

1.1 Section 1. Minnesota Statutes 2016, section 626.556, is amended to read:

1.2 **626.556 REPORTING OF MALTREATMENT OF MINORS.**

1.3 Subdivision 1. **Public policy.** (a) The legislature hereby declares that the public policy
1.4 of this state is to protect children whose health or welfare may be jeopardized through
1.5 physical abuse, neglect, or sexual abuse. While it is recognized that most parents want to
1.6 keep their children safe, sometimes circumstances or conditions interfere with their ability
1.7 to do so. When this occurs, the health and safety of the children must be of paramount
1.8 concern. Intervention and prevention efforts must address immediate concerns for child
1.9 safety and the ongoing risk of abuse or neglect and should engage the protective capacities
1.10 of families. In furtherance of this public policy, it is the intent of the legislature under this
1.11 section to:

1.12 (1) protect children and promote child safety;

1.13 (2) strengthen the family;

1.14 (3) make the home, school, and community safe for children by promoting responsible
1.15 child care in all settings; and

1.16 (4) provide, when necessary, a safe temporary or permanent home environment for
1.17 physically or sexually abused or neglected children.

1.18 (b) In addition, it is the policy of this state to:

1.19 (1) require the reporting of neglect or physical or sexual abuse of children in the home,
1.20 school, and community settings;

1.21 (2) provide for the voluntary reporting of abuse or neglect of children;

1.22 (3) require an investigation when the report alleges sexual abuse or substantial child
1.23 endangerment;

1.24 (4) provide a family assessment, if appropriate, when the report does not allege sexual
1.25 abuse or substantial child endangerment; and

1.26 (5) provide protective, family support, and family preservation services when needed
1.27 in appropriate cases.

1.28 Subd. 2. **Definitions.** As used in this section, the following terms have the meanings
1.29 given them unless the specific content indicates otherwise:

1.30 (a) "Accidental" means a sudden, not reasonably foreseeable, and unexpected occurrence
1.31 or event which:

2.1 (1) is not likely to occur and could not have been prevented by exercise of due care; and

2.2 (2) if occurring while a child is receiving services from a facility, happens when the
2.3 facility and the employee or person providing services in the facility are in compliance with
2.4 the laws and rules relevant to the occurrence or event.

2.5 (b) "Commissioner" means the commissioner of human services.

2.6 (c) "Facility" means:

2.7 (1) a licensed or unlicensed day care facility, residential facility, agency, hospital,
2.8 sanitarium, or other facility or institution required to be licensed under sections 144.50 to
2.9 144.58, 241.021, or 245A.01 to 245A.16, or chapter 144H or 245D;

2.10 (2) a school as defined in section 120A.05, subdivisions 9, 11, and 13; and chapter 124E;
2.11 or

2.12 (3) a nonlicensed personal care provider organization as defined in section 256B.0625,
2.13 subdivision 19a.

2.14 (d) "Family assessment" means a comprehensive assessment of child safety, risk of
2.15 subsequent child maltreatment, and family strengths and needs that is applied to a child
2.16 maltreatment report that does not allege sexual abuse or substantial child endangerment.
2.17 Family assessment does not include a determination as to whether child maltreatment
2.18 occurred but does determine the need for services to address the safety of family members
2.19 and the risk of subsequent maltreatment.

2.20 (e) "Investigation" means fact gathering related to the current safety of a child and the
2.21 risk of subsequent maltreatment that determines whether child maltreatment occurred and
2.22 whether child protective services are needed. An investigation must be used when reports
2.23 involve sexual abuse or substantial child endangerment, and for reports of maltreatment in
2.24 facilities required to be licensed under chapter 245A or 245D; under sections 144.50 to
2.25 144.58 and 241.021; in a school as defined in section 120A.05, subdivisions 9, 11, and 13,
2.26 and chapter 124E; or in a nonlicensed personal care provider association as defined in section
2.27 256B.0625, subdivision 19a.

2.28 (f) "Mental injury" means an injury to the psychological capacity or emotional stability
2.29 of a child as evidenced by an observable or substantial impairment in the child's ability to
2.30 function within a normal range of performance and behavior with due regard to the child's
2.31 culture.

2.32 (g) "Neglect" means the commission or omission of any of the acts specified under
2.33 clauses (1) to (9), other than by accidental means:

3.1 (1) failure by a person responsible for a child's care to supply a child with necessary
3.2 food, clothing, shelter, health, medical, or other care required for the child's physical or
3.3 mental health when reasonably able to do so;

3.4 (2) failure to protect a child from conditions or actions that seriously endanger the child's
3.5 physical or mental health when reasonably able to do so, including a growth delay, which
3.6 may be referred to as a failure to thrive, that has been diagnosed by a physician and is due
3.7 to parental neglect;

3.8 (3) failure to provide for necessary supervision or child care arrangements appropriate
3.9 for a child after considering factors as the child's age, mental ability, physical condition,
3.10 length of absence, or environment, when the child is unable to care for the child's own basic
3.11 needs or safety, or the basic needs or safety of another child in their care;

