CHAPTER 260

JUVENILES

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260.01 [Repealed, 1959 c 685 s 53]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 child alleged or adjudicated neglected or dependent and 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 child and the best interests of the state; to preserve and strengthen the child's family ties whenever possible, removing him from the custody of his parents only when his welfare or safety cannot be adequately safeguarded without removal; and, when the child 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 purpose of the laws relating to children alleged or adjudicated to be delinquent is to promote the public safety and reduce juvenile delinquency by maintaining the integrity of the substantive law prohibiting certain behavior and by developing individual responsibility for lawful behavior. This purpose should be pursued through means that are fair and just, that recognize the unique characteristics and needs of children, and that give children access to opportunities for personal and social growth.

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

History: *1959 c 685 s 1; 1980 c 580 s 3*

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.** "Delinquent child" means a child:

(a) Who has violated any state or local law, except as provided in section 260.193, subdivision 1, and except for juvenile offenders as described in subdivisions 19 to 23; or

(b) Who has violated a federal law or a law of another state and whose case has been referred to the juvenile court if the violation would be an act of delinquency if committed in this state or a crime or offense if committed by an adult.

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; or

(d) 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.

Subd. 7. "Foster care" means the 24 hour a day care of a child in any facility which for gain or otherwise regularly provides one or more children, when unaccompanied by their parents, with a substitute for the care, food, lodging, training, education, supervision or treatment they need but which for any reason cannot be furnished by their parents or legal guardians in their homes.

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 18 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 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

(d) Who is without the special care made necessary by his physical or mental condition because his parent, guardian, or other custodian neglects or refuses to provide it; or

(e) Whose occupation, behavior, condition, environment or associations are such as to be injurious or dangerous to himself or others; or

(f) 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

(g) 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

(h) 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.

Subd. 15. [Repealed, 1982 c 469 s 10]

Subd. 16. "Secure detention facility" means a physically restricting facility, including but not limited to a jail, a hospital, a state institution, a residential treatment center, or a detention home used for the temporary care of a child pending court action.

Subd. 17. "Shelter care facility" means a physically unrestricting facility, such as but not limited to, a hospital, a group home or a licensed facility for foster care, used for the temporary care of a child pending court action.

Subd. 18. "Neglected and in foster care" means a child

(a) Who has been placed in foster care by court order; and

(b) Whose parents' circumstances, condition, or conduct are such that the child cannot be returned to them; and

(c) Whose parents, despite the availability of needed rehabilitative services, have failed to make reasonable efforts to adjust their circumstances, condition or conduct, or have willfully failed to meet reasonable expectations with regard to visiting the child or providing financial support for the child.

Subd. 19. **Habitual truant.** "Habitual truant" means a child under the age of 16 years absenting himself from attendance at school without lawful excuse for seven school days if the child is in elementary school or for one or more class periods on seven school days if the child is in middle school, junior high school, or high school.

Subd. 20. **Runaway.** "Runaway" means an unmarried child under the age of 18 years who absents himself from the home of his parent or other lawful placement without the consent of his parent, guardian, or lawful custodian.

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

Subd. 22. **Juvenile alcohol offender.** "Juvenile alcohol offender" means a child who violates section 340.035, subdivision 1, clause (4), (5), or (6) or section 340.731 or an equivalent local ordinance.

Subd. 23. **Juvenile controlled substance offender.** "Juvenile controlled substance offender" means a child who violates section 152.09, subdivision 1, clause (2) with respect to a small amount of marijuana or an equivalent local ordinance.

History: *1959 c 685 s 2; 1961 c 576 s 1; 1963 c 516 s 1; 1969 c 503 s 1,2; 1971 c 25 s 48; 1973 c 725 s 50; 1974 c 469 s 1; 1976 c 318 s 5-7; 1977 c 330 s 2; 1978 c 602 s 3; 1981 c 290 s 4; 1982 c 469 s 1,2; 1982 c 544 s 1-6*

ORGANIZATION OF THE COURT

260.019 JUVENILE COURT; HENNEPIN AND RAMSEY COUNTIES.

Subdivision 1. In Hennepin and Ramsey counties, the district court is the juvenile court.

Subd. 2. In each county, the chief judge of the district shall designate one or more judges to hear cases arising under sections 260.011 to 260.301.

Subd. 3. The chief judge shall designate any judge to hear cases arising under sections 260.011 to 260.301 as his principal or exclusive assignment for no more than six years out of any 12 year period.

Subd. 4. The incumbent "District Court Judge, Juvenile Court Division" in Hennepin county is a judge of district court subject to the administrative authority and assignment power of the chief judge of the district as provided in section 484.69, subdivision 3.

History: *1978 c 750 s 7; 1981 c 292 s 2*

260.02 [Repealed, 1959 c 685 s 53]

260.021 JUVENILE COURTS.

Subdivision 1. [Repealed, 1978 c 750 s 9]

Subd. 2. [Repealed, 1978 c 750 s 9]

Subd. 3. [Repealed, 1978 c 750 s 9]

Subd. 4. **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."

History: *1959 c 685 s 3; 1965 c 316 s 1,2; 1971 c 25 s 49,50*

260.022 ST. LOUIS COUNTY JUVENILE COURT, DESIGNATION; JUDGES; LOCATION.

Subdivision 1. In the county of Saint Louis the probate court is the juvenile court.

Subd. 2. There are two judges of the probate court in Saint Louis county each of whom shall meet the requirements of Minnesota Statutes 1967, Section 525.04.

Subd. 3. Upon January 1, 1970 an additional probate judge shall be appointed by the governor from among those persons who are referees in the probate court of Saint Louis county who are learned in the law and who have served as a referee not less than five years. If no such referee is available then the governor shall appoint the additional probate judge from among those persons resident of the county of Saint Louis who are learned in the law. The additional judge appointed shall serve until a successor is elected at the next general election occurring more than one year after such appointment. The judge of the probate court of the county of Saint Louis having the greatest number of years of service is the chief judge of such court.

Subd. 4. The chief judge of the probate court of the county of Saint Louis shall designate one of the judges of such court to serve as the judge of the juvenile court division to hear all cases arising thereunder pursuant to Minnesota Statutes 1967, Chapter 260, and any other law relating to juveniles. Such assignment shall be for one year unless otherwise ordered. The judge designated as the judge of the juvenile court division shall devote all time required to the business of that division and his work in connection therewith shall be disposed of before he engages in any other work of the probate court.

Subd. 5. The judge of the juvenile court division shall hold hearings and conduct court at Duluth, Virginia, and Hibbing, and the terms thereof including special terms shall be prescribed by rule.

History: *1969 c 549 s 1*

260.023 CLERK OF ST. LOUIS COUNTY JUVENILE COURT.

The clerk of the probate court of Saint Louis county is also the clerk of the juvenile court. He may appoint deputy clerks to serve at Duluth, Virginia, and Hibbing with the approval of the juvenile judge.

History: *1969 c 549 s 2*

260.024 JURISDICTION OF ST. LOUIS COUNTY JUVENILE COURT.

Subdivision 1. Notwithstanding any indication to the contrary in the statutory provisions enumerated herein, the juvenile court judges in the county of Saint Louis shall act in lieu of the district court judges in matters concerning county home schools under Minnesota Statutes 1967, Section 260.094, and detention homes under Minnesota Statutes 1967, Section 260.101.

