

*This opinion is nonprecedential except as provided by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
A25-0664**

In the Matter of the Welfare of: E. S. S., Child.

**Filed January 26, 2026
Reversed and remanded
Bentley, Judge**

Sibley County District Court
File No. 72-JV-24-34

Cathryn Middlebrook, Chief Appellate Public Defender, Chang Y. Lau, Assistant Public Defender, St. Paul, Minnesota (for appellant E.S.S.)

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

Donald E. Lannoye, Sibley County Attorney, Gaylord, Minnesota (for respondent State of Minnesota)

Considered and decided by Schmidt, Presiding Judge; Bratvold, Judge; and Bentley, Judge.

NONPRECEDENTIAL OPINION

BENTLEY, Judge

Appellant challenges the district court's restitution order following his juvenile adjudication. He argues that the district court abused its discretion by failing to make findings that are required in any juvenile-delinquency disposition order and by failing to consider his ability to pay. Because the district court did not make all the requisite findings, we reverse and remand.

FACTS

The following facts derive primarily from the testimony and evidence received at the plea hearing in appellant E.S.S.'s juvenile-delinquency proceeding and from the subsequent hearing and briefing on the restitution order.

E.S.S., then 16, and victim M.B. attended a house party in 2024. E.S.S. recognized M.B. from previous remarks M.B. made toward E.S.S.'s older sister. Exchanging words with M.B., E.S.S. said that he "wanted [M.B.] to apologize," but M.B. refused. The two argued, which escalated to M.B. punching E.S.S. in the face. In return, E.S.S. brandished a knife and "stabbed [M.B.] in the stomach area" causing a "puncture wound." E.S.S. then fled to his home, where he was later arrested.

M.B. suffered severe injuries from the attack, which required surgery and nearly two weeks of hospitalization. Because of M.B.'s prolonged hospitalization, M.B.'s family incurred significant costs, including medical bills, lost wages, and travel and food expenses.

Respondent State of Minnesota charged E.S.S. with second-degree assault with a dangerous weapon—substantial bodily harm, in violation of Minn. Stat. § 609.222, subd. 2 (2022). The state also charged E.S.S. with disorderly conduct—brawling or fighting, in violation of Minn. Stat. § 609.72, subd. 1(1) (2022), and with consumption of an alcoholic beverage by a person under 21, in violation of Minn. Stat. § 340A.503, subd. 1(a)(2) (2022). The state moved for certification to adult court. The district court denied that motion and designated the case for extended juvenile jurisdiction.

Several months later, E.S.S. entered a guilty plea to the second-degree assault charge. The other charges were dismissed. After E.S.S. entered the plea, the Minnesota Department of Corrections (DOC) prepared a juvenile predisposition report. The report summarized E.S.S.'s progress at a youth detention facility, where he was working on his high school educational credits and addressing his mental-health struggles. The report recommended that E.S.S. be placed on probation until age 21, complete residential programming at the youth facility, and pay restitution, among other conditions.

M.B.'s family filed a request for restitution detailing the costs stemming from M.B.'s injuries and treatment. The family requested \$20,161.62, which included medical costs, lost wages for M.B., lost wages for M.B.'s mother, and other expenses incurred during M.B.'s hospitalization. Considering the restitution request and the DOC's report, the district court adjudicated E.S.S. as delinquent, sentenced him to supervised probation until his 21st birthday, and imposed a stayed adult sentence of 21 months' imprisonment. The district court also required E.S.S. to "pay restitution as requested" to M.B.

E.S.S. moved to challenge the amount of restitution requested. His primary argument was that the award should be reduced by the \$14,748 that the family received in a crowd-sourced fundraising campaign because it lowered M.B.'s actual economic losses. In his motion papers, E.S.S. also described his "very low" ability to pay restitution, stating that his "income right now is zero," and he is "behind in [his] schooling." He noted that he is expected to be either in high school or technical trade school for "the next 4-5 years." Because of his schooling and lack of prior work experience, he stated that he could only

pursue part-time employment at minimum wage and that he “may have difficulty finding a job because of [his] conviction for this offense.”

