

Personal financial information, credit reports, financial statements, tax refund calculations, and net worth statements, received or prepared by the commissioner regarding any family farm security loans, are private data on individuals under chapter 13.

**Sec. 3. EFFECTIVE DATE.**

This act is effective the day following final enactment.

Approved April 26, 1988

**CHAPTER 673—S.F.No. 2275**

*An act relating to juveniles; eliminating statutory references to "dependency" and "neglect" and substituting the term "child in need of protection or services"; eliminating juvenile court jurisdiction over children who are "habitually disobedient"; transferring alleged truants and runaways to the court's protective services jurisdiction; transferring certain young alleged delinquents to the court's protective services jurisdiction; limiting the duration of the court's continuing jurisdiction over truants; expanding the court's dispositional authority in certain child protection cases; limiting the juvenile court's contempt authority over nondelinquents; amending Minnesota Statutes 1986, sections 242.19, subdivision 2; 260.011, subdivision 2; 260.015, subdivisions 21, 22, 23, and by adding a subdivision; 260.111, subdivisions 1, 3, and by adding a subdivision; 260.121, subdivisions 1 and 2; 260.131, subdivision 1; 260.132, subdivisions 1 and 3; 260.133, subdivision 2; 260.135, subdivisions 1 and 3; 260.155, subdivisions 4 and 4a; 260.171, subdivisions 1 and 4; 260.172, subdivision 1; 260.173, subdivision 3; 260.181, subdivision 4; 260.191, subdivisions 1, 4, and by adding a subdivision; 260.195; 260.235; 260.255; 260.291, subdivision 1; 260.301; 260.315; 260.35; 260.36; and 484.73, subdivision 2; and Minnesota Statutes 1987 Supplement, sections 260.155, subdivision 1; 260.156; and 260.221; repealing Minnesota Statutes 1986, sections 260.015, subdivisions 6 and 10; 260.103; and 260.194.*

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:**

Section 1. Minnesota Statutes 1986, section 242.19, subdivision 2, is amended to read:

Subd. 2. **DISPOSITIONS.** When a child has been committed to the commissioner of corrections by a juvenile court, upon a finding of delinquency, the commissioner may for the purposes of treatment and rehabilitation:

(a) order the child's confinement to the Minnesota correctional facility-Red Wing or the Minnesota correctional facility-Sauk Centre, which shall accept the child, or to a group foster home under the control of the commissioner of corrections, or to private facilities or facilities established by law or incorporated under the laws of this state that may care for delinquent children;

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(b) order the child's release on parole under such supervisions and conditions as the commissioner believes conducive to law-abiding conduct, treatment and rehabilitation;

(c) order reconfinement or renewed parole as often as the commissioner believes to be desirable;

(d) revoke or modify any order, except an order of discharge, as often as the commissioner believes to be desirable;

(e) discharge the child when the commissioner is satisfied that the child has been rehabilitated and that such discharge is consistent with the protection of the public;

(f) if the commissioner finds that the child is eligible for probation or parole and it appears from the commissioner's investigation that conditions in the child's or the guardian's home are not conducive to the child's treatment, rehabilitation, or law-abiding conduct, refer the child, together with the commissioner's findings, to a county welfare board or a licensed child placing agency for placement in a foster care or, when appropriate, for initiation of ~~dependency or neglect~~ child in need of protection or services proceedings as provided in sections 260.011 to 260.301. The commissioner of corrections shall reimburse county welfare boards for foster care costs they incur for the child while on probation or parole to the extent that funds for this purpose are made available to the commissioner by the legislature. The juvenile court shall order the parents of a child on probation or parole to pay the costs of foster care under section 260.251, subdivision 1, according to their ability to pay, and to the extent that the commissioner of corrections has not reimbursed the county welfare board.

Sec. 2. Minnesota Statutes 1986, section 260.011, subdivision 2, is amended to read:

Subd. 2. The purpose of the laws relating to juvenile courts is to secure for each child alleged or adjudicated ~~neglected or dependent~~ in need of protection or services and under the jurisdiction of the court, the care and guidance, preferably in the child's own home, as will serve the spiritual, emotional, mental, and physical welfare of the child and the best interests of the state; to provide judicial procedures which protect the welfare of the child; to preserve and strengthen the child's family ties whenever possible, removing the child from the custody of parents only when the child's welfare or safety cannot be adequately safeguarded without removal; and, when removal from the child's own family is necessary, to secure for the child custody, care and discipline as nearly as possible equivalent to that which should have been given by the parents.

The purpose of the laws relating to children alleged or adjudicated to be delinquent is to promote the public safety and reduce juvenile delinquency by maintaining the integrity of the substantive law prohibiting certain behavior and

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by developing individual responsibility for lawful behavior. This purpose should be pursued through means that are fair and just, that recognize the unique characteristics and needs of children, and that give children access to opportunities for personal and social growth.

The laws relating to juvenile courts shall be liberally construed to carry out these purposes.

