

**State of Minnesota**

**District Court**

County \_\_\_\_\_

Judicial District: \_\_\_\_\_  
Court File Number: \_\_\_\_\_  
Case Type: Juvenile

**In the Matter of the Child(ren) of:**

Name: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Child in Need of Protection  
Or Services Petition  
(Open Hearings)**

**To: District Court – Juvenile Division**

**NOTICE TO PETITIONER: Please take notice that Minnesota Statutes §260C.141, subd. 1(b), requires a petitioner to report any allegation of child abuse or neglect to a local social services agency before filing a petition with the court. Your petition may be rejected if you have not first sought assistance from the local social services agency.**

Petitioner (*name*), \_\_\_\_\_, who is not a county attorney or an agent of the commissioner of human services, states and alleges that:

- 1. As petitioner, I have reported the facts alleged in this petition to a local social services agency, and the local services agency has declined to provide protection or services to the child(ren) (*check one*):  YES  NO

If you checked "yes," please complete the following and attach a copy of the social services denial, if one was prepared:

- a. Name of social services agency contacted:
- b. Date social services agency contacted:
- c. Date social services agency declined to provide protection or services:
- d. Reason(s) (if known) that social services agency declined to provide protection or services:

- 2. I, Petitioner, am not filing this Petition for the sole purpose of trying to change custody between the child(ren)'s parents (*check one*):  YES  NO



3. The full name, date of birth, residence address, and post office address of the child(ren) are:

<u>Full Name</u>	<u>Date Of Birth</u>	<u>Residence Address</u>	<u>Post Office Address</u>

4. The full name, residence address, and post office address of the child(ren)'s parent(s) (if known) are:

<u>Full Name</u>	<u>Residence Address</u>	<u>Post Office Address</u>

5. The full name, residence address, and post office address of the child(ren)'s guardian(s), or person(s) having custody or control of the child(ren), or the child(ren)'s nearest known relative if no parent or guardian can be found, are:

<u>Full Name</u>	<u>Residence Address</u>	<u>Post Office Address</u>

6. The full name, residence address, and post office address of the spouse of the child(ren) (if any) is/are:

<u>Full Name</u>	<u>Residence Address</u>	<u>Post Office Address</u>

7. The child(ren) is/are enrolled or eligible for enrollment in an American Indian Tribe, and therefore the Indian Child Welfare Act applies (*check one*):       YES     NO

If "yes," the name of the Tribe is: \_\_\_\_\_

8. The child(ren) is/are in need of protection or services within the meaning of the following provisions of Minnesota Statutes §260C.007, subd. 4 (*check one or more of the following*):
- Subd. 4(1), because the child(ren) is/are abandoned or without parent, guardian, or custodian.
  - Subd. 4(2), because the child(ren) (i) has/have been a victim(s) of physical or sexual abuse, or (ii) reside(s) with or has/have resided with a victim of domestic child abuse as defined in subdivision 25, (iii) reside(s) with or would reside with a perpetrator of domestic child abuse or child abuse as defined in subdivision 25, or (iv) is/are a victim(s) of emotional maltreatment as defined in subdivision 8.
  - Subd. 4(3), because the child(ren) is/are without necessary food, clothing, shelter, education, or other required care for the child(ren)'s physical or mental health or morals because the child(ren)'s parent, guardian, or custodian is unable or unwilling to provide that care.
  - Subd. 4(4), because the child(ren) is/are without the special care made necessary by a physical, mental, or emotional condition because the child(ren)'s parent, guardian, or custodian is unable or unwilling to provide that care, including a voluntary placement according to release of the parent under section 260C.212, subd. 9.
  - Subd. 4(5), because the child(ren) is/are medically neglected, which includes, but is not limited to, the withholding of medically indicated treatment from a disabled infant with a life-threatening condition. The term "withholding of medically indicated treatment" means the failure to respond to the infant's life-threatening conditions by providing treatment, including appropriate nutrition, hydration, and medication which, in the treating physician's or physicians' reasonable medical judgment, will be most likely to be effective in ameliorating or correcting all conditions, except that the term does not include the failure to provide treatment other than appropriate nutrition, hydration, or medication to an infant when, in the treating physician's or physicians' reasonable medical judgment: (i) the infant is chronically and irreversibly comatose; (ii) the provision of the treatment would merely prolong dying, not be effective in ameliorating or correcting all of the infant's life-threatening conditions, or otherwise be futile in terms of the survival of the infant; or (iii) the provision of the treatment would be virtually futile in terms of the survival of the infant and the treatment itself under the circumstances would be inhumane.
  - Subd. 4(6), because the child(ren) is/are one(s) whose parent, guardian, or other custodian for good cause desires to be relieved of the child(ren)'s care and custody, including a child in placement according to voluntary release by the parent under section 260C.212, subd. 8.
  - Subd. 4(7), because the child(ren) has/have been placed for adoption or care in violation of law.