Subd. 2. Notwithstanding an indication to the contrary in Minnesota Statutes 1967, Section 260.311, Subdivision 4, a majority of the judges of both the district court and the juvenile court in the county of Saint Louis may direct the payment of salaries to probation officers as otherwise provided for in said subdivision.

Subd. 3. Notwithstanding an indication to the contrary in Laws 1961, Chapter 302, Section 1, in the county of Saint Louis a majority of the judges of district court and juvenile court shall appoint a chief probation officer in the manner provided in said section. The probation officer so appointed and such additional personnel as may be required shall render to the judges of the district court and the juvenile court such services as have customarily been rendered in connection with their past employment under Laws 1961, Chapter 302, and prior to January 1, 1970. The chief probation officer and any incumbent personnel shall continue in office upon January 1, 1970, but this subdivision shall apply in filling vacancies which may occur.

Probation officers of the county of Saint Louis shall make investigations as may be directed by the juvenile court of Saint Louis county as well as the district court and in the manner provided by Laws 1961, Chapter 302, Section 2. It is

contemplated by this subdivision that the judges of the juvenile court shall have the same jurisdiction over probation officers as have the judges of the district court.

History: *1969 c 549 s 3*

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 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.

History: *1959 c 685 s 4; 1973 c 123 art 5 s 7*

260.03 [Repealed, 1959 c 685 s 53]

260.031 REFEREE.

Subdivision 1. The office of referee is abolished. No vacancy in the office of referee shall be filled, nor new office created. Persons holding the office of referee on June 30, 1980, in the second and August 15, 1980, in the fourth judicial district may continue to serve at the pleasure of the chief judge of the district under the terms and conditions of their appointment. All referees are subject to the administrative authority and assignment power of the chief judge of the district as provided in section 484.69, subdivision 3, and are not limited to assignment to juvenile court. Referees shall be qualified for their duties by their previous training and experience and hold office at the pleasure of the judge. The compensation of a referee shall be fixed by the judge, approved by the county board and payable from the general revenue funds of the county not otherwise appropriated. Part time referees holding office in the second judicial district pursuant to this subdivision shall cease to hold office on July 31, 1984.

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.

History: *1959 c 685 s 5; 1981 c 272 s 1; 1Sp1981 c 4 art 4 s 25*

260.04 [Repealed, 1959 c 685 s 53]

260.041 CLERK; COURT REPORTER.

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.

History: *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.

History: *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.

History: *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.

History: *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. 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.

History: *1959 c 685 s 10; 1965 c 316 s 5; 1976 c 318 s 8*

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).

History: *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.

History: *1959 c 685 s 12*

260.106 [Repealed, 1977 c 200 s 1]

JURISDICTION OF COURT OVER CHILDREN AND MINORS

260.11 [Repealed, 1959 c 685 s 53]

260.111 JURISDICTION.

Subdivision 1. **Children who are delinquent, neglected, dependent or neglected and in foster care.** Except as provided in sections 260.125 and 260.193, the juvenile court has original and exclusive jurisdiction in proceedings concerning any child who is alleged to be delinquent, a juvenile traffic offender, a juvenile petty offender, a habitual truant, a runaway, a juvenile alcohol or controlled substance offender, neglected, neglected and in foster care, or dependent, and in proceedings concerning any minor alleged to have been a delinquent, a juvenile petty offender, a habitual truant, a runaway, or a juvenile alcohol or controlled substance offender or a juvenile traffic offender prior to having become 18 years of age. The juvenile court shall deal with such a minor as it deals with any other child who is alleged to be delinquent or a juvenile traffic offender.

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.

(e) The review of the foster care status of a child who has been placed in a residential facility, as defined in section 257.071, subdivision 1, pursuant to a voluntary release by his parent or parents.

History: *1959 c 685 s 13; 1961 c 576 s 6; 1978 c 602 s 4; 1980 c 580 s 4; 1981 c 290 s 6; 1982 c 544 s 7*

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 a court has original jurisdiction of a child who has committed a minor traffic offense, as defined in section 260.193, subdivision 1, clause (c), 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.

History: *1959 c 685 s 14; 1980 c 580 s 5*

260.12 [Repealed, 1959 c 685 s 53]

260.121 VENUE.

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

Subd. 2. **Transfer.** The judge of the juvenile court may transfer any proceedings brought under section 260.111, except adoptions, to the juvenile court of a county having venue as provided in subdivision 1, at any stage of the proceedings and in the following manner. When it appears that the best interests of the child, society, or the convenience of proceedings will be served by a transfer, the court may transfer the case to the juvenile court of the county of the child's residence. With the consent of the receiving court, the court may also transfer the case to the juvenile court of the county where the child is found or, if delinquency, habitual truancy, running away, a juvenile petty offense, juvenile alcohol or controlled substance offense or a juvenile traffic offense is alleged, to the county where the alleged delinquency, habitual truancy, running away, juvenile petty offense, juvenile alcohol or controlled substance offense or juvenile traffic offense occurred. The court transfers the case by ordering a continuance and by forwarding to the clerk of the appropriate juvenile court a certified copy of all papers filed, together with an order of transfer. The judge of the receiving court may accept the findings of the transferring court or he may direct the filing of a new petition or notice under section 260.015, subdivision 23 or 260.132 and hear the case anew.

Subd. 3. Except when a child is alleged to have committed a minor traffic offense, as defined in section 260.193, subdivision 1, clause (c), 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.

History: *1959 c 685 s 15; 1961 c 576 s 7,8; 1977 c 330 s 1; 1980 c 580 s 6; 1982 c 544 s 8,9*

260.125 MS 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 the matter is referred shall within the time specified in the order of reference, which time shall not exceed 90 days, file with the court making the order of reference notice of intent to prosecute or not to prosecute. If the 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;

(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 within 30 days of the filing of the reference motion, unless good cause is shown by the prosecution or the child as to why the hearing should not be held within this period; and

(d) The court finds that

(1) there is probable cause, as defined by the rules of criminal procedure promulgated pursuant to section 480.059, to believe the child committed the offense alleged by delinquency petition and

(2) the prosecuting authority has demonstrated by clear and convincing evidence 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. A prima facie case that the public safety is not served or that the child is not suitable for treatment shall have been established if the child was at least 16 years of age at the time of the alleged offense and:

(1) Is alleged by delinquency petition to have committed an aggravated felony against the person and (a) in committing the offense, the child acted with particular cruelty or disregard for the life or safety of another; or (b) the offense involved a high degree of sophistication or planning by the juvenile; or

(2) Is alleged by delinquency petition to have committed murder in the first degree; or

(3) Has been found by the court, pursuant to an admission in court or after trial, to have committed an offense within the preceding 24 months which would be a felony if committed by an adult, and is alleged by delinquency petition to have committed murder in the second or third degree, manslaughter in the first degree, criminal sexual conduct in the first degree or assault in the first degree; or

(4) Has been found by the court, pursuant to an admission in court or after trial, to have committed two offenses, not in the same behavioral incident, within the preceding 24 months which would be felonies if committed by an adult, and is alleged by delinquency petition to have committed manslaughter in the second degree, kidnapping, criminal sexual conduct in the second degree, arson in the first degree, aggravated robbery, or assault in the second degree; or

(5) Has been found by the court, pursuant to an admission in court or after trial, to have committed two offenses, not in the same behavioral incident, within the preceding 24 months, one or both of which would be the felony of burglary of

a dwelling if committed by an adult, and the child is alleged by the delinquency petition to have committed another burglary of a dwelling. For purposes of this subdivision, "dwelling" means a building which is, in whole or in part, usually occupied by one or more persons living there at night; or

(6) Has previously been found by the court, pursuant to an admission in court or after trial, to have committed three offenses, none in the same behavioral incident, within the preceding 24 months which would be felonies if committed by an adult, and is alleged by delinquency petition to have committed any felony other than those described in clauses (2), (3) or (4).

