

In the Matter of the Children of:  <u>Jane Doe</u> , Mother  <u>John Doe</u> , Father	<u>PETITION FOR                  CHILDREN IN NEED OF                  PROTECTION OR SERVICES</u>
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Court File No. \_\_\_\_\_

CA File No. \_\_\_\_\_

Petitioner, Anywhere County Health & Human Services, by and through the undersigned agent, states and alleges the following:

1. The children who are the subjects of this petition are:

Name I address	DOB and a e	Gender	Race	Tribal Affiliation
Child 1 See Confidential Information Form 11.4				None
Child <sup>1</sup> See Confidential Information Form 11.4				None
Child 3 See Confidential Information Form 11.4				None
Child 4 See Confidential Information Form 11.4				None
				None

<sup>1</sup>. The parent/s are as follows:

A. Mother Custodial parent	Name and Address Jane Doe 9127 Hwy. 95 Anytown, MN 12345	DOB 12-13-87	Race	Tribal Affiliation None
B. Father of Child 1 Deceased  Father of Child 2  Non-custodial parent.  Father of Child 4  Presumed, custodial parent	Name and Address   Unknown to Petitioner  John Doe 9127 Hwy 95 Anytown, MN 12345	DOB    06-02-84	Race	Tribal Affiliation    None

3. The Parties include the following:

Jane Doe, Mother  
John Doe, Father  
Anywhere County Health & Human Services

Guardian ad Litem

4. The Participants include the following:

Child 1, 2, 3, and 4.

5. Based upon information now known, the Indian Child Welfare Act does not apply.

6. The following information constitutes grounds to believe that the children are in need of protection or services:

On April 19, 2016, Anywhere County Health and Human Services received a child protection report regarding Child 1. The report stated that Child 1 was raped by her stepfather on multiple occasions after he had been drinking alcohol. Child 1 also alleges her step father is depressed and acts "crazy all of the time." When Child 1 tried to say no to her stepfather, he would hit her, pull her hair, and has left bruises on her arms in the past. Child 1 told her mother about the sexual abuse and her mother told her she would call law enforcement if it happened again. Child I 's mother also told Child 1 if she tells anyone about the sexual abuse, she will be kicked out of the home. It was reported that Child 1 was scared to go home due to possible retaliation from reporting the abuse, Child 1 reported concern of being pregnant due

to not having her period for one to two months. It was reported the father of the child would be unknown as she has also had sex with Jackson who is 19 to 20 years old.

On April 19, 2016, Petitioner met with Child 1 at Anywhere Middle School. The child protection investigation process was explained to Child 1 and Child 1 was transported to the Anywhere County Human Services building for a forensic interview.

Petitioner conducted a Corner House interview of Child 1. Child 1 was asked why she is concerned about the possibility of being pregnant. She reported her stepfather and friend's cousin slept with her. Child 1 reported having sexual intercourse with her stepfather, on two occasions with the last being March 20, 2016. Both occasions happened during the night when Child 1 was sleeping in his/her bedroom. Child 1 reported that his/her stepfather came into Child 1's room, laid on Child 1's bed, and began kissing Child 1's face and cheeks. Child 1 reported being scared and tried to push him away. Child 1's stepfather told Child 1 to be quiet and to not to wake Child 1's sisters. He then took Child 1's clothes off and sexually penetrated Child 1 in the vagina with his penis.

Child 1 was visibly upset during the interview and tears began to run down Child 1's face when Child 1 spoke about the sexual intercourse with his/her stepfather. Later in the interview, Child 1 reported that condoms and/or birth control were not used. Child 1 further reported concern that his/her mother will kick Child 1 out of the home and send Child 1 back to Texas when she finds out Child 1 reported the sexual abuse. Child 1 expressed concern for the possibility of her stepfather going to jail as Ms. Doe will kick Child 1 out of the home. Child 1 stated he/she told his/her mother of the sexual abuse and his/her mother responded by saying Child 1 is ruining her life. Child 1 reported feeling safe to go back to the family home even if Mr. Doe continues to live there. Child 1 reported she does feel safe as no sexual contact has happened since his/her mother was told about the sexual abuse with Child 1's stepfather. Child 1 also reported having sexual intercourse with her friend's cousin, named Javier. Javier is reportedly 16 to 17 years old. Law Enforcement then decided that Child 1 would be placed on a 72 hour hold due to his/her health and safety.

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On April 19, 2016, Jane Doe was interviewed at the human service building. Ms. Doe started the interview by saying Child 1 has been very rebellious with herself and her husband. Child 1 will call Mr. Doe stupid, idiot, moron, and told her mother Child 1 wanted to hurt her stepfather. Ms. Doe continued to say Child 1 is very rebellious and as a result, her stepfather has told Ms. Doe he may have to get a divorce if her Child 1's behaviors continue.

