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Minn. Stat. § 480A.08, subd. 3 (2006).*

**STATE OF MINNESOTA  
IN COURT OF APPEALS  
A07-1341**

In the Matter of the Welfare of: H. A. D., Child.

**Filed June 3, 2008  
Affirmed in part, reversed in part, and remanded  
Shumaker, Judge**

Rice County District Court  
File No. 66-J2-06-050026

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Considered and decided by Willis, Presiding Judge; Shumaker, Judge; and Harten, Judge.\*

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

## **UNPUBLISHED OPINION**

**SHUMAKER**, Judge

Appellant, a juvenile, challenges the court's order extending the term of her probation and requiring her to pay restitution for amounts requested after her probation expired. Because we find that certain restitution requests were timely filed and that the court properly ordered such restitution, we affirm that part of the order. But because we find that the court erred in extending probation and in ordering restitution upon untimely requests, we reverse as to those matters, and we remand.

### **FACTS**

H.A.D., a juvenile, pleaded guilty in the juvenile division of the district court in Steele County to misdemeanor assault on another juvenile. Because H.A.D. lived in Rice County, the case was transferred there for disposition.

On March 20, 2006, in Rice County, the court adjudged H.A.D. delinquent and placed her on supervised probation for "a period of up to one year," subject to certain conditions.

At the disposition hearing, the victim's mother told the court that she had not yet received all the bills for medical services relating to injuries H.A.D. inflicted. The court then stated, "As long as she's on probation, a claim for restitution can be filed. If you have medical bills and so forth, those need to be filed with the court administration office with an affidavit in support of that." The court then explained H.A.D.'s right to challenge restitution requests and the procedure for doing so.

H.A.D.'s probation continued for a full year, ending on March 19, 2007.

Two affidavits requesting payments for medical expenses from ACS Recovery Services and Blue Cross Blue Shield in the respective amounts of \$3,478.98 and \$2,293 were filed in June 2006 in Steele County. Court administrators did not forward the requests to Rice County until March 2007. The victim's mother also executed a request for restitution on March 14, 2007, for \$1,070.64.

On March 15, 2007, H.A.D.'s probation officer, having just received these restitution requests, asked the court to extend H.A.D.'s term of probation by six months to deal with the restitution issue. On March 20, 2007, one day after H.A.D.'s probation expired, the court ordered an extension of the term for an additional six months.

At an initial hearing, H.A.D. challenged the restitution requests. The court then set another hearing date in June 2007 to consider the challenge. After the extension order, the victim submitted two additional restitution requests pertaining to expenses incurred in attending previous restitution hearings.

Ultimately, the court ordered H.A.D. to pay all requested restitution. Contending that the court had no authority to extend her probation term without her consent and no jurisdiction to order restitution after the expiration of her probation, H.A.D. appealed.

## **DECISION**

H.A.D. argues that the district court abused its discretion by extending her probation and awarding restitution after the expiration of her probationary term.

The district court has "broad discretion to order dispositions authorized by statute in delinquency cases." *In re Welfare of M.A.C.*, 455 N.W.2d 494, 498 (Minn. App. 1990). "Absent a clear abuse of discretion, a [district] court's disposition will not be

disturbed.” *Id.* A district court’s “dispositional findings of fact will be accepted unless clearly erroneous.” *In re Welfare of L.K.W.*, 372 N.W.2d 392, 397 (Minn. App. 1985). When, as here, a statute provided the basis for the district court’s jurisdiction over the juvenile, the issue of the district court’s jurisdiction is a question of law, which is subject to de novo review. *State v. Behl*, 564 N.W.2d 560, 563 (Minn. 1997).

H.A.D. first argues that district court had no authority to extend her probation to address restitution concerns because her probation had already expired by the time the district court ordered the extension. H.A.D. was placed on probation on March 20, 2006, by the district court for “a period up to one year.” H.A.D. argues that her probation ended on March 19, 2007; thus, the court’s March 20, 2007 was too late as it had already lost jurisdiction over her. Respondent State of Minnesota contends that “her probation extended for *one full year* until March 20, 2007.” But respondent does not point to anything in the record to show that the term of probation included that date. The record contains evidence that H.A.D.’s probation did, in fact, expire on March 19, 2007; H.A.D.’s probation officer’s request for continuation acknowledged March 19 as the end date. Thus, when the district court indicated that it was extending her punishment “on the last day of probation,” it was in error as H.A.D.’s probation had expired the previous day.

