

## CHAPTER 260

## JUVENILES

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## GENERAL PROVISIONS

260.01 [Repealed, 1959 c 685 s 53]

260.011 **TITLE, INTENT, AND CONSTRUCTION.** Subdivision 1. Sections 260.011 to 260.301 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.

[1959 c 685 s 1]

260.015 **DEFINITIONS.** Subdivision 1. As used in sections 260.011 to 260.301, the terms defined in this section have the same meanings given to them.

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

Subd. 3. "Child placing agency" means anyone licensed under 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 260.193, 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 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 260.185, 260.191, or 260.241. The expenses of legal custody are paid in accordance with the provisions of section 260.251.

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 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 of 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 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.

Subd. 14. "Custodian" means any person who is under a legal obligation to provide care and support for a minor or who is in fact providing care and support for a minor.

[1959 c 685 s 2; 1961 c 576 s 1; 1963 c 516 s 1]

#### ORGANIZATION OF THE COURT

260.02 [Repealed, 1959 c 685 s 53]

260.021 **DISTRICT AND PROBATE JUVENILE COURTS.** Subdivision 1. **District court; juvenile court.** In counties now or hereafter having a population of more than 200,000, 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 260.011 to 260.301. 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 200,000, 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."

[1959 c 685 s 3; 1965 c 316 s 1, 2]

**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.

[1959 c 685 s 4]

**260.03** [Repealed, 1959 c 685 s 53]

**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.

[1959 c 685 s 5]

260.04 [Repealed, 1959 c 685 s 53]

**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 200,000, the clerk of the probate court shall serve as clerk of the juvenile court.

Subd. 3. The judge of juvenile court, in counties not having a court reporter for the juvenile court, may appoint one or more qualified persons to serve as court reporters for the juvenile court in any matter or proceeding, whenever the court considers it necessary. The compensation of the court reporter shall be fixed by the judge and approved by the county board and shall be payable from general revenue funds not otherwise appropriated.

[1959 c 685 s 6; 1961 c 576 s 2; 1965 c 316 s 3]

260.05 [Renumbered 260.305]

260.06 [Repealed, 1959 c 685 s 53]

260.065 [Repealed, 1959 c 685 s 53]

260.07 [Repealed, 1959 c 685 s 53]

260.08 [Repealed, 1959 c 685 s 53]

260.09 [Renumbered 260.311]

**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.

[1959 c 685 s 7]

**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 260.185. The county home school may, with the approval of the district court judges in counties now or hereafter having a population of more than 200,000, 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.

[1959 c 685 s 8; 1965 c 316 s 4]

NOTE: Hennepin County, see Laws 1965, Chapter 864.

**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 260.011 to 260.301 and all the provisions of those sections relating to county home schools shall apply thereto.

[1959 c 685 s 9]

260.10 [Repealed, 1959 c 685 s 53]

**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 260.171, 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 200,000 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.

[1959 c 685 s 10; 1965 c 316 s 5]

#### 260.103 JUVENILE COURT JUDGES CONFERENCES AND INSTITUTE.

Subdivision 1. **Purposes of conferences; institute.** (a) 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.

(b) A judge of juvenile court may attend the institute for judges of juvenile court established by the university of Minnesota, and may attend national or regional conferences similar to the state conference described in clause (a), above.

Subd. 2. **Expenses paid by counties.** The necessary expenses of the judges attending a conference authorized by subdivision 1(a) shall be paid by their respective counties. The necessary expenses of a judge of juvenile court who attends institutes or national or regional conferences authorized by subdivision 1(b) shall be paid by the county if allowed by the county board as provided in subdivision 3.

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. The county board may audit and allow similar expenses of the judge of juvenile court in attending institutes or national or regional conferences of juvenile court judges authorized by subdivision 1(b).

[1959 c 685 s 11; 1961 c 576 s 3-5]

260.105 **SALARIES.** All salaries and expenses to be paid by the county under the provisions of sections 260.021 to 260.103 shall be paid upon certification of the judge of juvenile court or upon such other authorization provided by law.

[1959 c 685 s 12]

260.106 **FEES.** Subdivision 1. A juvenile court in which the probate judge is judge of juvenile court shall charge and collect the sum of \$10 as a filing fee in all adoption proceedings commenced in the court. This fee shall include the clerk's certificate and one copy of the decree.

Subd. 2. A juvenile court in which the probate judge is judge of juvenile court shall charge the same fees as authorized by law to be charged by the probate court for each certified copy of any order or paper on file or of record.

[1965 c 703 s 1]

#### JURISDICTION OF COURT OVER CHILDREN AND MINORS

260.11 [Repealed, 1959 c 685 s 53]

260.111 **JURISDICTION OVER DELINQUENT, NEGLECTED, AND DEPENDENT CHILDREN.** Subdivision 1. **Delinquent, neglected, and dependent children.** Except as provided in section 260.125, 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 a delinquent or a juvenile traffic offender 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 or a juvenile traffic offender.

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 260.221 to 260.245.

(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 260.221 to 260.245.

(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.

[1959 c 685 s 13; 1961 c 576 s 6]

**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 260.125 or to a court in accordance with the provisions of section 260.193, 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.

**NOTE:** This subdivision is repealed by Laws 1965, Chapter 869, Section 18, as to any judicial district establishing a public defender system. See section 611.28.

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.

[1959 c 685 s 14]

**260.12** [Repealed, 1959 c 685 s 53]

**260.121 VENUE.** Subdivision 1. 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 his residence. If delinquency or a juvenile traffic offense is alleged, proceedings shall be brought in the county of his residence or the county where the alleged delinquency or juvenile traffic offense occurred.

Subd. 2. 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 or a juvenile traffic offense is alleged, to the county where the alleged delinquency or juvenile traffic offense 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 pa-

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pers 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.

