

**RULE 54. PETITION - PERMANENCY OR TERMINATION OF PARENTAL RIGHTS****Rule 54.01. Drafting and Filing: Title**

**Subd. 1. Generally.** A petition may be drafted and filed by any person listed in Rule 54.03. A petition shall be served pursuant to Rule 53.02. If the petition contains any confidential information or confidential documents that are inaccessible to the public under Rule 8.04, the petitioner shall file the confidential information or confidential documents in the manner required by Rule 8.04, subdivision 5.

**Subd. 2. Title.** Every petition in a permanent placement matter, or an affidavit accompanying the petition, shall contain a title denoting the relief sought:

(a) A transfer of permanent legal and physical custody matter shall be entitled "Juvenile Protection Petition to Transfer Permanent Legal and Physical Custody" and shall name a fit and willing relative as a proposed permanent legal and physical custodian.

(b) A request for permanent custody to the agency shall be entitled "Juvenile Protection Petition for Permanent Custody to the Agency."

(c) A request for temporary legal custody to the agency for a child adjudicated to be in need of protection or services solely on the basis of the child's behavior shall be entitled "Juvenile Protection Petition for Temporary Legal Custody to the Agency."

(d) A termination of parental rights petition shall be entitled "Petition to Terminate Parental Rights."

**Rule 54.02. Content**

**Subd. 1. Generally.** Every petition filed with the court in a permanency or termination of parental rights matter, or an affidavit accompanying the petition, shall be verified by a person having knowledge of the facts, and may be verified on information and belief. The petition or accompanying affidavit shall contain:

(a) a statement of facts that, if proven, would support the relief requested in the petition;

(b) the child's name, date of birth, race, gender, current address unless stating the address would endanger the child or seriously risk disruption of the current placement, and, if the child is believed to be an Indian child, the name of the child's tribe;

(c) the names, races, dates of birth, residences, and mailing addresses of the child's parents when known;

(d) the name, residence, and mailing address of the child's legal custodian, the person having custody or control of the child, the nearest known relative if no parent or legal custodian can be found, and, if the child is believed to be an Indian child, the name and mailing address of the child's Indian custodian, if any, and the Indian custodian's tribal affiliation;

(e) the name, residence, and mailing address of the child's spouse, if any;

(f) the statutory grounds upon which the petition is based, together with a recitation of the relevant portions of the subdivision(s);

(g) a statement regarding the applicability of the Indian Child Welfare Act;

(h) the names and addresses of the parties identified in Rule 32, as well as a statement designating them as parties;

(i) the names and address of the participants identified in Rule 33, as well as a statement designating them as participants; and

(j) if the child is believed to be an Indian child, a statement regarding;

(1) the specific actions that have been taken to prevent the child's removal from, and to safely return the child to, the custody of the parents or Indian custodian;

(2) whether the residence of the child is believed to be on an Indian reservation and, if so, the name of the reservation;

(3) whether the child is a ward of a tribal court and, if so, the name of the tribe; and

(4) whether the child's tribe has exclusive jurisdiction pursuant to 25 U.S.C. section 1911(a).

If any information required by this subdivision is unknown at the time of the filing of the petition, as soon as the information becomes known to the petitioner it shall be provided to the court and parties either orally on the record, by affidavit, or by amended petition. If presented orally on the record, the court shall note the information on the record or shall direct the petitioner to file an amended petition to reflect the updated information.

**Subd. 2. Out of State Party.** If a party resides out of state, or if there is a likelihood of interstate litigation, the petition or an attached affidavit shall include a statement regarding the whereabouts of the party and any other information required by the Uniform Child Custody Jurisdiction and Enforcement Act, Minnesota Statutes, sections 518D.101 to 518D.317.

**Subd. 3. Disclosure of Name and Address - Endangerment.** If there is reason to believe that an individual may be endangered by disclosure of a name or address required to be provided pursuant to this rule, that information shall be filed pursuant to Rule 8.04, subdivision 2(p).

### **Rule 54.03. Who May File; Court Review**

**Subd. 1. Permanent Placement Positions.** The county attorney may file a permanent placement petition in juvenile court to determine the permanent placement of a child. The county attorney or an agent of the Commissioner of Human Services may seek any alternative permanent placement relief, and any other party may seek only termination of parental rights or transfer of permanent legal and physical custody to a relative. A party, including a guardian ad litem for the child, shall file a permanent placement petition if the party disagrees with the permanent placement determination set forth in the petitions filed by the other parties. A petition seeking alternative permanent placement relief shall identify which proposed permanent placement option the petitioner believes is in the best interests of the child. A petition may seek separate permanent placement relief for each child named as a subject of the petition as long as the petition identifies which option is sought for each child and why that option is in the best interest of the child. At the admit/deny hearing on a petition that seeks alternative relief, each party shall identify on the record the permanent placement option that is in the best interests of the child.

**Subd. 2. Termination of Parental Rights Petitions.** Any person authorized by Minnesota Statutes, section 260C.307, subdivision 1 may file a petition for termination of parental rights. If the petition is filed by an individual who is not a county attorney or an agent of the Commissioner of Human Services, then the petition must meet the requirements in Minnesota Statutes, section 260C.141, subdivision 1, paragraph (b), and the court administrator must review the petition pursuant to Minnesota Statutes, section 260C.141, subdivision 1, paragraph (b).

**Rule 54.04. Amendment**

**Subd. 1. Prior to Trial.** The petition may be amended at any time prior to the commencement of the trial. The petitioner shall provide written or on-the-record notice of the amendment to all parties and participants. When the petition is amended, the court shall grant all other parties sufficient time to respond to the amendment.

**Subd. 2. After Trial Begins.** The petition may be amended after the trial has commenced if the court finds that the amendment does not prejudice a party and all parties are given sufficient time to respond to the proposed amendment.

(Amended effective January 1, 2024.)

***2019 Advisory Committee Comment***

*Rule 54 is added in 2019 as part of a revision of the Rules of Juvenile Protection Procedure. The rule is the counterpart to Rule 45 for permanency and termination of parental rights matters.*

*The pre-2019 rules had provisions allowing a petitioner to restrict public access to a name or address if disclosure would endanger a person. This issue is now addressed in Rule 8.04.*