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Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A20-1395**

In the Matter of the Welfare of: J. D. C., Child.

**Filed May 10, 2021
Reversed and remanded
Larkin, Judge**

Ramsey County District Court
File No. 62-JV-20-791

Cathryn Middlebrook, Chief Appellate Public Defender, Chang Y. Lau, Assistant Public Defender, St. Paul, Minnesota (for appellant J.D.C.)

Keith Ellison, Attorney General, St. Paul, Minnesota; and

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Considered and decided by Larkin, Presiding Judge; Bjorkman, Judge; and Reyes, Judge.

NONPRECEDENTIAL OPINION

LARKIN, Judge

Appellant challenges the district court's disposition order placing him at Minnesota Correctional Facility—Red Wing (MCF-Red Wing). Because the district court did not

provide sufficient findings of fact to support its disposition, as required by statute and rule, we reverse and remand.

FACTS

On August 4, 2020, respondent State of Minnesota filed a juvenile-delinquency petition charging appellant J.D.C., born August 18, 2005, with first-degree aggravated robbery. The petition alleged that J.D.C., along with two other individuals, stopped a woman as she drove her vehicle and physically assaulted her while they attempted to take her vehicle. Three days after the petition was filed, J.D.C. pleaded guilty to first-degree aggravated robbery and three additional offenses from other case files. There was no agreement regarding disposition. After accepting J.D.C.'s guilty pleas, the district court ordered that a psychological assessment and probation investigation report be completed.

When the district court held a disposition hearing on September 9, 2020, the parties agreed to continue the hearing so J.D.C.'s probation officer could investigate programming options in light of the recently filed psychological assessment. J.D.C.'s supervising probation officer was unable to appear at the subsequent disposition hearing on September 16, but a different probation officer provided recommendations on his behalf. That officer recommended that J.D.C. be placed at MCF-Red Wing for 9 to 12 months, indicating that J.D.C.'s supervising probation officer had investigated "a variety of placements" and that J.D.C. was accepted only at MCF-Red Wing and at West Central Regional Juvenile Center (West Central). The probation officer noted that J.D.C. had just completed the West Central program in May 2020, and that West Central did not have an opening until mid-November 2020. The probation officer also noted that MCF-Red Wing

could provide trauma-based services, chemical-dependency services, and individual and group therapy. The district court again continued the hearing so that it could hear from J.D.C.'s supervising probation officer.

At the next disposition hearing on September 22, J.D.C.'s supervising probation officer reiterated the recommendation that J.D.C. be placed at MCF-Red Wing for 9 to 12 months. He explained that five other programs had declined to accept J.D.C. because of his "behavioral concerns, severe level offenses, his sophistication level or what they thought that to be," and because of the "current population" in those programs. Moreover, J.D.C.'s supervising probation officer believed that the other programs would not meet J.D.C.'s current needs as well as MCF-Red Wing would. The district court continued the hearing yet again so that a transcript of the plea hearing could be obtained to clarify the terms of the plea agreement.

The district court held the final disposition hearing on September 30. After reviewing the transcript of the plea hearing, the parties confirmed that there was no agreement regarding disposition. The district court adjudicated J.D.C. delinquent for first-degree aggravated robbery and ordered that J.D.C. be placed at MCF-Red Wing to complete its 9- to 12-month program. On October 5, 2020, the district court memorialized its disposition in a written order.

J.D.C. appeals, challenging his placement at MCF-Red Wing on procedural and substantive grounds.

DECISION

A district court has broad discretion when determining the appropriate disposition in a juvenile-delinquency case. *In re Welfare of R.V.*, 702 N.W.2d 294, 298 (Minn. App. 2005). This court will affirm a disposition unless there is an abuse of discretion. *Id.*

If the district court finds that a child is delinquent, it must enter an order making a disposition that it deems necessary to rehabilitate the child. Minn. Stat. § 260B.198, subd. 1(a) (2020). The disposition order must “contain written findings of fact to support the disposition ordered.” *Id.*, subd. 1(b) (2020). It must also explain, in writing, “why the best interests of the child are served by the disposition ordered” and “what alternative dispositions were considered by the court and why such dispositions were not appropriate in the instant case.” *Id.*

Additionally, the rules of juvenile delinquency procedure provide that the disposition order must contain written findings of fact to support the disposition and must include, in writing,

- (1) why public safety and the best interests of the child are served by the disposition ordered;
- (2) what alternative dispositions were recommended to the court and why such recommendations were not ordered; and
- (3) if the disposition changes the place of custody of the child;
 - (a) the reasons why public safety and the best interest of the child are not served by preserving the child’s present custody; and
 - (b) suitability of the placement, taking into account the program of the placement facility and assessment of the child’s actual needs.

