

# MEDIATION

(T) CF 1528 (5-10)  
Legal

STATE OF MINNESOTA

**FILED** FOURTH JUDICIAL DISTRICT COURT

COUNTY OF HENNEPIN

2012 JAN 18 AM 11:28

JUVENILE COURT DIVISION

*In the Matter of the Welfare of the Children of*  
JENNIFER CO. DISTRICT COURT ADMINISTRATOR

## ORDER TO SHOW CAUSE

Breann Nichole Morris, Mother

FAM No. 338123  
Case No. 27JV12415  
HSPHD Case No. CP 356572  
SSIS No. 268883593

Children: Cornelius Martin Irby, Jr., DOB 9-24-2005, Age 6, African American, Male  
Sydney Nichole Yzaguirre, DOB 8-11-2010, Age 17 months, African American, Female  
Eric James Yzaguirre, II, DOB 7-17-2011, Age 5 months, African American, Male  
AKA: Houston Eric James Yzaguirre

TO: Ms. Breann Morris


**YOU WILL PLEASE TAKE NOTICE** that upon the Petition in the above-entitled matter and upon motion of Michelle Hatcher, Assistant County Attorney of Hennepin County, and attorney for the Petitioner and the Court being duly advised:

**IT IS HEREBY ORDERED**, that you personally appear before the above-named Court, reporting to the Juvenile Justice Center, Room 100, 590 Park Avenue, in the City of Minneapolis, County of Hennepin, on the **31st day of January, 2012, at @ 1:30 p.m. in the afternoon** of said day or as soon thereafter as counsel can be heard, and **SHOW CAUSE**, if any you have, why an **ORDER** should not be remove the above-named children from your care and custody should not be granted.

BASED upon the Petition, the required time for service of this **ORDER** is suspended.

Date:

1-18-12

  
\_\_\_\_\_  
Judge of District Court, Juvenile Division

# MEDIATION

(T) CF 1455 (8-11)  
Legal

STATE OF MINNESOTA

FILED

FOURTH JUDICIAL DISTRICT COURT

COUNTY OF HENNEPIN 2012 JAN 18 AM 11:28

JUVENILE COURT DIVISION

*In the Matter of the Welfare of the Children of*  
JUVENILE DISTRICT  
COURT ADMINISTRATOR

**PETITION FOR  
CHILDREN IN NEED OF  
PROTECTION OR SERVICES**

Breann Nichole Morris, Mother

FAM No. 338123  
Case No. 275112415  
HSPHD Case No. CP 356572  
SSIS No. 268883593

Children: Cornelius Martin Irby, Jr., DOB 9-24-2005, Age 6, African American, Male  
Sydney Nichole Yzaguirre, DOB 8-11-2010, Age 17 months, African American, Female  
Eric James Yzaguirre, II, (aka: Houston Eric James Yzaguirre), DOB 7-17-2011, Age 5 months,  
African American, Male

Petitioner, Hennepin County Human Services and Public Health Department, alleges that:

**1.0 The children who are the subjects of this petition are as follows:**

- 1.1 **Cornelius Martin Irby, Jr.**, DOB 9-24-2005, Age 6, African American, Male  
Home Address: 620 34<sup>th</sup> Avenue North, Minneapolis, MN 55412  
Mailing Address: Same as Above  
Tribal Affiliation: None Known
- 1.2 **Sydney Nichole Yzaguirre**, DOB 8-11-2010, Age 17 months, African American, Female  
Home Address: 620 34<sup>th</sup> Avenue North, Minneapolis, MN 55412  
Mailing Address: Same as Above  
Tribal Affiliation: None Known
- 1.3 **Eric James Yzaguirre, II**, DOB 7-17-2011, Age 5 months, African American, Male  
**aka: Houston Eric James Yzaguirre**  
Home Address: 620 34<sup>th</sup> Avenue North, Minneapolis, MN 55412  
Mailing Address: Same as Above  
Tribal Affiliation: None Known

**2.0 The parents are as follows:**

**2.1 Mother:**

**Breann Nichole Morris**, DOB 7-1-1986, African American / Caucasian  
Home Address: 620 34<sup>th</sup> Avenue North, Minneapolis, MN 55412  
Mailing Address: Same as Above  
Tribal Affiliation: None Known

2.1.1 The mother was not married when the children were conceived or when they were born and is the sole custodian under Minn. Stat. §257.541, Subd. 1.

