best interests of the child or the public to do so, the court may place the child in the custody of his parent, guardian, or custodian, if the parent, guardian, or custodian agree to accept custody of the child and return him to their state.*

**Sec. 16. [260.125] Reference for prosecution.** *Subdivision 1. When a child is alleged to have violated a state or local law or ordinance after becoming 14 years of age the juvenile court may enter an order referring the alleged violation to the appropriate prosecuting authority for action under laws in force governing the commission of and punishment for violations of statutes or local laws or ordinances. The order of reference terminates the jurisdiction of the juvenile court in the matter.*

*Subd. 2. The juvenile court may order a reference only if*

- (a) A petition has been filed in accordance with the provisions of section 17*
- (b) Notice has been given in accordance with the provisions of sections 18 and 19*
- (c) A hearing has been held in accordance with the provisions of section 22, and*
- (d) The court finds that the child is not suitable to treatment or that the public safety is not served under the provisions of laws relating to juvenile courts.*

*Subd. 3. When the juvenile court enters an order referring an alleged violation to a prosecuting authority, the*

*prosecuting authority shall proceed with the case as if the jurisdiction of the juvenile court had never attached.*

**Sec. 17. [260.131] Petition. Subdivision 1.** *Any reputable person, including but not limited to any agent of the commissioner of public welfare, having knowledge of a child in this state who appears to be delinquent, neglected, or dependent, may petition the juvenile court in the manner provided in this section.*

*Subd. 2. The petition shall be verified by the person having knowledge of the facts and may be on information and belief. If requested by the petitioner, the county attorney shall draft the petition if the petitioner alleges facts which bring the child within the jurisdiction of the court.*

*Subd. 3. The petition and all subsequent court documents shall be entitled substantially as follows:*

*“Juvenile Court, County of .....*  
*In the matter of the welfare of .....”*

*The petition shall set forth plainly:*

- (a) The facts which bring the child within the jurisdiction of the court;*
- (b) The name, date of birth, residence, and post office address of the child;*
- (c) The names, residences, and post office addresses of his parents;*
- (d) The name, residence, and post office address of his guardian if there be one, of the person having custody or control of the child, and of the nearest known relative if no parent or guardian can be found;*
- (e) The spouse of the child, if there be one. If any of the facts required by the petition are not known or cannot be ascertained by the petitioner, the petition shall so state.*

**Sec. 18. [260.135] Summons; notice. Subdivision 1.** *After a petition has been filed and unless the parties hereinafter named voluntarily appear, the court shall set a time for a hearing and shall issue a summons requiring the person who has custody or control of the minor to appear with the minor before the court at a time and place stated. The summons shall recite briefly the substance of the petition or shall be attached to a copy of the petition.*

*Subd. 2. The court shall have notice of the pendency of the case and of the time and place of the hearing served upon the parents, guardians, or spouse of a legitimate minor or the mother, guardian, or spouse of an illegitimate minor, if they are not summoned as provided in subdivision 1.*

*Subd. 3. If a petition alleging delinquency, neglect, or dependency, or a petition to terminate parental rights is initiated by a person other than a representative of the department of public welfare or county welfare board, the clerk of the court shall notify the county welfare board of the pendency of the case and of the time and place appointed.*

*Subd. 4. The court may issue a subpoena requiring the appearance of any other person whose presence, in the opinion of the court, is necessary.*

*Subd. 5. If it appears from the petition or by separate affidavit of a person having knowledge of the fact that the minor is in such condition or surroundings that his welfare requires that his custody be immediately assumed by the court, the court may order, by endorsement upon the summons, that the officer serving the summons shall take the minor into custody at once.*

**Sec. 19. [260.141.] Service of summons, notice.**  
*Subdivision 1. (a) Service of summons or notice required by section 18 shall be made in the same manner in which personal service of summons in civil actions is made. Personal service shall be effected at least 24 hours before the time of the hearing; however, it shall be sufficient to confer jurisdiction if service is made at any time before the day fixed in the summons for the hearing, except that the court, if so requested, shall not proceed with the hearing earlier than the second day after the service.*

*(b) If the court is satisfied that personal service of the summons or notice cannot well be made, it shall make an order providing for the service of summons or notice by certified mail addressed to the last known addresses of such persons, and by one week's published notice as provided in Minnesota Statutes, Section 645.11. A copy of the notice shall be sent by certified mail at least five days before the time of the hearing or fourteen days if mailed to addresses outside the state.*

*(c) Notification to the county welfare board required by section 18, subdivision 3, shall be in such manner as the court may direct.*

*Subd. 2. Service of summons, notice, or subpoena required by sections 18 to 35 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.*

*Subd. 3. Proof of the service required by this section shall be made by the person having knowledge thereof.*

**Sec. 20. [260.145] Failure to obey summons or subpoena; contempt, arrest.** *If any person personally served with summons or subpoena fails, without reasonable cause, to appear or bring the minor, he may be proceeded against for contempt of court or the court may issue a warrant for his arrest, or both. In any case when it appears to the court that the service will be ineffectual, or that the welfare of the minor requires that he be brought forthwith into the custody of the court, the court may issue a warrant for the minor.*