Minn. R. Juv. Delinq. P. 15.05, subd. 2(A). The district court must consider whether a particular disposition “will serve established principles of dispositions,” but it is not required to make specific findings regarding those principles. *Id.*, subd. (2)(B).

“If the requisite particularized findings are made on the record and appear in a transcript, it is appropriate for the district court to incorporate those findings by reference into its order.” *In re Welfare of D.T.P.*, 685 N.W.2d 709, 713 (Minn. App. 2004). But the transcript must contain the required findings. *Id.*

“Written findings are essential to meaningful appellate review. Findings are also required to show that the district court considered vital standards and to enable the parties to understand the court’s decision.” *In re Welfare of N.T.K.*, 619 N.W.2d 209, 211 (Minn. App. 2000) (citation omitted). Accordingly, the district court’s failure to make adequate juvenile-disposition findings is reversible error. *Id.* at 211-12.

The Findings

J.D.C. contends that the district court’s findings are insufficient to support his placement at MCF-Red Wing. The state concedes that the district court’s findings are insufficient.

The district court’s written disposition order placed J.D.C. at MCF-Red Wing. But the order did not include the specific findings required under Minn. Stat. § 260B.198, subd. 1(b), or Minn. R. Juv. Delinq. P. 15.05, subd. 2(A). As to the reasons for the placement, the order simply stated:

The transcript of these proceedings sets forth facts which support this disposition order and is hereby incorporated as to: (a) why the best interests of the child are served by this

disposition and (b) what alternative dispositions were considered by the Court and discussed as to why they were not appropriate in said case.

Although the district court referenced the transcript of the proceedings, that transcript does not contain the necessary findings of fact. The transcript of the final disposition hearing on September 30, 2020, contains the following explanation by the district court:

The concern I have here, however, is that you picked up these four new serious felony cases within a couple of months after completing the program at [West Central].

Sending you to that placement obviously was an effort at trying to help you get skills and tools that you will need to function in society, and for whatever reasons, that did not work out.

That explanation does not include particularized findings explaining why the disposition served public safety and J.D.C.'s best interests, what alternative dispositions the district court considered and why those dispositions were not appropriate, why preserving J.D.C.'s present custody did not serve public safety and J.D.C.'s best interest, or the suitability of the placement. See Minn. Stat. § 260B.198, subd. 1(b); Minn. R. Juv. Delinq. P. 15.05, subd. 2(A).

In sum, the district court did not make the findings required by statute and rule.

Procedural Deficiencies

J.D.C. contends that the following five procedural deficiencies provide additional grounds for relief. First, the district court did not make specific findings regarding his mental-health and chemical-dependency treatment needs, which are required when a

juvenile is found delinquent based on commission of an offense that would be a felony if committed by an adult. *See* Minn. Stat. § 260B.198, subd. 1(a)(12). Second, no case plan was completed or incorporated into the district court's disposition order, which is required if an out-of-home placement will potentially exceed 30 days. *See id.*, subd. 5 (2020). Although the disposition order does not include specific findings regarding J.D.C.'s mental-health and chemical-dependency treatment needs, it does incorporate an existing case plan regarding J.D.C. *See* Minn. Stat. § 260B.198, subds. 1(a)(12), 5.

Third, the district court ordered probation to complete a probation investigation report, but that report was not filed with the district court three days before the disposition hearing or made available to J.D.C. during that time, which is required under the procedural rules. *See* Minn. R. Juv. Delinq. P. 15.03, subd. 4. Although it is not clear that the probation investigation report was filed with the district court, defense counsel told the district court at the September 16 hearing that he had received the report that morning. *See id.* J.D.C. does not show that he was prejudiced as a result of that timing. *Cf.* Minn. R. Crim. P. 31.01 (stating that any error that does not affect substantial rights must be disregarded).