Sec. 3. Minnesota Statutes 1986, section 260.015, is amended by adding a subdivision to read:

Subd. 2a. CHILD IN NEED OF PROTECTION OR SERVICES. "Child in need of protection or services" means a child who is in need of protection or services because the child:

(1) is abandoned or without parent, guardian, or custodian;

(2) has been a victim of physical or sexual abuse or resides with a victim of domestic child abuse as defined in subdivision 24;

(3) is without necessary food, clothing, shelter, education, or other required care for the child's physical or mental health or morals because the child's parent, guardian, or custodian is unable or unwilling to provide that care;

(4) is without the special care made necessary by a physical, mental, or emotional condition because the child's parent, guardian, or custodian is unable or unwilling to provide that care;

(5) is medically neglected, which includes, but is not limited to, the withholding of medically indicated treatment from a disabled infant with a life-threatening condition. The term "withholding of medically indicated treatment" means the failure to respond to the infant's life-threatening conditions by providing treatment, including appropriate nutrition, hydration, and medication which, in the treating physician's or physicians' reasonable medical judgment, will be most likely to be effective in ameliorating or correcting all conditions, except that the term does not include the failure to provide treatment other than appropriate nutrition, hydration, or medication to an infant when, in the treating physician's or physicians' reasonable medical judgment:

(i) the infant is chronically and irreversibly comatose;

(ii) the provision of the treatment would merely prolong dying, not be effective in ameliorating or correcting all of the infant's life-threatening conditions, or otherwise be futile in terms of the survival of the infant; or

(iii) the provision of the treatment would be virtually futile in terms of the survival of the infant and the treatment itself under the circumstances would be inhumane;

(6) is one whose parent, guardian, or other custodian for good cause desires to be relieved of the child's care and custody;

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(7) has been placed for adoption or care in violation of law;

(8) is without proper parental care because of the emotional, mental, or physical disability, or state of immaturity of the child's parent, guardian, or other custodian;

(9) is one whose occupation, behavior, condition, environment, or associations are such as to be injurious or dangerous to the child or others;

(10) has committed a delinquent act before becoming ten years old;

(11) is a runaway; or

(12) is an habitual truant.

Sec. 4. Minnesota Statutes 1986, section 260.015, subdivision 21, is amended to read:

Subd. 21. **JUVENILE PETTY OFFENDER; JUVENILE PETTY OFFENSE.** A "juvenile petty offense" ~~is~~ includes a juvenile alcohol offense, a juvenile controlled substance offense, a violation of section 609.685, or a violation of a local ordinance, other than a juvenile alcohol or controlled substance offense, which by its terms prohibits conduct by a child under the age of 18 years which would be lawful conduct if committed by an adult ~~or where a child is uncontrolled by a parent, guardian, or other custodian by reason of being wayward or habitually disobedient.~~ A child who commits a juvenile petty offense is a "juvenile petty offender."

Sec. 5. Minnesota Statutes 1986, section 260.015, subdivision 22, is amended to read:

Subd. 22. **JUVENILE ALCOHOL OFFENDER OFFENSE.** "Juvenile alcohol offender offense" means a ~~child who violates~~ violation by a child of any provision of section 340A.503 or an equivalent local ordinance.

Sec. 6. Minnesota Statutes 1986, section 260.015, subdivision 23, is amended to read:

Subd. 23. **JUVENILE CONTROLLED SUBSTANCE OFFENDER OFFENSE.** "Juvenile controlled substance offender offense" means a ~~child who violates~~ violation by a child of section 152.09, subdivision 1, clause (2), with respect to a small amount of marijuana or an equivalent local ordinance.

Sec. 7. Minnesota Statutes 1986, section 260.111, subdivision 1, is amended to read:

Subdivision 1. **CHILDREN WHO ARE DELINQUENT, ~~NEGLECTED,~~ DEPENDENT IN NEED OF PROTECTION OR SERVICES, OR NEGLECTED AND IN FOSTER CARE.** Except as provided in sections 260.125 and 260.193, the juvenile court has original and exclusive jurisdiction in proceedings concern-

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ing any child who is alleged to be delinquent, a juvenile traffic offender, a juvenile petty offender, ~~a habitual truant, a runaway, a juvenile alcohol or controlled substance offender, neglected in need of protection or services,~~ or neglected and in foster care, ~~or dependent,~~ and in proceedings concerning any minor alleged to have been a delinquent, a juvenile petty offender, ~~a habitual truant, a runaway, or a juvenile alcohol or controlled substance offender~~ or a juvenile traffic offender prior to having become 18 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 or a juvenile traffic offender.

Sec. 8. Minnesota Statutes 1986, section 260.111, subdivision 3, is amended to read:

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

Sec. 9. Minnesota Statutes 1986, section 260.111, is amended by adding a subdivision to read:

**Subd. 4. JURISDICTION OVER PARENTS AND GUARDIANS.** A parent, guardian, or custodian of a child who is subject to the jurisdiction of the court is also subject to the jurisdiction of the court in any matter in which that parent, guardian, or custodian has a right to notice under section 260.135 or 260.141, or the right to participate under section 260.155. In any proceeding concerning a child alleged to be in need of protection or services, the court has jurisdiction over a parent, guardian, or custodian for the purposes of a disposition order issued under section 28.

