

Subd. 11. NATURAL RESOURCESFor the fuelwood management program\$ 250,000

The commissioner of natural resources shall develop and implement a fuelwood management program to increase the availability of fuelwood on public lands by the application of sound forest management techniques including timber stand improvements and utilization of wood residues resulting from timber harvesting and site conversion. Notwithstanding any law to the contrary, the department may make contracts for professional, technical or consulting services to implement this program.

It is a condition of acceptance of the appropriation made in this subdivision that the agency shall submit a work program and progress reports in the form determined by the legislative commission on Minnesota resources. None of the moneys provided in this subdivision may be expended unless the commission has approved the pertinent work program.

Sec. 33. REPEALER. Minnesota Statutes 1978, Sections 116H.125; and 325.986, Subdivisions 1 and 2, are repealed.

Sec. 34. EFFECTIVE DATE. This act is effective the day following final enactment. The provisions of section 1 shall expire on July 1, 1987. The provisions of sections 22 to 25 shall expire January 2, 1982.

Approved April 15, 1980

* See the amendment to section 15 in Laws 1980, Chapter 618, Section 13.

CHAPTER 580—H.F.No. 1896

An act relating to juveniles and corrections; modifying dispositions available to juvenile court judges; increasing civil liability of parents for intentional acts of their children; modifying statutory provisions relating to records of adjudications of delinquency; making the rules of evidence applicable in certain juvenile proceedings; modifying procedures in juvenile court; providing for informed consent by juveniles to waiver of rights; providing for the promulgation of statewide juvenile court rules; modifying the jurisdiction of the juvenile courts; modifying the provisions for reference of juveniles for adult prosecution; expanding the coverage of the provisions requiring preparation of a case plan for children placed in foster care; providing for maximum capacities for group homes; authorizing juvenile court referees in the second and fourth judicial districts to hear contested trials, hearings, or motions unless objection is made; amending Minnesota Statutes 1978, Sections 241.021, Subdivision 1; 257.071; 260.011, Subdivision 2; 260.111, Subdivision 1; 260.115, Subdivision 1; 260.121, Subdivision 3; 260.125; 260.135, Subdivisions 1, 2, and 5; 260.141, Subdivision 1; 260.155, Subdivi-

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sions 1, 2, 4 and by adding a subdivision; 260.161, Subdivision 1; 260.185, Subdivision 1; 260.193; 260.211, Subdivision 1; 484.70, by adding a subdivision; 540.18, Subdivision 1; and Chapter 480, by adding a section.

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

Section 1. Minnesota Statutes 1978, Section 241.021, Subdivision 1, is amended to read:

241.021 LICENSING AND SUPERVISION OF INSTITUTIONS AND FACILITIES. Subdivision 1. SUPERVISION OVER CORRECTIONAL INSTITUTIONS; ADVISORY TASK FORCES. (1) The commissioner of corrections shall inspect and license all correctional facilities throughout the state, whether public or private, established and operated for the detention and confinement of persons detained or confined therein according to law except to the extent that they are inspected or licensed by other state regulating agencies. He shall promulgate pursuant to chapter 15, rules establishing minimum standards for these facilities with respect to their management, operation, physical condition, and the security, safety, health, treatment and discipline of persons detained or confined therein. Commencing September 1, 1980, no individual, corporation, partnership, voluntary association or other private organization legally responsible for the operation of a correctional facility may operate the facility unless licensed by the commissioner of corrections. The commissioner may provide by rule for provisional licenses which authorize the operation of a correctional facility on a temporary basis where the operator is temporarily unable to comply with all of the requirements for a license. Notwithstanding the provisions of sections 15.0412 and 15.0413, rules setting standards for group homes established under the direction of the juvenile courts shall not take effect until September 1, 1979. The commissioner shall have access to the buildings, grounds, books, records, staff and to persons detained or confined in these facilities. He may require the officers in charge of these facilities to furnish all information and statistics he deems necessary, upon forms furnished by him. Rules promulgated hereunder establishing the maximum number of children permitted to reside in group homes shall require that children in the group foster parents' natural family be counted in the number of children actually residing in the group home, and the application of the rules providing the maximum number and manner of counting residents shall not be waived.

(2) Any state agency which regulates, inspects, or licenses certain aspects of correctional facilities shall, insofar as is possible, ensure that the minimum standards it requires are substantially the same as those required by other state agencies which regulate, inspect, or license the same aspects of similar types of correctional facilities, although at different correctional facilities.