Fourth, J.D.C. remained in custody for 54 days between the plea hearing and the final disposition hearing, even though the district court must hold the disposition hearing for a juvenile held in detention within 15 days, with authority to extend that time period once for 15 days. *See* Minn. R. Juv. Delinq. P. 15.02, subds. 1(B), 3. And fifth, the district court issued the disposition order six days after the disposition hearing even though it was required to enter the disposition order within three days unless good cause existed. *See id.*,

subd. 2. Although J.D.C. complains about the timing of the final disposition hearing and order, he did not raise those issues in the district court. This court generally considers only those arguments that were made in and considered by the district court. *In re Welfare of D.W.*, 731 N.W.2d 828, 835 (Minn. App. 2007). Moreover, J.D.C. does not show that he was prejudiced by the delay. *Cf.* Minn. R. Crim. P. 31.01. Indeed, the record indicates that the district court delayed the disposition hearing to fully explore all programming options for J.D.C. It is understandable that J.D.C. did not object to the resulting delay, which allowed exploration of disposition options other than MCF-Red Wing.

In sum, the additional procedural deficiencies alleged by J.D.C. do not provide a basis for relief, except to the extent that they identify a need for additional findings.

Remedy

Having concluded that the disposition order is not supported by sufficient findings, we turn to the issue of remedy. Although the parties agree that a remand is appropriate, they disagree regarding the scope of remand. J.D.C. contends that his disposition must be reversed and that he must receive a new disposition hearing. He argues that the record does not establish that his placement at MCF-Red Wing is the least restrictive disposition necessary to ensure public safety or that the placement is in his best interest. The state counters that J.D.C. is not entitled to a new disposition hearing and that the case should be remanded for the limited purpose of requiring the district court to make findings to support the disposition.

In *N.T.K.*, a juvenile challenged the district court's disposition order placing him at MCF-Red Wing, arguing that the evidence did not support that placement and that the

district court's findings were insufficient. 619 N.W.2d at 211. Because we concluded that the district court's findings were inadequate, we did not address the juvenile's argument that the record did not support his placement; instead, we reversed and remanded the case for the "limited purpose" of requiring the district court to make the required findings of fact. *Id.* at 212. We noted that although "the evidence may very well ultimately support the disposition, the findings lack the completeness required by statute and rule." *Id.*

In *R.V.*, another delinquency case involving a challenge to the adequacy of findings in support of an out-of-home placement, we reversed the disposition and remanded for "additional findings addressing the placement" because "the district court failed to issue sufficient findings to ensure that it considered all the relevant factors and to facilitate appellate review." 702 N.W.2d at 304, 308. We noted that "[a]lthough the evidence may support the disposition ultimately, the findings lack the completeness required to guarantee that the district court considered the relevant factors." *Id.* at 308.

J.D.C. argues that we should reject his placement at MCF-Red Wing on the merits and order a new disposition hearing, instead of simply remanding for additional findings. But without specific findings, we cannot make an informed decision regarding whether the record supports his placement at MCF-Red Wing. We therefore do not consider the merits of the placement, and we limit the purpose of the remand, consistent with our approach in *N.T.K.* and *R.V.*

J.D.C. also argues that we should order the district court to expedite his case on remand because he has already spent several months at MCF-Red Wing. Because the juvenile in *N.T.K.* had already spent seven months at MCF-Red Wing, we instructed the

district court “to undertake an *expedited* review of [the] matter, including [the juvenile’s] progress to date, and issue written findings of fact comporting with the statutory and rule requirements.” 619 N.W.2d at 212 (emphasis added). A similar approach is warranted here.

Conclusion

We reverse and remand for the limited purpose of requiring the district court to undertake an expedited review of this matter, including J.D.C.’s progress to date, and to comply with the finding requirements set forth in statute and rule. We recognize that the district court invested significant time and resources identifying a disposition option for J.D.C. But the district court must provide findings that show its consideration of all the relevant factors.

Reversed and remanded.