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**2.2 Adjudicated Father of Cornelius Martin Irby, Jr:**

**Cornelius Martin Irby, Sr., DOB 1-23-1981**

Home Address: 815 Tatum Street South., St. Paul, MN 55104  
Mailing Address: Same as Above  
Tribal Affiliation: None Known

2.2.1 According to Hennepin County Support and Collections records, Mr. Irby was adjudicated as father of Cornelius M. Irby, Jr., via Hennepin County Family Court paternity determination order 27-PA-FA-08-319, July 16, 2008. The Court granted sole physical custody, and sole legal custody, to Breann Morris; the father Cornelius Irby was granted reasonable parenting time with the minor child.

**2.3 Adjudicated Father of Sydney Nichole Yzaguirre, and Alleged Father of Eric James Yzaguirre II (aka: Houston Eric James Yzaguirre):**

**Eric James Yzaguirre, DOB 8-28-1990, African American**

Home Address: 3539 12<sup>th</sup> Avenue South, Minneapolis, MN  
Mailing Address: Same as Above  
Tribal Affiliation: None Known

2.2.1 Eric James Yzaguirre is considered adjudicated as the father of Sydney Nichole Yzaguirre because he and Breann Morris were over the age of 18 when they both signed a Recognition of Parentage (ROP) form on August 15, 2010, which was filed with the MN Department of Health, Division of Vital Statistics.

Eric James Yzaguirre is named as the alleged father of Eric James Yzaguirre, II. Hennepin County Support and Collections records indicate that paternity for Eric J. Yzaguirre, II, has not been established as the child support case closed December 2010 (prior to the birth of this child), when mother claimed "good cause," and the claim was approved.

**3.0 The Parties to this proceeding include the following:**

**Breann Nichole Morris, Mother**

**Hennepin County Human Services and Public Health Department, Petitioner**  
Address: 525 Portland Avenue South  
Minneapolis, MN 55415-1569

**Guardian Ad Litem's Office**

Address: Juvenile Justice Center  
626 – Sixth Street South  
Minneapolis, MN 55415-1573

**4.0 The Participants to this proceeding are as follows:**

**Cornelius Martin Irby, Jr., Child**

**Sydney Nichole Yzaguirre, Child**

**Eric James Yzaguirre, II, (aka: Houston Eric James Yzaguirre ),Child**

**Cornelius Martin Irby, Sr., Adjudicated Father of Cornelius Martin Irby, Jr.**

**Eric James Yzaguirre, Adjudicated Father of Sydney, and Alleged Father for Eric Yzaguirre (aka: Houston Eric James Yzaguirre )**

**5.0 Based on information now known, the Indian Child Welfare Act is not applicable.**

**6.0 The following facts constitute grounds to believe the children are in need of protection or services:**

The family consists of 25-year old Breann Morris, and her three children: 6-year old Cornelius Irby, 17-month old Sydney Yzaguirre, and 5-month old Eric Yzaguirre. The adjudicated father of Sydney, and alleged father of Eric, is 21-year old Eric James Yzaguirre. There is a Domestic Abuse No Contact Order currently in place between Ms. Morris and Mr. Yzaguirre.

On October 20, 2011, the Department received a report of domestic violence between Breann Morris and Eric Yzaguirre on 10-18-2011, stating and that their one-year old child had been hit during the assault between the adults. It was reported that Mr. Yzaguirre was threatening to kill the children.

A police report indicates that on 10-18-2011, Minneapolis police were summoned to the address of 620 34<sup>th</sup> Avenue North in Minneapolis (the home of Breann Morris) on a domestic abuse in progress. The report states that Ms. Morris accused Mr. Yzaguirre of being late from work, and Mr. Yzaguirre then punched Ms. Morris in the eye and began swearing. Ms. Morris is reported to have taken the children from the home, and as they got into her car, Mr. Yzaguirre began to throw lawn chairs at Ms. Morris' car, and began to throw rocks. Ms. Morris is reported to have been gone from the home for an hour, and when she returned Mr. Yzaguirre was still angry. Ms. Morris put one of her children to sleep up stairs, then came down and laid on the couch with her one-year old daughter and 3-month old son. It is reported that Mr. Yzaguirre then took the infant up to bed, came back downstairs, walked over to Ms. Morris and began to hit her, and also kicked and punched the one-year old daughter. Ms. Morris asked him to stop, and to leave the home, and Mr. Yzaguirre responded that he will never leave again. Ms. Morris stated she was going to call the police, and Mr. Yzaguirre threw the phone on the floor. Ms. Morris stated she was going to her mother's house to call the police, and Mr. Yzaguirre told her he was going to kill the kids and her (Ms. Morris) if she left and called the police. Ms. Morris then left the house, went to her mother's and called the police, stating she was afraid that Mr. Yzaguirre will seriously injure her or kill her and her children. Police transported Mr. Yzaguirre to Hennepin County Jail where he was

