

CHAPTER 576—H. F. No. 414

[Coded]

An act relating to juvenile courts; amending Laws 1959, Chapter 685, Section 2, Subdivision 2; Section 6, by adding a subdivision; Section 11, Subdivisions 1, 2, and 3; Section 13, Subdivision 1; Section 15, Subdivisions 1 and 2; Section 17, Subdivisions 1 and 2; Section 23, Subdivision 3; Section 28, Subdivisions 1 and 2; Section 30, Subdivisions 1, 2, 4, and 5.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Laws 1959, Chapter 685, Section 2, Subdivision 2, is amended to read:

[260.015] 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.

Sec. 2. Laws 1959, Chapter 685, Section 6, is amended by adding a subdivision to read:

[260.041] 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.*

Sec. 3. Laws 1959, Chapter 685, Section 11, Subdivision 1, is amended to read:

Sec. 11. [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 confer-*

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ences similar to the state conference described in clause (a), above.

Sec. 4. Laws 1959, Chapter 685, Section 11, Subdivision 2, is amended to read:

[260.103] Subd. 2. **Expenses paid by counties.** The necessary expenses of the judges attending ~~such 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.*

Sec. 5. Laws 1959, Chapter 685, Section 11, Subdivision 3, is amended to read:

[260.103] 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).*

Sec. 6. Laws 1959, Chapter 685, Section 13, Subdivision 1, is amended to read:

Sec. 13. [260.111] **Jurisdiction over delinquent, neglected, and dependent children.** Subdivision 1. **Delinquent, neglected, and dependent children.** Except as provided in section 16, the juvenile court has original and exclusive jurisdiction in proceedings concerning any child who is alleged to be delinquent, a juvenile traffic offender, neglected, or dependent, and in proceedings concerning any minor alleged to have been a delinquent *or a juvenile traffic offender* prior to having become eighteen years of age. The juvenile court shall deal with such a minor as it deals with any other child who is alleged to be delinquent *or a juvenile traffic offender.*

Sec. 7. Laws 1959, Chapter 685, Section 15, Subdivision 1, is amended to read:

Sec. 15. [260.121] **Venue.** Subdivision 1. Ex-

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cept where otherwise provided, venue for any proceedings under section 13 shall be in the county where the child is found, or the county of his residence. If *delinquency or a juvenile traffic offense* is alleged, proceedings shall be brought in the county of his residence or the county where the alleged delinquency or *juvenile traffic offense* occurred.

Sec. 8. Laws 1959, Chapter 685, Section 15, Subdivision 2, is amended to read:

[260.121] Subd. 2. The judge of the juvenile court may transfer any proceedings brought under section 13, except adoptions, to the juvenile court of a county having venue as provided in subdivision 1, at any stage of the proceedings and in the following manner. When it appears that the best interests of the child, society, or the convenience of proceedings will be served by a transfer, the court may transfer the case to the juvenile court of the county of the child's residence. With the consent of the receiving court, the court may also transfer the case to the juvenile court of the county where the child is found or, if *delinquency or a juvenile traffic offense* is alleged, to the county where the alleged delinquency or *juvenile traffic offense* occurred. The court transfers the case by ordering a continuance and by forwarding to the clerk of the appropriate juvenile court a certified copy of all 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 and hear the case anew.

Sec. 9. Laws 1959, Chapter 685, Section 17, Subdivision 1, is amended to read:

Sec. 17. [260.131] **Petition.** Subdivision 1. Any reputable person, including but not limited to any agent of the commissioner of public welfare, having knowledge of a child in this state *or of a child who is a resident of this state*, who appears to be delinquent, neglected, or dependent, may petition the juvenile court in the manner provided in this section.

Sec. 10. Laws 1959, Chapter 685, Section 17, Subdivision 2, is amended to read:

[260.131] Subd. 2. The petition shall be verified by the person having knowledge of the facts and may be on information and belief. If requested by the petitioner, *upon the showing of reasonable grounds to support the petition*,

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or if requested by the court, the county attorney shall draft the petition ~~if the petitioner alleges facts which bring the child within the jurisdiction of the court.~~

Sec. 11. Laws 1959, Chapter 685, Section 23, Subdivision 3, is amended to read:

[260.161] 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. ~~A peace officer shall not take~~ *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.