The district court held a hearing and received briefing from the parties on E.S.S.’s restitution challenge. At the hearing, E.S.S. argued that, considering the fundraising campaign, the district court should reduce the restitution amount to \$2,612.44. E.S.S. asserted at the hearing and in his brief that the purpose of the juvenile system is “primarily rehabilitation,” that he lacks the ability “to earn a meaningful income” as a student with a felony on his record, and that the court should avoid “set[ting] him up for failure” by imposing debt that he could not repay. The state responded in its brief that E.S.S. is a “healthy young male,” and there is “no evidence in the record indicating that he cannot get a job to help pay for restitution.”

The district court ordered E.S.S. to pay \$17,360.44 as restitution. Citing Minnesota Statutes section 611A.045, subdivision 1(a)(2) (2022), the order stated that the district court was required to consider the defendant’s ability to pay, but that “[t]here is no strict requirement regarding how the district court should address the issue” and it is “not required to issue specific findings” about E.S.S.’s ability to pay the restitution amount ordered. The court acknowledged E.S.S.’s arguments that he is “behind his peers in school” and will be in school “for a number of years,” making his current ability to earn income “limited.” But despite these circumstances, the court stated, “[t]hough the juvenile may currently have a limited ability to earn significant income, that does not equate to an inability to earn any income.” Further, the court stated that the amount “shall be paid prior to the end of [E.S.S.’s] probation,” which is “ample” time to pay the full restitution amount.

The court also provided the option for E.S.S. to repay part of his restitution through juvenile work programs, but any funds not paid through those programs “shall be paid by [E.S.S.] himself.”

E.S.S. appeals.

DECISION

Before turning to E.S.S.’s arguments on appeal, we begin with a brief overview of the statutes governing juvenile restitution awards. Restitution in a juvenile-delinquency case is governed by both the general restitution statute and the juvenile-delinquency statutes. *In re Welfare of I.N.A.*, 902 N.W.2d 635, 640 (Minn. App. 2017), *rev. denied* (Minn. Nov. 28, 2017). In all cases involving a restitution award, the district court must consider (1) “the amount of economic loss sustained by the victim as a result of the offense” and (2) “the income, resources, and obligations of the defendant.” Minn. Stat. § 611A.045, subd. 1(a) (2024). In cases involving juvenile-delinquency dispositions, the district court must consider additional statutory factors and make specific written findings to support the disposition. *See* Minn. Stat. § 260B.198 (2024); Minn. R. Juv. Delinq. P. 15.05. As an overarching consideration, any ordered disposition must be “deemed necessary to the rehabilitation of the child.” Minn. Stat. § 260B.198, subd. 1(a). The statute further provides that “[a]ny order for a disposition,” *id.*, subd. 1(b), including a restitution order, *see id.*, subd. 1(a)(5), “shall contain written findings of fact to support the disposition ordered,” *id.*, subd. 1(b). The order “shall also set forth in writing the following information: (1) why the best interests of the child are served by the disposition ordered; and (2) what alternative dispositions were considered by the court and why such dispositions were not appropriate

in the instant case.” *Id.*; *see also* Minn. R. Juv. Delinq. P. 15.05, subd. 2(A) (stating that all disposition orders “shall contain written findings of fact to support the disposition ordered and shall set forth in writing . . . why public safety and the best interests of the child are served by the disposition ordered”).

With this statutory framework in mind, we turn to E.S.S.’s arguments. E.S.S. challenges the district court’s restitution order under both the relevant juvenile-disposition statute and the general restitution statute. He first argues that the district court abused its discretion by failing to include written findings in the order as to how restitution served public safety, E.S.S.’s best interests, and E.S.S.’s rehabilitation, as required under Minnesota Statutes section 260B.198 and Minnesota Rule of Juvenile Delinquency Procedure 15.05. Second, he argues the district court abused its discretion by failing to properly consider his ability to pay restitution, as required by Minnesota Statutes section 611A.045, subdivision 1(a). We consider each issue in turn.

I

E.S.S. argues that the district court abused its discretion because it ordered restitution without making the findings required under section 260B.198 and rule 15.05. Specifically, he argues that the court did not include written findings regarding how restitution serves public safety interests, E.S.S.’s best interests, or E.S.S.’s rehabilitation. We agree.

