

**CHAPTER 4**

**JURISDICTION AND VENUE**

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	<b>PROCEDURE</b>	<b>AUTHORITY</b>
	<b>GENERAL JUVENILE COURT JURISDICTION</b>	Minn. Stat. § 260C.101
4.01	<p><b>CHILDREN IN NEED OF PROTECTION OR SERVICES, OR NEGLECTED AND IN FOSTER CARE</b></p> <p>The juvenile court has original and exclusive jurisdiction in proceedings concerning any child who is alleged to be in need of protection or services, or neglected and in foster care.</p>	Minn. Stat. § 260C.101, subd. 1
4.02	<p><b>OTHER MATTERS RELATING TO CHILDREN</b></p> <p>The juvenile court has original and exclusive jurisdiction in proceedings concerning:</p> <p>(1) termination of parental rights to a child in accordance with the provisions of Minn. Stats. § <a href="#">260C.301</a> to <a href="#">260C.328</a>;</p> <p>(2) appointment and removal of a juvenile court guardian for a child, where parental rights have been terminated under the provisions of Minn. Stats. § <a href="#">260C.301</a> to <a href="#">260C.328</a>;</p> <p>(3) judicial consent to marriage of a child when required by law;</p> <p>(4) adoption matters;</p> <p>(5) review of the placement of a child who is in foster care pursuant to a voluntary placement agreement between the child's parent or parents and the responsible social services agency under Minn. Stats. § <a href="#">260C.212, subdivision 8</a>;</p> <p>(6) review of voluntary foster care placement of a child for treatment under Minn. Stats. chapter 260D according to the review requirements of that chapter.</p>	Minn. Stat. § 260C.101, subd. 2
4.03	<p><b>DOMESTIC CHILD ABUSE</b></p> <p>The juvenile court has jurisdiction in proceedings concerning any alleged acts of domestic child abuse. In a jurisdiction that utilizes referees in child in need of protection or services matters, the court or judge may refer actions under this subdivision to a referee to take and report the evidence in the action. If the respondent does not appear after service is duly made and proved, the court may hear and determine the proceeding as a default matter. Proceedings under this subdivision shall be given docket priority by the court.</p>	<ul style="list-style-type: none"> <li>• Minn. Stat. § 260C.101, subd. 3</li> <li>• Minn. Stat. § 260C.148, subd. 1</li> </ul>
4.04	<p><b>PARENTS AND LEGAL CUSTODIANS</b></p> <p>A parent, guardian, or custodian of a child who is subject to the jurisdiction of the court is also subject to the jurisdiction of the court in any matter in which that parent, guardian, or custodian has a right to notice under Minn. Stat. § 260C.151 (identifies who is entitled to summons and notice in child protection matters) or § 260C.152 (identifies who is entitled to summons and notice in child protection matters), or the right to participate under Minn. Stat. § 260C.163 (specifies who has right to participate in child protection proceedings). In any proceeding concerning a child alleged to be in need of protection or services, the court has jurisdiction over a parent, guardian, or custodian for the purposes of a disposition order issued under Minn. Stat. § 260C.201, subd. 6.</p>	Minn. Stat. § 260C.101, subd. 4
4.05	<p><b>INDIAN CHILDREN</b></p> <p>In a child in need of protection or services proceeding, when an <b>Indian</b> child is a ward of a tribal court with federally recognized child welfare jurisdiction, the <b>Indian</b> tribe retains exclusive jurisdiction notwithstanding the residence or domicile of an <b>Indian</b> child, as provided in the <b>Indian</b> Child Welfare Act, 25 U.S.C. § 1911.</p> <p><i>Comment: See Chapter 34 for a list of federally recognized tribes.</i></p>	Minn. Stat. § 260C.101, subd. 5