**Sec. 21. [260.151] Investigation; physical and mental examination.** *Subdivision 1. Upon request of the court the county welfare board or probation officer shall investigate the personal and family history and environment of any minor coming within the jurisdiction of the court under section 13 and shall report its findings to the court. The court may order any minor coming within its jurisdiction to be examined by a duly qualified physician, psychiatrist, or psychologist appointed by the court, in order that the condition of the minor be given due consideration in the disposition of the case. Adoption investigations shall be conducted in accordance with the laws relating to adoptions.*

*Subd. 2. The court may proceed as described in subdivision 1 only after a petition has been filed and, in delinquency cases, after the child has appeared before the court or a court appointed referee and has been informed of the allegations contained in the petition. However, when the child denies before the court or court appointed referee that he is delinquent, the investigation or examination shall not be conducted before a hearing has been held as provided in section 22.*

**Sec. 22. [260.155] Hearing.** *Subdivision 1. General. Except for hearings arising under section 41, hearings on any matter shall be without a jury and may be conducted in an informal manner. Hearings may be continued or adjourned from time to time and, in the interim, the court may make such orders as it deems in the best interests of the minor in accordance with the provisions of sections 1 to 44. The court shall exclude the general public from these hearings and shall*

admit only those persons who, in the discretion of the court, have a direct interest in the case or in the work of the court. Adoption hearings shall be conducted in accordance with the provisions of laws relating to adoptions.

*Subd. 2. Appointment of counsel.* The minor, parent, guardian or custodian have the right to counsel. If they desire counsel but are unable to employ it, the court shall appoint counsel to represent the minor or his parents or guardian in any other case in which it feels that such an appointment is desirable.

*Subd. 3. County attorney.* Except in adoption proceedings, the county attorney shall present the evidence upon request of the court.

*Subd. 4. Guardian ad litem.* The court shall appoint a guardian ad litem to protect the interests of the minor when it appears, at any stage of the proceedings, that the minor is without a parent or guardian, or that his parent is a minor or incompetent, or that his parent or guardian is indifferent or hostile to the minor's interests. In any other case the court may appoint a guardian ad litem to protect the interests of the minor when the court feels that such an appointment is desirable. The court shall appoint the guardian ad litem on its own motion or in the manner provided for the appointment of a guardian ad litem in the district court.

*Subd. 5. Waiving the presence of child, parent.* Except in delinquency proceedings, the court may waive the presence of the minor in court at any stage of the proceedings when it is in the best interests of the minor to do so. In a delinquency proceeding, after the child is found to be delinquent, the court may excuse the presence of the child from the hearing when it is in the best interests of the child to do so. In any proceeding the court may temporarily excuse the presence of the parent or guardian of a minor from the hearing when it is in the best interests of the minor to do so. The attorney or guardian ad litem, if any, has the right to continue to participate in proceedings during the absence of the minor, parent, or guardian.

*Subd. 6. Rights of the parties at the hearing.* The minor and his parent, guardian, or custodian are entitled to be heard, to present evidence material to the case, and to cross examine witnesses appearing at the hearing.

**Sec. 23. [260.161] Records.** *Subdivision 1.* The juvenile court judge shall keep a minute book in which he

shall enter minutes of all proceedings of the court in each case, including findings, orders, decrees, and judgments, and any evidence which he feels it is necessary and proper to record. Juvenile court legal records shall be deposited in files and shall include the petition, summons, notice, clerk's certificate of mailing or publication, minutes of the court, findings, orders, decrees, judgments, and motions. The legal records maintained in this file shall be open at all times to the inspection of any minor to whom the records relate, and to his parent and guardian.

Subd. 2. Except as provided in this subdivision and in subdivision 1, none of the records of the juvenile court, including legal records, shall be open to public inspection or their contents disclosed except by order of the court. The records of juvenile probation officers and county home schools are records of the court for the purposes of this subdivision. This subdivision does not apply to proceedings under sections 40 and 41. The court shall maintain the confidentiality of adoption files and records in accordance with the provisions of laws relating to adoptions.

Subd. 3. Peace officers' records of children shall be kept separate from records of persons 18 years of age or older and shall not be open to public inspection or their contents disclosed to the public except by order of the juvenile court. A peace officer shall not take photographs of a child taken into custody for any purpose, without the consent of the juvenile court. Any person violating any of the provisions of this subdivision shall be guilty of a misdemeanor.