booked for 5<sup>th</sup> Degree Domestic Assault. At a hearing on 10-19-2011, Mr. Yzaguirre was granted release under conditions of: compliance with a Domestic Abuse No Contact Order (DANCO) regarding Ms. Morris and her three children; and Mr. Yzaguirre was ordered to stay a reasonable distance (one block radius) from Ms. Morris' residence. A jury trial is scheduled for 2-13-2011.

On October 21, 2011, the child protection investigating social worker met with Breann Morris and her three children at the home of Ms. Morris. Ms. Morris elaborated on the domestic assault which had occurred 10-18-2011, confirming much of the information in the police report. She confirmed that Mr. Yzaguirre became angry after work, and initially picked up a lawn chair from their living room and threw it, stating that he does this frequently. Ms. Morris was concerned that he might escalate to being violent with her, so she called a friend and intended to go visit the friend. Mr. Yzaguirre asked Ms. Morris, "Are you going to leave these f-----g kids with me, bitch?" As Ms. Morris was driving off, Mr. Yzaguirre took the infant, put him in his car seat, and put the child outside. Ms. Morris circled around the block and returned to the home. She reports Mr. Yzaguirre came outside and began throwing glass cups at her car. He then threw a chair at her, and a garbage can at her car. He came to the car and demanded she give him the phone. She threw the phone at him. He then got a boulder, and Ms. Morris stated that she left the window open so that he would not break any glass. He threw the rock into the car, and then dove through the open car window and punched Ms. Morris in her face "busting her lip" and leaving a cut under her left eye. Ms. Morris drove off because Mr. Yzaguirre was hurting her. She reports leaving the children with Mr. Yzaguirre. She did not contact the police. She returned home 1 ½ hours later. She reports that at that time Mr. Yzaguirre demanded she take him out "to get some weed." When she said "no" he grabbed her by her hair and punched her on her face. She reports leaving the house again and when she returned he had put the eldest child to bed, but the two younger ones were still awake. He later took the infant back upstairs to bed, and when he returned Ms. Morris was laying on the couch with the one-year old. She reports that Mr. Yzaguirre began hitting her while she was holding the child. She told him to stop because of the child. She reports Mr. Yzaguirre stated, "I don't give a f---k about her," punched the child on her chest and kicked her on her face. Mr. Yzaguirre said he was going to kill Ms. Morris and the children. She stated he was so angry his eyes were protruding out of his eye sockets. Ms. Morris states she left and called the police from her mother's home. The police arrived as Mr. Yzaguirre was running from the scene.

The child protection investigating social worker reviewed with Ms. Morris previous police reports regarding domestic assault altercations between Ms. Morris and Mr. Yzaguirre: incidents in New Hope (1-2-2010), Crystal (9-23-2010), and the more recent assault in Minneapolis (8-14-2011). In all three instances, police indicated that Ms. Morris did not want to pursue charges against Mr. Yzaguirre. Ms. Morris stated that she has been in a relationship with Eric Yzaguirre for two years, and admitted that he has been physically abusive to her several times. The social worker gave Ms. Morris the police report numbers, and information on how to obtain an Order for Protection on behalf of herself and the children. During the home visit Ms. Morris also admitted to the social worker that she does use marijuana occasionally. She had tested positive for marijuana when she delivered her son (Houston) Eric Yzaguirre on 7-17-2011.

On October 24, 2011, the child protection investigating social worker attempted to contact Mr. Yzaguirre at two separate phone numbers, leaving voice messages, asking him to return

the calls. The social worker sent a letter to Mr. Yzaguirre at the 3539 12<sup>th</sup> Avenue South address requesting contact by 10-31-2011, or a determination would be made without his input. The Department learned from Mr. Yzaguirre's attorney that he had been advised not to make any statement to Child Protection as it could prejudice the criminal investigation (regarding the 10-28-2011 domestic assault) and upcoming jury trial on 2-13-2012.