For the purposes of this subdivision, "aggravated felony against the person" means a violation of any of the following provisions: sections 609.185; 609.19; 609.195; 609.20, subdivision 1 or 2; 609.221; 609.222; 609.223; 609.245; 609.25; 609.342; 609.343; 609.344, clause (c) or (d); 609.345, clause (c) or (d); 609.561; 609.58, subdivision 2, clause (b); or 609.713.

Subd. 4. 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.

Subd. 5. If the juvenile court orders a reference for prosecution, the order shall contain in writing, findings of fact and conclusions of law as to why the child is not suitable to treatment or the public safety is not served under the provisions of laws relating to the juvenile courts. If the juvenile court, after a hearing conducted pursuant to subdivision 2, decides not to order a reference for prosecution, the decision shall contain, in writing, findings of fact and conclusions of law as to why a reference for prosecution is not ordered.

Subd. 6. The crime control planning board created pursuant to section 299A.03, shall monitor and evaluate the effect of this section and shall submit a report to the legislature on or before January 1, 1982. The report shall, at the minimum, compare the number of references ordered and the characteristics of juveniles referred for prosecution pursuant to section 260.125 prior to and subsequent to August 1, 1980.

History: *1959 c 685 s 16; 1963 c 516 s 2; 1980 c 580 s 7; 1981 c 201 s 1; 1982 c 544 s 10*

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, dependent, or neglected and in foster care, may petition the juvenile court in the manner provided in this section.

Subd. 1a. **Review of foster care status.** The social service agency responsible for the placement of a child in a residential facility, as defined in section 257.071, subdivision 1, pursuant to a voluntary release by the child's parent or parents may bring a petition in juvenile court to review the foster care status of the child 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.

History: *1959 c 685 s 17; 1961 c 576 s 9,10; 1963 c 516 s 3; 1978 c 602 s 5; 1981 c 290 s 7*

260.132 PROCEDURE; HABITUAL TRUANTS, RUNAWAYS, JUVENILE PETTY OFFENDERS.

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

Subd. 2. **Effect of notice.** Filing with the court a notice to appear containing the name and address of the child, specifying the offense alleged and the time and place it was committed, has the effect of a petition giving the juvenile court jurisdiction. In the case of running away, the place where the offense was committed may be stated in the notice as either the child's custodial parent's or guardian's residence or lawful placement or where the child was found by the officer. In the case of truancy, the place where the offense was committed may be stated as the school or the place where the child was found by the officer.

Subd. 3. **Notice to parent.** Whenever a notice to appear or petition is filed alleging that a child is a runaway, a habitual truant, or a juvenile petty offender, the court shall summon and notify the person or persons having custody or control of the child of the nature of the offense alleged and the time and place of hearing. This summons and notice shall be served in the time and manner provided in section 260.135, subdivision 1.

History: *1982 c 544 s 11*

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 child to appear with the child before the court at a time and place stated. The summons shall have a copy of the petition attached, and shall advise the parties of the right to counsel and of the consequences of failure to obey the summons.

Subd. 2. The court shall have notice of the pendency of the case and of the time and place of the hearing served upon a parent, guardian, or spouse of the child, who has not been 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 notarized petition or by sworn affidavit that there are reasonable grounds to believe the child is in surroundings or conditions which endanger the child's health, safety or welfare and require 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 child into immediate custody.

History: *1959 c 685 s 18; 1963 c 516 s 4; 1980 c 580 s 3-10*

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 upon the following persons in the same manner in which personal service of summons in civil actions is made:

(1) in all delinquency matters, upon the person having custody or control of the child and upon the child; and

(2) in all other matters, upon the person having custody or control of the child, and upon the child if he is more than 12 years of age.

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 weeks 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.

History: *1959 c 685 s 19; 1963 c 516 s 5,6; 1980 c 580 s 11*

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.

History: *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. With the consent of the commissioner of corrections and agreement of the county to pay the costs thereof, the court may, by order, place a minor coming within its jurisdiction in an institution maintained by the commissioner for the detention, diagnosis, custody and treatment of persons adjudicated to be delinquent, 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. Any funds received under the provisions of this subdivision or under the provisions of section 260.175, clause (d) shall not cancel until the end of the fiscal year immediately following the fiscal year in which the funds were received. The funds are available for use by the commissioner of corrections during that period, and are hereby appropriated annually to the commissioner of corrections as reimbursement of the costs of providing these services to the juvenile courts.

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.

History: *1959 c 685 s 21; 1969 c 502 s 2; 1973 c 654 s 15; 1974 c 156 s 2; 1975 c 434 s 27*

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. The rules of evidence promulgated pursuant to section 480.0591 and the law of evidence shall apply in adjudicatory proceedings involving a child alleged to be delinquent, a habitual truant, a runaway, a juvenile petty offender, or a juvenile alcohol or controlled substance offender, and hearings conducted pursuant to section 260.125 except to the extent that the rules themselves provide

that they do not apply. Hearings may be continued or adjourned from time to time and, in the interim, the court may make any orders as it deems in the best interests of the minor in accordance with the provisions of sections 260.011 to 260.301. The court shall exclude the general public from these hearings and shall admit only those persons who, in the discretion of the court, have a direct interest in the case or in the work of the court. In all delinquency cases a person named in the charging clause of the petition as a person directly damaged in person or property shall be entitled, upon request, to be notified by the clerk of court in writing, at his last known address, of (1) the date of the reference or adjudicatory hearings, and (2) the disposition of the case. Adoption hearings shall be conducted in accordance with the provisions of laws relating to adoptions.

Subd. 2. **Appointment of counsel.** The minor, parent, guardian or custodian have the right to effective assistance of 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.** (a) The court shall appoint a guardian ad litem to protect the interests of the minor when it appears, at any stage of the proceedings, that the minor is without a parent or guardian, or that his parent is a minor or incompetent, or that his parent or guardian is indifferent or hostile to the minor's interests, and in every proceeding alleging neglect or dependency. In any other case the court may appoint a guardian ad litem to protect the interests of the minor when the court feels that such an appointment is desirable. The court shall appoint the guardian ad litem on its own motion or in the manner provided for the appointment of a guardian ad litem in the district court.

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

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

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.

Subd. 7. **Factors in determining neglect.** In determining whether a child is neglected and in foster care, the court shall consider, among other factors, the following:

(1) The length of time the child has been in foster care;

(2) The effort the parent has made to adjust his circumstances, conduct, or condition to make it in the child's best interest to return him to his home in the foreseeable future, including the use of rehabilitative services offered to the parent;

(3) Whether the parent has visited the child within the nine months preceding the filing of the petition, unless it was physically or financially impossible for the parent to visit or not in the best interests of the child to be visited by the parent;

(4) The maintenance of regular contact or communication with the agency or person temporarily responsible for the child;

(5) The appropriateness and adequacy of services provided or offered to the parent to facilitate a reunion;

(6) Whether additional services would be likely to bring about lasting parental adjustment enabling a return of the child to the parent within an ascertainable period of time; and

(7) The nature of the effort made by the responsible social service agency to rehabilitate and reunite the family.