(3) Nothing in this section shall be construed to limit the commissioner of corrections' authority to promulgate rules establishing standards of eligibility for counties to receive funds under sections 401.01 to 401.16, or to require counties to comply with operating standards the commissioner establishes as a condition precedent for counties to receive that funding.

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(4) When the commissioner finds that any facility described in clause (1) of this subdivision, except foster care facilities for delinquent children and youth as provided in subdivision 2, does not conform to the minimum standards established by law or by the commissioner, he shall promptly notify the chief executive officer and the governing board of the facility of the deficiencies and order that they be remedied within a reasonable period of time. The commissioner may by written order restrict the use of any facility which does not substantially conform to minimum standards to prohibit the detention of any person therein for more than 72 hours at one time. When, after due notice and hearing, the commissioner finds that any facility described in this subdivision, except county jails and lockups as provided in sections 641.26, 642.10, and 642.11, does not conform to minimum standards, or is not making satisfactory progress toward substantial compliance therewith, he may issue his order revoking the license of that facility. After revocation of its license, that facility shall not be used until its license is renewed. When the commissioner is satisfied that satisfactory progress towards substantial compliance with minimum standard is being made, he may, at the request of the appropriate officials of the affected facility supported by a written schedule for compliance, grant an extension of time for a period not to exceed one year.

(5) As used in this subdivision, "correctional facility" means any facility, including a group home, having a residential component, the primary purpose of which is to serve persons placed therein by a court, court services department, parole authority, or other correctional agency having dispositional power over persons charged with, convicted or adjudicated to be guilty or delinquent. *

Sec. 2. Minnesota Statutes 1978, Section 257.071, is amended to read:

257.071 CHILDREN IN FOSTER HOMES; PLACEMENT; REVIEW.
 Subdivision 1. **PLACEMENT; PLAN.** A case plan shall be prepared within 30 days after any child is placed in a foster home residential facility by court order or by the voluntary release of the child by his parent or parents. ~~By July 1, 1979; a case plan shall be prepared for each child who was residing in a foster home on July 1, 1978 and who has not been returned to the home of his parent or parents.~~

For purposes of this section, a residential facility means any group home, family foster home or other publicly supported out-of-home residential facility, including any out-of-home residential facility under contract with the state, county or other political subdivision, or any agency thereof, to provide those services.

For the purposes of this section, a case plan means a written document which is ordered by the court or which is prepared by the social service agency responsible for the foster home residential facility placement and is signed by the parent or parents, or other custodian, of the child, the child's legal guardian, the social service agency responsible for the foster home residential facility placement, and, if possible, the child. The document shall be explained to all persons involved in its implementation, including the child who has signed the document, and shall set forth:

(1) The specific reasons for the placement of the child in a foster home residential facility, including a description of the problems or conditions in the

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home of the parent or parents which necessitated removal of the child from his home:

(2) The specific actions to be taken by the parent or parents of the child to eliminate or correct the problems or conditions identified in clause (1), and the time period during which the actions are to be taken;

(3) The financial responsibilities and obligations, if any, of the parents for the support of the child during the period the child is in the ~~foster home~~ residential facility;

(4) The visitation rights and obligations of the parent or parents during the period the child is in the ~~foster home~~ residential facility;

(5) The social and other supportive services to be provided to the parent or parents of the child, the child, and the ~~foster parents~~ residential facility during the period the child is in the ~~foster home~~ residential facility;

(6) The date on which the child is expected to be returned to the home of his parent or parents;

(7) The nature of the effort to be made by the social service agency responsible for the placement to reunite the family; and

(8) Notice to the parent or parents that placement of the child in foster care may result in termination of parental rights but only after notice and a hearing as provided in chapter 260.

The parent or parents and the child each shall have the right to legal counsel in the preparation of the case plan and shall be informed of the right at the time of placement of the child. The child shall also have the right to a guardian ad litem. If unable to employ counsel from their own resources, the court shall appoint counsel upon the request of the parent or parents or the child or his legal guardian. The parent or parents may also receive assistance from any person or social service agency in preparation of the case plan.

After the plan has been agreed upon by the parties involved, the foster parents shall be fully informed of the provisions of the case plan.

Subd. 2. **SIX MONTH REVIEW OF VOLUNTARY PLACEMENTS.** If the child has been placed in a ~~foster home~~ residential facility pursuant to a voluntary release by his parent or parents, the case plan shall be reviewed by the persons involved in its preparation 180 days after the initial placement of the child in a ~~foster home~~ residential facility if the child is not returned to the home of his parent or parents within that time.