Sec. 10. Minnesota Statutes 1986, section 260.121, subdivision 1, is amended to read:

Subdivision 1. **VENUE.** Except where otherwise provided, venue for any proceedings under section 260.111 shall be in the county where the child is found, or the county of the child's residence. When it is alleged that a child is neglected in need of protection or services, venue may be in the county where the child is found, in the county of residence, or in the county where the alleged neglect conditions causing the child's need for protection or services occurred. If delinquency, ~~habitual truancy, running away,~~ a juvenile petty offense, ~~a juvenile alcohol or controlled substance offense,~~ or a juvenile traffic offense is alleged, proceedings shall be brought in the county of residence or the county where the alleged delinquency, ~~habitual truancy, running away,~~ juvenile petty offense, ~~juvenile alcohol or controlled substance offense~~ or juvenile traffic offense occurred.

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Sec. 11. Minnesota Statutes 1986, section 260.121, subdivision 2, is amended to read:

Subd. 2. **TRANSFER.** The judge of the juvenile court may transfer any proceedings brought under section 260.111, 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, ~~habitual truancy, running away,~~ a juvenile petty offense, ~~juvenile alcohol or controlled substance offense~~ or a juvenile traffic offense is alleged, to the county where the alleged delinquency, ~~habitual truancy, running away,~~ juvenile petty offense, ~~juvenile alcohol or controlled substance offense~~ or juvenile traffic offense occurred. The court transfers the case by ordering a continuance and by forwarding to the court administrator 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 may direct the filing of a new petition or notice under section 260.015, subdivision 23, or 260.132 and hear the case anew.

Sec. 12. Minnesota Statutes 1986, section 260.131, subdivision 1, is amended to read:

Subdivision 1. Any reputable person, including but not limited to any agent of the commissioner of human services, having knowledge of a child in this state or of a child who is a resident of this state, who appears to be delinquent, ~~neglected, dependent in need of protection or services,~~ or neglected and in foster care, may petition the juvenile court in the manner provided in this section.

Sec. 13. Minnesota Statutes 1986, section 260.132, subdivision 1, is amended to read:

Subdivision 1. **NOTICE.** When a peace officer, or attendance officer in the case of a habitual truant, has probable cause to believe that a child is ~~a runaway,~~ a habitual truant in need of protection or services under section 3, clause (11) or (12), or a juvenile petty offender, the officer may issue a notice to the child to appear in juvenile court in the county in which the child is found or in the county of the child's residence or, in the case of a juvenile petty offense, the county in which the offense was committed. The officer shall file a copy of the notice to appear with the juvenile court of the appropriate county. If a child fails to appear in response to the notice, the court may issue a summons notifying the child of the nature of the offense alleged and the time and place set for the hearing. If the peace officer finds it necessary to take the child into custody, sections 260.165 and 260.171 shall apply.

Sec. 14. Minnesota Statutes 1986, section 260.132, subdivision 3, is amended to read:

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Subd. 3. **NOTICE TO PARENT.** Whenever a notice to appear or petition is filed alleging that a child is a ~~runaway~~, a ~~habitual truant~~ in need of protection or services under section 3, clause (11) or (12), or a juvenile petty offender, the court shall summon and notify the person or persons having custody or control of the child of the nature of the offense alleged and the time and place of hearing. This summons and notice shall be served in the time and manner provided in section 260.135, subdivision 1.

Sec. 15. Minnesota Statutes 1986, section 260.133, subdivision 2, is amended to read:

Subd. 2. **TEMPORARY ORDER.** If it appears from the notarized petition or by sworn affidavit that there are reasonable grounds to believe the child is in immediate and present danger of domestic child abuse, the court may grant an ex parte temporary order for protection, pending a full hearing. The court may grant relief as it deems proper, including an order:

- (1) restraining any party from committing acts of domestic child abuse; or
- (2) excluding the alleged abusing party from the dwelling which the family or household members share or from the residence of the child.

However, no order excluding the alleged abusing party from the dwelling may be issued unless the court finds that:

- (1) the order is in the best interests of the child or children remaining in the dwelling; and
- (2) a remaining adult family or household member is able to care adequately for the child or children in the absence of the excluded party.

Before the temporary order is issued, the local welfare agency shall advise the court and the other parties who are present that appropriate social services will be provided to the family or household members during the effective period of the order.

An ex parte temporary order for protection shall be effective for a fixed period not to exceed 14 days. Within five days of the issuance of the temporary order, the petitioner shall file a ~~dependency and neglect~~ petition with the court pursuant to section 260.131, alleging that the child is in need of protection or services and the court shall give docket priority to the petition.

The court may renew the temporary order for protection one time for a fixed period not to exceed 14 days if a ~~dependency and neglect~~ petition alleging that the child is in need of protection or services has been filed with the court and if the court determines, upon informal review of the case file, that the renewal is appropriate.

Sec. 16. Minnesota Statutes 1986, section 260.135, subdivision 1, is amended to read:

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Subdivision 1. After a petition has been filed and unless the parties herein-after 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 child to appear with the child before the court at a time and place stated. The summons shall have a copy of the petition attached, and shall advise the parties of the right to counsel and of the consequences of failure to obey the summons. The court shall give docket priority to any ~~dependency~~; ~~neglect~~ child in need of protection or services, neglected and in foster care, or delinquency petition that contains allegations of child abuse over any other case except those delinquency matters where a child is being held in a secure detention facility. As used in this subdivision, "child abuse" has the meaning given it in section 630.36, subdivision 2.

Sec. 17. Minnesota Statutes 1986, section 260.135, subdivision 3, is amended to read:

Subd. 3. If a petition alleging ~~neglect, or dependency~~ a child's need for protection or services, or a petition to terminate parental rights is initiated by a person other than a representative of the department of human services or county welfare board, the court administrator shall notify the county welfare board of the pendency of the case and of the time and place appointed.