Ms. Doe reported not knowing what to do and how to control Child 1's behaviors. Ms. Doe also reporting finding Child 1's friend and two boys in Child 1's bedroom late at night. She felt disrespected as a result. Child 1's cell phone was taken away and text messages from a boy asking for naked pictures was found. Ms. Doe explained Child 1's behaviors have increased in the last month when he/she found out the truth about his/her father's death. Ms. Doe reported telling Child 1 that his/her father died due to medical reasons, but Child 1 recently found out his/her father was murdered. As a result, Child 1's behaviors have escalated. Ms. Doe denied that Child 1 told her about sexual abuse with Mr. Doe. She does not know why

Child 1 would tell Petitioner that they had a conversation about the sexual abuse with her stepfather. Ms. Doe also denied telling Child 1 she would kick her out of the house. Ms. Doe shared that she loved her husband very much and is hurt that Child 1 is trying to hurt her this way. Ms. Doe was asked to not have her husband be in the family home until the investigation is completed. Ms. Doe started to cry and asked why this was happening to her, said it hurts her a lot, and she wants to talk with Child 1. Ms. Doe was told the specifics of what Child 1 reported. Ms. Doe said she find Child 1's report hard to believe as she is a light sleeper (implying she would have heard her husband get up from their bed.) Ms. Doe was informed that Child 1 was placed on a 72 hour hold by the County Sheriff's Office.

On April 19, 2016, Detective Smith of the County Sheriff's Office interviewed Mr. Doe at the law enforcement center. After the interview with Mr. Doe was completed, Detective Smith informed Petitioner that Mr. Doe denied the allegations of sexual abuse. Mr. Doe reported he did accidentally touch Child 1 in the vagina area, above her clothes, when they were playing/wrestling. Mr. Doe reported Ms. Doe has confronted him about inappropriate touching with Child 1, which contradicts Ms. Mendez' statements to Petitioner.

On April 20, 2016, Petitioner met with Child 1 at her school. Child 1 stated that she lied about the sexual contact between herself and her stepfather. She stated she made this up as she was scared about telling her mother about having sex with Javier. Child 1 continued to say he/she is scared that his/her sister and mother will not like him/her anymore. Child 1 continues to want to go back home. Child 1 reported Ms. Doe told her yesterday that her grandmother is coming to visit and the whole family is going back to Texas. She denied that Mr. Doe was planning on going with. The CHIPS process was explained to Child 1 and her questions were answered. Petitioner also met with Child 2, Child 3, and Child 4 at their respective schools. All of the girls reported feeling safe at the family home. Petitioner observed Child 5 at Head Start. Child 5 was seen laughing and playing with other small children on the playground. No concerns were noted by staff.

On April 20, 2016, Petitioner spoke with Ms. Doe over the phone. Ms. Doe was confronted about lying to this Petitioner about whether or not Child 1 told her about the sexual abuse by her stepfather. Ms. Doe explained ~~Child 1 never told her about the sexual abuse. She did however confront her husband after the~~ incident where he accidentally touched Child 1's vagina. Ms. Doe denied telling Child 1 that they are moving back to Texas, but did tell her their grandmother is coming to visit. Ms. Doe was asked about the children's fathers.

7. Reasonable efforts were considered or made to prevent the necessity of out-of-home placement of the children. Services were considered or offered but these services did not adequately address the safety of the child, in light of the emergency circumstances and the risk to the child's health and welfare.

8. There is prima facie evidence to believe that a juvenile protection matter exists and that said children are subject to the jurisdiction of this Court.

9. The above-named children are in need of protection or services, pursuant to the following subparagraphs of Minn. Stat. §260C.007, Subd. 6:

(2)(i)(ii)(iii) in that Child 1 has been a victim of physical or sexual abuse, Child 2, 3, 4, and 5 resides with or has resided with a victim of domestic child abuse, and Child 1, 2, 3, 4, and 5 resides with or would reside with a perpetrator of domestic child abuse or child abuse; and

(9) in that Child I's behavior, condition or environment is such as to be injurious or dangerous to said child or others.

WHEREFORE, based upon the foregoing, Petitioner requests adjudication that these children are in need of protection or services and a disposition pursuant to Minn. Stat. §260C.201, Subd. 1 .

Petitioner, by and through its undersigned agent, being duly sworn hereby verifies that the contents of this petition are true to the best of Petitioner's knowledge, information and belief.

Dated: \_\_\_\_\_

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County Attorney