[1959 c 685 s 15; 1961 c 576 s 7, 8]

260.125 M.S. 1949 Subdivision 1 [Renumbered 242.01]

- Subd. 2. [Renumbered 242.02]
- Subd. 3. [Renumbered 242.03]
- Subd. 4. [Renumbered 242.04]
- Subd. 5. [Renumbered 242.05]
- Subd. 6. [Renumbered 242.06]
- Subd. 7. [Renumbered 242.07]
- Subd. 8. [Renumbered 242.08]
- Subd. 9. [Renumbered 242.09]
- Subd. 10. [Renumbered 242.10]
- Subd. 11. [Renumbered 242.11]
- Subd. 12. [Renumbered 242.12]
- Subd. 13. [Renumbered 242.13]
- Subd. 14. [Renumbered 242.14]
- Subd. 15. [Renumbered 242.15]
- Subd. 16. [Renumbered 242.16]
- Subd. 17. [Renumbered 242.17]
- Subd. 18. [Renumbered 242.18]
- Subd. 19. [Renumbered 242.19]
- Subd. 20. [Renumbered 242.20]
- Subd. 21. [Renumbered 242.21]
- Subd. 22. [Renumbered 242.22]
- Subd. 23. [Renumbered 242.23]
- Subd. 24. [Renumbered 242.24]
- Subd. 25. [Renumbered 242.25]
- Subd. 26. [Renumbered 242.26]
- Subd. 27. [Renumbered 242.27]
- Subd. 28. [Renumbered 242.28]
- Subd. 29. [Renumbered 242.29]
- Subd. 30. [Renumbered 242.30]
- Subd. 31. [Renumbered 242.31]
- Subd. 32. [Renumbered 242.32]
- Subd. 33. [Renumbered 242.33]
- Subd. 34. [Renumbered 242.34]
- Subd. 35. [Renumbered 242.35]
- Subd. 36. [Renumbered 242.36]
- Subd. 37. [Renumbered 242.37]

**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 prosecuting authority to whom such matter is referred shall within the time specified in such order of reference, which time shall not exceed 90 days, file with the court making such order of reference notice of intent to prosecute or not to prosecute. If such prosecuting authority files notice of intent not to prosecute or fails to act within the time specified, the court shall proceed as if no order of reference had been made. If such prosecuting authority files with the court notice of intent to prosecute the jurisdiction of the juvenile court in the matter is terminated.

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

(a) A petition has been filed in accordance with the provisions of section 260.131

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(b) Notice has been given in accordance with the provisions of sections 260.135 and 260.141

(c) A hearing has been held in accordance with the provisions of section 260.155, 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.

[1959 c 685 s 16; 1963 c 516 s 2]

## PROCEDURES

260.13 [Repealed, 1959 c 685 s 53]

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 or of a child who is a resident of 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. Unless otherwise provided by rule or order of the court, the county attorney shall draft the petition upon the showing of reasonable grounds to support the petition.

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.

[1959 c 685 s 17; 1961 c 576 s 9, 10; 1963 c 516 s 3]

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 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.

[1959 c 685 s 18; 1963 c 516 s 4]

260.14 [Repealed, 1959 c 685 s 53]

260.141 **SERVICE OF SUMMONS, NOTICE.** Subdivision 1. (a) Service of summons or notice required by section 260.135 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 or notice for the hearing, except that the court, if so requested, shall not proceed with the hearing earlier than the second day after the service. If personal service cannot well be made within the state, a copy of the summons or notice may be served on the person to whom it is directed by delivering a copy thereof to such person personally outside the state. Such service if made personally outside the state shall be sufficient to confer jurisdiction; providing however it be made at least five days before the date fixed for hearing in such summons or notice.

(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 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 14 days if mailed to addresses outside the state.

(c) Notification to the county welfare board required by section 260.135, subdivision 3, shall be in such manner as the court may direct.

Subd. 2. Service of summons, notice, or subpoena required by sections 260.135 to 260.231 shall be made by any suitable person under the direction of the court, and upon request of the court shall be made by a probation officer or any peace officer. The fees and mileage of witnesses shall be paid by the county if the subpoena is issued by the court on its own motion or at the request of the county attorney. All other fees shall be paid by the party requesting the subpoena unless otherwise ordered by the court.

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

[1959 c 685 s 19; 1963 c 516 s 5, 6]

**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.

[1959 c 685 s 20]

**260.15** [Repealed, 1959 c 685 s 53]

**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 260.111 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 260.155.

[1959 c 685 s 21]

**260.155 HEARING.** 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. 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 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. 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.

[1959 c 685 s 22]

260.16 [Repealed, 1959 c 685 s 53]

**260.161 RECORDS.** Subdivision 1. The juvenile court judge shall keep such minutes and in such manner as he deems necessary and proper. The court shall also keep an index in which files pertaining to juvenile matters shall be indexed under the name of the juvenile. After the name of each file shall be shown the file number and, if ordered by the court, the book and page of the register in which the documents pertaining to such file are listed. The court shall also keep a register properly indexed in which shall be listed under the name of the juvenile all documents filed pertaining thereto and in the order filed. Such list shall show the name of the document and the date of filing thereof. The juvenile court legal records shall be deposited in files and shall include the petition, summons, notice, findings, orders, decrees, judgments, and motions and such other matters as the court deems necessary and proper. The legal records maintained in this file shall be open at all reasonable 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 260.255 and 260.261. The court shall maintain the confidentiality of adoption files and records in accordance with the provisions of laws relating to adoptions. In juvenile court proceedings any report or social history furnished to the court shall be open to inspection by the attorneys of record a reasonable time before it is used in connection with any proceeding before the court.

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. No photographs of a child taken into custody for any purpose may be taken without the consent of the juvenile court. Any person violating any of the provisions of this subdivision shall be guilty of a misdemeanor.

[1959 c 685 s 23; 1961 c 576 s 11; 1963 c 516 s 7; 1967 c 75 s 1]

#### DETENTION

**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 sec-

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tion 260.135, subdivision 5, or by a warrant issued in accordance with the provisions of section 260.145; or

- (b) In accordance with the laws relating to arrests; or
- (c) By a peace officer

(1) when a child has run away from his parent, guardian, or custodian, or when the peace officer reasonably believes such child has run away from his parent, guardian, or custodian; or

(2) when a child is found in surroundings or conditions which endanger the child's health or welfare or which such peace officer reasonably believes will endanger such 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.

[1959 c 685 s 24; 1963 c 516 s 8]

**260.17** [Repealed, 1959 c 685 s 53]

**260.171 RELEASE OR DETENTION.** Subdivision 1. When 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. 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 260.175 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 260.125. 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.

[1959 c 685 s 25]

**260.175 PLACE OF DETENTION.** A child may be detained as provided in section 260.171, 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, lockup, 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).

[1959 c 685 s 26]

## DISPOSITIONS

260.18 [Repealed, 1959 c 685 s 53]

**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 on its own motion or on the motion or petition of any interested party at any time when it feels it is in the best interest 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.

[1959 c 685 s 27; 1963 c 516 s 9]

**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 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 expunge the adjudication of delinquency at any time that it deems advisable.

