

FILED

June 5, 2024

**OFFICE OF
APPELLATE COURTS**

STATE OF MINNESOTA

IN SUPREME COURT

ADM10-8003

ORDER PROMULGATING AMENDMENTS TO THE MINNESOTA RULES OF JUVENILE DELINQUENCY PROCEDURE

On May 12, 2022, we directed the Minnesota Supreme Court Advisory Committee on the Rules of Juvenile Delinquency to consider whether Minnesota Rule of Juvenile Delinquency Procedure 2.03, subdivision 1 should be reevaluated to determine whether the language referring to restraints should be removed or revised in light of Minnesota Statutes section 260B.008 (2022). The committee filed its report and recommendations on December 19, 2022. *See* Report and Proposed Amendments to the Minnesota Rules of Juvenile Delinquency Procedure, No. ADM10-8003, (filed Dec. 19, 2022).

By order filed January 29, 2024, we established a period for the public to file written comments in response to the report filed by the committee. *See* Order Establishing Public Comment Period on Minnesota Rules of Juvenile Delinquency Procedure, No. ADM10-8003 (Minn. filed Jan. 29, 2024). No comments were received.

Having carefully considered the Advisory Committee's recommendations, we agree with the proposed amendments.

IT IS HEREBY ORDERED that the attached amendments to the Rules of Juvenile Delinquency Procedure are prescribed and promulgated, effective on July 1, 2024. The

Advisory Committee comments that are included are done so for convenience and do not reflect court approval of the comments.

Dated: June 5, 2024

BY THE COURT:

Natalie E. Hudson
Chief Justice

HENNESY, J., not having been a member of this court at the time of the court's consideration of the recommendations by the Minnesota Supreme Court Advisory Committee on the Rules of Juvenile Delinquency addressed in this order, took no part in the consideration or decision.

**AMENDMENTS TO THE MINNESOTA
RULES OF JUVENILE DELINQUENCY PROCEDURE**

[Note: in the following amendments, deletions are indicated by a line drawn through the words, and additions are indicated by a line drawn under the words.]

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RULE 2. ATTENDANCE AT HEARINGS AND PRIVACY

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Rule 2.03 Presence Required

Subdivision 1. Child. The child shall have the right to be present at all hearings. The child is deemed to waive the right to be present if the child voluntarily and without justification is absent after the hearing has commenced or if the child disrupts the proceedings. Disruption of the proceedings occurs if the child, after warning by the court, engages in conduct which interrupts the orderly procedure and decorum of the court. ~~The court may use all methods of restraint necessary to conduct the proceedings in an orderly manner.~~ If the child is ~~restrained or~~ removed from the courtroom, the court shall state the reasons for the ~~restraint or~~ removal on the record. Except at trials and dispositional hearings, the child's appearance may be waived if the child is hospitalized in a psychiatric ward and the treating physician states in writing the reasons why not appearing would serve the child's best interests.

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Rule 2.06 Use of Restraints

Subdivision 1. Definition. As used in this rule, "restraints" means a mechanical or other device that constrains the movement of a person's body or limbs.

Subd. 2. When Restraints May be Used. Restraints may not be used on a child appearing in court in a proceeding under chapter 260B unless the court finds that:

(A) the use of restraints is necessary:

(1) to prevent physical harm to the child or another; or

(2) to prevent the child from fleeing in situations in which the child presents a substantial risk of flight from the courtroom; and

(B) there are no less restrictive alternatives to restraints that will prevent flight or physical harm to the child or another, including but not limited to the presence of court personnel, law enforcement officers, or bailiffs.

The finding in clause (A), paragraph (2), may be based, among other things, on the child having a history of disruptive courtroom behavior or behavior while in custody for any current or prior offense that has placed others in potentially harmful situations, or presenting a substantial risk of inflicting physical harm on the child or others as evidenced by past behavior. The court may take into account the physical structure of the courthouse in assessing the applicability of the above factors to the individual child.

Subd. 3. Hearing Procedure and Order. The court shall be provided the child's behavior history and shall provide the child an opportunity to be heard in person or through counsel before ordering the use of restraints. If restraints are ordered, the court shall make findings of fact in support of the order.

Comment--Rule 2

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Minn. R. Juv. Del. P. 2.06 is derived from Minnesota Statutes, section 260B.008 (2022).