On October 25, 2011, the child protection investigating social worker interviewed Cornelius Jr. at his school, the MN School of Science. The child stated that he is currently living with his mother and siblings, and his uncle Kevin, and that Eric is not living in the home because he and his mother had arguments. He stated that Eric screams a lot, that he was outside throwing a chair at the house, and that he and his mom say "cuss words." Cornelius says he has seen Eric throw things, hit his mom and pull her hair, has thrown balls at him and hurt him with the balls, and broken his toys. Cornelius states that he heard from his mom that Eric threw his sister on the couch and kicked her. He does not want Eric to come home. He states that his "other dad" is protecting him. He states that he has seen Eric drinking beer and smoking weed. He states that he has seen his mom smoke cigarette butts and she is trying to quit smoking weed. Cornelius denied that anyone uses physical discipline on him.

On October 26, 2011, the child protection investigating social worker received a phone call from Ms. Morris who stated that Mr. Yzaguirre has continued to contact her by phone. She asked if the prosecuting attorney could request that the No Contact order continue. The social worker gave Ms. Morris the number for the Domestic Abuse Office to schedule an appointment for the Order for Protection. Ms. Morris stated that she has had her brother living with her and the children but he can't stay any longer, and Ms. Morris is very concerned that if the No Contact order is dismissed, that Eric Yzaguirre will come over to her home, and she and the children will be endangered.

On November 1, 2011, the child protection investigating social worker was still unable to interview Mr. Yzaguirre due to the advisement of his attorney. He had been arrested and was in jail. The social worker offered to interview Mr. Yzaguirre in jail, but was still refused. An interview with Mr. Yzaguirre was not completed due to the conflictual nature of the case, and Mr. Yzaguirre's attorney's lack of making Mr. Yzaguirre available for interview during the time period stipulated.

On November 4, 2011, Hennepin County Child Protection made a finding of maltreatment against Eric Yzaguirre for Physical Abuse of his daughter Sydney Yzaguirre due to domestic violence, striking a child under the age of 18 months, and threatened injury; severity exposed to threatening or dangerous conditions. Hennepin County Child Protection made a finding of maltreatment against Breann Morris for Neglect of Sydney Yzaguirre, for Failure to Protect from Serious Endangerment; severity exposed to threatening or dangerous conditions. There is a preponderance of evidence to support the maltreatment finding based on physical evidence, interview, and reporter information. Protective services are needed. The case transferred to Child Protection field and Ms. Morris was offered case plan services to include domestic abuse counseling.

On November 10, 2011, the child protection field social worker made an unsuccessful attempt at phone contact with Ms. Morris.

On November 20, 2011, the child protection field social worker met with Ms. Morris and her three children at Ms. Morris' home. The children appeared well cared for. Ms. Morris was given contact information regarding the Domestic Abuse Program (DAP). She agreed to

contact them and schedule an intake appointment. She also agreed to a follow-up meeting with the child protection social worker in two weeks. Due to Ms. Morris' work schedule, she and the worker agreed to some weekend home visits.

On December 11, 2011, the child protection social worker arrived at Ms. Morris home for their scheduled home visit appointment. No one was home. Ms. Morris called the worker later. There had been miscommunication regarding the time of the home visit. Ms. Morris reported that her baby is sick and she had taken him to the doctor. She further reported that she has an intake appointment scheduled with DAP. A home visit was re-scheduled for 12-24-2011.

On December 24, 2011, Mr. Morris contacted the worker stating that she was busy with Christmas Eve activity with her children, so they rescheduled the visit for 12-26-2011.

On December 26, 2011, the child protection social worker met with the family at Ms. Morris' home. Cornelius was not home, and Ms. Morris stated he was with his father, Cornelius Irby, Sr. Ms. Morris reports that she has an intake appointment scheduled with DAP this week.