Sec. 24. [260.165] Taking child into custody. Subdivision 1. No child may be taken into immediate custody except:

- (a) With an order issued by the court in accordance with the provisions of section 18, subdivision 5, or by a warrant issued in accordance with the provisions of section 20; or
- (b) In accordance with the laws relating to arrests; or
- (c) By a peace officer
  - (1) When it is reasonably believed that a child has run away from his parents, guardian, or custodian, or
  - (2) When a child is found in surroundings or conditions which endanger the child's health or welfare; or

- (d) *By a peace officer or probation or parole officer when it is reasonably believed that the child has violated the terms of his probation, parole, or other field supervision.*

*Subd. 2. The taking of a child into custody under the provisions of this section shall not be considered an arrest.*

**Sec. 25. [260.171] Release or detention.** *Subdivision 1. When a child is taken into custody as provided in section 24, the parent, guardian, or custodian of the child shall be notified as soon as possible. Except where the immediate welfare of the child or the protection of the community require that the child be detained, the child shall be released to the custody of his parent, guardian, custodian, or other suitable person on the promise of such person to bring the child to the court, if necessary, at such time as the court may direct. If the person taking the child into custody believes it desirable he may request the parent, guardian, custodian, or other person designated by the court to sign a written promise to bring the child to court as provided above.*

*Subd. 2. If the child is not released as provided in subdivision 1, the person taking the child into custody shall notify the court as soon as possible of the detention of the child and the reasons for detention. The child may be detained in a place of detention specified in section 26 for not longer than 24 hours, excluding Saturdays, Sundays and holidays, after the taking into custody unless an order for detention, specifying the reason for detention, is signed by the judge or referee. No child may be held longer than 48 hours, excluding Saturdays, Sundays or holidays, after the taking into custody unless a petition has been filed and the judge or referee determines that the child shall remain in custody, or unless the court refers the matter to the prosecuting authority in accordance with the provisions of section 16. The parent, guardian, or custodian of the child shall be notified of the place of detention as soon as possible.*

*Subd. 3. If continued detention is not ordered, the court or designated officer shall release the child in the manner provided in subdivision 1. The court may require the parent, guardian, custodian, or other person to whom the child is released to post such bail or bond as may be approved by the court which shall be forfeited to the court if the child does not appear as directed. The court may also release the minor on his own promise to appear in juvenile court.*

**Sec. 26. [260.175] Place of detention.** *A child may*



be detained as provided in section 25, subdivision 2, in one of the following places:

- (a) A detention home; or
- (b) A licensed facility for foster care, in accordance with the laws relating to facilities for foster care; or
- (c) A suitable place designated by the court if the place is not required to be licensed as a facility for foster care or if no licensed facility for foster care is available; or
- (d) A room entirely separate from adults in a jail, lock-up, police station, or other facility for the detention of adults. A child may be detained in such a facility only if he is alleged to be delinquent or to have violated the terms of his probation, parole, or other field supervision and if the child's habits, conduct, or condition constitute a menace to himself to the extent that he cannot be released or cannot be detained in a place described in clauses (a), (b), or (c).

Sec. 27. [260.181] **Dispositions; general provisions.**  
*Subdivision 1. Dismissal of petition.* Whenever the court finds that the minor is not within the jurisdiction of the court or that the facts alleged in the petition have not been proved, it shall dismiss the petition.

*Subd. 2. Consideration of reports.* Before making a disposition in a case, or terminating parental rights, or appointing a guardian for a child the court may consider any report or recommendation made by the county welfare board, probation officer, or licensed child placing agency, or any other information deemed material by the court.

*Subd. 3. Protection of religious affiliation.* The court, in transferring legal custody of any child or appointing a guardian for him under the laws relating to juvenile courts, shall place him so far as it deems practicable in the legal custody or guardianship of some individual holding the same religious belief as the parents of the child, or with some association which is controlled by persons of like religious faith with the parents.

*Subd. 4. Termination of jurisdiction.* The court may dismiss the petition or otherwise terminate its jurisdiction at any time when it feels it is in the best interests of the minor to do so. Unless otherwise terminated by the court, the

*jurisdiction of the court terminates when the individual is no longer a minor.*

**Sec. 28. [260.185] Dispositions; delinquent child.**  
*Subdivision 1. If the court finds that the child is delinquent, it shall enter an order making any of the following dispositions of the case which are deemed necessary to the rehabilitation of the child:*

- (a) *Counsel the child or his parents, guardian, or custodian;*
- (b) *Place the child under the supervision of a probation officer or other suitable person in his own home under conditions prescribed by the court including reasonable rules for his conduct and the conduct of his parents, guardian, or custodian, designed for the physical, mental, and moral well-being and behavior of the child;*
- (c) *Subject to the supervision of the court, transfer legal custody of the child to one of the following:*
  - (1) *A child placing agency; or*
  - (2) *The county welfare board; or*
  - (3) *A reputable individual of good moral character; or*
  - (4) *A county home school, if the county maintains a home school or enters into an agreement with a county home school;*
- (d) *Transfer legal custody by commitment to the youth conservation commission;*
- (e) *If the child is found to have violated a state or local law or ordinance which has resulted in damage to the property of another, the court may order the child to make reasonable restitution for such damage;*
- (f) *If the child is in need of special treatment and care for his physical or mental health, the court may order the child's parent, guardian, or custodian to provide it. If the parent, guardian, or custodian fails to provide this treatment or care, the court may order it provided.*
- (g) *If the child is found to have committed any offense which, if committed by an adult, would*

