

*This opinion is nonprecedential except as provided by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
A23-0073**

In the Matter of the Welfare of:
Z. A. W., Child.

**Filed October 30, 2023
Affirmed
Wheelock, Judge**

Stearns County District Court
File No. 73-JV-22-5888

Cathryn Middlebrook, Chief Appellate Public Defender, Sara L. Martin, Assistant Public Defender, St. Paul, Minnesota (for appellant Z.A.W.)

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

Janelle P. Kendall, Stearns County Attorney, Dana D. Erickson, Assistant County Attorney, St. Cloud, Minnesota (for respondent State of Minnesota)

Considered and decided by Wheelock, Presiding Judge; Larkin, Judge; and Halbrooks, Judge.*

NONPRECEDENTIAL OPINION

WHEELOCK, Judge

Appellant challenges the district court's decision to adjudicate him delinquent, arguing that the district court abused its discretion by failing to determine that adjudication

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

was necessary for his rehabilitation. Because a district court is not required to make such a determination when deciding whether to adjudicate a juvenile delinquent, we affirm.

FACTS

Respondent State of Minnesota charged appellant Z.A.W. by juvenile-delinquency petition with third-degree riot in violation of Minn. Stat. § 609.71, subd. 3 (2020), and fifth-degree assault in violation of Minn. Stat. § 609.224, subd. 1(2) (2020). The state alleged that Z.A.W. was involved in an incident in which a group of students threw the victim to the ground and beat him in a school bathroom. The incident was captured on video.

Pursuant to an agreement with the state, Z.A.W. admitted to fifth-degree assault in exchange for dismissal of the riot charge. The parties agreed that they would argue the disposition of the case and any terms of disposition to the district court.

At the disposition hearing, the state argued for adjudication of delinquency and Z.A.W. argued that the district court should continue the case without adjudication. The district court stated that it was “extremely concerned about the minimization of the events that happened in this case,” discredited Z.A.W.’s characterization of the incident, noted that Z.A.W.’s school discipline history included other physical altercations, and stated that Z.A.W. showed “zero remorse.” The district court adjudicated Z.A.W. delinquent, placed him on probation, and ordered restitution.

Z.A.W. appeals.

DECISION

Z.A.W. argues that the district court abused its discretion by adjudicating him delinquent, rather than continuing the case without adjudication, because adjudication was not necessary for his rehabilitation in light of the risk to public safety and the seriousness of the offense. Because the district court is not required to determine whether adjudication is necessary for rehabilitation when deciding whether to adjudicate a juvenile as delinquent or to continue the case without adjudication, we disagree that the district court abused its discretion by adjudicating Z.A.W. delinquent.

We review a juvenile-delinquency disposition order, including the decision whether to continue a case without adjudication, for an abuse of discretion. *In re Welfare of J.B.A.*, 581 N.W.2d 37, 38 (Minn. App. 1998), *rev. denied* (Minn. Aug. 31, 1998). But the interpretation of procedural rules is a question of law that is reviewed de novo. *In re Welfare of C.J.H.*, 878 N.W.2d 15, 19 (Minn. 2016). When interpreting rules with unambiguous language, we apply their plain meaning. *Id.* at 21.

Minnesota Rule of Juvenile Delinquency Procedure 15.05, subdivision 1, sets forth the district court's options after charges have been proved in a delinquency proceeding. It mandates:

On each of the charges found by the court to be proved, the court shall either:

(A) adjudicate the child delinquent pursuant to Minnesota Statutes, section 260B.198, subdivision 1; or

(B) continue the case without adjudicating the child delinquent pursuant to Minnesota Statutes, section 260B.198, subdivision 7.

Minn. R. Juv. Delinq. P. 15.05, subd. 1. Nothing in this rule requires a district court to make a finding that adjudication is necessary for rehabilitation before adjudicating a child delinquent rather than continuing the case without adjudication.¹ *In re Welfare of J.L.Y.*, 596 N.W.2d 692, 695 (Minn. App. 1999), *rev. granted* (Minn. Sept. 28, 1999) *and ord. granting rev. vacated* (Minn. Feb. 15, 2000).