We review restitution awards for an abuse of discretion. *State v. Andersen*, 871 N.W.2d 910, 913 (Minn. 2015). “A district court abuses its discretion by making findings of fact that are unsupported by the evidence, misapplying the law, or rendering a decision

that is against logic and the facts on [the] record.” *I.N.A.*, 902 N.W.2d at 642. We review whether the district court fulfilled its statutory obligations de novo. *State v. Wigham*, 967 N.W.2d 657, 662 (Minn. 2021).

Juvenile-delinquency orders require written findings “to show that the district court considered vital standards and to enable the parties to understand the court’s decision.” *I.N.A.*, 902 N.W.2d at 642 (quotation omitted). These written findings are necessary to “permit meaningful appellate review” of a disposition order. *In re Welfare of R.V.*, 702 N.W.2d 294, 308 (Minn. App. 2005). Accordingly, “inadequate written findings in a juvenile-disposition order constitute reversible error.” *I.N.A.*, 902 N.W.2d at 642. Findings are adequate when they fully address all the required statutory factors. *See id.*; *In re Welfare of N.T.K.*, 619 N.W.2d 209, 211-12 (Minn. App. 2000).

The district court’s disposition order does not expressly include findings relevant to public safety, E.S.S.’s best interests, and the necessity of the disposition to E.S.S.’s rehabilitation. *See* Minn. R. Juv. Delinq. P. 15.05, subd. 2(A)(1); Minn. Stat. § 260B.198, subd. 1(a), (b). The district court appeared to implicitly consider E.S.S.’s best interests and rehabilitation by noting in its order that E.S.S. is “behind his peers in school,” he “has a limited ability to earn significant income,” and that he “spent most of the past year” in a youth detention center. But implicit findings about public safety and the juvenile’s best interest are not sufficient. *I.N.A.*, 902 N.W.2d at 642. Without explicit, written findings, we cannot meaningfully review the order or conclude that the district court met its obligations under section 260B.198 or rule 15.05.

The state acknowledges that the restitution order “does not contain language consistent with the statute and rule.” It defends the order on a different ground—that the district court did not make the requisite findings because E.S.S.’s arguments at the restitution hearing focused on the “narrow and specific legal issue” of whether the funds from the fundraising campaign could reduce the restitution award. We acknowledge that E.S.S. did not directly ask the district court to make express findings, but that does not absolve the district court of its statutory obligations. Section 260B.198 mandates that “[a]ny order for a disposition” in a juvenile-delinquency case “*shall* contain written findings of fact” and “*shall* also set forth in writing” the factors previously discussed. Minn. Stat. § 260B.198, subd. 1(b) (emphasis added). The word “shall” signifies “a duty that is mandatory, not one that is optional or discretionary.” *Dukowitz v. Hannon Sec. Servs.*, 841 N.W.2d 147, 155 (Minn. 2014) (quotation omitted); *see also Wigham*, 967 N.W.2d at 663 (“‘Shall’ is a mandatory directive.”). We are therefore not persuaded that the district court was relieved of its obligation to make the requisite written findings in its restitution order.¹

In sum, we conclude that the district court did not meet its obligation to make findings of fact and consider in writing the factors required under Minnesota Statutes section 260B.198 and Minnesota Rule of Juvenile Delinquency Procedure 15.05. We reverse and remand to the district court to reconsider its order in light of the statutory

¹ We also note that, although E.S.S. did not ask the district court to make specific findings under section 260B.198, he asserted the importance of rehabilitation and considering E.S.S.’s best interests at both the restitution hearing and in his briefing on the issue. These considerations were thus presented before the district court by E.S.S., even if the specific statute was not invoked.

requirements. It is within the district court's discretion to reopen the record as it deems necessary.

II

E.S.S. separately argues that the district court abused its discretion by not adequately considering his ability to pay, as required by Minn. Stat. § 611A.045, subd. 1(a)(2). We disagree that the district court abused its discretion on this basis. The record shows that the court considered E.S.S.'s ability to pay, and nothing more is required by statute. *See Wigham*, 967 N.W.2d at 664 (“[A] district court fulfills its statutory duty to consider a defendant’s income, resources, and obligations in awarding and setting the amount of restitution when it expressly states, either orally or in writing, that it considered the defendant’s ability to pay.”).

Reversed and remanded.