	PROCEDURE	AUTHORITY
	<b>CIVIL JURISDICTION OVER PERSONS CONTRIBUTING TO NEED FOR PROTECTION OR SERVICES</b>	Minn. Stat. § 260C.335
4.06	<p><b>GENERAL JURISDICTION</b></p> <p>A. <b>GENERALLY.</b> The juvenile court has civil jurisdiction over persons contributing to the need for protection or services of a child under the provisions of this section.</p> <p>B. <b>PETITION; ORDER TO SHOW CAUSE.</b> A request for jurisdiction over a person alleged to have contributed to a child’s need for protection or services is commenced by the filing of a verified petition by the county attorney having jurisdiction over the place where the child is found, resides, or where the alleged act of contributing occurred. A prior pending child in need of protection or services petition is not a prerequisite to a petition under this section. If upon review of the petition the court determines that probable cause exists to believe that the person has contributed to the child’s need for protection or services, the court shall issue an order to show cause why the person should not be subject to the jurisdiction of the court. The order to show cause and a copy of the verified petition shall be served personally upon the person and shall set forth the date, time, and place of the hearing to be conducted on the petition.</p>	<p>Minn. Stat. § 260C.335, subd. 1</p> <p>Minn. Stat. § 260C.355, subd. 2</p>
4.07	<p><b>HEARING</b></p> <p>If the court determines that probable cause exists to believe that the person has contributed to the child’s need for protection or services, the court shall issue an order to show cause why the person should not be subject to the jurisdiction of the court and shall conduct a hearing on the petition as follows.</p> <ol style="list-style-type: none"> <li>1. Hearings shall be without a jury. The rules of evidence promulgated pursuant to Minn. Stat. § 480.0591 and the provisions under Minn. Stat. § 260C.165 shall apply. In all proceedings, the court shall admit only evidence that would be admissible in a civil trial. When the respondent is an adult, hearings shall be open to the public.<sup>1</sup> Hearings shall be conducted within five days of personal service of the order to show cause and may be continued for a reasonable period of time if a continuance is in the best interest of the child or in the interests of justice.</li> <li>2. At the conclusion of the hearing, if the court finds by a fair preponderance of the evidence that the person has contributed to the child’s need for protection or services, as defined in Minn. Stat. § 260C.425, the court may make any of the following orders: <ol style="list-style-type: none"> <li>(a) Restrain the person from any further act or omission in violation of Minn. Stat. § 260C.425 (criminal contributing to need for protection);</li> <li>(b) Prohibit the person from associating or communicating in any manner with the child;</li> </ol> </li> </ol>	<p>Minn. Stat. § 260C.335, subd. 3</p> <p>RJPP 27.01 (hearings in juvenile protection matters are presumed accessible to the public and may be closed only upon a finding that an exceptional circumstance exists)</p>

<sup>1</sup> Pursuant to an Order of the Minnesota Supreme Court issued in December 2001, effective July 2002 hearings in juvenile protection matters are presumed to be accessible to the public and may closed only upon a finding that an exceptional circumstance exists. RJPP 27.01 is consistent with the Court’s Order.

	<b>PROCEDURE</b>	<b>AUTHORITY</b>
	<p><b>4.07 Hearing (continued)</b></p> <ul style="list-style-type: none"> <li>(c) Require the person to participate in evaluation or services determined necessary by the court to correct the conditions that contributed to the child’s need for protection or services;</li> <li>(d) Require the person to provide supervision, treatment, or other necessary care;</li> <li>(e) Require the person to pay restitution to a victim for pecuniary damages arising from an act of the child relating to the child’s need for protection or services;</li> <li>(f) Require the person to pay the cost of services provided to the child or for the child’s protection; or</li> <li>(g) Require the person to provide for the child’s maintenance or care if the person is responsible for the maintenance or care, and direct when, how, and where money for the maintenance or care shall be paid. If the person is receiving public assistance for the child’s maintenance or care, the court shall authorize the public agency responsible for administering the public assistance funds to make payments directly to vendors for the cost of food, shelter, medical care, utilities, and other necessary expenses.</li> </ul> <p>3. An order issued under this section shall be for a fixed period of time, not to exceed one year. The order may be renewed or modified prior to expiration upon notice and motion when there has not been compliance with the court’s order or the order continues to be necessary to eliminate the contributing behavior or to mitigate its effect on the child.</p>	
4.08	<p><b>CRIMINAL PROCEEDINGS</b> The county attorney may bring both a criminal proceeding under Minn. Stat. § 260C.425 (criminal contributing to need for protection) and a civil action.</p>	Minn. Stat. § 260C.335, subd. 4
	<b>CRIMINAL JURISDICTION FOR CONTRIBUTING TO NEED FOR PROTECTION OR SERVICES</b>	Minn. Stat. § 260C.425
4.09	<p><b>CRIMES</b></p> <p>A. <b>GROSS MISDEMEANOR.</b> Any person who by act, word, or omission encourages, causes, or contributes to the need for protection or services is guilty of a gross misdemeanor.</p> <p>B. <b>EXCEPTION.</b> This section does not apply to licensed social services agencies and outreach workers who, while acting within the scope of their professional duties, provide services to runaway children.</p>	<p>Minn. Stat. § 260C.425, subd. 1</p> <p>Minn. Stat. § 260C.425, subd. 1</p>
4.10	<p><b>COMPLAINT; VENUE</b> A complaint may be filed by the county attorney having jurisdiction where the child is found, resides, or where the alleged act of contributing occurred. The complaint may be filed in either the juvenile or criminal divisions of the district court. A prior or pending petition alleging that the child is delinquent, a juvenile petty offender, or in need of protection or services is not a prerequisite to a complaint or a conviction under Minn. Stat. § 260C.425, subd. 2.</p>	Minn. Stat. § 260C.425, subd. 2