*constitute a felony, and the court believes that it is in the best interests of the child and of public safety that the driver's license of the child be cancelled until his eighteenth birthday, the court may recommend to the commissioner of highways the cancellation of the child's license for any period up to the child's eighteenth birthday, and the commissioner is hereby authorized to cancel such license without a hearing. At any time before the termination of the period of cancellation, the court may, for good cause, recommend to the commissioner of highways that the child be authorized to apply for a new license, and the commissioner may so authorize.*

*Subd. 2. Except when legal custody is transferred under the provisions of subdivision 1, clause (d), the court may, within 90 days, expunge the adjudication of delinquency.*

*Subd. 3. When it is in the best interests of the child to do so and when child has admitted the allegations contained in the petition before the judge or referee, but before a finding of delinquency has been entered, the court may continue the case for a period not to exceed 90 days. During this continuance the court may enter an order in accordance with the provisions of subdivision 1, clauses (a) or (b) or enter an order to hold the child in detention for a period not to exceed 15 days on any one order for the purpose of completing any consideration, or any investigation or examination ordered in accordance with the provisions of section 21.*

*Subd. 4. All orders for supervision under subdivision 1 (b) shall be for an indeterminate period unless otherwise specified by the court, and shall be reviewed by the court at least annually. All orders under subdivision 1 (c) shall be for a specified length of time set by the court. However, before an order has expired and upon the court's own motion or that of any interested party, the court has continuing jurisdiction to renew the order or, after notice to the parties and a hearing, make some other disposition of the case, until the individual is no longer a minor. Any person to whom legal custody is transferred shall report to the court in writing at such periods as the court may direct.*

*Subd. 5. When the court transfers legal custody of a child to any licensed child placing agency, county home school, county welfare board, or the youth conservation commission, it shall transmit with the order transferring legal custody a*

*copy of its findings and a summary of its information concerning the child.*

**Sec. 29. [260.191] Dispositions; neglected or dependent child.** *Subdivision 1. If the court finds that the child is neglected or dependent, it shall enter an order making any of the following dispositions of the case:*

- (a) Place the child under the protective supervision of the county welfare board or child placing agency in his own home under conditions prescribed by the court directed to the correction of the neglect or dependency of the child;*
- (b) Transfer legal custody to one of the following:
  - (1) A child placing agency; or*
  - (2) The county welfare board;**
- (c) If the child is in need of special treatment and care for his physical or mental health, the court may order the child's parent, guardian, or custodian to provide it. If the parent, guardian, or custodian fails to provide this treatment or care, the court may order it provided.*

*Subd. 2. All orders under this section shall be for a specified length of time set by the court not to exceed one year. However, before the order has expired and upon its own motion or that of any interested party, the court has continuing jurisdiction to renew the order or, after notice to the parties and a hearing, make some other disposition of the case, until the individual is no longer a minor. Any person to whom legal custody is transferred shall report to the court in writing at such periods as the court may direct.*

*Subd. 3. When the court transfers legal custody of a child to any licensed child placing agency or the county welfare board, it shall transmit with the order transferring legal custody a copy of its findings and a summary of its information concerning the child.*

**Sec. 30. [260.193] Juvenile traffic offender; procedures; dispositions.** *Subdivision 1. A child who violates a state or local traffic law, ordinance, or regulation, shall be adjudicated a "juvenile traffic offender" and shall not be adjudicated delinquent, unless the court finds as a further fact that the child is also delinquent within the meaning and purpose of the laws relating to juvenile courts.*

*Subd. 2* When a child is alleged to have violated any state or local traffic law, ordinance, or regulation, the peace officer making the charge shall file a signed copy of the notice to appear, as provided in Minnesota Statutes, Section 169.91, with the juvenile court of the county in which the violation occurred, and the notice to appear has the effect of a petition and gives the juvenile court jurisdiction.

*Subd. 3.* Before making a disposition of any child found to be a juvenile traffic offender, the court shall obtain from the department of highways information of any previous traffic violation by this juvenile.

*Subd. 4.* If after a hearing the court finds that the welfare of a juvenile traffic offender or the public safety would be better served under the laws controlling adult traffic violators, the court may transfer the case to any court of competent jurisdiction presided over by a salaried judge if there is one in the county. The juvenile court transfers the case by forwarding to the appropriate court the notice to appear issued by the peace officer together with an order to transfer. The court to which the case is transferred shall proceed with the case as if the jurisdiction of the juvenile court had never attached.

*Subd. 5.* If the juvenile court finds that the child is a juvenile traffic offender, it may make any one or more of the following dispositions of the case:

(a) Reprimand the child and counsel with the child and his parents;

(b) Continue the case for a reasonable period under such conditions governing the child's use and operation of any motor vehicles as the court may set;

(c) Require the child to attend a driver improvement school if one is available within the county;

(d) Recommend to the highway department suspension of the child's driver's license as provided in Minnesota Statutes, Section 171.16;

(e) If the child is found to have committed two moving violations or to have contributed to an accident involving death, injury, or physical damage in excess of \$100, the court may recommend to the commissioner of highways the cancellation of the child's license until he reaches the age of 18 years, and the commissioner is hereby authorized to cancel the license without hearing.