3.12 (4) failure to ensure that the child is educated as defined in sections 120A.22 and
3.13 260C.163, subdivision 11, which does not include a parent's refusal to provide the parent's
3.14 child with sympathomimetic medications, consistent with section 125A.091, subdivision
3.15 5;

3.16 (5) nothing in this section shall be construed to mean that a child is neglected solely
3.17 because the child's parent, guardian, or other person responsible for the child's care in good
3.18 faith selects and depends upon spiritual means or prayer for treatment or care of disease or
3.19 remedial care of the child in lieu of medical care; except that a parent, guardian, or caretaker,
3.20 or a person mandated to report pursuant to subdivision 3, has a duty to report if a lack of
3.21 medical care may cause serious danger to the child's health. This section does not impose
3.22 upon persons, not otherwise legally responsible for providing a child with necessary food,
3.23 clothing, shelter, education, or medical care, a duty to provide that care;

3.24 (6) prenatal exposure to a controlled substance, as defined in section 253B.02, subdivision
3.25 2, used by the mother for a nonmedical purpose, as evidenced by withdrawal symptoms in
3.26 the child at birth, results of a toxicology test performed on the mother at delivery or the
3.27 child at birth, medical effects or developmental delays during the child's first year of life
3.28 that medically indicate prenatal exposure to a controlled substance, or the presence of a
3.29 fetal alcohol spectrum disorder;

3.30 (7) "medical neglect" as defined in section 260C.007, subdivision 6, clause (5);

3.31 (8) chronic and severe use of alcohol or a controlled substance by a parent or person
3.32 responsible for the care of the child that adversely affects the child's basic needs and safety;
3.33 or

4.1 (9) emotional harm from a pattern of behavior which contributes to impaired emotional
4.2 functioning of the child which may be demonstrated by a substantial and observable effect
4.3 in the child's behavior, emotional response, or cognition that is not within the normal range
4.4 for the child's age and stage of development, with due regard to the child's culture.

4.5 (h) "Nonmaltreatment mistake" means:

4.6 (1) at the time of the incident, the individual was performing duties identified in the
4.7 center's child care program plan required under Minnesota Rules, part 9503.0045;

4.8 (2) the individual has not been determined responsible for a similar incident that resulted
4.9 in a finding of maltreatment for at least seven years;

4.10 (3) the individual has not been determined to have committed a similar nonmaltreatment
4.11 mistake under this paragraph for at least four years;

4.12 (4) any injury to a child resulting from the incident, if treated, is treated only with
4.13 remedies that are available over the counter, whether ordered by a medical professional or
4.14 not; and

4.15 (5) except for the period when the incident occurred, the facility and the individual
4.16 providing services were both in compliance with all licensing requirements relevant to the
4.17 incident.

4.18 This definition only applies to child care centers licensed under Minnesota Rules, chapter
4.19 9503. If clauses (1) to (5) apply, rather than making a determination of substantiated
4.20 maltreatment by the individual, the commissioner of human services shall determine that a
4.21 nonmaltreatment mistake was made by the individual.

4.22 (i) "Operator" means an operator or agency as defined in section 245A.02.

4.23 (j) "Person responsible for the child's care" means (1) an individual functioning within
4.24 the family unit and having responsibilities for the care of the child such as a parent, guardian,
4.25 or other person having similar care responsibilities, or (2) an individual functioning outside
4.26 the family unit and having responsibilities for the care of the child such as a teacher, school
4.27 administrator, other school employees or agents, or other lawful custodian of a child having
4.28 either full-time or short-term care responsibilities including, but not limited to, day care,
4.29 babysitting whether paid or unpaid, counseling, teaching, and coaching.

4.30 (k) "Physical abuse" means any physical injury, mental injury, or threatened injury,
4.31 inflicted by a person responsible for the child's care on a child other than by accidental
4.32 means, or any physical or mental injury that cannot reasonably be explained by the child's

5.1 history of injuries, or any aversive or deprivation procedures, or regulated interventions,
5.2 that have not been authorized under section 125A.0942 or 245.825.

5.3 Abuse does not include reasonable and moderate physical discipline of a child
5.4 administered by a parent or legal guardian which does not result in an injury. Abuse does
5.5 not include the use of reasonable force by a teacher, principal, or school employee as allowed
5.6 by section 121A.582. Actions which are not reasonable and moderate include, but are not
5.7 limited to, any of the following:

5.8 (1) throwing, kicking, burning, biting, or cutting a child;

5.9 (2) striking a child with a closed fist;

5.10 (3) shaking a child under age three;

5.11 (4) striking or other actions which result in any nonaccidental injury to a child under 18
5.12 months of age;

5.13 (5) unreasonable interference with a child's breathing;

5.14 (6) threatening a child with a weapon, as defined in section 609.02, subdivision 6;

5.15 (7) striking a child under age one on the face or head;

5.16 (8) striking a child who is at least age one but under age four on the face or head, which
5.17 results in an injury;

5.18 (9) purposely giving a child poison, alcohol, or dangerous, harmful, or controlled
5.19 substances which were not prescribed for the child by a practitioner, in order to control or
5.20 punish the child; or other substances that substantially affect the child's behavior, motor
5.21 coordination, or judgment or that results in sickness or internal injury, or subjects the child
5.22 to medical procedures that would be unnecessary if the child were not exposed to the
5.23 substances;

5.24 (10) unreasonable physical confinement or restraint not permitted under section 609.379,
5.25 including but not limited to tying, caging, or chaining; or

5.26 (11) in a school facility or school zone, an act by a person responsible for the child's
5.27 care that is a violation under section 121A.58.