Subd. 3. **REVIEW OF VOLUNTARY PLACEMENTS.** If the child has been placed in a ~~foster home~~ residential facility pursuant to a voluntary release by his parent or parents, and is not returned to his home within 18 months after his initial placement in the ~~foster home~~ residential facility, the social service agency responsible for the placement shall:

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- (a) Return the child to the home of his parent or parents; or
- (b) File an appropriate petition pursuant to sections 260.131 or 260.231.

Sec. 3. Minnesota Statutes 1978, Section 260.011, Subdivision 2, is amended to read:

Subd. 2. The purpose of the laws relating to juvenile courts is to secure for each ~~minor 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 ~~minor child~~ and the best interests of the state; to preserve and strengthen the ~~minor's child's~~ family ties whenever possible, removing him from the custody of his parents only when his welfare or safety and ~~protection of the public~~ cannot be adequately safeguarded without removal; and, when the ~~minor 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.

Sec. 4. Minnesota Statutes 1978, Section 260.111, Subdivision 1, is amended to read:

260.111 JURISDICTION. Subdivision 1. **CHILDREN WHO ARE DELINQUENT; NEGLECTED, DEPENDENT OR NEGLECTED AND IN FOSTER CARE.** Except as provided in ~~section~~ 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, neglected, neglected and in foster care, or dependent, and in proceedings concerning any minor alleged to have been a delinquent or a juvenile traffic offender prior to having become 18 years of age. The juvenile court shall deal with such a minor as it deals with any other child who is alleged to be delinquent or a juvenile traffic offender.

Sec. 5. Minnesota Statutes 1978, Section 260.115, Subdivision 1, is amended to read:

260.115 TRANSFERS FROM OTHER COURTS. Subdivision 1. Except where a juvenile court has referred an alleged violation to a prosecuting authority in accordance with the provisions of section 260.125 or ~~to a court in accordance with the provisions of section 260.193~~ 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.

Sec. 6. Minnesota Statutes 1978, Section 260.121, Subdivision 3, is amended to read:

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.

Sec. 7. Minnesota Statutes 1978, Section 260.125, is amended to read:

260.125 **REFERENCE FOR PROSECUTION.** Subdivision 1. When a child is alleged to have violated a state or local law or ordinance after becoming 14 years of age the juvenile court may enter an order referring the alleged violation to the appropriate prosecuting authority for action under laws in force governing the commission of and punishment for violations of statutes or local laws or ordinances. The prosecuting authority to whom ~~such~~ the matter is referred shall within the time specified in ~~such~~ the order of reference, which time shall not exceed 90 days, file with the court making ~~such~~ the order of reference notice of intent to prosecute or not to prosecute. If ~~such~~ 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

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(2) the prosecuting authority has demonstrated by clear and convincing evidence that the child is not suitable for 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 adjudicated delinquent for an offense committed within the preceding 24 months, which offense 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 adjudicated delinquent for two offenses, not in the same behavioral incident, which offense were committed within the preceding 24 months and 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 previously adjudicated delinquent for three offenses, none of which offenses were committed in the same behavioral incident, which offenses were committed within the preceding 24 months and which offenses 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, subdivisions 1 or 2; 609.221; 609.222; 609.223; 609.245; 609.25; 609.342; 609.343; 609.344, clauses (c) or (d); 609.345, clauses (c) or (d); 609.561; 609.58, subdivision 2, clause (b); or 609.713.

Subd. 3 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 for 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.

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Subd. 5. The crime control planning board created pursuant to section 299A.03, shall monitor and evaluate the effect of this section 7 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 the effective date of this act.

Sec. 8. Minnesota Statutes 1978, Section 260.135, Subdivision 1, is amended to read:

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

Sec. 9. Minnesota Statutes 1978, Section 260.135, Subdivision 2, is amended to read:

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

Sec. 10. Minnesota Statutes 1978, Section 260.135, Subdivision 5, is amended to read:

Subd. 5. If it appears from the ~~notarized~~ petition or by separate sworn affidavit of a person having knowledge of the fact that the minor is in such condition or surroundings that his that there are reasonable grounds to believe the child is in surroundings or conditions which endanger the child's health, safety or welfare requires 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 ~~minor child~~ into immediate custody at once.

Sec. 11. Minnesota Statutes 1978, Section 260.141, Subdivision 1, is amended to read:

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.