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 260.151.

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.

[1959 c 685 s 28; 1961 c 576 s 12, 13]

**260.19** [Repealed, 1959 c 685 s 53]

**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.

[1959 c 685 s 29]

**260.193 JUVENILE TRAFFIC OFFENDER; PROCEDURES; DISPOSITIONS.**

Subdivision 1. A child who violates a state or local traffic law, ordinance, or regulation, or who violates a federal, state, or local water traffic law shall be adjudicated a "juvenile highway traffic offender" or a "juvenile water traffic offender," as the case may be, 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 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 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. Filing with the court of a notice to appear containing the name and address of the child allegedly violating a federal, state, or local water traffic law and specifying the offense charged, the time and place of the alleged violation shall have the effect of a petition and give the juvenile court jurisdiction. Any reputable person having knowledge of a child

who violates a state or local traffic law, ordinance, or regulation or a federal, state, or local water traffic law, ordinance, or regulation 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 highway traffic offender or a juvenile water traffic offender, the court shall summon and notify the persons required to be summoned or notified as provided in sections 260.135 and 260.141. However, it is not necessary to (1) notify more than one parent, or (2) publish any notice, or (3) personally serve outside the state.

Subd. 3. Before making a disposition of any child found to be a juvenile highway traffic offender, the court shall obtain from the department of highways information of any previous traffic violation by this juvenile. In the case of a juvenile water traffic offender, he shall obtain from the office where such information is now or hereafter may be kept information of any previous water traffic violation by such juvenile.

Subd. 4. If after a hearing the court finds that the welfare of a juvenile highway traffic offender or a juvenile water 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 documents in the court's file 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 highway or water 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 or boat 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 section 171.16;
- (e) If the child is found to have committed two moving highway traffic violations or to have contributed to a highway accident involving death, injury, or physical damage in excess of \$100, the court may recommend to the commissioner of highways or to the licensing authority of another state 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. At any time before the termination of the period of cancellation, the court may, for good cause, recommend to the commissioner of highways, or to the licensing authority of another state, that the child's license be returned to him, and the commissioner is authorized to return the license;
- (f) Place the child under the supervision of a probation officer in his own home under conditions prescribed by the court including reasonable rules relating to his operation and use of motor vehicles or boats directed to the correction of his driving habits.

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

Subd. 7. The juvenile court records of juvenile highway traffic offenders and juvenile water traffic offenders shall be kept separate from delinquency matters.

[1959 c 685 s 30; 1961 c 576 s 14-17; 1963 c 516 s 10]

**260.20** [Repealed, 1959 c 685 s 53]

**260.21** [Repealed, 1959 c 685 s 53]

**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 him in any case or proceeding in any other court, nor shall the disposition or evidence disqualify him 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.

[1959 c 685 s 31; 1963 c 516 s 11]

**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 260.125 or to a court in accordance with the provisions of section 260.193.

Subd. 2. Except for matters referred to the prosecuting authority under the provisions of section 260.125 or to a court in accordance with the provisions of section 260.193, 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.

[1959 c 685 s 32]

**TERMINATION OF PARENTAL RIGHTS**

**260.22** [Repealed, 1959 c 685 s 53]

**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.

[1959 c 685 s 33]

**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 260.185 or 260.191, 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 260.121, subdivision 2.

[1959 c 685 s 34]

**260.23** [Repealed, 1959 c 685 s 53]

**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 260.131, subdivisions 2 and 3.

Subd. 2. The termination of parental rights under the provisions of section 260.221, shall be made only after a hearing before the court, in the manner provided in section 260.155.

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 260.135 and 260.141, except that personal service shall be made at least ten days before the

day of the hearing; published notice shall be made for three weeks, the last publication to be at least ten 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 260.221, 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 260.221, clause (a), unless the guardian ad litem, in writing, joins in the written consent of the parent to the termination of his parental rights.

[1959 c 685 s 35]

**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 260.191.

[1959 c 685 s 36]

**260.24** [Repealed, 1959 c 685 s 53]

**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 260.221 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.

[1959 c 685 s 37]

**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 260.241, 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.

[1959 c 685 s 38]

#### COSTS AND EXPENSES

**260.25** [Repealed, 1959 c 685 s 53]

**260.251 COSTS OF CARE.** Subdivision 1. **Care, examination, or treatment.** 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 260.175, 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 sections 261.08 and 261.09.

[1959 c 635 s 39]

#### CONTRIBUTING TO DELINQUENCY OR NEGLECT

**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 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.

[1959 c 685 s 40]

**260.26** [Repealed, 1959 c 685 s 53]

**260.261 JURISDICTION OF CERTAIN JUVENILE COURTS OVER OFFENSE OF CONTRIBUTING TO DELINQUENCY OR NEGLECT.** In counties having a population of over 200,000 the juvenile court has jurisdiction of the offenses described in section 260.315. 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.

[1959 c 685 s 41; 1965 c 316 s 6]

**260.27** [Renumbered 260.315]

#### REHEARING AND APPEAL

**260.28** [Repealed, 1959 c 685 s 53]

**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 rehearing 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.

[1959 c 685 s 42]

**260.29** [Repealed, 1959 c 685 s 53]

**260.291 APPEAL.** 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, delinquent, or a juvenile traffic offender. 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 reviewing court may in its discretion and upon application stay the order.

Subd. 2. **Court hearing appeal.** (a) The appeal from a district court juvenile court is taken directly to the supreme court in the same manner in which appeals are taken in civil actions.

(b) The appeal from a probate-juvenile court is taken to the district court which shall try the case de novo. An appeal in the district court de novo action may be taken to the supreme court in the same manner as an appeal is taken from a district court juvenile court.

[1959 c 685 s 43; Ex1959 c 40 s 1]

#### CONTEMPT

**260.30** [Repealed, 1959 c 685 s 53]

**260.301 CONTEMPT.** Any person knowingly interfering with an order of the juvenile court is in contempt of court.

[1959 c 685 s 44]

#### MISCELLANEOUS

**260.305 BAILIFF, SALARY; RAMSEY COUNTY.** In counties having more than 350,000 and less than 500,000 inhabitants, a bailiff of the juvenile court may be appointed by the judge of the court. He shall serve four years unless removed by the judge for cause and shall be in attendance at all sessions of the court, make and serve all summons, writs, warrants, and processes issued out of the court and perform such other duties as may be directed by the judge. He shall have all the authority of a deputy sheriff and when his services are not required by the juvenile court, he may, with the consent of the court, be called upon by the sheriff to serve as such deputy. In case of his absence, the sheriff shall, upon request of the judge,

assign a deputy to perform his duties. The bailiff shall receive the compensation fixed by the county board.

