

State of Minnesota

District Court

County

Judicial District:	_____
Court File Number:	_____
Case Type:	Juvenile

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

Parent Legal Custodian

Parent Legal Custodian

**Child In Need of Protection
Or Services Petition**

To: District Court – Juvenile Division

NOTICE TO PETITIONER: Minnesota Statutes § 260C.141, subd. 1(b), requires a petitioner to report any allegation of child abuse or neglect to the social services agency in the county where the child(ren) resides before filing a Petition with the Court. This Petition may be rejected if you have not first contacted the social services agency.

1. My name is (*name*), _____ and I am the Petitioner in this matter. I am not a county attorney or an agent of the Commissioner of Human Services.
2. I have reported the information and circumstances alleged in this Petition to the social services agency in the county where the child(ren) resides, and the agency has declined to provide protection or services to the child (*check one*):
 - FALSE (If “False,” you must contact the social services agency before submitting this petition).
 - TRUE, I have contacted the social services agency (please continue to Question 3).
3. If you checked “True in Question 2,” 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: _____
4. I am related to the child(ren) or the child’s parent(s) or custodian(s) (*check one*):
 - NO, I am not related to the child(ren) or the child’s parent(s) or custodian(s).
 - YES, I am related as follows: _____
5. I am not filing this Petition for the sole purpose of trying to change custody between the child(ren)’s parents (*check one*): TRUE FALSE

6. The name, date of birth, race, and address of the child(ren) are:

Child's Name	Date Birth	Of Race	Address

7. If known, the name, date of birth, race, and address of the child(ren)'s parent(s) or custodian(s) are:

Parent(s) or Custodian(s) Name	Date Birth	Of Race	Address

8. If different from the answer to Question 7, the name and address of the person(s) who have custody or control of the child(ren), or the child(ren)'s nearest known relative if no parent or guardian can be found, are:

Name of Person(s) With Custody of Child(ren)	Address

12. 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*):

UNKNOWN, I am unaware of any other files.

NO, there are no other files.

YES, there is another file with the following information:

Case Name: _____

County: _____

File Number: _____

13. The child(ren) is/are in need of protection or services within the meaning of the following provisions of Minnesota Statutes § 260C.007, subd. 6 (*check one or more of the following*):

Subd. 6(1), because the child(ren) is/are abandoned or without parent, guardian, or custodian.

Subd. 6(2), because the child(ren) (a) has/have been a victim(s) of physical or sexual abuse as defined in Minn. Stat. § 626.556, subd. 2; or (b) reside(s) with or has/have resided with a victim of domestic child abuse as defined in Minn. Stat. § 260C.007, subd. 13; (c) reside(s) with or would reside with a perpetrator of domestic child abuse or child abuse as defined in Minn. Stat. § 260C.007, subd. 13; or (d) is/are a victim(s) of emotional maltreatment as defined in Minn. Stat. § 260C.007, subd. 15.

Subd. 6(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. 6(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.

Subd. 6(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. 6(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 who entered foster care under a voluntary placement agreement between the parent and the responsible social services agency under Minn. Stat. § 260C.227.
- Subd. 6(7), because the child(ren) has/have been placed for adoption or care in violation of law.
- Subd. 6(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. 6(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. 6(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. 6(11), because the child(ren) is a sexually exploited youth.
- Subd. 6(12), because the child(ren) has/have committed a delinquent act or a juvenile petty offense before becoming ten (10) years old.
- Subd. 6(13), because the child is a runaway.
- Subd. 6(14), because the child is a habitual truant.
- Subd. 6(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 Minn. Stat. § 260B.125, an extended jurisdiction juvenile prosecution, or a proceeding involving a juvenile petty offense.
- Subd. 6(16), because the child has a parent whose parental rights to one or more children were involuntarily terminated or whose custodial rights to another child have been involuntarily transferred to a relative and there is a case plan prepared by the responsible social services agency documenting a compelling reason why filing the termination of parental rights petition under Minn. Stat. § 260C.301, subd. 3, is not in the best interests of the child.

14. I 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.

I declare under penalty of perjury that everything I have stated in this document is true and correct. Minn. Stat. § 358.116.

Dated: _____
_____ Petitioner 's Signature

Name: _____
Street Address: _____
City/State/Zip: _____
E-mail address: _____

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

Name: _____
Address: _____

Phone: _____
Attorney ID: _____
E-mail address: _____

After you have filled out this form and signed it, give it to the court administrator to review for completeness.

Verification

I, _____, 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.

I declare under penalty of perjury that everything I have stated in this document is true and correct. Minn. Stat. § 358.116.

Dated: _____
_____ Petitioner 's Signature

County and state where signed: _____ Name: _____
_____ Street Address: _____
City/State/Zip: _____
E-mail address: _____

Acknowledgement

I, _____, 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.

I declare under penalty of perjury that everything I have stated in this document is true and correct. Minn. Stat. § 358.116.

Dated: _____
_____ Petitioner 's Signature

County and state where signed: _____ Name: _____
_____ Street Address: _____
City/State/Zip: _____
E-mail address: _____

For Court Use Only

Review of Petition by Court Administrator and Judge

REVIEW BY COURT ADMINISTRATOR FOR COMPLETENESS

Pursuant to Juvenile Protection Rule 45.03, 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 social services agency in the county where the child resides before attempting to file the petition. This may be

accomplished by looking at the answer to Question 2 and determining whether the “True” or “False” 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 social services agency, the court administrator may file the petition and 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 45.03, within three (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 46 and shall direct the court administrator to serve a summons and notice pursuant to Rule 44. The judge shall not allow a petition to proceed if it appears, after reviewing the answer to Question 5, 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 Rules 45.02, subd. 1, and 45.03.

Judge: Check one of the following:

Pursuant to review required under Minnesota Statutes § 260C.141, subdivision 1(b), 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 service notice of the hearing upon the parties and participants. Notice to the services agency shall be accomplished by sending notice to the county attorney.**

Or

Pursuant to review required under Minnesota Statutes §260C.141, subdivision 1(b), 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