Sec. 18. Minnesota Statutes 1987 Supplement, section 260.155, subdivision 1, is amended to read:

Subdivision 1. **GENERAL.** Except for hearings arising under section 260.261, hearings on any matter shall be without a jury and may be conducted in an informal manner. The rules of evidence promulgated pursuant to section 480.0591 and the law of evidence shall apply in adjudicatory proceedings involving a child alleged to be delinquent, ~~a habitual truant, a runaway in need of protection or services under section 3, clause (11) or (12), or a juvenile petty offender, or a juvenile alcohol or controlled substance offender~~, and hearings conducted pursuant to section 260.125 except to the extent that the rules themselves provide that they do not apply. Hearings may be continued or adjourned from time to time and, in the interim, the court may make any orders as it deems in the best interests of the minor in accordance with the provisions of sections 260.011 to 260.301. 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; except that, the court shall open the hearings to the public in delinquency proceedings where the child is alleged to have committed an offense or has been proven to have committed an offense that would be a felony if committed by an adult and the child was at least 16 years of age at the time of the ~~hearing~~ offense. In all delinquency cases a person named in the charging clause of the petition as a person directly damaged in person or property shall be entitled, upon request, to be notified by the court administrator in writing, at the named person's last known address, of (1) the date of the reference or adjudicatory hearings, and (2) the disposition of the case. Adoption hearings shall be conducted in accordance with the provisions of laws relating to adoptions.

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Sec. 19. Minnesota Statutes 1986, section 260.155, subdivision 4, is amended to read:

Subd. 4. **GUARDIAN AD LITEM.** (a) 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 the minor's parent is a minor or incompetent, or that the parent or guardian is indifferent or hostile to the minor's interests, and in every proceeding ~~alleging neglect or dependency~~ a child's need for protection or services under section 3, clauses (1) to (10). 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.

(b) The court may waive the appointment of a guardian ad litem pursuant to clause (a), whenever counsel has been appointed pursuant to subdivision 2 or is retained otherwise, and the court is satisfied that the interests of the minor are protected.

(c) In appointing a guardian ad litem pursuant to clause (a), the court shall not appoint the party, or any agent or employee thereof, filing a petition pursuant to section 260.131.

Sec. 20. Minnesota Statutes 1986, section 260.155, subdivision 4a, is amended to read:

Subd. 4a. **EXAMINATION OF CHILD.** In any ~~dependency, neglect,~~ child in need of protection or services proceeding or neglected and in foster care proceeding the court may, on its own motion or the motion of any party, take the testimony of a child witness informally when it is in the child's best interests to do so. Informal procedures that may be used by the court include taking the testimony of a child witness outside the courtroom. The court may also require counsel for any party to the proceeding to submit questions to the court before the child's testimony is taken, and to submit additional questions to the court for the witness after questioning has been completed. The court may excuse the presence of the child's parent, guardian, or custodian from the room where the child is questioned in accordance with subdivision 5.

Sec. 21. Minnesota Statutes 1987 Supplement, section 260.156, is amended to read:

**260.156 CERTAIN OUT-OF-COURT STATEMENTS ADMISSIBLE.**

An out-of-court statement made by a child under the age of ten years, or a child ten years of age or older who is mentally impaired, as defined under section 609.341, subdivision 6, alleging, explaining, denying, or describing any act of sexual contact or penetration performed with or on the child or any act of physical abuse or neglect of the child by another, not otherwise admissible by

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statute or rule of evidence, is admissible in evidence in any ~~dependency, neglect~~ child in need of protection or services, neglected and in foster care, or domestic child abuse proceeding or any proceeding for termination of parental rights if:

(a) the court finds that the time, content, and circumstances of the statement and the reliability of the person to whom the statement is made provide sufficient indicia of reliability; and

(b) the proponent of the statement notifies other parties of an intent to offer the statement and the particulars of the statement sufficiently in advance of the proceeding at which the proponent intends to offer the statement into evidence, to provide the parties with a fair opportunity to meet the statement.

For purposes of this section, an out-of-court statement includes a video, audio, or other recorded statement.

Sec. 22. Minnesota Statutes 1986, section 260.171, subdivision 1, is amended to read:

Subdivision 1. If a child is taken into custody as provided in section 260.165, the parent, guardian, or custodian of the child shall be notified as soon as possible. Unless there is reason to believe that the child would endanger self or others, not return for a court hearing, run away from the child's parent, guardian, or custodian or otherwise not remain in the care or control of the person to whose lawful custody the child is released, or that the child's health or welfare would be immediately endangered, the child shall be released to the custody of a parent, guardian, custodian, or other suitable person. That person shall promise to bring the child to the court, if necessary, at the time the court may direct. If the person taking the child into custody believes it desirable, that person 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. The intentional violation of such a promise, whether given orally or in writing, shall be punishable as contempt of court.

The court may require the parent, guardian, custodian or other person to whom the child is released, to post any reasonable bail or bond required by the court which shall be forfeited to the court if the child does not appear as directed. The court may also release the child on the child's own promise to appear in juvenile court.