Sec. 12. Laws 1959, Chapter 685, Section 28, Subdivision 1, is amended to read:

Sec. 28. [260.185] **Dispositions; delinquent child.** Subdivision 1. If the court finds that the child is delinquent, it shall enter an order making any of the following dispositions of the case which are deemed necessary to the rehabilitation of the child:

(a) Counsel the child or his parents, guardian, or custodian;

(b) Place the child under the supervision of a probation officer or other suitable person in his own home under conditions prescribed by the court including reasonable rules for his conduct and the conduct of his parents, guardian, or custodian, designed for the physical, mental, and moral well-being and behavior of the child;

(c) Subject to the supervision of the court, transfer legal custody of the child to one of the following:

(1) A child placing agency; or

(2) The county welfare board; or

(3) A reputable individual of good moral character;

or

(4) A county home school, if the county maintains a home school or enters into an agreement with a county home school;

(d) Transfer legal custody by commitment to the youth conservation commission;

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(e) If the child is found to have violated a state or local law or ordinance which has resulted in damage to the property of another, the court may order the child to make reasonable restitution for such damage;

(f) If the child is in need of special treatment and care for his physical or mental health, the court may order the child's parent, guardian, or custodian to provide it. If the parent, guardian, or custodian fails to provide this treatment or care, the court may order it provided.

(g) If the child is found to have committed any offense which, if committed by an adult, would constitute a felony, and the court believes that it is in the best interests of the child and of public safety that the driver's license of the child be cancelled until his eighteenth birthday, the court may recommend to the commissioner of highways the cancellation of the child's license for any period up to the child's eighteenth birthday, and the commissioner is hereby authorized to cancel such license without a hearing. At any time before the termination of the period of cancellation, the court may, for good cause, recommend to the commissioner of highways that the child be authorized to apply for a new license, and the commissioner may so authorize.

Sec. 13. Laws 1959, Chapter 685, Section 28, Subdivision 2, is amended to read:

[260.185] Subd. 2. Except when legal custody is transferred under the provisions of subdivision 1, clause (d), the court may, ~~within 90 days,~~ expunge the adjudication of delinquency *at any time that it deems advisable.*

Sec. 14. Laws 1959, Chapter 685, Section 30, Subdivision 1, is amended to read:

Sec. 30 [260.193] **Juvenile traffic offender; procedures; dispositions.** Subdivision 1. A child who violates a state or local traffic law, ordinance, or regulation, shall be adjudicated a "juvenile traffic 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 Laws 1959, Chapter 685, Section 17, 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.*

Changes or additions indicated by *italics*, deletions by ~~strikeout~~.

Sec. 15. Laws 1959, Chapter 685, Section 30, Subdivision 2, is amended to read:

[260.193] Subd. 2. When a child is alleged to have violated any state or local traffic law, ordinance, or regulation, the peace officer making the charge shall file a signed copy of the notice to appear, as provided in Minnesota Statutes, 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. *Any reputable person having knowledge of a child who violates a state or local traffic law, ordinance, or regulation may petition the juvenile court in the manner provided in Laws 1959, Chapter 685, Section 17. Whenever a notice to appear or petition is filed alleging that a child is a juvenile traffic offender, the court shall summon and notify the persons required to be summoned or notified as provided in Laws 1959, Chapter 685, Sections 18 and 19. However, it is not necessary to (1) notify more than one parent, or (2) publish any notice.*

Sec. 16. Laws 1959, Chapter 685, Section 30, Subdivision 4, is amended to read:

[260.193] Subd. 4. If after a hearing the court finds that the welfare of a juvenile 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 ~~notice to appear issued by the peace officer~~ *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.

Sec. 17. Laws 1959, Chapter 685, Section 30, Subdivision 5, is amended to read:

[260.193] Subd. 5. If the juvenile court finds that the child is a juvenile 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 as the court may set;

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(c) Require the child to attend a driver improvement school if one is available within the county;

(d) Recommend to the highway department suspension of the child's driver's license as provided in Minnesota Statutes, Section 171.16;

(e) If the child is found to have committed two moving violations or to have contributed to an accident involving death, injury, or physical damage in excess of \$100, the court may recommend to the commissioner of highways or to the licensing authority of another state the cancellation of the child's license until he reaches the age of 18 years, and the commissioner is hereby authorized to cancel the license without hearing. *At any time before the termination of the period of cancellation, the court may, for good cause, recommend to the commissioner of highways, or to the licensing authority of another state, that the child's license be returned to him, and the commissioner is authorized to return the license.*

(f) *Place the child under the supervision of a probation officer in his own home under conditions prescribed by the court including reasonable rules relating to his operation and use of motor vehicles directed to the correction of his driving habits.*

Approved April 20, 1961.

CHAPTER 577—H. F. No. 434

[Coded]

An act relating to highways; amending Laws 1959, Chapter 500, Article II, Section 24, and Section 38, Subdivision 3.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Laws 1959, Chapter 500, Article II, Section 24, is amended to read:

Section 24. [161.24] **Changes required by construction of trunk highway.** Subdivision 1. **Grade at intersections.** When the construction or reconstruction of a trunk highway results in a change of grade which necessitates a change of grade in intersecting or connecting highways or streets, including city, village, or borough streets, the

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