

260C.141 PETITION.

Subdivision 1. **Who may file; required form.** (a) Any reputable person, including but not limited to any agent of the commissioner of human services, having knowledge of a child in this state or of a child who is a resident of this state, who appears to be in need of protection or services or neglected and in foster care, may petition the juvenile court in the manner provided in this section.

(b) A petition for a child in need of protection filed by an individual who is not a county attorney or an agent of the commissioner of human services shall be filed on a form developed by the state court administrator and provided to court administrators. Copies of the form may be obtained from the court administrator in each county. The court administrator shall review the petition before it is filed to determine that it is completed. The court administrator may reject the petition if it does not indicate that the petitioner has contacted the responsible social services agency.

An individual may file a petition under this subdivision without seeking internal review of the responsible social services agency's decision. The court shall determine whether there is probable cause to believe that a need for protection or services exists before the matter is set for hearing. If the matter is set for hearing, the court administrator shall notify the responsible social services agency by sending notice to the county attorney.

The petition must contain:

(1) a statement of facts that would establish, if proven, that there is a need for protection or services for the child named in the petition;

(2) a statement that petitioner has reported the circumstances underlying the petition to the responsible social services agency, and protection or services were not provided to the child;

(3) a statement whether there are existing juvenile or family court custody orders or pending proceedings in juvenile or family court concerning the child; and

(4) a statement of the relationship of the petitioner to the child and any other parties.

The court may not allow a petition to proceed under this paragraph if it appears that the sole purpose of the petition is to modify custody between the parents.

Subd. 2. **Review of foster care status.** (a) When a child continues in voluntary foster care according to section 260C.227, a petition shall be filed alleging the child to be in need of protection or services or seeking termination of parental rights or other permanent placement of the child away from the parent within 90 days of the date of the voluntary placement agreement. The petition shall state the reasons why the child is in foster care, the progress on the out-of-home placement plan required under section 260C.212, subdivision 1, and the statutory basis for the petition under section 260C.007, subdivision 6, 260C.301, or 260C.505.

(b) In the case of a petition alleging the child to be in need of protection or services filed under this paragraph, if all parties agree and the court finds it is in the best interests of the child, the court may find the petition states a prima facie case that:

(1) the child's needs are being met;

(2) the placement of the child in foster care is in the best interests of the child;

(3) reasonable efforts to reunify the child and the parent or guardian are being made; and

(4) the child will be returned home in the next three months.

(c) If the court makes findings under paragraph (b), the court shall approve the voluntary arrangement and continue the matter for up to three more months to ensure the child returns to the parents' home. The responsible social services agency shall:

(1) report to the court when the child returns home and the progress made by the parent on the out-of-home placement plan required under section 260C.212, in which case the court shall dismiss jurisdiction;

(2) report to the court that the child has not returned home, in which case the matter shall be returned to the court for further proceedings under section 260C.163; or

(3) if any party does not agree to continue the matter under this paragraph and paragraph (b), the matter shall proceed under section 260C.163.

Subd. 2a. [Repealed, 2008 c 361 art 6 s 59]

Subd. 3. **Child in need of protection or services; habitual truant.** If there is a school attendance review board or county attorney mediation program operating in the child's school district, a petition alleging that a child is in need of protection or services as a habitual truant under section 260C.007, subdivision 6, clause (14), may not be filed until the applicable procedures under section 260A.06 or 260A.07 have been followed.

Subd. 4. **Verification of petition.** The petition shall be verified by the person having knowledge of the facts and may be on information and belief. Unless otherwise provided by this section or by rule or order of the court, the county attorney shall draft the petition upon the showing of reasonable grounds to support the petition.

Subd. 5. **Form of petition.** The petition and all subsequent court documents shall be entitled substantially as follows:

"Juvenile Court, County of"

In the matter of the welfare of"

The petition shall set forth plainly:

(1) the facts which bring the child within the jurisdiction of the court;

(2) the name, date of birth, residence, and post office address of the child;

(3) the names, residences, and post office addresses of the child's parents;

(4) the name, residence, and post office address of the child's guardian if there is one, of the person having custody or control of the child, and of the nearest known relative if no parent or guardian can be found;

(5) the spouse of the child, if there is one. If any of the facts required by the petition are not known or cannot be ascertained by the petitioner, the petition shall so state.

Subd. 6. **Concurrent jurisdiction.** When a petition is filed alleging that a child has engaged in prostitution as defined in section 609.321, subdivision 9, the county attorney shall determine whether concurrent jurisdiction is necessary to provide appropriate intervention and, if so, proceed to file a petition alleging the child to be both delinquent and in need of protection or services.

History: *1999 c 139 art 3 s 6; art 4 s 2; 1999 c 245 art 8 s 46; 2001 c 178 art 1 s 11,44; 2002 c 220 art 6 s 11; 2002 c 314 s 3; 1Sp2003 c 14 art 4 s 19; 2005 c 165 art 2 s 1; 2008 c 361 art 6 s 29; 2012 c 216 art 6 s 13*