	<b>PROCEDURE</b>	<b>AUTHORITY</b>
4.11	<p><b>AFFIRMATIVE DEFENSE</b></p> <p>If the child’s conduct is the basis for the child’s need for protection services, it is an affirmative defense to a prosecution under Minn. Stat. § 260C.425, subd. 1, if the defendant proves, by a preponderance of the evidence, that the defendant took reasonable steps to control the child’s conduct.</p>	Minn. Stat. § 260C.425, subd. 3
<b>JURISDICTION AND VENUE – ADOPTION</b>		
4.12	<p><b>JURISDICTION</b></p> <p>Except as provided in Minn. Stat. § 260C.101, subd. 2, regarding jurisdiction over other matters relating to children (see section 4.02), the juvenile court shall have original jurisdiction in all adoption proceedings.</p>	Minn. Stat. § 259.23, subd. 1
4.13	<p><b>VENUE</b></p> <p>The proper venue for an adoption proceeding shall be the county of the petitioner’s residence, except as provided in paragraph (b).</p> <p>(b) Venue for the adoption of a child committed to the guardianship of the commissioner of human services shall be the county with jurisdiction in the matter according to Minn. Stats. § <a href="#">260C.317, subdivision 3</a>.</p> <p>(c) Upon request of the petitioner, the court having jurisdiction over a termination of parental rights matter involving a child under the guardianship of the commissioner may transfer venue to the county of the petitioner’s residence upon determining that:</p> <ul style="list-style-type: none"> <li>(1) the commissioner has given consent to the petitioner’s adoption of the child or that consent is unreasonably withheld;</li> <li>(2) there is no other adoption petition for the child that has been filed or is reasonably anticipated by the commissioner or the commissioner’s delegate to be filed; and</li> <li>(3) transfer of venue is in the best interests of the child.</li> </ul> <p>Transfer of venue under this paragraph shall be according to the rules of adoption court procedure.</p> <p>(d) In all other adoptions, if the petitioner has acquired a new residence in another county and requests a transfer of the adoption proceeding, the court in which an adoption is initiated may transfer the proceeding to the appropriate court in the new county of residence if the transfer is in the best interests of the person to be adopted. The court transfers the proceeding by ordering a continuance and by forwarding to the court administrator of the appropriate court a certified copy of all papers filed, together with an order of transfer. The transferring court also shall forward copies of the order of transfer to the commissioner of human services and any agency participating in the proceedings. The judge of the receiving court shall accept the order of the transfer and any other documents transmitted and hear the case; provided, however, the receiving court may in its discretion require the filing of a new petition prior to the hearing.</p>	Minn. Stat. § 259.23, subd. 1

	<b>PROCEDURE</b>	<b>AUTHORITY</b>
	<b>VENUE</b>	Minn. Stat. § 260C.121
4.14	<p><b>VENUE – CHILD IN NEED OF PROTECTION OR SERVICE</b></p> <p>When it is alleged that a child is in need of protection or services, venue may be in the county where the child is found, in the county of residence, or in the county where the alleged conditions causing the child’s need for protection or services occurred.</p>	<ul style="list-style-type: none"> <li>• Minn. Stat. § 260C.121, subd. 1</li> <li>• <i>In Re the Welfare of K.J.K. Jr.</i>, 620 N.W.2d 734 (Minn. Ct. App. 2001)</li> </ul>
4.15	<p><b>TRANSFER OF VENUE</b></p> <p>The judge of the juvenile court may transfer any proceedings brought under Minn. Stat. § 260C.101 (see sections 4.01 to 4.05), except adoptions, to the juvenile court of a county having venue as provided in section 4.14, 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. The court transfers the case by ordering a continuance and by forwarding to the court administrator 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 may direct the filing of a new petition or notice under Minn. Stat. § 260C.143 and hear the case anew.</p>	Minn. Stat. § 260C.121, subd. 2
4.16	<p><b>RESIDENT OF ANOTHER STATE</b></p> <p>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 the child’s parent, guardian, or custodian, if the parent, guardian, or custodian agrees to accept custody of the child and return the child to their state.</p>	<p>Minn. Stat. § 260C.121, subd. 3</p> <p>Minn. Stat. § 260C.51 – 57 (Interstate Compact on Juveniles)</p>
4.17	<p><b>VENUE – TERMINATION OF PARENTAL RIGHTS</b></p> <p>Venue for termination of parental rights proceedings is either the county where the child resides or is found. However, if a court has made an order under the provisions of Minn. Stat. § 260C.201 (disposition order in CHIPS matter), 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 Minn. Stat. § 260C.121, subd. 2 (see section 4.15).</p>	Minn. Stat. § 260C.303