Sec. 23. Minnesota Statutes 1986, section 260.171, subdivision 4, is amended to read:

Subd. 4. If the person who has taken the child into custody determines that the child should be placed in a secure detention facility or a shelter care facility, that person shall advise the child and as soon as is possible, the child's parent, guardian, or custodian:

(a) of the reasons why the child has been taken into custody and why the child is being placed in a secure detention facility or a shelter care facility; and

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(b) of the location of the secure detention facility or shelter care facility. If there is reason to believe that disclosure of the location of the shelter care facility would place the child's health and welfare in immediate endangerment, disclosure of the location of the shelter care facility shall not be made; and

(c) that the child's parent, guardian, or custodian and attorney or guardian ad litem may make an initial visit to the secure detention facility or shelter care facility at any time. Subsequent visits by a parent, guardian, or custodian may be made on a reasonable basis during visiting hours and by the child's attorney or guardian ad litem at reasonable hours; and

(d) that the child may telephone parents and an attorney or guardian ad litem from the secure detention facility or shelter care facility immediately after being admitted to the facility and thereafter on a reasonable basis to be determined by the director of the facility; and

(e) that the child may not be detained for acts as defined in section 260.015, subdivision 5, at a secure detention facility or shelter care facility longer than 36 hours, excluding Saturdays, Sundays and holidays, unless a petition has been filed within that time and the court orders the child's continued detention, pursuant to section 260.172; and

(f) that the child may not be detained pursuant to section 260.165, subdivision 1, clause (a) or (c)(2), at a shelter care facility longer than 72 hours, excluding Saturdays, Sundays and holidays, unless a petition has been filed within that time and the court orders the child's continued detention, pursuant to section 260.172; and

(g) of the date, time, and place of the detention hearing; and

(h) that the child and the child's parent, guardian, or custodian have the right to be present and to be represented by counsel at the detention hearing, and that if they cannot afford counsel, counsel will be appointed at public expense for the child, if it is a delinquency matter, or for any party, if it is a ~~dependency, neglect~~ child in need of protection or services, neglected and in foster care, or termination of parental rights matter.

Sec. 24. Minnesota Statutes 1986, section 260.172, subdivision 1, is amended to read:

Subdivision 1. Except a child taken into custody pursuant to section 260.165, subdivision 1, clause (a) or (c)(2), a hearing shall be held within 36 hours of a child's being taken into custody, excluding Saturdays, Sundays and holidays, to determine whether the child should continue in detention. Within 72 hours of a child being taken into custody pursuant to section 260.165, subdivision 1, clause (a) or (c)(2), excluding Saturdays, Sundays and holidays, a hearing shall be held to determine whether the child should continue in custody. Unless there is reason to believe that the child would endanger self or others, not return for a court hearing, run away from the child's parent, guardian, or custodian or

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otherwise not remain in the care or control of the person to whose lawful custody the child is released, or that the child's health or welfare would be immediately endangered, the child shall be released to the custody of a parent, guardian, custodian or other suitable person.

Sec. 25. Minnesota Statutes 1986, section 260.173, subdivision 3, is amended to read:

Subd. 3. **PLACEMENT.** If the child had been taken into custody and detained as one who is alleged to be delinquent, ~~a habitual truant, a runaway in need of protection or services under section 3, clause (11) or (12), or a juvenile petty offender, or a juvenile alcohol or controlled substance offender~~ by reason of:

(a) Having committed an offense which would not constitute a violation of a state law or local ordinance if the child were an adult; or

(b) Having been previously adjudicated delinquent, ~~habitually truant, a runaway in need of protection or services under section 3, clause (11) or (12), or a juvenile petty offender, or a juvenile alcohol or controlled substance offender,~~ or conditionally released by the juvenile court without adjudication, has violated probation, parole, or other field supervision under which the child had been placed as a result of behavior described in this subdivision; the child may be placed only in a shelter care facility.

Sec. 26. Minnesota Statutes 1986, section 260.181, subdivision 4, is amended to read:

Subd. 4. **TERMINATION OF JURISDICTION.** The court may dismiss the petition or otherwise terminate its jurisdiction on its own motion or on the motion or petition of any interested party at any time. Unless terminated by the court, and except as otherwise provided in this subdivision, the jurisdiction of the court shall continue until the individual becomes 19 years of age if the court determines it is in the best interest of the individual to do so. Court jurisdiction under section 3, clause (12), may not continue past the child's 17th birthday.

Sec. 27. Minnesota Statutes 1986, section 260.191, subdivision 1, is amended to read:

Subdivision 1. **DISPOSITIONS.** (a) If the court finds that the child is ~~neglected, dependent, in need of protection or services~~ or neglected and in foster care, it shall enter an order making any of the following dispositions of the case:

(~~a~~) (1) place the child under the protective supervision of the county welfare board or child placing agency in the child's own home under conditions prescribed by the court directed to the correction of the ~~neglect or dependency of the child~~ child's need for protection or services;

(~~b~~) (2) transfer legal custody to one of the following:

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- (1) (i) a child placing agency; or  
 (2) (ii) the county welfare board.