*Subd. 6. The juvenile court shall report the disposition of all juvenile traffic cases to the commissioner of highways, as provided in Minnesota Statutes, Section 171.16, on the standard form provided by the highway department under Minnesota Statutes, Section 169.95.*

*Subd. 7. The juvenile court records of juvenile traffic offenders shall be kept separately.*

**Sec. 31. [260.211] Effect of juvenile court proceedings.** *Subdivision 1. No adjudication upon the status of any child in the jurisdiction of the juvenile court shall operate to impose any of the civil disabilities imposed by conviction, nor shall any child be deemed a criminal by reason of this adjudication, nor shall this adjudication be deemed a conviction of crime. The disposition of the child or any evidence given by the child in the juvenile court shall not be admissible as evidence against the child in any case or proceeding in any other court, nor shall the disposition or evidence disqualify a child in any future civil service examination, appointment, or application.*

*Subd. 2. Nothing contained in this section shall be construed to relate to subsequent proceedings in juvenile court, nor shall preclude the juvenile court, under circumstances other than those specifically prohibited in subdivision 1, from disclosing information to qualified persons if the court considers such disclosure to be in the best interests of the child or of the administration of justice.*

**Sec. 32. [260.215] Juvenile court disposition bars criminal proceeding.** *Subdivision 1. A violation of a state or local law or ordinance by a child before becoming 18 years of age is not a crime unless the juvenile court refers the matter to the appropriate prosecuting authority in accordance with the provisions of section 16 or to a court in accordance with the provisions of section 30.*

*Subd. 2. Except for matters referred to the prosecuting authority under the provisions of section 16 or to a court in accordance with the provisions of section 30, any peace officer knowingly bringing charges against a child in a court other than a juvenile court for violating a state or local law or ordinance is guilty of a misdemeanor. This subdivision does not apply to complaints brought for the purposes of extradition.*

**Sec. 33. [260.221] Grounds for termination of parental rights.** *The juvenile court may, upon petition, terminate all rights of parents to a child in the following cases:*

(a) *With the written consent of parents who for good cause desire to terminate their parental rights; or*

(b) *If it finds that one or more of the following conditions exist:*

- (1) *That the parents have abandoned the child; or*
- (2) *That the parents have substantially and continuously or repeatedly refused to give the child necessary parental care and protection; or*
- (3) *That, although the parents are financially able, they have substantially and continuously neglected to provide the child with necessary subsistence, education, or other care necessary for his physical or mental health or morals or have neglected to pay for such subsistence, education or other care when legal custody is lodged with others; or*
- (4) *That the parents are unfit by reason of debauchery, intoxication or habitual use of narcotic drugs, or repeated lewd and lascivious behavior, or other conduct found by the court to be likely to be detrimental to the physical or mental health or morals of the child; or*
- (5) *That following upon a determination of neglect or dependency, reasonable efforts, under the direction of the court, have failed to correct the conditions leading to the determination.*

Sec. 34. [260.225] **Venue.** *Venue for proceedings for the termination of parental rights is either the county where the child resides or is found. However, if a court has made an order under the provisions of sections 28 or 29, and the order is in force at the time a petition for termination of parental rights is filed, the court making the order shall hear the termination of parental rights proceeding unless it transfers the proceeding in the manner provided in section 15, subdivision 2.*

Sec. 35. [260.231] **Procedures in terminating parental rights.** *Subdivision 1. Any reputable person, including but not limited to any agent of the commissioner of public welfare, having knowledge of circumstances which indicate that the rights of a parent to his child should be terminated, may petition the juvenile court in the manner provided in section 17, subdivisions 2 and 3.*

*Subd. 2.* The termination of parental rights under the provisions of section 33 shall be made only after a hearing before the court, in the manner provided in section 22.

*Subd. 3.* The court shall have notice of the time, place, and purpose of the hearing served on the parents in the manner provided in sections 18 and 19, except that personal service shall be made at least 10 days before the day of the hearing; published notice shall be made for three weeks, the last publication to be at least 10 days before the day of the hearing; and notice sent by certified mail shall be mailed at least 20 days before the day of the hearing. A parent who consents to the termination of parental rights under the provisions of section 33, clause (a), may waive in writing the notice required by this subdivision; however, if the parent is a minor or incompetent his waiver shall be effective only if his guardian *ad litem* concurs in writing.

*Subd. 4.* No parental rights of a minor or incompetent parent may be terminated on consent of the parents under the provisions of section 33, clause (a), unless the guardian *ad litem*, in writing, joins in the written consent of the parent to the termination of his parental rights.

**Sec. 36. [260.235] Disposition; parental rights not terminated; neglect, dependency.** *If, after a hearing, the court does not terminate parental rights but determines that conditions of neglect or dependency exist, the court may find the child neglected or dependent and may enter an order in accordance with the provisions of section 29.*

**Sec. 37. [260.241] Termination of parental rights; guardian.** *Subdivision 1. If, after a hearing, the court finds that one or more of the conditions set out in section 33 exist, it may terminate parental rights. If the court terminates parental rights of both parents, or of the mother if the child is illegitimate, or of the only living parent, the court shall order guardianship and legal custody of the child transferred to:*

(a) The commissioner of public welfare; or

(b) A licensed child placing agency; or

(c) A reputable individual of good moral character.