The district court also stated that it “had jurisdiction over juveniles until age 19.” However, the applicable statute gives the juvenile court jurisdiction “until the individual becomes 19 years of age” unless “terminated by the court.” Minn. Stat. § 260B.193, subd. 5(a) (2006). The district court, by specifying a period of probation in its original disposition order, set a termination date, and no reason has been given as to why it would

then be proper to extend probation beyond the period ordered. Although the court could have provided for jurisdiction until H.A.D. reached age 19, it chose a shorter time. Thus, the court lacked jurisdiction to extend H.A.D.'s probation an additional six months.

Turning to restitution, respondent contends that the first two restitution requests should be honored because they were timely filed with Steele County, instead of Rice County, while H.A.D. was still on probation and that the request from the victim's mother was also timely filed. Restitution is governed by both the general restitution statute, Minn. Stat. § 611A.04 (2006), and the juvenile restitution provision in Minn. Stat. § 260B.198, subd. 1(e) (2006). *In re Welfare of E.S.C.*, 731 N.W.2d 149, 152 (Minn. App. 2007). Restitution is an authorized part of a juvenile disposition when the juvenile's actions cause injury to a person or damage to property. Minn. Stat. § 260B.198, subd. 1(e). Restitution may be ordered during the time a juvenile is on probation. Minn. Stat. § 611A.04, subd. 1(b)(1).

At the original disposition hearing, the court stated that as long as H.A.D. was on probation, claims for restitution could be submitted. While the district court did not include specific restitution in its written order, it did provide for it on the record once medical expenses were determined. We reject H.A.D.'s contention that restitution was a nonessential component of the disposition. The oral sentence pronounced by the judge at a sentencing hearing constitutes the judgment of the court. *Johnson v. Mabry*, 602 F.2d 167, 170 (8th Cir. 1979); *see also State v. Rasinski*, 527 N.W.2d 593, 595 (Minn. App. 1995) (holding oral pronouncement rather than written order determines sentence imposed).

The affidavits for restitution, which H.A.D. characterizes as “eleventh hour requests,” from ACS Recovery Services and Blue Cross Blue Shield were actually filed in June 2006, albeit in the wrong county, but well within H.A.D.’s original probationary period. Further, H.A.D. conceded at a restitution hearing on April 23, 2007, that the victim’s mother’s claim for \$1,070.64 was timely. The administrative delays, which occurred through no fault of the victim, in forwarding these affidavits to Rice County, after they were timely filed, do not impair the victim’s right to restitution. *See* Minn. Stat. § 611A.04, subd. 1(a) (indicating that restitution information is timely if it is “received by the court administrator . . . at least three business days before the sentencing or dispositional hearing”). Thus, timely filed restitution requests were within the court’s authority to consider, absent a clear showing that the court lacked jurisdiction to consider those claims. The record contains no such showing, and we find the district court correctly ordered restitution on the affidavits filed before March 19, 2007.

The district court also granted restitution for affidavits filed after H.A.D.’s probation had expired. The restitution statute does not grant the “authority to order restitution once the defendant has been discharged from probation.” *State v. Pflepsen*, 590 N.W.2d 759, 765 (Minn. 1999). The claims for restitution submitted after March 19, 2007, and granted by the district court, were untimely and are reversed.

Because the district court lacked authority to extend H.A.D.’s probation, we reverse its order doing so. The district court’s order for restitution for affidavits filed within the probationary period was appropriate, and we affirm the district court’s disposition on those claims. But we reverse the district court’s award of restitution for

late-filed requests. We remand to the district court to correct the record as appropriate and consistent with this decision.

**Affirmed in part, reversed in part, and remanded.**