In placing a child whose custody has been transferred under this paragraph, the agency and board shall follow the order of preference stated in section 260.181, subdivision 3;

(e) (3) if the child is in need of special treatment and care for reasons of 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. If the court's order for mental health treatment is based on a diagnosis made by a treatment professional, the court may order that the diagnosing professional not provide the treatment to the child if it finds that such an order is in the child's best interests; or

(4) if the court believes that the child has sufficient maturity and judgment and that it is in the best interests of the child, the court may order a child 16 years old or older to be allowed to live independently, either alone or with others as approved by the court under supervision the court considers appropriate, if the county board, after consultation with the court, has specifically authorized this dispositional alternative for a child.

(b) if the child was adjudicated in need of protection or services because the child is a runaway or habitual truant, the court may order any of the following dispositions in addition to or as alternatives to the dispositions authorized under paragraph (a):

(1) counsel the child or the child's parents, guardian, or custodian;

(2) place the child under the supervision of a probation officer or other suitable person in the child's own home under conditions prescribed by the court, including reasonable rules for the child's conduct and the conduct of the parents, guardian, or custodian, designed for the physical, mental, and moral well-being and behavior of the child; or with the consent of the commissioner of corrections, place the child in a group foster care facility which is under the commissioner's management and supervision;

(3) subject to the court's supervision, transfer legal custody of the child to one of the following:

(i) a reputable person of good moral character. No person may receive custody of two or more unrelated children unless licensed to operate a residential program under sections 245A.01 to 245A.16; or

(ii) a county probation officer for placement in a group foster home established under the direction of the juvenile court and licensed pursuant to section 241.021;

(4) require the child to pay a fine of up to \$100. The court shall order payment of the fine in a manner that will not impose undue financial hardship upon the child;

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(5) require the child to participate in a community service project;

(6) order the child to undergo a chemical dependency evaluation and, if warranted by the evaluation, order participation by the child in a drug awareness program or an inpatient or outpatient chemical dependency treatment program;

(7) if the court believes that it is in the best interests of the child and of public safety that the child's driver's license be canceled, the court may recommend to the commissioner of public safety that the child's license be canceled for any period up to the child's 18th birthday. The commissioner is authorized to cancel the license without a hearing. At any time before the expiration of the period of cancellation, the court may, for good cause, recommend to the commissioner of public safety that the child be authorized to apply for a new license, and the commissioner may so authorize; or

(8) require the child to perform any other activities or participate in any other treatment programs deemed appropriate by the court.

Sec. 28. Minnesota Statutes 1986, section 260.191, is amended by adding a subdivision to read:

Subd. 1e. CASE PLAN. For each disposition ordered, the court shall order the appropriate agency to prepare a written case plan developed after consultation with and participation by the child and the child's parent, guardian, or custodian. The case plan shall comply with the requirements of section 257.071, where applicable. The case plan shall, among other matters, specify the actions to be taken by the child and the child's parent, guardian, or custodian to comply with the court's disposition order, and the services to be offered and provided by the agency to the child and the child's parent, guardian, or custodian. The court shall review the case plan and, upon approving it, incorporate the plan into its disposition order. The court may review and modify the terms of the case plan in the manner provided in subdivision 2.

Sec. 29. Minnesota Statutes 1986, section 260.191, subdivision 4, is amended to read:

Subd. 4. When it is in the best interests of the child or the child's parents to do so and when either the allegations contained in the petition have been admitted, or when a hearing has been held as provided in section 260.155 and the allegations contained in the petition have been duly proven, before a finding of ~~neglect or dependency need for protection or services~~ or a finding that a child is neglected and in foster care has been entered the court may continue the case for a period not to exceed 90 days on any one order. Such a continuance may be extended for one additional successive period not to exceed 90 days and only after the court has reviewed the case and entered its order for an additional continuance without a finding that the child is ~~neglected, dependent, in need of protection or services~~ or neglected and in foster care. During this continuance the court may enter any order otherwise permitted under the provisions of this section.

New language is indicated by underline, deletions by ~~strikeout~~.

Sec. 30. Minnesota Statutes 1986, section 260.195, is amended to read:

**260.195 JUVENILE ALCOHOL OR CONTROLLED SUBSTANCE OFFENDER PETTY OFFENDERS; PROCEDURES; DISPOSITIONS.**

Subdivision 1. **ADJUDICATION.** A petty offender who has committed a juvenile alcohol or controlled substance offense shall be adjudicated a "~~juvenile alcohol petty offender or juvenile controlled substance offender~~," and shall not be adjudicated delinquent, unless, as in the case of any other child alleged to be delinquent, a petition is filed in the manner provided in section 260.131, summons issued, notice given, a hearing held, and the court finds as a further fact that the child is also delinquent within the meaning and purpose of the laws related to juvenile courts.

Subd. 2. **PROCEDURE.** When a peace officer has probable cause to believe that a child is a ~~juvenile alcohol or controlled substance~~ petty offender, the officer may issue a notice to the child to appear in juvenile court in the county in which the alleged violation occurred. The officer shall file a copy of the notice to appear with the juvenile court of the county in which the alleged violation occurred. Filing with the court a notice to appear containing the name and address of the child who is alleged to be a ~~juvenile alcohol or controlled substance~~ petty offender, specifying the offense charged, and the time and place of the alleged violation has the effect of a petition giving the juvenile court jurisdiction. Any reputable person having knowledge that a child is a ~~juvenile alcohol or controlled substance~~ petty offender may petition the juvenile court in the manner provided in section 260.131. Whenever a notice to appear or petition is filed alleging that a child is a ~~juvenile alcohol or controlled substance~~ petty offender, the court shall summon and notify the person or persons having custody or control of the child of the nature of the offense charged and the time and place of hearing. This summons and notice shall be served in the time and manner provided in section 260.135, subdivision 1. If a child fails to appear in response to the notice provided by this subdivision, the court may issue a summons notifying the child of the nature of the offense alleged and the time and place set for the hearing. If the peace officer finds it necessary to take the child into custody, sections 260.165 and 260.171 shall apply.