Subd. 8. **Waiver.** Waiver of any right which a child has under this chapter must be an express waiver intelligently made by the child after the child has been fully and effectively informed of the right being waived. If a child is under 12 years of age, the child's parent, guardian or custodian shall give any waiver or offer any objection contemplated by this chapter.

History: *1959 c 685 s 22; 1975 c 210 s 1; 1978 c 602 s 6; 1980 c 580 s 12-15; 1982 c 544 s 12*

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 keep and maintain records pertaining to delinquent adjudications until the person reaches the age of 23 years and shall release the records on an individual to a requesting adult court for purposes of sentencing. The juvenile court shall provide, upon the request of any other juvenile court, copies of the records concerning adjudications involving the particular child. 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. The 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.

History: *1959 c 685 s 23; 1961 c 576 s 11; 1963 c 516 s 7; 1967 c 75 s 1; 1980 c 580 s 16*

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 section 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.

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

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

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. Except a child taken into

custody pursuant to section 260.165, subdivision 1, clause (a) or (c)(2), no child may be detained in a secure detention facility or a shelter care facility longer than 24 hours, excluding Saturdays, Sundays and holidays, unless an order for detention, specifying the reason for detention, is signed by the judge or referee. No child may be detained in a secure detention facility or shelter care facility longer than 36 hours, excluding Saturdays, Sundays or holidays, after being taken into custody for a delinquent act as defined in section 260.015, subdivision 5, unless a petition has been filed and the judge or referee determines pursuant to section 260.172 that the child shall remain in detention.

No child taken into custody pursuant to section 260.165, subdivision 1, clause (a) or (c)(2) may be held in a shelter care facility longer than 72 hours, excluding Saturdays, Sundays and holidays, unless a petition has been filed and the judge or referee determines pursuant to section 260.172 that the child shall remain in custody.

If a child described in section 260.173, subdivision 4, is to be detained in a jail beyond 48 hours, the judge or referee, in accordance with rules and procedures established by the commissioner of corrections, shall notify the commissioner of the place of the detention and the reasons therefor. The commissioner shall thereupon assist the court in the relocation of the child in an appropriate secure detention facility or approved jail within the county or elsewhere in the state, or in determining suitable alternatives. The commissioner shall direct that a child detained in a jail be detained after eight days from and including the date of the original detention order in an approved secure detention facility with the approval of the administrative authority of the facility. If the court refers the matter to the prosecuting authority pursuant to section 260.125, notice to the commissioner shall not be required.

Subd. 3. [Repealed, 1976 c 318 s 18]

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

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

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

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

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

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

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

Subd. 5. If a child is to be detained in a secure detention facility or shelter care facility, the child shall be promptly transported to the facility in a manner approved by the facility or by securing a written transportation order from the court authorizing transportation by the sheriff or other qualified person. The person who has determined that the child should be detained shall deliver to the court and the supervisor of the secure detention facility or shelter care facility where the child is placed, a signed report, setting forth:

(a) the time the child was taken into custody; and

(b) the time the child was delivered for transportation to the secure detention facility or shelter care facility; and

(c) the reasons why the child was taken into custody; and

(d) the reasons why the child has been placed in detention; and

(e) a statement that the child and his parent have received the notification required by subdivision 4 or the reasons why they have not been so notified; and

(f) any instructions required by subdivision 5a.

Subd. 5a. **Shelter care; notice to parent.** When a child is to be placed in a shelter care facility the person taking the child into custody or the court shall determine whether or not there is reason to believe that disclosure of the shelter care facility's location to the child's parent, guardian, or custodian would immediately endanger the health and welfare of the child. If there is reason to believe that the child's health and welfare would be immediately endangered, disclosure of the location shall not be made. This determination shall be included in the report required by subdivision 5, along with instructions to the shelter care facility to notify or withhold notification.

Subd. 6. (a) When a child has been delivered to a secure detention facility, the supervisor of the facility shall deliver to the court a signed report acknowledging receipt of the child stating the time of the child's arrival. The supervisor of the facility shall ascertain from the report of the person who has taken the child into custody whether the child and his parent, guardian, or custodian have received the notification required by subdivision 4. If the child or his parent, guardian or custodian, or both, have not been so notified, the supervisor of the facility shall immediately make the notification, and shall include in his report to the court a statement that notification has been received or the reasons why it has not.

(b) When a child has been delivered to a shelter care facility, the supervisor of the facility shall deliver to the court a signed report acknowledging receipt of the child stating the time of the child's arrival. The supervisor of the facility shall ascertain from the report of the person who has taken the child into custody whether the child's parent, guardian or custodian has been notified of the placement of the child at the shelter care facility and its location, and the supervisor shall follow any instructions concerning notification contained in that report.

History: *1959 c 685 s 25; 1969 c 556 s 1; 1971 c 590 s 1; 1976 c 318 s 9-13; 1977 c 330 s 3-5; 1977 c 347 s 41; 1978 c 637 s 1; 1982 c 469 s 3-7*

260.172 DETENTION HEARING.

Subdivision 1. Except a child taken into custody pursuant to section 260.165, subdivision 1, clause (a) or (c)(2), a hearing shall be held within 36 hours of a child's being taken into custody, excluding Saturdays, Sundays and holidays, to determine whether the child should continue in detention. Within 72 hours of a

child being taken into custody pursuant to section 260.165, subdivision 1, clause (a) or (c)(2), excluding Saturdays, Sundays and holidays, a hearing shall be held to determine whether the child should continue in custody. Unless there is reason to believe that the child would endanger himself or others, not return for a court hearing, not remain in the care or control of the person to whose lawful custody he is released, or that the child's health or welfare would be immediately endangered, the child shall be released to the custody of his parent, guardian, custodian or other suitable person.

Subd. 2. If the court determines that the child should continue in detention, it may order detention continued for eight days, excluding Saturdays, Sundays and holidays, from and including the date of the order. The court shall include in its order the reasons for continued detention and the findings of fact which support these reasons.

Subd. 3. Copies of the court's order shall be served upon the parties, including the supervisor of the detention facility, who shall release the child or continue to hold him as the court orders.

When the court's order is served upon these parties, notice shall also be given to the parties of the subsequent reviews provided by subdivision 4. The notice shall also inform each party that he may submit to the court for informal review any new evidence regarding whether the child should be continued in detention and that he may request a hearing to present the evidence to the court.

Subd. 4. If a child held in detention under a court order issued under subdivision 2 has not been released prior to expiration of the order, the court or referee shall informally review the child's case file to determine, under the standards provided by subdivision 1, whether detention should be continued. If detention is continued thereafter, informal reviews such as these shall be held within every eight days, excluding Saturdays, Sundays and holidays, of the child's detention.

A hearing, rather than an informal review of the child's case file, shall be held at the request of any one of the parties notified pursuant to subdivision 3, if that party notifies the court that he wishes to present to the court new evidence concerning whether the child should be continued in detention.

