

# MINNESOTA STATUTES 1977 SUPPLEMENT

## 259.24 CHANGE OF NAME, ADOPTION

agent or a licensed child-placing agency. In addition all consents to an adoption shall be in writing, executed before two competent witnesses and acknowledged by the consenting party. Consents shall be filed in the adoption proceedings at any time before the matter is heard provided, however, that a consent executed and acknowledged outside of this state, either in accordance with the law of this state or in accordance with the law of the place where executed, is valid.

[For text of subds 6 and 7, see M.S.1976]

[ 1977 c 126 s 1 ]

NOTE: Subdivision 5, as amended by Laws 1977, Chapter 126, Section 1 is effective May 20, 1977, and shall apply to all consents to an adoption executed on or after that date, pursuant to Laws 1977, Chapter 126, Section 2.

## CHAPTER 260. JUVENILES

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### 260.015 Definitions.

[For text of subds 1 to 16, see M.S.1976]

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

[ 1977 c 330 s 2 ]

260.106 [ Repealed, 1977 c 200 s 1 ]

### 260.121 Venue.

Subdivision 1. Except where otherwise provided, venue for any proceedings under section 260.111 shall be in the county where the child is found, or the county of his residence. 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.

[For text of subds 2 and 3, see M.S.1976]

[ 1977 c 330 s 1 ]

### 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

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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. 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.

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.

[For text of subd 5, see M.S.1976]

Subd. 6. When a child has been delivered to a 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.

[ 1977 c 330 s 3-5; 1977 c 347 s 41 ]

#### 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 endanger himself or others, not return for a court hearing, not remain

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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.

[ 1977 c 330 s 6-9 ]

## 260.241 Termination of parental rights; guardian.

[For text of subds 1 to 3, see M.S.1976]

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 144.151, subdivision 9;

(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 144.151, subdivision 9, or an affidavit stating that the information on the original birth certificate shall not be disclosed.

[ 1977 c 181 s 4 ]

## 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

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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.

[For text of subd 2, see M.S.1976]

**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.

[For text of subd 4, see M.S.1976]

**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 of corrections 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 October 30 of each year each county or group of counties shall sub-