

*This opinion is nonprecedential except as provided by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
A21-1588**

In the Matter of the Welfare of: J. M. P. F.

**Filed August 15, 2022
Affirmed
Bryan, Judge**

Ramsey County District Court
File Nos. 62-JV-21-664, 62-JV-21-663, 62-JV-21-447, 62-JV-21-448
Washington County District Court
File Nos. 62-JV-21-172, 62-JV-21-390

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Considered and decided by Bryan, Presiding Judge; Jesson, Judge; and Klaphake, Judge.*

* Retired judge of the Minnesota Court of Appeals, serving by appointment. *See* Minn. Const. art. VI, § 10.

NONPRECEDENTIAL OPINION

BRYAN, Judge

In this extended jurisdiction juvenile (EJJ) matter, appellant challenges the district court's disposition decision. Because the district court adequately considered the factors set forth in the applicable statutes and rules, it did not abuse its discretion.

FACTS

Between March and August 2021, respondent State of Minnesota filed four separate delinquency petitions, charging appellant J.M.P.F. with committing a series of criminal offenses in two counties. According to the delinquency petitions filed in Ramsey County, J.M.P.F. committed motor vehicle theft on April 6, 2021, and two additional offenses on June 28-29, 2021: fleeing a peace officer in a motor vehicle and receiving stolen property. In July 2021, J.M.P.F. waived his right to trial and admitted that he committed the offenses charged in the two Ramsey County petitions. The Ramsey County juvenile court continued both cases without adjudication and placed J.M.P.F. under supervision of the probation department. Among other conditions of probation, the Ramsey County delinquency court ordered J.M.P.F. to comply with electronic home monitoring (EHM). After less than three weeks, the probation department removed J.M.P.F. from EHM due to repeated violations of the EHM conditions. J.M.P.F. was also required to complete a community-based, cognitive-behavioral intervention program, but was discharged prior to completion. Similarly, J.M.P.F. was unable to complete the Right Track summer work program, a community-based diversionary program.

According to the delinquency petitions filed in Washington County, J.M.P.F. committed a first-degree burglary on March 16, 2021, and the following four offenses on August 14, 2021: first-degree burglary, motor vehicle theft, aiding and abetting attempted motor vehicle theft, and fleeing a peace officer in a motor vehicle. After his arrest in Washington County on August 14, 2021, J.M.P.F. was detained, and Washington County filed a motion to designate the proceeding an EJJ prosecution. On August 23, 2021, Washington County probation filed an “intake summary report,” explaining that J.M.P.F. was currently on probation in Ramsey County for seven open cases, had been charged with 20 felony and misdemeanor offenses, and J.M.P.F.’s mother believed he was “out of control.” The report also noted that in July 2021, J.M.P.F. was a passenger in a stolen vehicle that crashed, causing a traumatic brain injury to J.M.P.F. Washington County probation recommended that J.M.P.F. remain in detention and an EJJ evaluation from Washington County recommended designating J.M.P.F.’s case as EJJ. The Washington County juvenile court detained J.M.P.F. pending trial.

On October 8, 2021, J.M.P.F. and the state reached a plea agreement resolving the Washington County offenses. Pursuant to the agreement, J.M.P.F. pleaded guilty to the August 14, 2021 offense of aiding and abetting first-degree burglary and agreed to an EJJ designation for this matter. J.M.P.F. also pleaded guilty to the March 16, 2021 offense of first-degree burglary. The Washington County court designated J.M.P.F. as an EJJ, the state dismissed the remaining Washington County charges, and J.M.P.F. agreed to pay restitution. Both matters were transferred to Ramsey County for disposition.

At the October 18, 2021 disposition hearing in Ramsey County, the district court stayed execution of a 21-month sentence corresponding to the aiding and abetting burglary adjudication and a 27-month sentence corresponding to the first-degree burglary adjudication. The parties disagreed on the conditions of the stay of execution. The juvenile probation officer recommended an out of home placement and identified three possible programs: the Minnesota Correctional Facility at Red Wing (MCF-Red Wing), the Dakota County Juvenile Program, and the West Central Regional Juvenile Center. The probation officer specifically recommended that the district court order J.M.P.F. to complete the four-to-six-month Dakota County Juvenile Program. The state agreed with probation, but noted that MCF-Red Wing and West Central Regional Juvenile Center also accepted J.M.P.F. Defense counsel requested that J.M.P.F. be placed on probation in the community.