History: *1976 c 318 s 14; 1977 c 330 s 6-9; 1982 c 469 s 8*

260.173 PLACE OF TEMPORARY CUSTODY; SHELTER CARE FACILITY.

Subdivision 1. A child taken into custody pursuant to section 260.165 may be detained for up to 24 hours in a shelter care facility, secure detention facility, or, if there is no secure detention facility available for use by the county having jurisdiction over the child, in a jail or other facility for the confinement of adults who have been charged with or convicted of a crime in quarters separate from any adult confined in the facility which has been approved for the detention of juveniles by the commissioner of corrections. At the end of the 24 hour detention any child requiring further detention may be detained only as provided in this section.

Subd. 2. Notwithstanding the provisions of subdivision 1, if the child had been taken into custody pursuant to section 260.165, subdivision 1, clause (a), or had been found in surroundings or conditions reasonably believed to endanger his health or welfare, and is not alleged to be delinquent, he may be detained only in a shelter care facility.

Subd. 3. **Placement.** If the child had been taken into custody and detained as one who is alleged to be delinquent, a habitual truant, a runaway, a juvenile petty offender, or a juvenile alcohol or controlled substance offender by reason of:

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

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

Subd. 4. If a child is taken into custody as one who:

(a) has allegedly committed an act which would constitute a violation of a state law or a local ordinance if he were an adult; or

(b) is reasonably believed to have violated the terms of his probation, parole, or other field supervision under which he had been placed as a result of behavior described under clause (a);

he may be detained in a shelter care or secure detention facility. If the child cannot be detained in another type of detention facility, and if there is no secure detention facility for juveniles within the county, a child described in this subdivision may be detained up to 48 hours in a jail, lock-up or other facility used for the confinement of adults who have been charged with or convicted of a crime, in quarters separate from any adult confined in the facility which has been approved for the detention of juveniles for up to 48 hours by the commissioner of corrections, or, if continued detention is required and there is no secure detention facility for juveniles available for use by the county having jurisdiction over the child, such child may be detained for no more than eight days from and including the date of the original detention order in separate quarters in any jail or other adult facility for the confinement of persons charged with or convicted of crime which has been approved by the commissioner of corrections to be suitable for the detention of juveniles for up to eight days. Except for children who have been referred for prosecution pursuant to section 260.125, and as hereinafter provided, any child requiring secure detention for more than eight days from and including the date of the original detention order must be removed to an approved secure juvenile detention facility. A child 16 years of age or older against whom a motion to refer for prosecution is pending before the court may be detained for more than eight days in separate quarters in a jail or other facility which has been approved by the commissioner of corrections for the detention of juveniles for up to eight days after a hearing and subject to the periodic reviews provided in section 260.172. No child under the age of 14 may be detained in a jail, lock-up or other facility used for the confinement of adults who have been charged with or convicted of a crime.

Subd. 5. In order for a child to be detained at a state correctional institution for juveniles, the commissioner of corrections must first consent thereto, and the county must agree to pay the costs of the child's detention.

Where the commissioner directs that a child be detained in an approved juvenile facility with the approval of the administrative authority of the facility as provided in section 260.171, subdivision 2, or subdivision 4 of this section, the costs of such detention shall be a charge upon the county for which the child is being detained.

History: *1976 c 318 s 15; 1978 c 637 s 2; 1982 c 544 s 13; 1982 c 596 s 1*

260.175 [Repealed, 1976 c 318 s 18]

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 and ethnic 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 and the same ethnic origin as the parents of the child, or with some association which is controlled by persons of like religious faith and ethnic origin as the parents. The court may require the county welfare agency to continue efforts to find a guardian of like religious faith or ethnic origin when such a guardian is not immediately available.

Subd. 4. **Termination of jurisdiction.** The court may dismiss the petition or otherwise terminate its jurisdiction on its own motion or on the motion or petition of any interested party at any time. Unless terminated by the court, the jurisdiction of the court shall continue until the individual becomes 19 years of age if the court determines it is in the best interest of the individual to do so.

History: *1959 c 685 s 27; 1963 c 516 s 9; 1974 c 544 s 1; 1978 c 602 s 9; 1982 c 615 s 4*

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, or with the consent of the commissioner of corrections, in a group foster care facility which is under the management and supervision of said commissioner;

(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. No person may receive custody of two or more unrelated children unless he is licensed as a residential facility pursuant to sections 245.781 to 245.813; or

(4) Except for children found to be delinquent as defined in section 260.015, subdivision 5, clauses (c) and (d), a county home school, if the county maintains a home school or enters into an agreement with a county home school; or

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

(d) Except for children found to be delinquent as defined in section 260.015, subdivision 5, clauses (c) and (d), transfer legal custody by commitment to the commissioner of corrections;

(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) Require the child to pay a fine of up to $500; the court shall order payment of the fine in accordance with a time payment schedule which shall not impose an undue financial hardship on the child;

(g) 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;

(h) 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 18th birthday, the court may recommend to the commissioner of transportation the cancellation of the child's license for any period up to the child's 18th 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 transportation that the child be authorized to apply for a new license, and the commissioner may so authorize.

Any order for a disposition authorized under this section shall contain written findings of fact to support the disposition ordered, and shall also set forth in writing the following information:

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

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

This subdivision applies to dispositions of juveniles found to be delinquent as defined in section 260.015, subdivision 5, clause (c) or (d) made prior to, on, or after January 1, 1978.

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, or when a hearing has been held as provided for in section 260.155 and the allegations contained in the petition have been duly proven but, in either case, before a finding of delinquency has been entered, the court may continue the case for a period not to exceed 90 days on any one order. Such a continuance may be extended for one additional successive period not to exceed 90 days and only after the court has reviewed the case and entered its order for an additional continuance without a finding of delinquency. 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, clause (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, clause (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 corrections board, it shall transmit with the order transferring legal custody a copy of its findings and a summary of its information concerning the child.

History: *1959 c 685 s 28; 1961 c 576 s 12,13; 1969 c 769 s 1; 1969 c 1019 s 1; 1973 c 654 s 15; 1974 c 469 s 2; 1975 c 271 s 6; 1976 c 150 s 1; 1976 c 166 s 7; 1978 c 657 s 1; 1978 c 778 s 2; 1980 c 580 s 17*

260.19 [Repealed, 1959 c 685 s 53]

260.191 DISPOSITIONS; CHILDREN WHO ARE NEGLECTED, DEPENDENT, OR NEGLECTED AND IN FOSTER CARE.

Subdivision 1. If the court finds that the child is neglected, dependent, or neglected and in foster care, 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.

Any order for a disposition authorized under this section shall contain written findings of fact to support the disposition ordered, and shall also set forth in writing the following information:

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

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

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.

Subd. 4. When it is in the best interests of the child or his parents to do so and when either the allegations contained in the petition have been admitted, or when a hearing has been held as provided in section 260.155 and the allegations contained in the petition have been duly proven, before a finding of neglect or dependency or a finding that a child is neglected and in foster care has been entered the court may continue the case for a period not to exceed 90 days on any

one order. Such a continuance may be extended for one additional successive period not to exceed 90 days and only after the court has reviewed the case and entered its order for an additional continuance without a finding that the child is neglected, dependent, or neglected and in foster care. During this continuance the court may enter any order otherwise permitted under the provisions of this section.