*Subd. 2.* The guardian appointed by a juvenile court under the provisions of this section has charge of the person of the child. This guardian has the right to make decisions affecting the person of the child, including but not limited to the right to consent to marriage, enlistment in the armed forces, to medical, surgical, or psychiatric treatment, and



*adoption. The guardian has legal custody of the child unless legal custody is given by the court to another person. If legal custody is given by the court to another person, the guardian has the right and responsibility of reasonable visitation, except as limited by court order. A juvenile court guardianship does not include the guardianship of any estate of the child.*

*Subd. 3. A certified copy of the findings and the order terminating parental rights, and a summary of the court's information concerning the child shall be furnished by the court to the commissioner or the agency to which guardianship is transferred. The orders shall be on a document separate from the findings. The court shall furnish the individual to whom guardianship is transferred a copy of the order terminating parental rights.*

**Sec. 38. [260.245] Change of guardian; termination of guardianship.** *Upon its own motion or upon petition of an interested party, the juvenile court having jurisdiction of the child may, after notice to the parties and a hearing, remove the guardian appointed by the juvenile court and appoint a new guardian in accordance with the provisions of section 37, subdivision 1 (a), (b), or (c). Any child 14 years of age or older who is not adopted but who is placed in a satisfactory foster home, may, with the consent of the foster parents, join with the guardian appointed by the juvenile court in a petition to the court having jurisdiction of the child to discharge the existing guardian and appoint the foster parents as guardians of the child. The authority of a guardian appointed by the juvenile court terminates when the individual under guardianship is no longer a minor.*

**Sec. 39. [260.251] Costs of care.** *Subdivision 1. Except where parental rights are terminated, whenever legal custody of a child is transferred by the court to a county welfare board, or when legal custody is transferred to a person other than the county welfare board, but under the supervision of the county welfare board, or whenever the child is placed by the court with someone other than its parents pursuant to section 26, clauses (a), (b), or (c), or whenever a minor is given physical or mental examinations or treatment under order of the court, and no provision is otherwise made by law for payment for the care, examination, or treatment of the minor, these costs are a charge upon the welfare funds of the county in which proceedings are held upon certification of the judge of juvenile court. The court may inquire into the ability of the parents to support the minor and, after giving the parents a reasonable opportunity to be heard, may order*

*the parents to pay, in the manner and to whom the court may direct, such sums as will cover in whole or in part the cost of care, examination, or treatment of the minor. If the parents fail to pay this sum without good reason, they may be proceeded against for contempt, or the court may inform the county attorney, who shall proceed against the parents to collect the unpaid sums, or both.*

*Subd. 2. Court expenses. The following expenses are a charge upon the county in which proceedings are held upon certification of the judge of juvenile court or upon such other authorization provided by law:*

- (a) The fees and mileage of witnesses, and the expenses and mileage of officers serving notices and subpoenas ordered by the court, as prescribed by law.*
- (b) The expenses for travel and board of the juvenile court judge when holding court in places other than the county seat.*
- (c) The expense of transporting a child to a place designated by a child placing agency for the care of the child if the court transfers legal custody to a child placing agency.*
- (d) The expense of transporting a minor to a place designated by the court.*
- (e) Reasonable compensation for an attorney appointed by the court to serve as counsel or guardian ad litem.*

*Subd. 3. Legal settlement. The county charged with the costs and expenses under subdivisions 1 and 2 may recover these costs and expenses from the county where the minor has legal settlement for poor relief purposes by filing verified claims which shall be payable as are other claims against the county. A detailed statement of the facts upon which the claim is based shall accompany the claim. If a dispute relating to poor relief settlement arises, the county welfare board of the county denying legal settlement shall send a detailed statement of the facts upon which the claim is denied together with a copy of the detailed statement of the facts upon which the claim is based to the commissioner of public welfare. The commissioner shall immediately investigate and determine the question of poor relief settlement and shall certify his findings to the county welfare board of each county. The decision of the commissioner is final and shall be complied*

*with unless, within 30 days thereafter, action is taken in district court as provided in Minnesota Statutes, Sections 261.08 and 261.09.*

**Sec. 40. [260.255] Jurisdiction over persons contributing to delinquency or neglect; court orders.** *Subdivision 1. The juvenile court has jurisdiction over persons contributing to the delinquency or neglect of a child under the provisions of subdivisions 2 or 3.*

*Subd. 2. If in the hearing of a case of a child alleged to be delinquent or neglected it appears by a fair preponderance of the evidence that any person has violated the provisions of Minnesota Statutes, Section 260.27, the court may make any of the following orders:*

- (a) Restrain the person from any further act or omission in violation of Minnesota Statutes, Section 260.27; or*
- (b) Prohibit the person from associating or communicating in any manner with the child; or*
- (c) Provide for the maintenance or care of the child, if the person is responsible for such, and direct when, how, and where money for such maintenance or care shall be paid.*