Subd. 3. **DISPOSITIONS.** If the juvenile court finds that a child is a ~~juvenile alcohol or controlled substance~~ petty offender, the court may require the child to:

- (a) Pay a fine of up to \$100;
- (b) Participate in a community service project;
- (c) Participate in a drug awareness program; or
- (d) Order the child to undergo a chemical dependency evaluation and if warranted by this evaluation, order participation by the child in an inpatient or outpatient chemical dependency treatment program; or

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(e) Perform any other activities or participate in any other treatment programs deemed appropriate by the court.

In all cases where the juvenile court finds that a child has purchased or attempted to purchase an alcoholic beverage in violation of section 340.731, if the child has a driver's license or permit to drive, and if the child used a driver's license or permit to purchase or attempt to purchase the alcoholic beverage, the court shall forward its finding in the case and the child's driver's license or permit to the commissioner of public safety. Upon receipt, the commissioner shall revoke the child's license or permit for a period of 30 days.

None of the dispositional alternatives described in clauses (a) to (e) shall be imposed by the court in a manner which would cause an undue hardship upon the child.

Subd. 4. **ALTERNATIVE DISPOSITION.** In addition to dispositional alternatives authorized by subdivision 3, in the case of a third or subsequent finding by the court pursuant to an admission in court or after trial that a child ~~is~~ has committed a juvenile alcohol or controlled substance ~~offender offense~~, the juvenile court shall order a chemical dependency evaluation of the child and if warranted by the evaluation, the court may order participation by the child in an inpatient or outpatient chemical dependency treatment program, or any other treatment deemed appropriate by the court.

Subd. 5. **FINDINGS REQUIRED.** Any order for disposition authorized by this section shall contain written findings of fact to support the disposition ordered, and shall also set forth in writing the following information:

(a) Why the best interests of the child are served by the disposition ordered; and

(b) What alternative dispositions were considered by the court and why they were not appropriate in the instant case.

Subd. 6. **REPORT.** The juvenile court shall report to the office of state court administrator each disposition made under this section and sections 260.185, 260.191, and 260.192, ~~and 260.194~~ where placement is made outside of this state's jurisdictional boundaries. Each report shall contain information as to date of placement, length of anticipated placement, program costs, reasons for out of state placement, and any other information as the office requires to determine the number of out of state placements, the reasons for these placements, and the costs involved. The report shall not contain the name of the child. Any information contained in the reports relating to factors identifying a particular child is confidential and may be disclosed only by order of the juvenile court. Any person violating this subdivision as to release of this confidential information is guilty of a misdemeanor.

Subd. 7. **EXPUNGEMENT.** The court may expunge the adjudication of a child as a ~~juvenile alcohol or controlled substance~~ petty offender at any time it deems advisable.

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Sec. 31. Minnesota Statutes 1987 Supplement, section 260.221, is amended to read:

**260.221 GROUNDS FOR TERMINATION OF PARENTAL RIGHTS.**

The juvenile court may, upon petition, terminate all rights of a parent to a child in the following cases:

(a) With the written consent of a parent who for good cause desires to terminate parental rights; or

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

(1) That the parent has abandoned the child; or

(2) That the parent has substantially, continuously, or repeatedly refused or neglected to comply with the duties imposed upon that parent by the parent and child relationship, including but not limited to providing the child with necessary food, clothing, shelter, education, and other care and control necessary for the child's physical, mental, or emotional health and development, if the parent is physically and financially able; or

(3) That a parent has been ordered to contribute to the support of the child or financially aid in the child's birth and has continuously failed to do so without good cause. This clause shall not be construed to state a grounds for termination of parental rights of a noncustodial parent if that parent has not been ordered to or cannot financially contribute to the support of the child or aid in the child's birth; or

(4) That a parent is palpably unfit to be a party to the parent and child relationship because of a consistent pattern of specific conduct before the child or of specific conditions directly relating to the parent and child relationship either of which are determined by the court to be permanently detrimental to the physical or mental health of the child; or

(5) That following upon a determination of ~~neglect or dependency~~ a child's need for protection or services, reasonable efforts, under the direction of the court, have failed to correct the conditions leading to the determination; or

(6) That in the case of a child born to a mother who was not married to the child's father when the child was conceived nor when the child was born the person is not entitled to notice of an adoption hearing under section 259.26 and either the person has not filed a notice of intent to retain parental rights under section 259.261 or that the notice has been successfully challenged; or

(7) That the child is neglected and in foster care.

For purposes of clause (a), an adoptive parent may not terminate parental rights to an adopted child for a reason that would not apply to a birth parent seeking termination of parental rights to a child under clause (a).

