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TO: Senator Kathy Sheran

FROM: Joan White, Senate Counsel (651/296-3814)
Kathleen Pontius, Senate Counsel (651/296-4394)

DATE: September 28, 2016

RE: Maltreatment of Minors Act Bill Draft (SC2404-7)

This bill draft amends the definitions for the Maltreatment of Minors Act. It reflects recommendations from the March 2015 report of the Governor's Task Force on the Protection of Children and subsequent discussion at stakeholder meetings.

Page 2, lines 9 to 11 add a definition of "imminent danger." This is the same as the definition in the DHS maltreatment, intake, screening, and response path guidelines. The term is added to the definition of substantial child endangerment on page 7, line 14.

Page 3, lines 27 to 31 amend the definition of the term neglect by adding a modified version of abandonment from Minnesota Statutes, chapter 260C; the new language eliminates the six-month threshold and clarifies the exception for cases where another person has physical custody of the child.

The following changes in the bill modify the definition of "substantial child endangerment:"

Page 6, lines 21 to 23 insert a condensed definition of "egregious harm" that is taken from current law in Minnesota Statutes, section 260C.007, subdivision 14.

Page 6, lines 24 to 28 is current law. The first clause of the abandonment statute cross-referenced in this clause is moved to page 3, lines 27-33, based on stakeholder discussion that it does not rise to the level of substantial child endangerment when the six-month threshold is removed. The new language in this section is the second clause in the abandonment statute, except that it would apply to a child under the age of three instead of an infant under the age of two.

Page 6, line 31 strikes language that requires neglect that substantially endangers the child's physical or mental health to be diagnosed by a physician.

Page 7, lines 1 to 3 add new language describing the statutes referenced in the clause.

Page 7, lines 4 to 7 add a new clause stating that physical abuse of a child: (i) under the age of six that causes injury to the face, head, back, or abdomen; (ii) under the age of three that causes bruising to the buttocks; or (iii) under the age of one or a nonmobile child that causes injury, constitute substantial child endangerment.

Page 7, lines 14 and 15 add that withholding a medically indicated treatment from a child with a life-threatening condition, unless exempted under the child protection chapter, is substantial child endangerment.

Page 7, line 18 adds imminent danger to the definition of substantial child endangerment. (see the new definition on page 2, lines 9 to 11.)

Page 7, lines 19 and 20 include a definition of “bruising” for purposes of clause (7) on page 7, line 2.

JW/KP:rer