*Subd. 3. Before making any order under subdivision 2 the court shall issue an order to show cause, either upon its own motion or upon a verified petition, specifying the charges made against the person and fixing the time and place of the hearing. The order to show cause shall be served personally and shall be heard in the same manner as provided in other cases in the juvenile court.*

**Sec. 41. [260.261] Jurisdiction of certain juvenile courts over offense of contributing to delinquency or neglect.** *In counties having a population of over 100,000 the juvenile court has jurisdiction of the offenses described in the Minnesota Statutes, Section 260.27. Prosecutions hereunder shall be begun by complaint duly verified and filed in the juvenile court of the county. If the defendant is found guilty, the court may impose conditions upon him and, so long as he complies with these conditions to the satisfaction of the court, the sentence imposed may be suspended.*

**Sec. 42. [260.281] New evidence.** *A child whose status has been adjudicated by a juvenile court, or his parent, guardian, custodian or spouse may, at any time within 90 days*

*of the filing of the court's order, petition the court for a re-hearing on the ground that new evidence has been discovered affecting the advisability of the court's original adjudication or disposition. Upon a showing that such evidence does exist the court shall order a new hearing and make such disposition of the case as the facts and the best interests of the child warrant.*

**Sec. 43. [260.291] Appeal.** *Subdivision 1. An appeal may be taken to the supreme court by the aggrieved person from an order adjudging a child to be dependent, neglected, or delinquent, or from a final order affecting a substantial right of the aggrieved person. The appeal shall be taken within 30 days of the filing of the appealable order. The clerk of court shall notify the person having legal custody of the minor of the appeal. Failure to notify the person having legal custody of the minor shall not affect the jurisdiction of the appellate court. The order of the juvenile court shall stand, pending the determination of the appeal, but the supreme court may in its discretion and upon application stay the order.*

*Subd. 2. The appeal is taken in the manner in which appeals in civil actions are taken from the district court. The appeal may be taken upon*

- (a) The records of the juvenile court and a narrative statement of the facts certified by the judge; or*
- (b) A transcript of a stenographic record. A stenographic record may be taken at the original hearing at the expense of the requesting party, or upon order of the court, at the expense of the county.*

**Sec. 44. [260.301] Contempt.** *Any person knowingly interfering with an order of the juvenile court is in contempt of court.*

**Sec. 45.** *Minnesota Statutes 1957, Section 259.23, subdivision 1, is amended to read :*

**259.23. Juvenile court; jurisdiction.** *Subdivision 1. Venue. Except as provided in section 13, subdivision 2, the juvenile court shall have original jurisdiction in all adoption proceedings. The proper venue for an adoption proceeding shall be the county of the petitioner's residence.*

**Sec. 46.** *Minnesota Statutes 1957, Section 259.24, subdivision 1, is amended to read :*

**259.24** *Subdivision 1. No child shall be adopted with-*

out the consent of his parents and his guardian, if there be one, except in the following instances:

- (a) Consent shall not be required of the father of an illegitimate child.
- (b) Consent shall not be required of a parent who has abandoned the child, or of a parent who has lost custody of the child through a divorce decree, and upon whom notice has been served as required by section 259.26.
- (c) Consent shall not be required of a parent *whose parental rights to the child have been terminated by a juvenile court* or who has lost custody of a child through a final *commitment* of the juvenile court or through a decree in a prior adoption proceeding.
- (d) Consent shall not be required of a parent who has been adjudged insane or incompetent by a court of competent jurisdiction.
- (e) If there be no parent or guardian qualified to consent to the adoption, the consent may be given by the commissioner.
- (f) The director or agency having authority to place a child for adoption pursuant to section 259.25, subdivision 1, shall have the exclusive right to consent to the adoption of such child.

Sec. 47. Minnesota Statutes 1957, Section 259.26, subdivision 3, is amended to read:

Subd. 3. Where a child is adjudicated a dependent or neglected child and a court of competent jurisdiction has appointed a permanent guardian, *or where a juvenile court has appointed a guardian after terminating parental rights*, no notice of hearing need be given to the parents.

Sec. 48. Minnesota Statutes 1957, Section 259.27, is amended to read:

259.27 Upon the filing of a petition for adoption of a child the clerk of court shall immediately transmit a copy of the petition to the commissioner of public welfare. The commissioner shall verify the allegations of the petition, investigate the conditions and antecedents of the child for the purpose of ascertaining whether he is a proper subject for adoption, and make appropriate inquiry to ascertain whether the proposed foster home and the child are suited to each other.

The report of the county welfare board submitted to the commissioner of public welfare bearing on the suitability of the proposed foster home and the child to each other shall be confidential, and the records of the county welfare board or the contents thereof shall not be disclosed either directly or indirectly to any person other than the commissioner of public welfare or a judge of the court having jurisdiction of the matter. Within 90 days after the receipt of said copy of the petition the commissioner shall submit to the court a full report in writing with his recommendations as to the granting of the petition. If such report is not returned within the 90 days, without fault of petitioner, the court may hear the petition upon giving the commissioner five days notice by mail of the time and place of the hearing. If such report disapproves of the adoption of the child, the commissioner may recommend that the court dismiss the petition. No petition shall be granted until the child shall have lived six months in the proposed home, subject to a right of visitation by the commissioner or an agency or their authorized representatives. Such investigation and period of residence may be waived by the court when the petition for adoption is submitted by a step-parent or when, upon good cause being shown, the court is satisfied that the proposed foster home and the child are suited to each other, but in either event at least ten days notice of the hearing shall be given to the *commissioner* by registered mail. The reports of investigations shall be a part of the court files in the case, unless otherwise ordered by the court.