[1917 c 397 s 5; 1927 c 420 s 6; 1929 c 405 s 1; 1949 c 54 s 1; 1957 c 250 s 1] (8640)

**260.31** [Repealed, 1959 c 685 s 53]

**260.311 PROBATION OFFICERS.** Subdivision 1. **Appointment; joint services; state services.** In all counties of more than 200,000 population, the court shall appoint one or more persons of good character to serve as probation officers during the pleasure of the court. All other counties shall provide probation services to juvenile courts in one of the following ways:

(1) The court, with the approval of the county board, may appoint one or more full time salaried probation officers to serve during the pleasure of the court;

(2) Two or more counties through their county boards may combine to enable their courts jointly to appoint a common full time salaried probation officer;

(3) A county may request the youth conservation commission to furnish probation services to its juvenile court in accordance with the provisions of this section, on or after July 1, 1959, and the youth conservation commission shall furnish such services to any county that fails to provide its own probation officer by one of the two procedures listed above on or at any time after July 1, 1960.

**Subd. 2. Sufficiency of services.** Probation services for juveniles shall be sufficient in amount to meet the needs of delinquent children and of the juvenile court in each county. Probation officers serving juvenile courts in all counties of not more than 200,000 population shall also, pursuant to subdivision 3 of this section, provide probation and parole services to wards of the youth conservation commission resident in their counties. To provide these probation services counties containing a city of 10,000 or more population shall, as far as practicable, have one probation officer for not more than 35,000 population; in counties that do not contain a city of such size, the youth conservation commission shall, after consultation with the juvenile judge and the county commissioners and in the light of experience, establish probation districts to be served by one officer.

All probation officers appointed by any county of not more than 200,000 population after July 1, 1959, shall be selected from the same state civil service list of eligible candidates from which the youth conservation commission selects its probation and parole agents and for which both oral and written examinations are required and the civil service department shall furnish the names of such candidates on request.

**Subd. 3. Powers and duties.** All probation officers serving juvenile courts shall act under the orders of the court in reference to any child committed to their care by the court, and in the performance of their duties shall have the general powers of a peace officer; and it shall be their duty to make such investigations with regard to any child as may be required by the court before, during, or after the trial or hearing, and to furnish to the court such information and assistance as may be required; to take charge of any child before, during, or after trial or hearing when so directed by the court, and to keep such records and to make such reports to the court as the court may order. Probation officers heretofore or hereafter appointed under the provisions of sections 636.01 to 636.06 shall be subject to the orders of the court in reference to all matters covered by the provisions of sections 260.011 to 260.301.

All probation officers serving juvenile courts in counties of not more than 200,000 population shall, in addition, provide probation and parole services to wards of the youth conservation commission resident in the counties they serve, and shall act under the orders of said commission in reference to any ward committed to their care by the commission.

All probation officers serving juvenile courts in counties of not more than 200,000 population shall, under the direction of the court, cooperate with all law enforcement agencies, schools, child-serving agencies of a public or private character, and groups concerned about the welfare of children to prevent delinquency and to rehabilitate within the community children adjudged delinquent.

All probation officers serving juvenile courts shall make monthly and annual reports to the youth conservation commission, on forms furnished by it, containing such information on number of cases cited to the juvenile court, offenses, adjudications, dispositions, and related matters as may be required by the youth conservation commission.

Subd. 4. **Compensation.** In counties of more than 200,000 population, a majority of the judges of the district court may direct the payment of such salary to probation officers as may be approved by the county board, and in addition thereto shall be reimbursed for all necessary expenses incurred in the performance of their official duties. In all counties which obtain probation services from the youth conservation commission the state shall, out of appropriations provided therefor, pay probation officers the salary and all benefits fixed by the state civil service law and all necessary expenses, including secretarial service, office equipment and supplies, postage, telephone and telegraph services, and travel and subsistence. Each county receiving probation services from the youth conservation commission shall reimburse the state for the total cost and expenses of such services as incurred by the youth conservation commission. Total annual costs for each county shall be that portion of the total costs and expenses for the services of one probation officer represented by the ratio which the county's population bears to the total population served by one officer. For the purposes of this section, the population of any county shall be the most recent estimate made by the department of health. At least every six months the youth conservation commission shall certify to the state treasurer the total cost and expenses incurred by the commission on behalf of each county to which it has provided probation services. The treasurer shall notify each county of the cost and expenses so certified and the county shall pay to the treasurer forthwith the amount certified. All such reimbursements shall be deposited in the general revenue fund. Objections by a county to all allocation of such cost and expenses shall be presented to and determined by the commissioner of administration. Each county obtaining probation services from the youth conservation commission under this section is hereby authorized to use unexpended funds and to levy additional taxes for this purpose.

The county commissioners of any county of not more than 200,000 population shall, when requested to do so by the juvenile judge, provide probation officers with suitable offices, and may provide equipment, and secretarial help needed to render the required services.

Subd. 5. **Reimbursement of counties.** In order to reimburse the counties for the cost which they assume under Laws 1959, Chapter 698, of providing probation and parole services to wards of the youth conservation commission and to aid the counties in achieving the purposes of this section, the state shall annually, from state funds appropriated for that purpose, pay 50 percent of such costs to all counties of not more than 200,000 population. Nothing herein shall be deemed to invalidate any payments to counties made pursuant to this section before the effective date of Laws 1963, Chapter 694.

Subd. 6. **Certificate of counties entitled to state aid.** On or before January 1 of each year, beginning in 1960, the director of the youth conservation commission shall deliver to the state auditor a certificate in duplicate for each county of the state entitled to receive state aid under the provisions of this section. Upon the receipt of such certificate, the state auditor shall draw his warrant upon the state treasurer in favor of the county treasurer for the amount shown by each certificate to be due to the county specified. The state auditor shall transmit such warrant to the county treasurer together with a copy of the certificate prepared by the director of the youth conservation commission.

[1917 c 397 s 9; 1933 c 204 s 1; 1945 c 517 s 4; 1959 c 698 s 3; 1961 c 430 s 2-4; 1963 c 694 s 1; 1965 c 316 s 7-11; 1965 c 697 s 1] (8644)

**260.315 CONTRIBUTING TO NEGLECT OR DELINQUENCY.** Any person who by act, word or omission encourages, causes or contributes to the neglect or delinquency of a child, and such act, word or omission is not by other provisions of law declared to be a felony, shall be guilty of a misdemeanor.