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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.

Sec. 12. Minnesota Statutes 1978, Section 260.155, Subdivision 1, is amended to read:

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 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 such orders as it deems in the best interests of the minor in accordance with the provisions of sections 260.011 to 260.301. The court shall exclude the general public from these hearings and shall admit only those persons who, in the discretion of the court, have a direct interest in the case or in the work of the court. 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.

Sec. 13. Minnesota Statutes 1978, Section 260.155, Subdivision 2, is amended to read:

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.

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Sec. 14. Minnesota Statutes 1978, Section 260.155, Subdivision 4, is amended to read:

Subd. 4. **GUARDIAN AD LITEM.** (a) The court shall appoint a guardian ad litem to protect the interests of the minor when it appears, at any stage of the proceedings, that the minor is without a parent or guardian, or that 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), if ~~the court finds that it is not in the best interests of the child,~~ the court shall not appoint the party, or any agent or employee thereof, filing a petition pursuant to section 260.131.

Sec. 15. Minnesota Statutes 1978, Section 260.155, is amended by adding a subdivision to read:

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.

Sec. 16. Minnesota Statutes 1978, Section 260.161, Subdivision 1, is amended to read:

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. ~~Such~~ 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, find-

ings, 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.

Sec. 17. Minnesota Statutes 1978, Section 260.185, Subdivision 1, is amended to read:

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;

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~~(f)~~(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;

~~(g)~~(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.

Sec. 18. Minnesota Statutes 1978, Section 260.193, is amended to read:

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 violates a state or local traffic law, ordinance, or regulation, or who violates a federal, state, or local water traffic law 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.

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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 violated any state or local traffic law, ordinance, or regulation 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 of a notice to appear containing the name and address of the child allegedly violating a federal, state, or local water traffic law 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 violates a state or local traffic law, ordinance, or regulation or a federal, state, or local water traffic law, ordinance, or regulation 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 highway 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 such the information is now or hereafter may be kept information of any previous water traffic violation by such the juvenile.

Subd. 7. If after a hearing the court finds that the welfare of a juvenile highway 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. 5 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. 6 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. 7 10. The juvenile court records of juvenile highway traffic offenders and juvenile water traffic offenders shall be kept separate from delinquency matters.

Sec. 19. Minnesota Statutes 1978, Section 260.211, Subdivision 1, is amended to read:

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

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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.

Sec. 20. Minnesota Statutes 1978, Chapter 480, is amended by adding a section to read:

[480.0595] JUVENILE COURT RULES. The supreme court shall promulgate rules to regulate the pleadings, practice, procedure and the forms thereof in juvenile proceedings in all juvenile courts of the state in accordance with the provisions of section 480.059, except with respect to the composition of the advisory committee. The rules shall be published and distributed to the judiciary and attorneys of the state on or before September 1, 1981.

Sec. 21. Minnesota Statutes 1978, Section 484.70, is amended by adding a subdivision to read:

Subd. 5. No referee sitting in juvenile court in the second and fourth judicial districts may hear any motion involving a contested case or preside at any hearing or final trial involving a contested case if either party or his attorney objects in writing to the assignment of a referee to hear the matter. The court shall, by rule, specify the time within which the objections must be filed. If written objections are not filed consistent with the court's rules, the parties and their attorneys are deemed to have conferred full judicial powers to the referee.

Sec. 22. Minnesota Statutes 1978, Section 540.18, Subdivision 1, is amended to read:

540.18 DAMAGE BY MINOR; RESPONSIBILITY OF PARENT, GUARDIAN, AND MINOR. Subdivision 1. The parent or guardian of the person of a minor who is under the age of 18 and who is living with the parent or guardian and who willfully or maliciously causes injury to any person or damage to any property is jointly and severally liable with such minor for such injury or damage to an amount not exceeding ~~\$400~~ \$500, if such minor would have been liable for such injury or damage if he had been an adult. Nothing in this subdivision shall be construed to relieve such minor from personal liability for such injury or damage. The liability provided in this subdivision is in addition to and not in lieu of any other liability which may exist at law. Recovery under this section shall be limited to special damages.

Sec. 23. **EFFECTIVE DATE.** Section 21 is effective the day following final enactment and expires July 31, 1981. The remainder of the sections are effective August 1, 1980 and apply to offenses committed on or after that date except with respect to the history of offenses provided for in section 7.

Approved April 15, 1980

* See the amendment to section 1 in Laws 1980, Chapter 618, Section 18.

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