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**STATE OF MINNESOTA
IN COURT OF APPEALS
A10-420**

In the Matter of the Welfare of: C. F. T., Child.

**Filed September 21, 2010
Reversed and remanded
Worke, Judge**

Waseca County District Court
File No. 81-JV-08-1533

David W. Merchant, Chief Appellate Public Defender, Susan Andrews, Assistant Public Defender, St. Paul, Minnesota (for appellant C.F.T.)

Lori Swanson, Attorney General, 1800 Bremer Tower, 445 Minnesota Street, St. Paul, MN 55101; and

Paul M. Dressler, Waseca County Attorney, Brenda Miller, Chief Deputy Waseca County Attorney, Waseca, Minnesota (for respondent state)

Considered and decided by Worke, Presiding Judge; Kalitowski, Judge; and Ross, Judge.

UNPUBLISHED OPINION

WORKE, Judge

Appellant juvenile challenges the district court's revocation of a stay of a delinquency adjudication. Because the district court's jurisdiction to revoke appellant's stay of adjudication expired prior to commencement of the proceeding, we reverse and remand.

DECISION

Appellant C.F.T. argues that the district court lacked jurisdiction over the juvenile proceedings and, therefore, inappropriately revoked the stay of appellant's delinquency adjudication. "When a statute provides the basis for . . . jurisdiction over [a] juvenile, the issue of jurisdiction is a question of law subject to de novo review. *State v. J.E.S.*, 763 N.W.2d 64, 67 (Minn. App. 2009). A district court may continue a delinquency matter "for a period not to exceed 90 days" before a finding of delinquency, and the continuance may be extended for "one additional successive period not to exceed 90 days," for a total of 180 days. Minn. Stat. § 260B.198, subd. 7 (2008); *see also* Minn. R. Juv. Delinq. P. 15.05, subd. 4(B) (stating that an adjudication may be continued for two consecutive 90-day periods when a juvenile is not held in detention). The district court has no jurisdiction over the case once the 180-day continuance period expires. *In re Welfare of M.J.M.*, 766 N.W.2d 360, 364 (Minn. App. 2009), *review denied* (Minn. Aug. 26, 2009). Additionally, the district court cannot acquire jurisdiction through waiver or consent. *Id.*

On February 10, 2009, the district court stayed adjudication on two third-degree-burglary cases and placed appellant on probation for two consecutive six-month periods. Appellant completed probation on the first stayed case and was discharged from probation on August 9, 2009. But in November 2009, appellant's probation officer alleged that appellant violated probation in the second stayed case. The district court held a probation-violation hearing in February 2010, determined that appellant violated the terms of his probation, adjudicated appellant delinquent, and ordered that he be discharged from probation when the second stay of adjudication was to expire. Under the

plain mechanics of the statute, the district court was allowed to continue the adjudications for only 180 days, meaning that the court's jurisdiction over both cases expired on August 9, 2009. Because the revocation hearing was initiated in November 2009, the district court no longer retained jurisdiction over the matter. Accordingly, we reverse the district court's revocation order and delinquency adjudication and remand for dismissal. *See In re Welfare of M.A.R.*, 558 N.W.2d 274, 276 (Minn. App. 1997) (reversing and remanding for dismissal because district court had no jurisdiction over the case after the 180-day continuance period expired).

Reversed and remanded.