History: *1959 c 685 s 29; 1969 c 1019 s 2; 1976 c 150 s 2; 1978 c 602 s 7,8*

260.192 DISPOSITIONS; VOLUNTARY FOSTER CARE PLACEMENTS.

Upon a petition for review of the foster care status of a child, the court may:

(a) Find that the child's needs are being met and that the child's placement in foster care is in the best interests of the child, in which case the court shall approve the voluntary arrangement. The court shall order the social service agency responsible for the placement to bring a petition pursuant to either section 260.131, subdivision 1 or section 260.131, subdivision 1a, as appropriate, within two years if court review was pursuant to section 257.071, subdivision 3 or subdivision 4, or within one year if court review was pursuant to section 257.071, subdivision 2.

(b) Find that the child's needs are not being met, in which case the court shall order the social service agency or the parents to take whatever action is necessary and feasible to meet the child's needs, including, when appropriate, the provision by the social service agency of services to the parents which would enable the child to live at home, and shall order the case to be reviewed again within one year.

(c) Find that the child has been abandoned by his parents financially or emotionally, or that the developmentally disabled child does not require out-of-home care because of the handicapping condition, in which case the court shall order the social service agency to file an appropriate petition pursuant to sections 260.131, subdivision 1, or 260.231.

History: *1981 c 290 s 8*

260.193 JUVENILE TRAFFIC OFFENDER; PROCEDURES; DISPOSITIONS.

Subdivision 1. (a) For purposes of this section, the following terms have the meanings given them.

(b) "Major traffic offense" includes any violation of a state or local traffic law, ordinance, or regulation, or a federal, state, or local water traffic law not included within the provisions of clause (c).

(c) "Minor traffic offense" means a violation of a state or local traffic law, ordinance, or regulation, or a federal, state, or local water traffic law constituting an offense punishable only by fine of not more than $100.

Subd. 2. A child who commits a major traffic offense 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. 3. Except as provided in subdivision 4, a child who commits a minor traffic offense and at the time of the offense was at least 16 years old shall be subject to the laws and court procedures controlling adult traffic violators and shall not be under the jurisdiction of the juvenile court. When a child is alleged to have committed a minor traffic offense and is at least 16 years old at the time of the offense, the peace officer making the charge shall follow the arrest procedures prescribed in section 169.91 and shall make reasonable effort to notify the child's parent or guardian of the nature of the charge.

Subd. 4. The juvenile court shall have original jurisdiction if the child is alleged to have committed both major and minor traffic offenses in the same behavioral incident.

Subd. 5. When a child is alleged to have committed a major traffic offense, 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 a notice to appear containing the name and address of the child allegedly committing a major traffic offense 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 commits a major traffic offense 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. 6. Before making a disposition of any child found to be a juvenile major traffic offender, the court shall obtain from the department of transportation 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 the information is now or hereafter may be kept information of any previous water traffic violation by the juvenile.

Subd. 7. If after a hearing the court finds that the welfare of a juvenile major 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. 8. If the juvenile court finds that the child is a juvenile major 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 department of public safety 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 public safety 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 of public safety 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 public safety, or to the licensing authority of another state, that the child's license be returned to him, and the commissioner of public safety 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;

(g) Require the child to pay a fine of up to $500. The court shall order payment of the fine in accordance with a time payment schedule which shall not impose an undue financial hardship on the child.

Subd. 9. The juvenile court shall report the disposition of all juvenile highway traffic cases to the commissioner of public safety, as provided in section 171.16, on the standard form provided by the department of public safety under section 169.95.

Subd. 10. The juvenile court records of juvenile highway traffic offenders and juvenile water traffic offenders shall be kept separate from delinquency matters.

History: *1959 c 685 s 30; 1961 c 576 s 14-17; 1963 c 516 s 10; 1971 c 491 s 42,43; 1976 c 166 s 7; 1980 c 580 s 18*

260.194 DISPOSITIONS; CHILDREN WHO ARE HABITUALLY TRUANT, RUNAWAYS, OR JUVENILE PETTY OFFENDERS.

Subdivision 1. **Dispositions permitted.** If the court finds that the child is a habitual truant, a runaway, or a juvenile petty offender, it shall enter an order making any of the following dispositions of the case which it deems 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 the child's own home under conditions prescribed by the court, including reasonable rules for the child's conduct and the conduct of his parents, guardian, or custodian, designed for the physical, mental, and moral well-being and behavior of the child; or with consent of the commissioner of corrections, in a group foster care facility which is under the commissioner's management and supervision;

(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. No person may receive custody of two or more unrelated children unless he is licensed as a residential facility pursuant to sections 245.781 to 245.813; or

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

(d) Require the child to pay a fine of up to $100; the court shall order payment of the fine in a manner that will not impose undue financial hardship upon the child;

(e) 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;

(f) Require the child to participate in a community service project;

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

(h) Require the child to perform any other activities or participate in any other treatment programs deemed appropriate by the court;

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

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

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

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

Subd. 2. **Expungement.** The court may expunge the adjudication of a child as a habitual truant, a runaway, or juvenile petty offender at any time it deems advisable.

Subd. 3. **Continuance.** When it is in the best interests of the child to do so and when the child has admitted the allegations contained in the notice before the judge or referee, or when a hearing has been held as provided for in section 260.155 and the allegations contained in the notice have been duly proven but, in either case, before a finding of habitual truancy, running away, or juvenile petty offense has been entered, the court may continue the case for a period not to exceed 90 days, and only after the court has reviewed the case and entered its order for an additional continuance without a finding of habitual truancy, running away, or petty juvenile offense.

Subd. 4. **Supervision; duration; renewal.** All orders for supervision under subdivision 1, clause (b) shall be for an indeterminate period unless otherwise specified by order of the court. They shall be reviewed by the court at least annually. All orders under subdivision 1, clause (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 directs.

Subd. 5. **Transfer of custody; report.** When the court transfers legal custody of a juvenile petty offender, a habitual truant, or a runaway child to a licensed child placing agency or 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.

History: *1982 c 544 s 14*

260.195 JUVENILE ALCOHOL OR CONTROLLED SUBSTANCE OFFENDER; PROCEDURES; DISPOSITIONS.

Subdivision 1. **Adjudication.** A juvenile alcohol or controlled substance offender shall be adjudicated a "juvenile alcohol offender or juvenile controlled substance offender," and shall not be adjudicated delinquent, unless, as in the case of any other child alleged to be delinquent, a petition is filed in the manner provided in section 260.131, summons issued, notice given, a hearing held, and the

court finds as a further fact that the child is also delinquent within the meaning and purpose of the laws related to juvenile courts.

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

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

(a) Pay a fine of up to $100;

(b) Participate in a community service project;

(c) Participate in a drug awareness program; or

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

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

None of the dispositional alternatives described in this subdivision shall be imposed by the court in a manner which would cause an undue hardship upon the child.

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

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

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

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

Subd. 6. **Report.** The juvenile court shall report to the office of state court administrator each disposition made under sections 260.185, 260.191, 260.192, 260.194 and 260.195 where placement is made outside of this state's jurisdictional

boundaries. Each report shall contain information as to date of placement, length of anticipated placement, program costs, reasons for out of state placement, and any other information as the office requires to determine the number of out of state placements, the reasons for these placements, and the costs involved. The report shall not contain the name of the child. Any information contained in the reports relating to factors identifying a particular child is confidential and may be disclosed only by order of the juvenile court. Any person violating this subdivision as to release of this confidential information is guilty of a misdemeanor.

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

History: *1982 c 544 s 15*

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, except that an adjudication may later be used to determine a proper sentence, 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.

History: *1959 c 685 s 31; 1963 c 516 s 11; 1980 c 580 s 19*

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.