- Subd. 4(8), because the child(ren) is/are without proper parental care because of the emotional, mental, or physical disability, or state of immaturity of the child(ren)'s parent, guardian, or other custodian.
- Subd. 4(9), because the child(ren) is/are one(s) whose behavior, condition, or environment is such as to be injurious or dangerous to the child(ren) or others. An injurious or dangerous environment may include, but is not limited to, the exposure of a child to criminal activity in the child's home.
- Subd. 4(10), because the child(ren) is/are experiencing growth delays, which may be referred to as failure to thrive, that have been diagnosed by a physician and are due to parental neglect.
- Subd. 4(11), because the child(ren) has/have engaged in prostitution as defined in section 609.321, subd. 9.
- Subd. 4(12), because the child(ren) has/have committed a delinquent act or a juvenile petty offense before becoming ten years old.
- Subd. 4(13), because the child is a runaway.
- Subd. 4(14), because the child is an habitual truant.
- Subd. 4(15), because the child has been found incompetent to proceed or has been found not guilty by reason of mental illness or mental deficiency in connection with a delinquency proceeding, a certification under section 260B.125, an extended jurisdiction juvenile prosecution, or a proceeding involving a juvenile petty offense.
- Subd. 4(16), because the child has been found by the court to have committed domestic abuse perpetrated by a minor under Minn. Laws 1997, chapter 239, article 10, sections 2 to 26, has been ordered excluded from the child's parent's home by an order for protection/minor respondent, and the child's parent or guardian is either unwilling or unable to provide an alternative safe living arrangement for the child.
9. The facts upon which Petitioner relies for the assertion that the child(ren) is/are in need of protection or services are as follows *(using an additional sheet of paper if necessary, describe in as much detail as possible why you believe the child(ren) is/are in need of protection or services, including names of persons involved and dates and times of events)*:

*(Continued on next page)*

*(Continued from previous page)*

10. A juvenile court or family court custody order exists, or a juvenile court or family court proceeding is pending, regarding the child(ren) (*check one*):  Yes  No  Unknown

If "yes",

**Case Name:**

**County:**

**File Number:**

11. I, Petitioner, am related to the child(ren) or the child(ren)'s parent or custodian (*check one*):

YES  NO

If "yes," describe how Petitioner is related:

12. I, Petitioner, believe that because of the conditions and surroundings of the child(ren), the child(ren)'s welfare requires that this court immediately take the child(ren) into custody pursuant to Minnesota Statutes §260C.151, subd. 6.

Based upon all of the above information, I, Petitioner, request that the above-named child(ren) be brought before the District Court, Juvenile Court Division, and that the child(ren)'s alleged need for protection or services be dealt with in accordance with the law.

Dated:

Petitioner 's Signature

*(Sign only in front of notary public or court administrator)*

Name:

Street Address:

City/State/Zip:

Name, address, and phone number of attorney for Petitioner (if any):

Name:

Address:

Phone:

-

Attorney ID:

-

Sworn/affirmed before me this

\_\_\_\_\_ day of \_\_\_\_\_,

Notary Public \ Court Administrator

**After you have filled out this form and signed it in front of a notary or the court administrator, give it to the court administrator to review for completeness.**



**Verification**

**State Of Minnesota** )  
 ) S.S.  
**County Of** \_\_\_\_\_ )

I, \_\_\_\_\_, being duly sworn upon oath, state that I am the Petitioner in the above-entitled action; I have read and know the contents of the foregoing Petition; and the statements in the Petition are true of my knowledge except as to those matters stated on information and belief and, as to those matters, I believe them to be true.