On December 30, 2011, the child protection social worker received a phone call from Ms. Morris who stated she had many tasks to accomplish and wanted to reschedule her meeting with the worker. Ms. Morris was going to be downtown for a different appointment, and suggested she could meet with child protection down there rather than at her home. Ms. Morris then began to talk about how she did not need domestic abuse counseling, and did not understand why she was involved with Child Protection. The child protection field social worker reviewed the previous domestic assaults between Ms. Morris and Mr. Yzaguirre. Ms. Morris became extremely upset with the worker and began yelling. Subsequent to this phone conversation, Ms. Morris called the child protection field social worker's supervisor. After a lengthy discussion, Ms. Morris stated that wanted no further contact with the Department until she has spoken with her attorney. As of the writing of this petition, Ms. Morris has not cooperated with the Department, and has had no further contact with the Department.

As of January 17, 2012, to the best of the Department's knowledge, Ms. Morris has not been to an intake appointment with DAP. By Ms. Morris' own report, she has been involved with physical altercations with Mr. Yzaguirre over the past two years, her children have been present, she fears for the safety of her children with Mr. Yzaguirre, Mr. Yzaguirre has threatened to kill her and her children, and yet she has often left the children alone in his care. The Department has no knowledge or information that Ms. Morris has taken steps to secure an Order for Protection (OFP) against Mr. Yzaguirre on behalf of herself and her children. As of the writing of this petition, Ms. Morris has not cooperated with the Department, and has made no further contact with the Department since 12-30-2011. The Department is concerned for the health and welfare of the children, and concerned that the children may still be exposed to domestic altercations between Ms. Morris and Mr. Yzaguirre.

The Department requests that Ms. Morris appear in court and show cause why the Department should not remove the children from her care.

#### **7.0 The parents have a criminal history, summarized as follows:**

##### **Eric James Yzaguirre**

On 1-2-2010 Mr. Eric Yzaguirre was charged in New Hope with Fifth Degree Assault, Fifth

Degree Domestic Assault, & Criminal Damage to Property in the 4<sup>th</sup> Degree from an offense on 1-2-2010. Victims were Breann Morris (3-months pregnant) and a friend. Despite agreeing she had been assaulted, and telling police that Eric Yzaguirre had been violent in the past towards her, she did not press charges. The officer proceeded with charges, but charges were ultimately dismissed 4-8-2010. 27-CR-10-3005.

Mr. Yzaguirre was charged with an offense on 9-26-2011: Felony Theft of Property. First court appearance was 1-4-2012. Case No. 27-CR-11-40640. Omnibus Hearing is scheduled for 2-21-2012.

On 10-18-2011, Mr. Yzaguirre was charged with the following offenses: Count 1 GMD Emergency Telephone Calls/Communication Interfere with 911 Call (filed as Domestic Assault – Misdemeanor – Intentionally Inflicts/Attempts to Inflict Bodily Harm On Another); Count 2 Domestic Assault-Misdemeanor-Intentionally Inflicts/Attempts to Inflict; Count 3 Domestic Assault-Misdemeanor-Commits Act With Intent to Cause Fear of Immediate Bodily Harm or Death; Count 4 Domestic Assault-Misdemeanor Intentionally Inflicts/Attempts to Inflict Bodily Harm; Count 5 Domestic Assault-Misdemeanor-Commits Act With Intent to Cause Fear of Immediate Bodily Harm or Death; and Count 6 Disorderly Conduct-Brawling or Fighting. His conditions of release from 11-2-2011 include: stay a reasonable distance way from victim's residence (1 block radius); post bond; released on own recognizance; remain law-abiding; make all future court appearances; Domestic Abuse No Contact Order (DANCO) with victim and her 3 children except Family Court Order for Visitation. Case No. 27-CR-11-32635. A Hennepin County criminal court hearing / Jury Trial, was initially scheduled for 12-19-2011, and continued to 2-13-2012.

On 10-23-2011, Mr. Yzaguirre was charged with MSD Domestic Abuse No Contact Order - Violate No Contact Order. Interim Conditions for Mr. Yzaguirre on 10-28-2011: No Contact with victim(s), no contact address of the offense or home/work of victim(s). Interim conditions at Pre-Trial 11-2-2011: stay a reasonable distance away from victim's residence (1 block radius), no contact with victim(s), remain law-abiding, make all future court appearances. Case No. 27-CR-11-33938. Next hearing: 2-13-2012 (Tagging with Trial Case No. 27-CR-11-32635).

