

State of Minnesota

District Court

County of: _____

Court File Number: _____

Judicial District: _____

Case Type: Juvenile

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

☐ Respondent ☐ Legal Custodian

☐ Respondent ☐ Legal Custodian

Child in Need of Protection or Services Petition (CHP302)

Notice to Petitioner: Minn. Stat. § 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 _____ and I am the Petitioner in this matter. I am not a county attorney or an agent of the Commissioner of the Department of Children, Youth, and Families (DCYF).
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. Reasons (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**):

☐ **False**

☐ **True**

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

Child 1

Name: _____

Date of Birth: _____

Race: _____

Street Address: _____

City, State, Zip: _____

Child 2

Name: _____

Date of Birth: _____

Race: _____

Street Address: _____

City, State, Zip: _____

Child 3

Name: _____

Date of Birth: _____

Race: _____

Street Address: _____

City, State, Zip: _____

Child 4

Name: _____

Date of Birth: _____

Race: _____

Street Address: _____

City, State, Zip: _____

Child 5

Name: _____

Date of Birth: _____

Race: _____

Street Address: _____

City, State, Zip: _____

Child 6

Name: _____

Date of Birth: _____

Race: _____

Street Address: _____

City, State, Zip: _____

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 of Birth: _____

Race: _____

Street Address: _____

City, State, Zip: _____

Parent(s) or Custodian(s)

Name: _____

Date of Birth: _____

Race: _____

Street Address: _____

City, State, Zip: _____

Parent(s) or Custodian(s)

Name: _____

Date of Birth: _____

Race: _____

Street Address: _____

City, State, Zip: _____

Parent(s) or Custodian(s)

Name: _____

Date of Birth: _____

Race: _____

Street Address: _____

City, State, Zip: _____

Parent(s) or Custodian(s)

Name: _____

Date of Birth: _____

Race: _____

Street Address: _____

City, State, Zip: _____

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)

Name: _____

Street Address: _____

City, State, Zip: _____

Name of Person(s) with Custody of Child(ren)

Name: _____

Street Address: _____

City, State, Zip: _____

Name of Person(s) with Custody of Child(ren)

Name: _____

Street Address: _____

City, State, Zip: _____

Name of Person(s) with Custody of Child(ren)

Name: _____

Street Address: _____

City, State, Zip: _____

9. The name and address of the child's spouse (if any):

Name of Child's Spouse (if any)

Name: _____

Street Address: _____

City, State, Zip: _____

Name of Child's Spouse (if any)

Name: _____

Street Address: _____

City, State, Zip: _____

10. 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**, and the name of the Tribe is: _____

☐ **No**, the children are not enrolled in or eligible for enrollment in an American Indian Tribe.

11. 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):**

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

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 Minn. Stat. § 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) is a labor trafficked youth.
- ☐ Subd. 6(13), because the child(ren) has/have committed a delinquent act or a juvenile petty offense before becoming ten (10) years old.
- ☐ Subd. 6(14), because the child is a runaway.
- ☐ Subd. 6(15), because the child is a habitual truant.
- ☐ Subd. 6(16), 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(17), 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 Minn. Stat. § 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: _____

Address: _____

City, State, Zip: _____

Email: _____

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

Name: _____

Street Address: _____

City, State, Zip: _____

Phone: _____

Attorney ID: _____

Email: _____

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: _____
Address: _____
City, State, Zip: _____
Phone: _____
Email: _____

Acknowledgement

I, _____, acknowledge that pursuant to Minn. Stat. § 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: _____
Address: _____
City, State, Zip: _____
Phone: _____
Email: _____