[1917 c 397 s 27; 1927 c 192 s 7; 1953 c 436 s 1] (8662)

**260.32** [Repealed, 1959 c 685 s 53]

**260.33** [Repealed, 1959 c 685 s 53]

**260.34** [Repealed, 1959 c 685 s 53]

**260.35 TESTS, EXAMINATIONS.** Thereafter it shall be the duty of the commissioner of public welfare 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 is sound of mind, free from

disease, and suitable for placement in a foster home for care or adoption, the commissioner may so place him or delegate such duties to a child-placing agency accredited as provided by law, or authorize his care in the county by and under the supervision of the county welfare board.

[1941 c. 159 s. 2]

**260.36 SPECIAL PROVISIONS IN CERTAIN CASES.** 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.

[1941 c 159 s 3; 1959 c 685 s 51]

**260.37** [Repealed, 1959 c 685 s 53]

**260.38 COST, PAYMENT.** In addition to the usual care and services given by public and private agencies, the necessary cost incurred by the commissioner of public welfare in providing care for such child shall be paid by the county committing such child which, subject to uniform regulations established by the commissioner of public welfare, may receive a reimbursement not exceeding one-half of such costs from funds made available for this purpose by the legislature. Where such child is eligible to receive a grant of aid to dependent children, aid to disabled, or aid to the blind, his needs shall be met through these programs.

[1941 c 159 s 5; 1947 c 81 s 2; 1953 c 54 s 1; 1955 c 81 s 1]

**260.39 DISTRIBUTION OF FUNDS RECOVERED FOR ASSISTANCE FURNISHED.** When any amount shall be recovered from any source for assistance furnished under the provisions of sections 260.011 to 260.301, and sections 260.35, 260.36, and 260.38, there shall be paid into the treasury of the state or county in the proportion in which they have respectively contributed toward the total assistance paid.

[1953 c 95 s 1; 1961 c 560 s 23]

#### CHILDREN'S CENTER

**260.41 MINNESOTA STATE CHILDREN'S CENTER.** There is hereby established the Minnesota State Children's Center, hereinafter referred to as the Center, which shall be a receiving home and treatment center for the purpose of giving special care and treatment to dependent or neglected children, and which shall be located in the county of Ramsey.

[1953 c 701 s 1]

**260.42 CONTROL, MANAGEMENT.** The Center shall be under the general control and management of the commissioner of public welfare.

[1953 c 701 s 2]

**260.43 SUPERINTENDENT.** The commissioner of public welfare shall appoint the superintendent of the Center, who shall be the chief executive officer thereof.

[1953 c 701 s 3]

**260.44 PERSONS ADMITTED.** There shall be admitted to the Center only children who have been committed as dependent or neglected children to the commissioner of public welfare, or who have been placed under the temporary custody of a county welfare board by court order, or who have been committed to an association accredited by law to receive and place children; and, whom the commissioner

of public welfare shall determine may benefit from the care, training, and treatment provided at the Center.

[1953 c 701 s 4]

**260.45 COSTS, PAYMENT.** The costs of care, excluding clothing, medical, and other personal needs, for children committed as dependent or neglected to the commissioner of public welfare and for children who have been placed under temporary custody of a county welfare board by court order shall be paid one half by the state and one half by the county of commitment. Clothing, medical, and other personal needs shall be paid by the county of commitment for children committed as dependent or neglected to the commissioner of public welfare, subject to reimbursement of the state's share of costs as set forth in sections 260.38 and 260.39. Clothing, medical, and other personal needs shall be paid for by the county of commitment for children under temporary custody of county welfare boards. The full costs of care for children committed to an association accredited by law to receive and place children shall be paid to the state in advance by such association.

[1953 c 701 s 5]

**260.46 ACQUISITION OF LAND FOR USE AS CENTER.** The commissioner of public welfare is authorized to acquire by purchase with the approval of the governor, gift, or condemnation, a suitable tract of land in Ramsey county for the construction of the Center, not to exceed four acres in area. With the approval of the governor, the commissioner of public welfare shall have the custody and control of any specific part of the land of any public institution not needed by such institution to be used as a site for the Center.

[1953 c 701 s 6]

#### INTERSTATE COMPACT

**260.51 INTERSTATE COMPACT ON JUVENILES.** The governor is authorized and directed to execute a compact on behalf of this state with any other state or states legally joining therein in the form substantially as follows:

#### INTERSTATE COMPACT ON JUVENILES

The contracting states solemnly agree:

#### ARTICLE I

That juveniles who are not under proper supervision and control, or who have absconded, escaped or run away, are likely to endanger their own health, morals and welfare, and the health, morals and welfare of others. The cooperation of the states party to this compact is therefore necessary to provide for the welfare and protection of juveniles and of the public with respect to

- (1) co-operative supervision of delinquent juveniles on probation or parole;
  - (2) the return, from one state to another, of delinquent juveniles who have escaped or absconded;
  - (3) the return, from one state to another of nondelinquent juveniles who have run away from home; and
  - (4) additional measures for the protection of juveniles and of the public, which any two or more of the party states may find desirable to undertake co-operatively.
- In carrying out the provisions of this compact the party states shall be guided by the noncriminal, reformatory and protective policies which guide their laws concerning delinquent, neglected or dependent juveniles generally. It shall be the policy of the states party to this compact to co-operate and observe their respective responsibilities for the prompt return and acceptance of juveniles and delinquent juveniles who become subject to the provisions of this compact. The provisions of this compact shall be reasonably and liberally construed to accomplish the foregoing purposes.

#### ARTICLE II

That all remedies and procedures provided by this compact shall be in addition to and not in substitution for other rights, remedies and procedures, and shall not be in derogation of parental rights and responsibilities.

#### ARTICLE III

That, for the purposes of this compact, "delinquent juvenile" means any juvenile who has been adjudged delinquent and who, at the time the provisions of this compact are invoked, is still subject to the jurisdiction of the court that has made such

adjudication or to the jurisdiction or supervision of an agency or institution pursuant to an order of such court; "probation or parole" means any kind of conditional release of juveniles authorized under the laws of the states party hereto; "court" means any court having jurisdiction over delinquent, neglected or dependent children; "state" means any state, territory or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico; and "residence" or any variant thereof means a place at which a home or regular place of abode is maintained.