History: *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 a parent to a child in the following cases:

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

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

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

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

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

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

(5) That following upon a determination of neglect or dependency, reasonable efforts, under the direction of the court, have failed to correct the conditions leading to the determination; or

(6) That in the case of an illegitimate child the person is not entitled to notice of an adoption hearing under section 259.26 and either the person has not filed a notice of his intention to retain parental rights under section 259.261 or that such notice has been successfully challenged; or

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

History: *1959 c 685 s 33; 1974 c 66 s 8; 1978 c 602 s 10; 1980 c 561 s 10*

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.

History: *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, as defined in sections 257.51 to 257.74 or in section 259.26, subdivision 1, clause (2), 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 the waiver shall be effective only if the parent's 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.

History: *1959 c 685 s 35; 1974 c 66 s 9; 1980 c 589 s 37*

260.235 DISPOSITION; PARENTAL RIGHTS NOT TERMINATED.

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

History: *1959 c 685 s 36; 1978 c 602 s 11*

260.24 [Repealed, 1959 c 685 s 53]

260.241 TERMINATION OF PARENTAL RIGHTS; EFFECT.

Subdivision 1. If, after a hearing, the court finds by clear and convincing evidence that one or more of the conditions set out in section 260.221 exist, it may terminate parental rights. Upon the termination of parental rights all rights, powers, privileges, immunities, duties, and obligations, including any rights to custody, control, visitation, or support existing between the child and parent shall be severed and terminated and the parent shall have no standing to appear at any further legal proceeding concerning the child. Provided, however, that a parent whose parental rights are terminated shall remain liable for the unpaid balance of any support obligation owed under a court order upon the effective date of the order terminating parental rights.

Subd. 2. An order terminating the parent and child relationship shall not disentitle a child to any benefit due the child from any third person, agency, state, or the United States, nor shall any action under this section be deemed to affect any rights and benefits that a child derives from the child's descent from a member of a federally recognized Indian tribe.

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.

Subd. 4. Upon entry of an order terminating the parental rights of any person who is identified as a parent on the original birth certificate of the child as to whom the parental rights are terminated, the court shall cause written notice to be made to that person setting forth:

(a) The right of the person to file at any time with the state registrar of vital statistics a consent to disclosure, as defined in section 144.212, subdivision 11;

(b) The right of the person to file at any time with the state registrar of vital statistics an affidavit stating that the information on the original birth certificate shall not be disclosed as provided in section 144.1761;

(c) The effect of a failure to file either a consent to disclosure, as defined in section 144.212, subdivision 11, or an affidavit stating that the information on the original birth certificate shall not be disclosed.

History: *1959 c 685 s 37; 1969 c 1014 s 1; 1977 c 181 s 4; 1980 c 561 s 11,12; 1Sp1981 c 4 art 1 s 129*

260.242 GUARDIAN.

Subdivision 1. If the court terminates parental rights of both parents or of the only known living parent, the court shall order the guardianship and the legal custody of the child transferred to:

(a) The commissioner of public welfare; or

(b) A licensed child placing agency; or

(c) An individual who is willing and capable of assuming the appropriate duties and responsibilities to the child.

Subd. 2. (a) A guardian appointed under the provisions of subdivision 1 has legal custody of his ward unless the court which appoints him gives legal custody to some other person. If the court awards custody to a person other than the guardian, the guardian nonetheless has the right and responsibility of reasonable visitation, except as limited by court order.

(b) The guardian may make major decisions affecting the person of his ward, including but not limited to giving consent (when consent is legally required) to the marriage, enlistment in the armed forces, medical, surgical, or psychiatric treatment, or adoption of the ward. When, pursuant to subdivision 1, clause (a), the commissioner of public welfare is appointed guardian, he may delegate to the welfare board of the county in which, after the appointment, the ward resides, the authority to act for him in decisions affecting the person of his ward, including but not limited to giving consent to the marriage, enlistment in the armed forces, medical, surgical, or psychiatric treatment of the ward.

(c) A guardianship created under the provisions of subdivision 1 shall not of itself include the guardianship of the estate of the ward.

History: *1980 c 561 s 13*

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). Upon a showing that the child is emancipated, the court may discharge the guardianship. 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 or when guardianship is otherwise discharged.

History: *1959 c 685 s 38; 1971 c 186 s 1*

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. 1a. **Cost of group foster care.** Whenever a child is placed in a group foster care facility as provided in section 260.185, subdivision 1, clause (b) or clause (c), item (5), the cost of providing the care shall, upon certification by the juvenile court, be paid from the welfare fund of the county in which the proceedings were held. To reimburse the counties for the costs of providing group foster care for delinquent children and to promote the establishment of suitable group foster homes, the state shall quarterly, from funds appropriated for that purpose, reimburse counties 50 percent of the costs not paid by federal and other available state aids and grants. Reimbursement shall be prorated if the appropriation is insufficient.

The commissioner of corrections shall establish procedures for reimbursement and certify to the commissioner of finance each county entitled to receive state aid under the provisions of this subdivision. Upon receipt of a certificate the commissioner of finance shall issue a state warrant to the county treasurer for the amount due, together with a copy of the certificate prepared by the commissioner of corrections.

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 general assistance 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 general assistance 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 general assistance 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 section 256.045.

Subd. 4. **Attorneys fees.** In proceedings in which the court has appointed counsel pursuant to section 260.155, subdivision 2, for a minor unable to employ counsel, the court may inquire into the ability of the parents to pay for such counsel's services and, after giving the parents a reasonable opportunity to be heard, may order the parents to pay attorneys fees.

Subd. 5. **Guardian ad litem fees.** In proceedings in which the court appoints a guardian ad litem pursuant to section 260.155, subdivision 4, clause (a), the court may inquire into the ability of the parents to pay for the guardian ad litem's services and, after giving the parents a reasonable opportunity to be heard, may order the parents to pay guardian fees.

History: *1959 c 685 s 39; 1969 c 769 s 2; 1973 c 492 s 14; 1974 c 270 s 1; 1974 c 406 s 46; 1975 c 131 s 1; 1975 c 210 s 2; 1976 c 2 s 86; 1976 c 163 s 57; 1980 c 509 s 105*

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.

History: *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.

History: *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.

History: *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, neglected and in foster care, 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.

History: *1959 c 685 s 43; Ex1959 c 40 s 1; 1978 c 602 s 12*

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.

History: *1959 c 685 s 44*

MISCELLANEOUS

260.305 [Repealed, 1974 c 322 s 26]
260.31 [Repealed, 1959 c 685 s 53]

260.311 PROBATION OFFICERS.

Subdivision 1. **Appointment; joint services; state services.** If a county or group of counties has established a human services board pursuant to chapter 402, the juvenile court may appoint one or more probation officers as necessary to perform court services, and the human services board shall appoint persons as necessary to provide correctional services within the authority granted in chapter 402. In all counties of more than 200,000 population, which have not organized pursuant to chapter 402, the juvenile 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 county courts in one of the following ways:

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

(2) Two or more county courts or county court districts through their county boards may jointly appoint common salaried probation officers to serve in the several counties;

(3) A county may request the commissioner of corrections to furnish probation services to its county court in accordance with the provisions of this section, and the commissioner of corrections shall furnish such services to any county that fails to provide its own probation officer by one of the two procedures listed above;

(4) All probation officers serving the juvenile courts on July 1, 1972 shall continue to serve in the county or counties they are now serving.

