

*This opinion is nonprecedential except as provided by
Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A22-1016**

In the Matter of the Welfare of:
T. D. M., Child.

**Filed March 6, 2023
Reversed
Worke, Judge**

Norman County District Court
File No. 54-JV-20-301

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

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

James D. Brue, Norman County Attorney, Ada, Minnesota (for respondent)

Considered and decided by Worke, Presiding Judge; Smith, Tracy M., Judge; and Cochran, Judge.

NONPRECEDENTIAL OPINION

WORKE, Judge

Appellant challenges the district court's restitution order, arguing that the district court lacked jurisdiction to order restitution when the court's jurisdiction terminated when the child turned 19 years old without an extended jurisdiction juvenile (EJJ) prosecution order filed. Because restitution is a part of disposition, the district court lacked jurisdiction to order restitution. We reverse.

FACTS

The relevant facts in this case are not in dispute. We briefly discuss the facts relevant to the procedural history of the juvenile proceedings.

In July 2019, appellant T.D.M., then 17 years old, and a group of about ten others were lighting fireworks in a field in rural Norman County. The group did not have permission to be on the property. While lighting fireworks, T.D.M. noticed a truck on the property and drove “it to the west side of the property out of the way.” T.D.M. did not have permission to drive the truck.

That same day, the sheriff received a report from E.S. “that a truck and building had been burn[ed] down on a vacant property he owned.” According to the deputy fire marshal, “the main fire started from [a] truck and spread to a building on the property.” The truck T.D.M. drove belonged to K.S. and was the same truck that the deputy marshal determined started the fire.

In February 2022, T.D.M. admitted to committing the felony theft. The district court determined that there was “a sufficient factual basis to be able to accept [T.D.M.]’s admission but” did not adjudicate T.D.M. delinquent. Instead, the district court ordered a juvenile-disposition report be completed. A disposition and restitution hearing was scheduled for March 16, 2022.

At the hearing, the district court heard testimony and received evidence from K.S. and E.S. related to restitution. T.D.M. also testified. T.D.M. and respondent State of Minnesota were then allowed to make arguments regarding restitution. The district court then took the matter under advisement.

E.S.'s affidavit for restitution listed the description and value of items that were damaged resulting from the fire, which collectively estimated the total property damage to be \$143,350.88. K.S.'s affidavit listed the description and value of additional items that were damaged by the fire, which collectively estimated the total property damage to be \$7,382.20.

In its June 1, 2022 order, the district court made specific findings regarding restitution and awarded a total of \$150,511.88 in restitution, of which E.S. was to receive \$143,350.88 and \$7,161 for K.S.

The June 2022 order also addressed disposition for the now 20-year-old T.D.M. The district court noted that these proceedings were not designated EJJ. And absent an EJJ designation, the court determined that it "lost the jurisdiction to place [T.D.M.] on probation." The district court continued the case without adjudication and scheduled a disposition hearing.

At the disposition hearing, the district court determined that it no longer had jurisdiction because, at the time of the disposition order, T.D.M. was over the age of 19 and no EJJ was designated. Although the court did not have jurisdiction to order disposition, the district court determined that T.D.M. would still be required to make restitution as detailed in the June 1, 2022 order. This appeal followed.

DECISION

T.D.M. challenges the district court's restitution order for two reasons: (1) the court lost jurisdiction to order restitution; and (2) the court failed to apply the proper standard to its restitution order. Because the district court did not have jurisdiction to order restitution,

we need not consider whether it applied the proper standard to its restitution order. “The district court has broad discretion to order dispositions authorized by statute, and the disposition will not be disturbed absent an abuse of discretion.” *In re Welfare of J.S.H.-G.*, 645 N.W.2d 500, 504 (Minn. App. 2002), *rev. denied* (Minn. Aug. 20, 2002).

Generally, “the [district] court has original and exclusive jurisdiction in proceedings concerning any child who is alleged to be delinquent . . . and in proceedings concerning any minor alleged to have been a delinquent . . . prior to having become 18 years of age.” Minn. Stat. § 260B.101, subd. 1 (2022). “Unless terminated by the court . . . the jurisdiction of the court shall continue until the individual becomes 19 years of age if the court determines it is in the best interest of the individual to do so.” Minn. Stat. § 260B.193, subd. 5(a) (2022). The district court may extend its jurisdiction beyond an individual’s 19th birthday if the proceedings are designated as an EJJ prosecution. *Id.*, subd. 5(b), (c) (2022) (detailing how EJJ proceedings may extend until the individual’s 21st birthday).¹

In February 2022, T.D.M. admitted to taking or driving a motor vehicle without consent. *See* Minn. Stat. § 609.52, subd. 2(a)(17) (2020). The district court decided it would not accept T.D.M.’s admission until a juvenile-disposition report could be completed. *See* Minn. R. Juv. Delinq. P. 17.09 (stating “[b]efore finding that the

¹ We note that the district court’s jurisdiction to order disposition may also be extended pursuant to Minn. Stat. § 260B.193, subd. 5(e) (2022). Because the parties do not adequately address these exceptions, we decline to consider this issue. *See State v. Butcher*, 563 N.W.2d 776, 780 (Minn. App. 1997) (noting issues not adequately briefed are not properly before an appellate court), *rev. denied* (Minn. Aug. 5, 1997).

allegations of the charging document have been proved, the court may order” a predisposition report). The district court then scheduled a disposition hearing. *See* Minn. R. Juv. Delinq. P. 15.04, subd. 1 (stating “[d]isposition hearings shall be separate from the hearing at which the charges are proved[;] . . . [t]he child and the child’s counsel, if any, shall appear at all disposition hearings”).

At the disposition hearing, the district court heard testimony and received evidence related to restitution. In June 2022, the district court ordered T.D.M. to make restitution to E.S. and K.S. But the district court noted that T.D.M.’s file “is a juvenile file without [EJJ].” And after T.D.M.’s 19th birthday, the court no longer had jurisdiction. The district court concluded that it would grant T.D.M.’s request for a stay of adjudication.² *See* Minn. R. Juv. Delinq. P. 15.05, subd. 1 (stating district court can either adjudicate the child delinquent or continue the case without adjudicating the child delinquent).

A district court may order restitution as part of disposition “if the child is found to have violated a state or local law . . . which has resulted in damage to the person or property of another.” Minn. Stat. § 260B.198, subd. 1(5) (2022).

But, as stated above, these proceedings were not designated as an EJJ prosecution. In its June 2022 order, the district court concluded that it no longer had jurisdiction to order disposition. The court cannot order restitution, as a part of disposition, without jurisdiction.

² *See* Minn. Stat. § 260B.198, subd. 7 (2022) (stating during continuance the district court may enter an order in accordance with subdivision 1, except clause (4), which is out of home placement). Therefore, assuming the district court has jurisdiction to do so, it could order restitution as a condition of disposition when it continues the case without adjudication.

Accordingly, because the district court ordered restitution after T.D.M. had turned 19 years old, without an EJJ designation, we reverse the court's restitution order on the ground that the court's jurisdiction terminated when T.D.M. turned 19 years old.

Reversed.