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Sec. 32. Minnesota Statutes 1986, section 260.235, is amended to read:

**260.235 DISPOSITION; PARENTAL RIGHTS NOT TERMINATED.**

If, after a hearing, the court does not terminate parental rights but determines that ~~conditions of neglect or dependency exist~~ the child is in need of protection or services, or that the child is neglected and in foster care, the court may find the child ~~neglected, dependent, is in need of protection or services~~ or neglected and in foster care and may enter an order in accordance with the provisions of section 260.191.

Sec. 33. Minnesota Statutes 1986, section 260.255, is amended to read:

**260.255 JURISDICTION OVER PERSONS CONTRIBUTING TO DELINQUENCY OR ~~NEGLECT~~ NEED FOR PROTECTION OR SERVICES; COURT ORDERS.**

Subdivision 1. The juvenile court has jurisdiction over persons contributing to the delinquency or ~~neglect~~ need for protection or services of a child under the provisions of subdivision 2 or 3.

Subd. 2. If in the hearing of a case of a child alleged to be delinquent or ~~neglected~~ in need of protection or services it appears by a fair preponderance of the evidence that any person has violated the provisions of section 260.315, the court may make any of the following orders:

(a) Restrain the person from any further act or omission in violation of section 260.315; 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. 34. Minnesota Statutes 1986, section 260.291, subdivision 1, is amended to read:

Subdivision 1. **PERSONS ENTITLED TO APPEAL; PROCEDURE.** An appeal may be taken by the aggrieved person from a final order affecting a substantial right of the aggrieved person, including but not limited to an order adjudging a child to be ~~dependent, neglected~~ in need of protection or services, neglected and in foster care, delinquent, or a juvenile traffic offender. The

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appeal shall be taken within 30 days of the filing of the appealable order. The court administrator 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 reviewing court may in its discretion and upon application stay the order.

Sec. 35. Minnesota Statutes 1986, section 260.301, is amended to read:

**260.301 CONTEMPT.**

Any person knowingly interfering with an order of the juvenile court is in contempt of court. However, a child who is under the continuing jurisdiction of the court for reasons other than delinquency may not be adjudicated as a delinquent solely on the basis of having knowingly interfered with or disobeyed an order of the court.

Sec. 36. Minnesota Statutes 1986, section 260.315, is amended to read:

**260.315 CONTRIBUTING TO NEGLECT NEED FOR PROTECTION OR SERVICES OR DELINQUENCY.**

Any person who by act, word or omission encourages, causes or contributes to the neglect need for protection or services or delinquency of a child, or to a child's status as a ~~habitual truant, runaway, juvenile petty offender, juvenile alcohol offender, or juvenile controlled substance offender,~~ is guilty of a misdemeanor.

Sec. 37. Minnesota Statutes 1986, section 260.35, is amended to read:

**260.35 TESTS, EXAMINATIONS.**

Thereafter it shall be the duty of the commissioner of human services through the bureau of child welfare and county welfare boards to arrange for such tests, examinations, and investigations as are necessary for the proper diagnosis, classification, treatment, care and disposition of the child as necessity and the best interests of the child shall from time to time require. When it appears that a ~~dependent or neglected~~ child found to be in need of protection or services is sound of mind, free from disease, and suitable for placement in a foster home for care or adoption, the commissioner may so place the child or delegate such duties to a child-placing agency accredited as provided by law, or authorize the child's care in the county by and under the supervision of the county welfare board.

Sec. 38. Minnesota Statutes 1986, section 260.36, is amended to read:

**260.36 SPECIAL PROVISIONS IN CERTAIN CASES.**

When the commissioner of human services shall find that a child transferred to the commissioner's guardianship after parental rights to the child are termi-

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nated or that a child committed to the commissioner's guardianship as a ~~dependent or neglected~~ child in need of protection or services 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 human services shall make special provision for the child's care and treatment designed to the child, if possible, for such placement or to become self-supporting. The facilities of the commissioner of human services and all state treatment facilities, 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 human services shall cause the child to be placed as provided in section 260.35. If the commissioner of human services is satisfied that the child is mentally retarded the commissioner may bring the child before the probate court of the county where the child is found or the county of the child's legal settlement for examination and commitment as provided by law.

Sec. 39. Minnesota Statutes 1986, section 484.73, subdivision 2, is amended to read:

Subd. 2. **EXCLUSIONS.** Judicial arbitration may not be used to dispose of matters relating to guardianship, conservatorship, or civil commitment, matters within the juvenile court jurisdiction involving ~~neglect, dependency, children in~~ need of protection or services or delinquency, matters involving termination of parental rights under sections 260.221 to 260.245, or matters arising under sections 518B.01, 626.557, or 144.651 to 144.652.

Sec. 40. **REPEALER.**

Minnesota Statutes 1986, sections 260.015, subdivisions 6 and 10; 260.103; and 260.194, are repealed.

Approved April 26, 1988

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#### CHAPTER 674—S.F.No. 2473

*An act relating to workers' compensation; regulating self-insurance; establishing a self-insurer guaranty fund; prescribing a penalty; amending Minnesota Statutes 1986, sections 176.181, subdivision 2; 176.183, subdivision 3; Minnesota Statutes 1987 Supplement, section 176.183, subdivision 2; proposing coding for new law as Minnesota Statutes, chapter 79B; repealing Minnesota Statutes 1987 Supplement, sections 60A.101; and 176.183, subdivision 1a.*

New language is indicated by underline, deletions by ~~strikeout~~.