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**STATE OF MINNESOTA
IN COURT OF APPEALS
A07-2086**

In the Matter of the Welfare of: A. R. C., Child

**Filed October 14, 2008
Affirmed
Larkin, Judge**

Rice County District Court
File No. 66-JV-07-2790

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Considered and decided by Johnson, Presiding Judge; Ross, Judge; and Larkin, Judge.

UNPUBLISHED OPINION

LARKIN, Judge

Appellant, whose date of birth is August 13, 1992, was adjudicated delinquent for committing fifth-degree domestic assault in violation of Minn. Stat. § 609.2242, subd. 1(2) (2006). She was placed on probation for up to two years, with conditions. Because

the district court did not abuse its discretion when it denied appellant's request for a stay of adjudication, we affirm.

FACTS

Following an incident on June 23, 2007, appellant A.R.C. pleaded guilty to fifth-degree domestic assault, and an underage-consumption charge was dismissed. At the plea hearing, appellant admitted that she became involved in a physical and verbal altercation with her mother during which she struck her younger brother when he tried to intervene. The district court accepted appellant's guilty plea and ordered the community-corrections department to prepare a "social history," or a predisposition investigation report.

At the disposition hearing, a community-corrections agent highlighted concerns regarding appellant's chemical use, particularly while in school, and some self-injurious behavior on appellant's part that included cutting herself. The prosecutor similarly stated that community corrections "has zeroed in on the couple of areas that are of greatest concern, the cutting and the chemical use," particularly the fact that appellant "really didn't have any idea what [she was consuming]" and that she "was taking an unknown substance because she was aware that this particular girl at her school would do these sorts of things and give the compound to others."

Defense counsel countered that this was appellant's "first major offense" and that appellant is "precisely the kind of candidate where the court ought to be considering the least restrictive alternative, and the least restrictive alternative here is a stay of adjudication." Defense counsel also asked the district court to consider imposing fewer

community-service hours than the report recommended, but did not have any general objection to any of the other probationary conditions recommended in the report, but urged that “when you have somebody in front of you who has no prior criminal history, the appropriate disposition . . . ought to be a stay of adjudication.”

The district court stated that it believed that community corrections “has done an excellent assessment and has a lot of insight into what the problems are” and that “although [this was appellant’s] first contact with law enforcement,” it remains a “very serious matter.” The court adjudicated appellant delinquent and placed her on supervised probation for up to two years, with certain conditions that included completing 15 hours of community service; abstaining from the possession or use of any alcohol or controlled substances; submitting to random testing at the request of probation or law enforcement; completing a psychological evaluation and complying with its recommendations; and signing a probation agreement and abiding by its conditions, which included a promise to remain law abiding. The district court also stated:

The Court determined that public safety and the child’s best interests were served by the disposition ordered because: The disposition is in substantial compliance with Third Judicial District Juvenile Dispositional Criteria. It is intended to return the child to law-abiding behavior. The child’s community service obligation will serve the child’s best interests by integrating the child back into the community and giving the child an opportunity to provide a positive service to the public.

On appeal, appellant argues that the district court abused its discretion in denying her request for a stay of adjudication when this was her first criminal offense and

involved members of her immediate family in an unstable household, rather than the public at large.

DECISION

“A district court has broad discretion in determining whether to continue an adjudication in a delinquency proceeding.” *In re Welfare of J.R.Z.*, 648 N.W.2d 241, 244 (Minn. App. 2002) (quotation omitted), *review denied* (Minn. Aug. 20, 2002). This court will “affirm dispositions that are not arbitrary.” *In re Welfare of N.T.K.*, 619 N.W.2d 209, 211 (Minn. App. 2000) (quotation omitted). “[I]mposing an adjudication within the limits prescribed by the legislature is not an abuse of discretion.” *J.R.Z.*, 648 N.W.2d at 245 (quotation omitted).

A stay of adjudication may be ordered “[w]hen it is in the best interests of the child and the protection of the public to do so.” Minn. R. Juv. Delinq. P. 15.05, subd. 4(A); *see* Minn. Stat. § 260B.198, subd. 7 (2006) (providing that district court “may” order continuance “[w]hen it is in the best interests of the child to do so and when the child has admitted the allegations contained in the petition”). “But such a stay of adjudication may not exceed 180 days.” *J.R.Z.*, 648 N.W.2d at 245; *see* Minn. Stat. § 260B.198, subd. 7 (authorizing no more than two 90-day periods of a continuance without an adjudication). Thus, a district court loses jurisdiction over a juvenile after the 180-day continuance period has expired, even though the juvenile may not have complied with the probationary conditions. *In re Welfare of M.A.R.*, 558 N.W.2d 274, 276 (Minn. App. 1997).

Appellant argues that the district court's decision in this case is arbitrary and not aimed at appellant's betterment. Appellant claims that the court "gave little, if any, thought to imposing a disposition which would have spared [appellant] a juvenile record and still accomplished the rehabilitative goals recommended" by community corrections. Appellant notes that because this was her first criminal offense and because it involved members of her immediate family in an unstable household, not the public at large, "[i]t is difficult to see how the court's adjudicating her delinquent for a misdemeanor domestic assault could possibly be in *her* best interests."

Appellant's assertion that a stay was appropriate in this case because she has no criminal history and because she assaulted her immediate family rather than a stranger may be relevant to the public-safety consideration identified in rule 15.05, subd. 4(A). But the district court specifically indicated that it considered appellant's assault of her mother and younger brother to be a "very serious matter." Thus, the district court properly considered the protection of the public when it refused to stay adjudication in this case.

In addition, rather than grant appellant a stay of adjudication for a maximum period of 180 days, the district court properly exercised its discretion in placing appellant on supervised probation for up to two years with specific conditions aimed at her rehabilitation. *See* Minn. Stat. § 260B.198, subd. 1(b) (2006) (authorizing supervised probation with conditions as delinquency disposition); Minn. R. Delinq. P. 15.05, subd. 2(B)(1) (requiring disposition that is necessary to restore juvenile to law-abiding conduct). Contrary to appellant's assertions, it does not appear that the district court

could have achieved the same amount of supervision, had it agreed to stay adjudication in this case. Thus, the district court also properly considered appellant's best interests.

While it is possible that the district court's findings could have been more detailed, they were sufficient. Moreover, unlike the findings required to support a disposition, a district court is not required to make particularized findings when deciding whether to stay an adjudication of delinquency. *J.R.Z.*, 648 N.W.2d at 246; *see* Minn. Stat. § 260B.198, subds. 1(m) (requiring written findings to support disposition decision), 7 (providing that district court "may" order continuance "[w]hen it is in the best interests of the child to do so and when the child has admitted the allegations in the petition") (2006). Because the district court properly considered appellant's best interests and public safety when it denied her request for a stay of adjudication, the court did not abuse its broad discretion.

Affirmed.