

CHAPTER 330—S.F.No.1290

An act relating to juveniles; prescribing venue for neglect cases; providing limitations on procedures for juvenile detention; amending Minnesota Statutes 1976, Sections 260.015, Subdivision 17; 260.121, Subdivision 1; 260.171, Subdivisions 1, 2, and 4; and 260.172.

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

Section 1. Minnesota Statutes 1976, Section 260.121, Subdivision 1, is amended to read:

260.121 JUVENILES; VENUE FOR NEGLECT CASES. Subdivision 1. Except where otherwise provided, venue for any proceedings under section 260.111 shall be in the county where the child is found, or the county of his residence. 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 or a juvenile traffic offense is alleged, proceedings shall be brought in the county of his residence or the county where the alleged delinquency or juvenile traffic offense occurred.

Sec. 2. Minnesota Statutes 1976, Section 260.015, Subdivision 17, is amended to read:

Subd. 17. "Shelter care facility" means a physically unrestricting ~~detention~~ facility, such as a group home or a licensed facility for foster care, excluding a detention home.

Sec. 3. Minnesota Statutes 1976, Section 260.171, Subdivision 1, is amended to read:

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 ~~physically~~ 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.

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Sec. 4. Minnesota Statutes 1976, Section 260.171, Subdivision 2, is amended to read:

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. No child may be detained in a detention facility longer than 24 hours, excluding Saturdays, Sundays and holidays, after the taking into custody unless an order for detention, specifying the reason for detention, is signed by the judge or referee. No child may be held longer than 36 hours, excluding Saturdays, Sundays or holidays, after the taking into custody unless a petition has been filed and the judge or referee determines pursuant to section 260.172 that the child shall remain in detention. If a child described in section 260.173, subdivision 4, is to be detained in a jail up to 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 detention facility within the county or elsewhere in the state, or in determining suitable alternatives. If approved regional juvenile detention facilities exist, the commissioner may direct that the child be detained in the nearest approved regional juvenile detention facility. If the court refers the matter to the prosecuting authority pursuant to section 260.125, notice to the commissioner shall not be required.

Sec. 5. Minnesota Statutes 1976, Section 260.171, Subdivision 4, is amended to read:

Subd. 4. If the person who has taken the child into custody determines that the child should be placed in a detention 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 detention facility; and

(b) of the location of the detention facility; and

(c) that the child's parent, guardian, or custodian and attorney may make an initial visit to the detention 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 at reasonable hours; and

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

(e) that the child may not be held at the detention 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.

Sec. 6. Minnesota Statutes 1976, Section 260.172, Subdivision 1, is amended to

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read:

260.172 **DETENTION HEARING.** Subdivision 1. Within 36 hours of a child's being taken into custody, excluding Saturdays, Sundays and holidays, a hearing shall be held to determine whether the child should continue in detention. Unless there is reason to believe that the child would be ~~dangerous to~~ 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.

Sec. 7. Minnesota Statutes 1976, Section 260.172, Subdivision 2, is amended to read:

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.

Sec. 8. Minnesota Statutes 1976, Section 260.172, Subdivision 3, is amended to read:

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.

Sec. 9. Minnesota Statutes 1976, Section 260.172, Subdivision 4, is amended to read:

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, ~~an additional hearing the court or referee shall~~ informally review the child's case file to determine, under the standards provided by subdivision 1, ~~shall be held to determine~~ whether detention should be continued. If detention is continued thereafter, ~~hearings 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.

Approved May 27, 1977.

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