#### ARTICLE IV

(a) That the parent, guardian, person or agency entitled to legal custody of a juvenile who has not been adjudged delinquent but who has run away without the consent of such parent, guardian, person or agency may petition the appropriate court in the demanding state for the issuance of a requisition for his return. The petition shall state the name and age of the juvenile, the name of the petitioner and the basis of entitlement to the juvenile's custody, the circumstances of his running away, his location if known at the time application is made, and such other facts as may tend to show that the juvenile who has run away is endangering his own welfare or the welfare of others and is not an emancipated minor. The petition shall be verified by affidavit, shall be executed in duplicate, and shall be accompanied by two certified copies of the document or documents on which the petitioner's entitlement to the juvenile's custody is based, such as birth certificates, letters of guardianship, or custody decrees. Such further affidavits and other documents as may be deemed proper may be submitted with such petition. The judge of the court to which this application is made may hold a hearing thereon to determine whether for the purposes of this compact the petitioner is entitled to the legal custody of the juvenile, whether or not it appears that the juvenile has in fact run away without consent, whether or not he is an emancipated minor, and whether or not it is in the best interest of the juvenile to compel his return to the state. If the judge determines, either with or without a hearing, that the juvenile should be returned, he shall present to the appropriate court or to the executive authority of the state where the juvenile is alleged to be located, a written requisition for the return of such juvenile. Such requisition shall set forth the name and age of the juvenile, the determination of the court that the juvenile has run away without the consent of a parent, guardian, person or agency entitled to his legal custody, and that it is in the best interest and for the protection of such juvenile that he be returned. In the event that a proceeding for the adjudication of the juvenile as a delinquent, neglected or dependent juvenile is pending in the court at the time when such juvenile runs away, the court may issue a requisition for the return of such juvenile upon its own motion, regardless of the consent of the parent, guardian, person or agency entitled to legal custody, reciting therein the nature and circumstances of the pending proceeding. The requisition shall in every case be executed in duplicate and shall be signed by the judge. One copy of the requisition shall be filed with the compact administrator of the demanding state, there to remain on file subject to the provisions of law governing records of such court. Upon the receipt of a requisition demanding the return of a juvenile who has run away, the court or the executive authority to whom the requisition is addressed shall issue an order to any peace officer or other appropriate person directing him to take into custody and detain such juvenile. Such detention order must substantially recite the facts necessary to the validity of its issuance hereunder. No juvenile detained upon such order shall be delivered over to the officer whom the court demanding him shall have appointed to receive him, unless he shall first be taken forthwith before a judge of a court in the state, who shall inform him of the demand made for his return, and who may appoint counsel or guardian ad litem for him. If the judge of such court shall find that the requisition is in order, he shall deliver such juvenile over to the officer whom the court demanding him shall have appointed to receive him. The judge, however, may fix a reasonable time to be allowed for the purpose of testing the legality of the proceeding.

Upon reasonable information that a person is a juvenile who has run away from another state party to this compact without the consent of a parent, guardian, person or agency entitled to his legal custody, such juvenile may be taken into custody without a requisition and brought forthwith before a judge of the appropriate court who may appoint counsel or guardian ad litem for such juvenile and who shall determine after a hearing whether sufficient cause exists to hold the

person, subject to the order of the court, for his own protection and welfare, for such a time not exceeding 90 days as will enable his return to another state party to this compact pursuant to a requisition for his return from a court of that state. If, at the time when a state seeks the return of a juvenile who has run away, there is pending in the state wherein he is found any criminal charge, or any proceeding to have him adjudicated a delinquent juvenile for an act committed in such state, or if he is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, he shall not be returned without the consent of such state until discharged from prosecution or other form of proceeding, imprisonment, detention or supervision for such offense or juvenile delinquency. The duly accredited officers of any state party to this compact, upon the establishment of their authority and the identity of the juvenile being returned, shall be permitted to transport such juvenile through any and all states party to this compact, without interference. Upon his return to the state from which he ran away, the juvenile shall be subject to such further proceedings as may be appropriate under the laws of that state.

(b) That the state to which a juvenile is returned under this Article shall be responsible for payment of the transportation costs of such return.

(c) That "juvenile" as used in this Article means any person who is a minor under the law of the state of residence of the parent, guardian, person or agency entitled to legal custody of such minor.

#### ARTICLE V

(a) That the appropriate person or authority from whose probation or parole supervision a delinquent juvenile has absconded or from whose institutional custody he has escaped shall present to the appropriate court or to the executive authority of the state where the delinquent juvenile is alleged to be located a written requisition for the return of such delinquent juvenile. Such requisition shall state the name and age of the delinquent juvenile, the particulars of his adjudication as a delinquent juvenile, the circumstances of the breach of the terms of his probation or parole or of his escape from an institution or agency vested with his legal custody or supervision, and the location of such delinquent juvenile, if known, at the time the requisition is made. The requisition shall be verified by affidavit, shall be executed in duplicate, and shall be accompanied by two certified copies of the judgment, formal adjudication, or order of commitment which subjects such delinquent juvenile to probation or parole or to the legal custody of the institution or agency concerned. Such further affidavits and other documents as may be deemed proper may be submitted with such requisition. One copy of the requisition shall be filed with the compact administrator of the demanding state, there to remain on file subject to the provisions of law governing records of the appropriate court. Upon the receipt of a requisition demanding the return of a delinquent juvenile who has absconded or escaped, the court or the executive authority to whom the requisition is addressed shall issue an order to any peace officer or other appropriate person directing him to take into custody and detain such delinquent juvenile. Such detention order must substantially recite the facts necessary to the validity of its issuance hereunder. No delinquent juvenile detained upon such order shall be delivered over to the officer whom the appropriate person or authority demanding him shall have appointed to receive him, unless he shall first be taken forthwith before a judge of an appropriate court in the state, who shall inform him of the demand made for his return and who may appoint counsel or guardian ad litem for him. If the judge of such court shall find that the requisition is in order, he shall deliver such delinquent juvenile over to the officer whom the appropriate person or authority demanding him shall have appointed to receive him. The judge, however, may fix a reasonable time to be allowed for the purpose of testing the legality of the proceeding.