The district court expressed its concern for J.M.P.F., emphasizing his criminal history (13 felony and seven misdemeanor charges in 2021) as well as the fact that J.M.P.F. had been on probation during that time, had violated the terms of the EHM program, and had been unsuccessful completing other community-based programs. The district court compared the three proposed programs.¹ Although the district court considered the Dakota County Juvenile Program a “good program,” she did not think that a four-to-six-month program was appropriate given the seriousness of the current offenses and J.M.P.F.’s delinquency history. The district court preferred the MCF-Red Wing program, calling it an “excellent program,” that could address J.M.P.F.’s needs.

¹ The district court rejected the West Central facility because the wait list was too long.

In its written disposition order, the district court justified the placement as follows:

The Court generally adopts the findings of the Staffing Report filed prior to this disposition hearing to provide factual support for the disposition as promoting public safety and the best interests of the child; however, given the seriousness of the child's current offenses and the lengthy delinquency history of the child (including continuing to commit delinquency offenses while on probation), the Court finds that it is in the child's best interest that he complete a program with duration longer than 4-6 months recommended in the Staffing Report.

- a. Justification for placement:** Child was designated EJJ per plea agreement and admitted to serious felony offenses. He has multiple offenses [] from three² counties many of which pose significant threats to public safety and/or the child's own personal wellbeing.
- b. Reasonable Efforts to Avoid Placement:** Probation; EHM; decision points; right track summer work program.
- c. Alternatives Considered:** Dakota County Boys Program (rejected by court as too short); Red Wing (accepted as a secure facility with cognitive, educational, and mental health needs); West Central (rejected [by court] due to long wait list).

The district court's order also stated that the disposition serves the best interests of J.M.P.F. by: (1) "promoting [his] health, safety and welfare"; (2) "providing needed care, treatment and guidance to ensure [his] safety"; and (3) "providing a structured setting of sufficient duration to assist [J.M.P.F.] in obtaining treatment and developing skills necessary to avoid antisocial and negative behaviors that put [him] and [the] general public at risk." J.M.P.F. appeals.

² At the time of his disposition, J.M.P.F. had pending cases in three counties, but only cases from two counties were before the district court for disposition.

DECISION

J.M.P.F. challenges the decision ordering him to complete a long-term, residential placement at MCF-Red Wing for nine-to-twelve months rather than the shorter residential program in Dakota County. Specifically, J.M.P.F. challenges the decision for the following two reasons: (1) the district court's written findings are insufficient to justify the necessity of the MCF-Red Wing program; and (2) the district court's order does not establish that MCF-Red Wing is in his best interest. We address each in turn.

Pursuant to statute, if a district court finds that a child is delinquent, "it shall enter an order" selecting "any" of the listed dispositions, "which are deemed necessary to the rehabilitation of the child." Minn. Stat. § 260B.198, subd. 1 (2020). The order must contain "written findings of fact to support the disposition ordered," including an explanation "why the best interests of the child are served by the disposition ordered," "what alternative dispositions were considered," and "why such dispositions were not appropriate." *Id.*, subd. 1(b); *see also* Minn. R. Juv. Delinq. P. 15.05, subd. 2(A) (requiring a written explanation of "why public safety and the best interests of the child" justify the disposition, what alternative dispositions were recommended, and why such recommendations were not ordered). If ordering a change to the child's "place of custody," the disposition order must also include an explanation why "public safety and the best interests of the child are not served by preserving the child's present custody," as well as a discussion of the "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).

In addition, when selecting a disposition, the district court shall consider whether “a particular disposition will serve established principles of disposition.” Minn. R. Juv. Delinq. P. 15.05, subd. 2(B). The established principles of disposition include, but are not limited to, the following five nonexhaustive factors: (1) the necessity of the disposition; (2) the best interests of the child; (3) the needs of the child if placement is out of home; (4) the appropriateness of sanctions, such as placement in secure facilities, if necessary to promote public safety and meet the needs of the child; and (5) local dispositional criteria. *Id.* “[D]istrict courts have broad discretion to order dispositions authorized by statute.” *In re Welfare of J.B.A.*, 581 N.W.2d 37, 38 (Minn. App. 1998), *rev. denied* (Minn. Aug. 31, 1998). “Absent a clear abuse of that discretion, the disposition will not be disturbed.” *Id.* A district court abuses its discretion when its decision is against logic or the factual findings of the district court. *State v. Hallmark*, 927 N.W.2d 281, 291 (Minn. 2019).