Subd. 2. **Sufficiency of services.** Probation services shall be sufficient in amount to meet the needs of the county court in each county. Probation officers serving county courts in all counties of not more than 200,000 population shall also, pursuant to subdivision 3, provide probation and parole services to wards of the corrections board 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 commissioner of corrections shall, after consultation with the chief judge of the county court and the county commissioners and in the light of experience, establish probation districts to be served by one officer.

All probation officers appointed for any county court or community corrections agency shall be selected from a list of eligible candidates who have qualified according to the same or equivalent examining procedures as used by the commissioner of employee relations to certify eligibles to the commissioner of corrections in appointing parole agents, and the department of employee relations shall furnish the names of such candidates on request. This subdivision shall not apply to a political subdivision having a civil service or merit system unless the subdivision elects to be covered by this subdivision.

Subd. 3. **Powers and duties.** All probation officers serving county courts shall act under the orders of the court in reference to any person 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 person 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 person 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.

All probation officers serving county courts shall, in addition, provide probation and parole services to wards of the corrections board resident in the counties they serve, and shall act under the orders of said board in reference to any ward committed to their care by the board.

All probation officers serving county courts shall, under the direction of the authority having power to appoint them, initiate programs for the welfare of persons coming within the jurisdiction of the court to prevent delinquency and crime and to rehabilitate within the community persons who come within the jurisdiction of the court and are properly subject to efforts to accomplish prevention and rehabilitation. They shall, under the direction of the court, cooperate with all law enforcement agencies, schools, child welfare agencies of a public or private character, and other groups concerned with the prevention of crime and delinquency and the rehabilitation of persons convicted of crime and delinquency.

All probation officers serving county courts shall make monthly and annual reports to the corrections board, 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 corrections board.

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 commissioner of corrections the commissioner 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 commissioner of corrections shall reimburse the department of corrections for the total cost and expenses of such services as incurred by the commissioner of corrections. 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 commissioner of corrections shall certify to the state treasurer the total cost and expenses incurred by the commissioner on behalf of each county to which he 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 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 providing probation services 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 commissioner of corrections and the Minnesota corrections board and to aid the counties in achieving the purposes of this section, the commissioner shall annually, from funds appropriated for that purpose, pay 50

percent of the costs of probation officers' salaries 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. Salary costs include fringe benefits, but only to the extent that fringe benefits do not exceed those provided for state civil service employees. On or before July 1 of each even numbered year each county or group of counties shall submit to the commissioner of corrections an estimate of its costs under this section. Reimbursement shall be made on the basis of the estimate or actual expenditures incurred, whichever is less. Salary costs shall not be reimbursed unless county probation officers are paid salaries commensurate with the salaries paid to comparable positions in the classified service of the state civil service. The salary range to which each county probation officer is assigned shall be determined by the authority having power to appoint probation officers, and shall be based on the officer's length of service and performance. The appointing authority shall annually assign each county probation officer to a position on the salary scale commensurate with the officer's experience, tenure, and responsibilities. The judge shall file with the county auditor an order setting each county probation officer's salary. Time spent by a county probation officer as a court referee shall not qualify for reimbursement. Reimbursement shall be prorated if the appropriation is insufficient.

Subd. 6. **Certificate of counties entitled to state aid.** On or before January 1 of each year, until 1970 and on or before April 1 thereafter, the commissioner of corrections shall deliver to the commissioner of finance 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 commissioner of finance 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 commissioner of finance shall transmit such warrant to the county treasurer together with a copy of the certificate prepared by the commissioner of corrections.

Subd. 7. **Exception.** This section shall not apply to Ramsey county.

History: *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; 1969 c 278 s 1; 1969 c 399 s 1; 1971 c 25 s 51; 1971 c 951 s 41-43; 1973 c 492 s 14; 1973 c 507 s 45; 1973 c 654 s 15; 1975 c 258 s 5; 1975 c 271 s 6; 1975 c 381 s 21; 1976 c 163 s 58; 1977 c 281 s 1-3; 1977 c 392 s 8; 1980 c 617 s 47; 1981 c 192 s 20 (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.

History: *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.

History: *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.

History: *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 families with dependent children or supplemental security income for the aged, blind, and disabled, his needs shall be met through these programs.

History: *1941 c 159 s 5; 1947 c 81 s 2; 1953 c 54 s 1; 1955 c 81 s 1; 1973 c 717 s 21*

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.

History: *1953 c 95 s 1; 1961 c 560 s 23*

260.40 AGE LIMIT FOR BENEFITS TO CHILDREN.

For purposes of any program for foster children or children under state guardianship for which benefits are made available on June 1, 1973, unless specifically provided therein, the age of majority shall be 21 years of age.

History: *1973 c 725 s 89*

260.41 [Repealed, 1980 c 472 s 1]

260.42 [Repealed, 1980 c 472 s 1]

260.43 [Repealed, 1980 c 472 s 1]

260.44 [Repealed, 1980 c 472 s 1]

260.45 [Repealed, 1980 c 472 s 1]

260.46 [Repealed, 1980 c 472 s 1]

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) cooperative 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 cooperatively. In carrying out the provisions of this compact the party states shall be guided by the noncriminal, reformative 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 cooperate 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 hereun-

der. 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 cooperative 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.

ARTICLE XVI

(a) That this Article shall provide additional remedies, and shall be binding only as among and between those party states which specifically execute the same.

(b) For the purposes of this Article, "child," as used herein, means any minor within the jurisdictional age limits of any court in the home state.

(c) When any child is brought before a court of a state of which the child is not a resident, and the state is willing to permit the child's return to the home state of the child, the home state, upon being so advised by the state in which the proceeding is pending, shall immediately institute proceedings to determine the residence and jurisdictional facts as to the child in the home state, and upon finding that the child is in fact a resident of that state and subject to the jurisdiction of the court thereof, shall within five days authorize the return of the child to the home state, and to the parent or custodial agency legally authorized to accept the custody in the home state, and at the expense of the state, to be paid from the funds as the home state may procure, designate, or provide, prompt action being of the essence.

ARTICLE XVII

(a) This Article shall provide additional remedies, and shall be binding only as among and between those party states which specifically execute the same.

(b) All provisions and procedures of Articles V and VI of the Interstate Compact on Juveniles shall be construed to apply to any juvenile charged with being a delinquent by reason of a violation of any criminal law. Any juvenile, charged with being a delinquent by reason of violating any criminal law shall be returned to the requesting state upon a requisition to the state where the juvenile may be found. A petition in the case shall be filed in a court of competent jurisdiction in the requesting state where the violation of criminal law is alleged to have been committed. The petition may be filed regardless of whether the juvenile has left the state before or after the filing of the petition. The requisition described in Article V of the compact shall be forwarded by the judge of the court in which the petition has been filed.

History: *1957 c 892 s 1; 1982 c 371 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.

History: *1957 c 892 s 2*

260.53 COMPACT ADMINISTRATOR.

(1) Pursuant to the interstate compact on juveniles, the governor is authorized to designate the commissioner of corrections 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 receive 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 commissioner of corrections 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.

History: *1957 c 892 s 3; 1974 c 125 s 1*

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.

History: *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 commissioner of corrections he 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.

History: *1957 c 892 s 5; 1974 c 125 s 2*

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.

History: *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.

History: *1957 c 892 s 7*