Upon reasonable information that a person is a delinquent juvenile who has absconded while on probation or parole, or escaped from an institution or agency vested with his legal custody or supervision in any state party to this compact, such person may be taken into custody in any other state party to this compact without a requisition. But in such event, he must be taken forthwith before a judge of the appropriate court, who may appoint counsel or guardian ad litem for such person and who shall determine, after a hearing, whether sufficient cause exists to hold the person subject to the order of the court for such a time, not exceeding 90 days,



as will enable his detention under a detention order issued on a requisition pursuant to this Article. If, at the time when a state seeks the return of a delinquent juvenile who has either absconded while on probation or parole or escaped from an institution or agency vested with his legal custody or supervision, there is pending in the state wherein he is detained any criminal charge or any proceeding to have him adjudicated a delinquent juvenile for an act committed in such state, or if he is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, he shall not be returned without the consent of such state until discharged from prosecution or other form of proceeding, imprisonment, detention or supervision for such offense or juvenile delinquency. The duly accredited officers of any state party to this compact, upon the establishment of their authority and the identity of the delinquent juvenile being returned, shall be permitted to transport such delinquent juvenile through any and all states party to this compact, without interference. Upon his return to the state from which he escaped or absconded, the delinquent juvenile shall be subject to such further proceedings as may be appropriate under the laws of that state.

(b) That the state to which a delinquent juvenile is returned under this Article shall be responsible for payment of the transportation costs of such return.

#### ARTICLE VI

That any delinquent juvenile who has absconded while on probation or parole, or escaped from an institution or agency vested with his legal custody or supervision in any state party to this compact, and any juvenile who has run away from any state party to this compact, who is taken into custody without a requisition in another state party to this compact under the provisions of Article IV(a) or of Article V(a), may consent to his immediate return to the state from which he absconded, escaped or run away. Such consent shall be given by the juvenile or delinquent juvenile and his counsel or guardian ad litem if any, by executing or subscribing a writing, in the presence of a judge of the appropriate court, which states that the juvenile or delinquent juvenile and his counsel or guardian ad litem, if any, consent to his return to the demanding state. Before such consent shall be executed or subscribed, however, the judge, in the presence of counsel or guardian ad litem, if any, shall inform the juvenile or delinquent juvenile of his rights under this compact. When the consent has been duly executed, it shall be forwarded to and filed with the compact administrator of the state in which the court is located and the judge shall direct the officer having the juvenile or delinquent juvenile in custody to deliver him to the duly accredited officer or officers of the state demanding his return, and shall cause to be delivered to such officer or officers a copy of the consent. The court may, however, upon the request of the state to which the juvenile or delinquent juvenile is being returned, order him to return unaccompanied to such state and shall provide him with a copy of such court order; in such event a copy of the consent shall be forwarded to the compact administrator of the state to which said juvenile or delinquent juvenile is ordered to return.

#### ARTICLE VII

(a) That the duly constituted judicial and administrative authorities of a state party to this compact (herein called "sending state") may permit any delinquent juvenile within such state, placed on probation or parole, to reside in any other state party to this compact (herein called "receiving state") while on probation or parole, and the receiving state shall accept such delinquent juvenile, if the parent, guardian or person entitled to the legal custody of such delinquent juvenile is residing or undertakes to reside within the receiving state. Before granting such permission, opportunity shall be given to the receiving state to make such investigations as it deems necessary. The authorities of the sending state shall send to the authorities of the receiving state copies of pertinent court orders, social case studies and all other available information which may be of value to and assist the receiving state in supervising a probationer or parolee under this compact. A receiving state, in its discretion, may agree to accept supervision of a probationer or parolee in cases where the parent, guardian or person entitled to legal custody of the delinquent juvenile is not a resident of the receiving state, and if so accepted the sending state may transfer supervision accordingly.

(b) That each receiving state will assume the duties of visitation and of supervision over any such delinquent juvenile and in the exercise of those duties will be

governed by the same standards of visitation and supervision that prevail for its own delinquent juveniles released on probation or parole.

(c) That, after consultation between the appropriate authorities of the sending state and of the receiving state as to the desirability and necessity of returning such a delinquent juvenile, the duly accredited officers of a sending state may enter a receiving state and there apprehend and retake any such delinquent juvenile on probation or parole. For that purpose, no formalities will be required, other than establishing the authority of the officer and the identity of the delinquent juvenile to be retaken and returned. The decision of the sending state to retake a delinquent juvenile on probation or parole shall be conclusive upon and not reviewable within the receiving state, but if, at the time the sending state seeks to retake a delinquent juvenile on probation or parole, there is pending against him within the receiving state any criminal charge or any proceeding to have him adjudicated a delinquent juvenile for any act committed in such state, or if he is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, he shall not be returned without the consent of the receiving state until discharged from prosecution or other form of proceeding, imprisonment, detention or supervision for such offense or juvenile delinquency. The duly accredited officers of the sending state shall be permitted to transport delinquent juveniles being so returned through any and all states partly to this compact, without interference.

(d) That the sending state shall be responsible under this Article for paying the costs of transporting any delinquent juvenile to the receiving state or of returning any delinquent juvenile to the sending state.

#### ARTICLE VIII

(a) That the provision of Articles IV(b), V(b), and VII(d) of this compact shall not be construed to alter or affect any internal relationship among the departments, agencies and officers of and in the government of a party state, or between a party state and its subdivisions, as to the payment of costs, or responsibilities therefor.

(b) That nothing in this compact shall be construed to prevent any party state or subdivision thereof from asserting any right against any person, agency or other entity in regard to cost for which such party state or subdivision thereof may be responsible pursuant to Article IV(b), V(b) or VII(d) of this compact.

#### ARTICLE IX

That, to every extent possible, it shall be the policy of states party to this compact that no juvenile or delinquent juvenile shall be placed or detained in any prison, jail or lock-up nor be detained or transported in association with criminal, vicious or dissolute persons.

#### ARTICLE X

That the duly constituted administrative authorities of a state party to this compact may enter into supplementary agreements with any other state or states party hereto for the co-operative care, treatment and rehabilitation of delinquent juveniles whenever they shall find that such agreements will improve the facilities or programs available for such care, treatment and rehabilitation. Such care, treatment and rehabilitation may be provided in an institution located within any state entering into such supplementary agreement. Such supplementary agreement shall (1) provide the rates to be paid for the care, treatment and custody of such delinquent juveniles, taking into consideration the character of facilities, services and subsistence furnished; (2) provide that the delinquent juvenile shall be given a court hearing prior to his being sent to another state for care, treatment and custody; (3) provide that the state receiving such a delinquent juvenile in one of its institutions shall act solely as agent for the state sending such delinquent juvenile; (4) provide that the sending state shall at all times retain jurisdiction over delinquent juveniles sent to an institution in another state; (5) provide for reasonable inspection of such institutions by the sending state; (6) provide that the consent of the parent, guardian, person or agency entitled to the legal custody of said delinquent juvenile shall be secured prior to his being sent to another state; and (7) make provision for such other matters and details as shall be necessary to protect the rights and equities of such delinquent juveniles and of the cooperating states.