Sec. 49. Minnesota Statutes 1957, Section 259.28, is amended to read:

259.28 Upon the hearing,

(a) if the court shall find that it is in the best interests of the child that the petition be granted, a decree of adoption shall be made and recorded in the office of the clerk of court, ordering that henceforth the child shall be the child of the petitioner. In the decree the court may change the name of the child if desired. After the decree is granted the clerk of court shall immediately mail a copy of the recorded decree to the commissioner of public welfare;

(b) if the court is not satisfied that the proposed adoption is in the best interests of the child, the court shall deny the petition, and *shall* order the child returned to the custody of the person or agency legally vested with permanent custody or certify the case for appropriate action and disposition to the court having jurisdiction to determine the custody and guardianship of the child.

Sec. 50. Minnesota Statutes 1957, Section 259.32, is amended to read:

259.32 Any order, judgment, or decree of a court pursuant to the provisions of sections 259.21 to 259.32 may be appealed to the supreme court by any person against whom any such order, judgment, or decree is made or who is affected thereby as are appeals from said court in other matters.

Sec. 51. Minnesota Statutes 1957, Section 260.36, is amended to read:

260.36 When the commissioner of public welfare shall find that a child *transferred to his guardianship after parental rights to the child are terminated or that a child* committed to his guardianship as a dependent or neglected child is handicapped physically or whose mentality has not been satisfactorily determined or who is affected by habits, ailments, or handicaps that produce erratic and unstable conduct, and is not suitable or desirable for placement in a home for permanent care or adoption, the commissioner of public welfare shall make special provision for his care and treatment designed to fit him, if possible, for such placement or to become self-supporting. The facilities of the commissioner of public welfare and all state institutions, the Minnesota general hospital, and the child guidance clinic of its psychopathic department, as well as the facilities available through reputable clinics, private child-caring agencies, and foster boarding homes, accredited as provided by law, may be used as the particular needs of the child may demand. When it appears that the child is suitable for permanent placement or adoption, the commissioner of public welfare shall cause him to be placed as provided in section 260.35. If the commissioner of public welfare is satisfied that the child is feebleminded he may bring him before the probate court of the county where he is found or the county of his legal settlement for examination and commitment as provided by law.

Sec. 52. Minnesota Statutes 1957, Section 636.07, is amended to read:

636.07 Every sheriff or other person having charge of a minor under the age of 18 years, chargeable with any crime, shall provide a separate place of confinement for him, and under no circumstances place him with grown-up prisoners. Every minor while in confinement shall be provided with good reading matter, and his relatives and friends likely to exert a good influence over him shall at all reasonable times be permitted to visit him.

Sec. 53. **Repealer.** Minnesota Statutes 1957, Sections 260.01 to 260.04; 260.06 to 260.08, 260.10 to 260.26, 260.28 to 260.34, and 260.37 are hereby repealed.

Sec. 54. **Savings clause.** *All orders, decrees, and judgments made by a court under the provisions of any law repealed by section 53 are in effect until modified or revoked by a court of competent jurisdiction or by operation of law. Nothing in this act shall be construed to amend or modify any of the provisions of Laws 1955, Chapter 353, as amended by Laws 1957, Chapter 664. The provisions of this section are in addition to the provisions of Minnesota Statutes, Section 645.85.*

Sec. 55. **Effective date.** This act takes effect on July 1, 1959.

Approved April 24, 1959.

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CHAPTER 686—H. F. No. 1277

[Coded in Part]

*An act creating a municipal commission to hear petitions for the incorporation of villages, the annexation to municipalities of contiguous unincorporated and incorporated property, the detachment of property from a municipality, the appropriation of funds for the same, providing for the numbering thereof; amending Minnesota Statutes 1957, Sections 411.01, Subdivisions 1, 2, and 3; 412.013; 412.021, Subdivision 1; and repealing Minnesota Statutes 1957, Sections 340.11, Subdivision 15; 366.02 to 366.022; 368.01 to 368.12; 368.50 to 368.53; 368.61 to 368.84; 412.012; 412.041; 412.051; 412.071; 412.921; 413.03; 413.12; 413.13 to 413.137; 413.14 to 413.143; 413.15 to 413.26; 413.30 to 413.34.*

Be it enacted by the Legislature of the State of Minnesota:

**Section 1. [414.01] Creation of commission.** *A commission is hereby created to hear petitions for the incorporation of property into villages; the detachment of property from municipalities; and the annexation of property to municipalities. The term "municipalities" as used herein includes villages and cities of all classes.*

*The commission shall be composed of a chairman, vice-chairman, and secretary appointed by the governor. The chairman shall be learned in the law and shall have the powers and*