Dated:

Petitioner 's Signature  
*(Sign only in front of notary public or court administrator)*

Name:  
Street Address:  
City/State/Zip:

Sworn/affirmed before me this \_\_\_\_\_ day of \_\_\_\_\_,

Notary Public \ Court Administrator

**Acknowledgement**

**State Of Minnesota** )  
 ) S.S.  
**County Of** \_\_\_\_\_ )

I, \_\_\_\_\_, being duly sworn upon oath acknowledge that, pursuant to Minnesota Statutes section 549.21, costs, disbursements, and reasonable attorney and witness fees may be awarded to the opposing party or parties for actions I commence in bad faith; for any claim or defense that I assert that is frivolous and costly to the other party or parties; for any position I assert that is unfounded and meant solely to delay the ordinary course of the proceedings or to harass; or for any fraud I commit upon the Court.

Dated:

Petitioner 's Signature  
*(Sign only in front of notary public or court administrator)*

Name:  
Street Address:  
City/State/Zip:

Sworn/affirmed before me this \_\_\_\_\_ day of \_\_\_\_\_,

Notary Public \ Court Administrator

## For Court Use Only

### Review of Petition by Court Administrator and Judge

#### Review by Court Administrator for Completeness

Pursuant to Juvenile Protection Rule 70.02, subd. 2(b)(3), before filing a "pro se" petition, the court administrator must review the petition to determine whether it is or is not complete. In conducting the review, the court administrator must specifically determine whether the person has or has not contacted the local social services agency before attempting to file the petition. This may be accomplished by looking at the answer to Question 1 and determining whether the "yes" or "no" box has been checked. If the person indicates that the social services agency has not been contacted, the court administrator must reject the petition as incomplete and must not file the petition. If the person has contacted the local social services agency, the court administrator may file the petition and within 3 days of filing must submit the petition to a judge for further review.

*Court Administrator: Check one of the following:*

- The petition is complete and shall be filed and submitted to a judge for further review.
- Or**
- The petition is not complete and is rejected.

#### Review by Judge for Prima Facie Determination

Pursuant to Juvenile Protection Rule 70.02, subd. 2(b)(4), within 3 days of the filing of a "pro se" CHIPS petition, a judge shall review the petition. If the judge determines that the petition and attachments establish a prima facie case that a CHIPS matter exists and that the child is the subject of that matter, the court shall set the matter for an Admit/Deny Hearing pursuant to Rule 71 and shall direct the court administrator to serve a summons and notice. The judge shall not allow a petition to proceed if it appears, after reviewing the answer to Question 2, that the sole purpose of the petition is to modify custody between the parents or if it fails to set forth the information required in Rule 70.02, subds. 1 and 2(b).

*Judge: Check one of the following:*

- Pursuant to review required under Minnesota Statutes § 260C.141, subdivision 1(b), and Juvenile Protection Rule 70.02, subd. 2(b)(4), the undersigned Judge of District Court has reviewed the foregoing Child in Need of Protection or Services Petition and has determined that the petition establishes a prima facie case that a child in need of protection or services matter exists and the child is the subject of that matter. The court administrator shall set the matter for hearing and shall notify the social service agency of the hearing by sending notice to the county attorney.
- Or**
- Pursuant to review required under Minnesota Statutes §260C.141, subdivision 1(b), and Juvenile Protection Rule 70.02, subd. 2(b)(4), the undersigned Judge of District Court has reviewed the foregoing Child in Need of Protection or Services Petition and has determined that the petition does not establish a prima facie case that a child in need of protection or services matter exists. The Petition is hereby dismissed without prejudice and the court administrator shall so notify Petitioner.

**Date:**

**By The Court:**

Judge of District Court

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