## ARTICLE XI

That any state party to this compact may accept any and all donations, gifts and grants of money, equipment and services from the federal or any local government, or any agency thereof and from any person, firm or corporation, for any of the purposes and functions of this compact, and may receive and utilize the same subject to the terms, conditions and regulations governing such donations, gifts and grants.

## ARTICLE XII

That the governor of each state party to this compact shall designate an officer who, acting jointly with like officers of other party states, shall promulgate rules and regulations to carry out more effectively the terms and provisions of this compact.

## ARTICLE XIII

That this compact shall become operative immediately upon its execution by any state as between it and any other state or states so executing. When executed it shall have the full force and effect of law within such state, the form of execution to be in accordance with the laws of the executing state.

## ARTICLE XIV

That this compact shall continue in force and remain binding upon each executing state until renounced by it. Renunciation of this compact shall be by the same authority which executed it, by sending six months' notice in writing of its intention to withdraw from the compact to the other states party hereto. The duties and obligations of a renouncing state under Article VII hereof shall continue as to parolees and probationers residing therein at the time of withdrawal until retaken or finally discharged. Supplementary agreements entered into under Article X hereof shall be subject to renunciation as provided by such supplementary agreements, and shall not be subject to the six months' renunciation notice of the present Article.

## ARTICLE XV

That the provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

[1957 c 892 s 1]

**260.52 DEFINITIONS.** As used in the interstate compact on juveniles, the following words and phrases have the following meanings as to this state:

(1) "Executive authority" means the compact administrator.

(2) The "appropriate court" of this state to issue a requisition under Article IV of the compact is the juvenile court of the county of the petitioner's residence, or, if the petitioner is a child welfare agency, the juvenile court of the county where it has its principal office, or, if the petitioner is the state department of welfare, any juvenile court in the state.

(3) The "appropriate court" of this state to receive a requisition under Article IV or V of the Compact is the juvenile court of the county where the juvenile is located.

[1957 c 892 s 2]

**260.53 COMPACT ADMINISTRATOR.** (1) Pursuant to the interstate compact on juveniles, the governor is authorized to designate the director of the Youth Conservation Commission to be the compact administrator, who, acting jointly with like officers of other party states, shall promulgate rules to carry out more effectively the terms of the compact. He shall serve subject to the pleasure of the governor. The compact administrator is authorized to cooperate with all departments, agencies and officers of and in the government of this state and its political subdivisions in facilitating the proper administration of the compact or of any supplementary agreement entered into by this state thereunder.

(2) The compact administrator shall determine for this state whether to re-

ceive juvenile probationers and parolees of other states pursuant to Article VII of the interstate compact on juveniles and shall arrange for the supervision of each such probationer or parolee so received, either by the Youth Conservation Commission or by a person appointed to perform supervision service for the juvenile court of the county where the juvenile is to reside, whichever is more convenient. Such persons shall in all such cases make periodic reports to the compact administrator regarding the conduct and progress of such juveniles.

[1957 c 892 s 3]

**260.54 SUPPLEMENTARY AGREEMENTS.** The compact administrator is authorized to enter into supplementary agreements with appropriate officials of other states pursuant to Article X of the interstate compact on juveniles. In the event that such supplementary agreement requires or contemplates the use of any institution or facility of this state or the provision of any service by this state, said supplementary agreement shall have no effect until approved by the department or agency under whose jurisdiction the institution or facility is operated or which shall be charged with the rendering of such service.

[1957 c 892 s 4]

**260.55 EXPENSE OF RETURNING JUVENILES TO STATE, PAYMENT.** The expense of returning juveniles to this state pursuant to the interstate compact on juveniles shall be paid as follows:

(1) In the case of a runaway under Article IV, the court making the requisition shall inquire summarily regarding the financial ability of the petitioner to bear the expense and if it finds he is able to do so, shall order that he pay all such expenses; otherwise the court shall arrange for the transportation at the expense of the county and order that the county reimburse the person, if any, who returns the juvenile, for his actual and necessary expenses; and the court may order that the petitioner reimburse the county for so much of said expense as the court finds he is able to pay. If the petitioner fails, without good cause, or refuses to pay such sum, he may be proceeded against for contempt.

(2) In the case of an escapee or absconder under Article V or Article VI, if the juvenile is in the legal custody of the Youth Conservation Commission it shall bear the expense of his return; otherwise the appropriate court shall, on petition of the person or agency entitled to his custody or charged with his supervision, arrange for the transportation at the expense of the county and order that the county reimburse the person, if any, who returns the juvenile, for his actual and necessary expenses. In this subsection "appropriate court" means the juvenile court which adjudged the juvenile to be delinquent or, if the juvenile is under supervision for another state under Article VII of the compact, then the juvenile court of the county of the juvenile's residence during such supervision.

(3) In the case of a voluntary return of a runaway without requisition under Article VI, the person entitled to his legal custody shall pay the expense of transportation and the actual and necessary expenses of the person, if any, who returns such juvenile; but if he is financially unable to pay all the expenses he may petition the juvenile court of the county of the petitioner's residence for an order arranging for the transportation as provided in paragraph (1). The court shall inquire summarily into the financial ability of the petitioner and, if it finds he is unable to bear any or all of the expense, the court shall arrange for such transportation at the expense of the county and shall order the county to reimburse the person, if any, who returns the juvenile, for his actual and necessary expenses. The court may order that the petitioner reimburse the county for so much of said expense as the court finds he is able to pay. If the petitioner fails, without good cause, or refuses to pay such sum, he may be proceeded against for contempt.

[1957 c 892 s 5]

**260.56 COUNSEL OR GUARDIAN AD LITEM FOR JUVENILE, FEES.** Any judge of this state who appoints counsel or a guardian ad litem pursuant to the provisions of the interstate compact on juveniles may, in his discretion, allow a reasonable fee to be paid by the county on order of the court.

[1957 c 892 s 6]

**260.57 ENFORCEMENT.** The courts, departments, agencies and officers of this state and its political subdivisions shall enforce the interstate compact on juveniles and shall do all things appropriate to the effectuation of its purposes which may be within their respective jurisdictions.

[1957 c 892 s 7]