The language Z.A.W. cites in support of his argument is found in Minnesota Rule of Juvenile Delinquency Procedure 15.05, subdivision 2(B), which provides that a district court must “consider whether a particular disposition will serve established principles of dispositions, including but not limited to” factors such as “[n]ecessity” and “the best interests of the child.” Minn. R. Juv. Delinq. P. 15.05, subd. 2(B). But whether to order a particular disposition is a distinct inquiry from the determination of whether to adjudicate or continue a case without adjudication. *In re Welfare of J.R.Z.*, 648 N.W.2d. 241, 245-46 (Minn. App. 2002), *rev. denied* (Minn. Aug. 20, 2002).

When a district court decides the disposition, it must determine that the disposition it is imposing is necessary to restore law-abiding conduct. Minn. R. Juv. Delinq. P. 15.05, subd. 2(B)(1) (“It is arbitrary and unjust to impose a disposition that is not necessary to restore law abiding conduct.”); Minn. R. Juv. Delinq. P. 15.05, subd. 2(B)(1)(b) (directing a district court to consider whether a disposition is proportional and defining proportional

¹ Before continuing a case without adjudication pursuant to Minnesota Rule of Juvenile Delinquency Procedure 15.05, subdivision 1(B), a district court must find that it is (1) “in the best interests of the child” and (2) “not inimical to public safety.” Minn. Stat. § 260B.198, subd. 7(a) (2022); Minn. R. Juv. Delinq. P. 15.05, subd. 4(A).

as “the least restrictive action consistent with the child’s circumstances”). When a district court adjudicates a juvenile as delinquent, however, it does not have to consider whether adjudication is necessary for rehabilitation. *See J.L.Y.*, 596 N.W.2d at 695 (finding nothing in the Minnesota Rules of Juvenile Procedure or “the statute that requires particularized findings on the court’s decision to impose or withhold adjudication of delinquency. The particularized findings . . . are required in determining a disposition, but not when deciding whether to adjudicate or [continue the case without] adjudication.”). In other words, the decision whether to adjudicate a juvenile as delinquent or to continue without adjudication is a distinct determination from the decision of what disposition is appropriate in a juvenile matter. And consideration of whether a particular action is necessary for rehabilitation of the juvenile is required only for the disposition determination.² Thus, the district court did

² We note that a district court’s dispositional order must contain written findings of fact that support the disposition and that set forth “why public safety and the best interests of the child are served by the disposition ordered” and “what alternative dispositions were recommended to the court and why such recommendations were not ordered.” Minn. R. Juv. Delinq. P. 15.05, subd. 2(A)(1)-(2); *accord* Minn. Stat. § 260B.198, subd. 1(b) (2022) (setting forth nearly the same requirements provided by rule 15.05, subdivision 2(A)(1)-(2)). Failure to make required written findings is reversible error. *In re Welfare of L.K.W.*, 372 N.W.2d 392, 401 (Minn. App. 1985); *see also In re Welfare of N.T.K.*, 619 N.W.2d. 209, 211-12 (Minn. App. 2000) (citing *L.K.W.* and noting that “we have repeatedly emphasized the importance of findings in our many published decisions that hold inadequate juvenile disposition findings constitute reversible error”). The district court’s form disposition order does not contain the required findings, and we do not see any such findings elsewhere in the record. But because Z.A.W. did not argue that the district court erred by failing to make required findings with respect to the disposition order, we do not consider any such potential error. *See Waters v. Fiebelkorn*, 13 N.W.2d 461, 464-65 (Minn. 1944) (“[O]n appeal error is never presumed. It must be made to appear affirmatively before there can be reversal . . . [and] the burden of showing error rests upon the one who relies upon it.”).

not abuse its discretion by not considering whether adjudicating Z.A.W. delinquent was necessary for his rehabilitation before making an adjudication determination for him.

Furthermore, our review of the record shows that the district court properly exercised its discretion in deciding to adjudicate Z.A.W. delinquent. At the disposition hearing, the district court stated that Z.A.W. minimized the event, did not show remorse, and had a school discipline history that included physical altercations. While admitting to the factual basis for fifth-degree assault, Z.A.W. stated that he “didn’t hit [the victim] hard,” “barely hurt the kid,” and “was mostly staying back.” The predisposition report included a description of the event from Z.A.W., in which he minimized what had happened and his participation in it, and a summary of Z.A.W.’s school discipline history that referenced incidents of physically aggressive behavior. The district court provided several reasons supported by the record for why it adjudicated Z.A.W. delinquent, and we see no abuse of discretion in its decision to do so.

Affirmed.