#### **Cornelius Martin Irby – Hennepin and Dakota Counties**

On 8-20-2007, Mr. Irby was convicted of Felony Domestic Assault by Strangulation (victim named as Ms. Morris) for an offense 7-8-2007. Sentencing conditions included: complete treatment, no alcohol/controlled substance, random testing, aftercare, no contact with victim(s), follow all instructions of probation (3 yrs, 8-20-2007 through 8-20-2010). Furlough: to be picked up by treatment facility 8-21-2007. On 2-8-2008 a probation violation occurred. MNCIS court records state, "Defendant made contact with victim by phone at her home and threatened that he is going to hire someone to kill the victim. He also told the victim that he paid off his probation officer. At the time of the call, Ms. Morris was on another phone line talking to the probation officer." Mr. Irby was discharged from probation 11-2-2010. The Department has no information/knowledge on whether Mr. Irby completed treatment and aftercare. Hennepin County.

On 7-7-2011, Mr. Irby was convicted of MSD Traffic – DWI – Operate Motor Vehicle – Alcohol Concentration 0.08 Within 2 Hrs. Sentencing conditions included: local confinement 30 days, time to serve 3 days, stayed 27 days for one year; Sentence to Service 1 day within 30 days (in lieu of 1 day confinement); probation 2 yrs – 7-7-2011 – 7-7-2013;



DWI clinic; no drug-related, alcohol-related traffic offense; no driver license violations or driving w/o insurance. Hennepin County.

On 12-9-2011, Mr. Irby pled guilty to MSD CR – Theft-Take/Use/Transfer Movable Property – No Consent. Disposition – stay of adjudication. Probation 12-9-2011 – 12-9-2012, Dakota County.

**8.0 The parents have had prior Child Protection involvement as follows:**

On 7-18-2011, the Department received a report that Breann Morris delivered a male infant at Fairview University Medical Center on 7-17-2011. Mother's preliminary drug screen on 7-17-2011 was positive for marijuana and she admitted to smoking marijuana throughout her pregnancy. The infant's drug screen was negative. When investigated by Child Protection, Ms. Morris denied regular use of marijuana. She stated she lives with the child's father, Eric Yzaguirre. He was interviewed and also denied regular use of marijuana. The couple denied any domestic abuse issues. As this was the family's first report to Child Protection, and risk level was moderate, the family agreed to Family Assessment services. They were specifically interested in services to obtain housing and furniture. A referral was made to African American Family Services (AAFS), giving them access to Bridging.

On 8-15-2011, the Department received a report that police had responded to a domestic altercation on 8-14-2011 between Breann Morris and Eric Yzaguirre, and that Eric and thrown their one-month old infant onto a mattress, pulled Breann's hair, took her phone, 'busted out windows,' and threw objects around which could have hit the other children (1-yr old Sydney, and 5-yr old Cornelius) who were home during the incident. Additional concerns: that Ms. Morris has had her driver's license suspended and she is driving her children around, and she is supposed to be taking anti-depressant medication but cannot as she has to be able to take care of the children. When a Child Protection investigating social worker initially interviewed Ms. Morris on 8-18-2011, she confirmed the allegations in the police report. She stated that the family was already receiving Family Assessment Services through AAFS, and she did not think they would need any further assistance. She stated that she would pursue an Order for Protection if necessary, but for the time being she would just try to "let it be." However, at a second meeting on 8-22-2011 she told the Child Protection investigating social worker that she had been lying to the worker. She now denied the baby had been thrown. She confirmed there was an argument, but that Mr. Yzaguirre only broke windows and kicked her door after she had locked him out of the house, because he was angry. The worker expressed concern that there were either domestic violence concerns, or concerns that Ms. Morris felt the need to lie about the argument. Ms. Morris agreed to continue to work with Family Assessment Services, and if further services were needed she would contact the Child Protection social worker to discuss other service options. Records indicate the AAFS case was closed 9-13-2011 as the family indicated they no longer wanted services.