J.M.P.F. first argues that the district court abused its discretion because the district court’s order did not contain sufficient findings regarding the placement at MCF-Red Wing. We disagree with this characterization of the district court’s order and conclude that the district court sufficiently analyzed the requisite considerations and sufficiently explained its reasoning. Section 260B.198 requires courts to order dispositions that “are deemed necessary to the rehabilitation of the child,” Minn. Stat. § 260B.198, subd. 1, and the applicable portions of the delinquency rule further specify that the district court must determine whether a disposition serves “established principles,” including several listed “considerations” that bear on necessity: the seriousness of the alleged offense, the culpability of the child, the child’s prior record, the child’s programming history, the

child's willingness to participate in programming, and the least restrictive action "consistent with the child's circumstances." Minn. R. Juv. Delinq. P. 15.05, subd. 2(B)(1).

The district court adequately weighed these considerations and the written order contained sufficient findings. At the hearing, the district court highlighted the quantity and nature of J.M.P.F.'s recent delinquency and probation history, including his violations of the EHM conditions, inability to remain law abiding while on probation, and failure to complete community-based programs. In addition, in the written order, the district court again addressed these considerations. For instance, the district court explicitly justified the disposition "given the seriousness of [J.M.P.F.'s] current offenses," "many of which pose significant threats to public safety." The district court also based the disposition on the fact that J.M.P.F. "commit[ed] delinquency offenses while on probation," and that he has a "lengthy delinquency history." These considerations led the district court to conclude that the four-to-six-month program would not be appropriate. The district court explicitly rejected that option in favor of the program at MCF-Red Wing, highlighting why that placement was more appropriate than the shorter Dakota County program: MCF-Red Wing offered a longer duration of programming and offered programming that could address J.M.P.F.'s "cognitive, educational, and mental health needs." Because the district court considered the requisite aspects of necessity in its verbal explanation and written order, the district court did not abuse its discretion.

J.M.P.F. also argues that the district court did not adequately explain how the disposition is in J.M.P.F.'s best interests. Specifically, J.M.P.F. asserts that the district

court only made a conclusory statement that the Dakota County program was too short.³ We are not convinced that the district court erred for two reasons. First, pursuant to the rules of juvenile delinquency, the best interests analysis does not “supersede the requirement that the disposition be necessary,” and “[t]he promise of benefits in a disposition, or even the suggestion that a particular disposition is best for the child, does not permit a disposition that is not necessary.” Minn. R. Juv. Delinq. P. 15.05, subd. 2(B)(2). Even assuming that the best interests of J.M.P.F. weighed in favor of a shorter program, the district court’s disposition decision is not an abuse of discretion where necessity justifies the disposition decision.⁴

Second, we discern no abuse of discretion in the district court’s analysis of J.M.P.F.’s interests. The district court noted that only MCF-Red Wing could address cognitive, behavioral, and mental health needs. In addition, the district court determined that J.M.P.F.’s delinquency and noncompliance history presented a threat not just to public safety, but also to his “own personal wellbeing.” The district court’s order also expressly stated that the disposition serves the best interests of [J.M.P.F.] by “promoting [his] health, safety and welfare,” “providing needed care, treatment and guidance to ensure [his] safety,”

³ To the extent that J.M.P.F.’s argument reduces the district court’s reasoning to merely a determination based on the duration of the two programs, this argument presents an incomplete characterization of the district court’s order. As described above, the district court considered J.M.P.F.’s particular needs and interests in addition to weighing the severity, quantity, and recency of J.M.P.F.’s delinquency and noncompliance history.

⁴ J.M.P.F. does not argue that an out-of-home placement was not in his best interests, only that the district court did not adequately explain how the residential MCF-Red Wing program would better serve his interests than the residential Dakota County program.

and “providing a structured setting of sufficient duration to assist [J.M.P.F.] in obtaining treatment and developing skills necessary to avoid antisocial and negative behaviors that put [him] and [the] general public at risk.” Because the district court’s written order sufficiently explained why MCF-Red Wing was in J.M.P.F.’s best interests and the record supports that the disposition is suitable to his needs, we conclude the district court did not abuse its discretion.

Affirmed.