**9.0 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) has been a victim of physical or sexual abuse, or (ii) resides or has resided with a

victim of domestic child abuse as defined in subdivision 5, (iii) resides with or would  
~~reside with a perpetrator of domestic child abuse or child abuse as defined in~~  
subdivision 5, or (iv) is a victim of emotional maltreatment as defined in subdivision 8;

- (3) is without necessary food, clothing, shelter, education, or other required care for the child's physical or mental health or morals because the child's parent, guardian, or custodian is unable or unwilling to provide that care;
- (8) is without proper parental care because of the emotional, mental, or physical disability, or state of immaturity of the child's parent, guardian, or other custodian;

**WHEREFORE, Petitioner requests an Order to Show Cause why the children should not be removed from his care.**

**Petitioner further requests an adjudication that these children are in need of protection or services and a disposition pursuant to Minn. Stat. §260C.201, Subd. 1.**

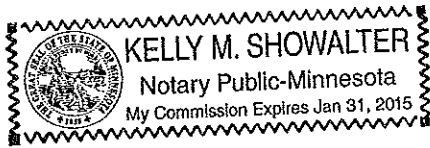
Petitioner, by and through its undersigned agent, hereby verifies that the above allegations are true to the best of the Petitioner's information and belief.

STATE OF MINNESOTA )  
HENNEPIN COUNTY ) ss.

*D. Silveira (for Laura Kennedy)*  
Laura Kennedy, Social Worker  
For the Hennepin County Human Services and  
Public Health Department, Petitioner

Subscribed and sworn to this  
17<sup>th</sup> day of January 2012

*Kelly Showalter*  
Notary Public



[KPM]

This petition has been drafted under the supervision of the undersigned who believes that reasonable grounds exist to support the allegations.

*Michelle A. Hatcher*  
Michelle A. Hatcher  
License # 0288986  
Assistant Hennepin County Attorney  
525 Portland Avenue South, Suite 1200  
Minneapolis, Minnesota 55415  
Telephone: (612) 348-3027  
Fax: (612) 348-9247

Filed this 18<sup>th</sup> day of Jan, 2012

*Lowdulmer*  
Deputy Clerk of District Court  
Hennepin County

## NOTICE TO PARENTS

**If Juvenile Court orders your child to participate in programs or services while living with you, or if your child is placed in detention, a correctional or treatment facility, or foster care, you may be required to help Hennepin County pay for the cost of programs or services. THIS NOTICE IS NOT A COURT ORDER. IF YOU HAVE QUESTIONS ABOUT WHAT WILL HAPPEN TO YOUR CHILD, CONTACT THE ASSIGNED PROBATION OFFICER OR SOCIAL WORKER. As a parent, you are responsible for the expenses of your child, even if you do not agree with the Juvenile Court's order:**

- Any income or resources that belong to your child, such as SSI, RSDI, or child support, must be used to reimburse Hennepin County for the cost of care, examination, or treatment of the child. There are some limited exceptions. Minnesota Statutes §§252.27, 260B.331, and 260C.331.
- If the income and resources of the child are not enough to pay the full cost of care, examination, and treatment, each parent may be required to pay an additional fee, based on each parent's ability to pay, as determined by the Hennepin County Parental Fee Unit. This determination will be made according to Minnesota Statutes §§252.27, 260B.331, or 260C.331 and the Hennepin County Board Fee Policy.
- The amount of the parental fee (if any) will be withheld from each parent's income according to Minnesota Statute §518.6111.
- Parent(s) must enroll the child in any health or dental insurance plan available to the parent(s) on a group basis or be liable for the full cost of medical and dental services, according to Minnesota Statute §518.171.
- Hennepin County can be awarded a judgment against the parent(s) for any unpaid court-ordered fees, and/or for any income or resources of the child that were not properly used to reimburse Hennepin County for the cost of care.
- Parent(s) who refuse to pay fees that the Juvenile Court has ordered may be found in contempt of court.

**IF your child receives services ordered by Juvenile Court, or is held in detention, or enters out-of-home placement, you will be required to cooperate with all of the following:**

- A financial investigation by the Hennepin County Parental Fee Unit, to determine the amount (if any) of your parental fee.
- The signing of any documents necessary to allow the income and resources of the child (if any) to be paid directly to Hennepin County while the child is receiving services, or is in detention or placement.
- The signing of a form to assign the child's health or dental insurance benefits (if any) to Hennepin County.

**IF you think your child will enter out-of-home placement or will receive services ordered by Juvenile Court, and you currently have the child covered by a health insurance policy, you may wish to investigate whether your policy will cover the placement or services, and obtain any needed authorization.**

RECEIVED

JAN 19 2012

Hennepin County Attorney Office  
Child Protection Division