5.28 (l) "Practice of social services," for the purposes of subdivision 3, includes but is not
5.29 limited to employee assistance counseling and the provision of guardian ad litem and
5.30 parenting time expeditor services.

6.1 (m) "Report" means any communication received by the local welfare agency, police
6.2 department, county sheriff, or agency responsible for child protection pursuant to this section
6.3 that describes neglect or physical or sexual abuse of a child and contains sufficient content
6.4 to identify the child and any person believed to be responsible for the neglect or abuse, if
6.5 known.

6.6 (n) "Sexual abuse" means the subjection of a child by a person responsible for the child's
6.7 care, by a person who has a significant relationship to the child, as defined in section 609.341,
6.8 or by a person in a position of authority, as defined in section 609.341, subdivision 10, to
6.9 any act which constitutes a violation of section 609.342 (criminal sexual conduct in the first
6.10 degree), 609.343 (criminal sexual conduct in the second degree), 609.344 (criminal sexual
6.11 conduct in the third degree), 609.345 (criminal sexual conduct in the fourth degree), or
6.12 609.3451 (criminal sexual conduct in the fifth degree). Sexual abuse also includes any act
6.13 which involves a minor which constitutes a violation of prostitution offenses under sections
6.14 609.321 to 609.324 or 617.246. Effective May 29, 2017, sexual abuse includes all reports
6.15 of known or suspected child sex trafficking involving a child who is identified as a victim
6.16 of sex trafficking. Sexual abuse includes child sex trafficking as defined in section 609.321,
6.17 subdivisions 7a and 7b. Sexual abuse includes threatened sexual abuse which includes the
6.18 status of a parent or household member who has committed a violation which requires
6.19 registration as an offender under section 243.166, subdivision 1b, paragraph (a) or (b), or
6.20 required registration under section 243.166, subdivision 1b, paragraph (a) or (b).

6.21 (o) "Substantial child endangerment" means a person responsible for a child's care, by
6.22 act or omission, commits or attempts to commit an act against a child under their care that
6.23 constitutes any of the following:

6.24 (1) egregious harm as defined in section 260C.007, subdivision 14;

6.25 (2) abandonment under section 260C.301, subdivision 2;

6.26 (3) neglect as defined in paragraph (g), clause (2), that substantially endangers the child's
6.27 physical or mental health, including a growth delay, which may be referred to as failure to
6.28 thrive, that has been diagnosed by a physician and is due to parental neglect;

6.29 (4) murder in the first, second, or third degree under section 609.185, 609.19, or 609.195;

6.30 (5) manslaughter in the first or second degree under section 609.20 or 609.205;

6.31 (6) assault in the first, second, or third degree under section 609.221, 609.222, or 609.223;

6.32 (7) solicitation, inducement, and promotion of prostitution under section 609.322;

6.33 (8) criminal sexual conduct under sections 609.342 to 609.3451;

7.1 (9) solicitation of children to engage in sexual conduct under section 609.352;

7.2 (10) malicious punishment or neglect or endangerment of a child under section 609.377
7.3 or 609.378;

7.4 (11) use of a minor in sexual performance under section 617.246; or

7.5 (12) parental behavior, status, or condition which mandates that the county attorney file
7.6 a termination of parental rights petition under section 260C.503, subdivision 2.

7.7 (p) "Threatened injury" means a statement, overt act, condition, or status that represents
7.8 a substantial risk of physical or sexual abuse or mental injury. Threatened injury includes,
7.9 but is not limited to, exposing a child to a person responsible for the child's care, as defined
7.10 in paragraph (j), clause (1), who has:

7.11 (1) subjected a child to, or failed to protect a child from, an overt act or condition that
7.12 constitutes egregious harm, as defined in section 260C.007, subdivision 14, or a similar law
7.13 of another jurisdiction;

7.14 (2) been found to be palpably unfit under section 260C.301, subdivision 1, paragraph
7.15 (b), clause (4), or a similar law of another jurisdiction;

7.16 (3) committed an act that has resulted in an involuntary termination of parental rights
7.17 under section 260C.301, or a similar law of another jurisdiction; or

7.18 (4) committed an act that has resulted in the involuntary transfer of permanent legal and
7.19 physical custody of a child to a relative under Minnesota Statutes 2010, section 260C.201,
7.20 subdivision 11, paragraph (d), clause (1), section 260C.515, subdivision 4, or a similar law
7.21 of another jurisdiction.

7.22 A child is the subject of a report of threatened injury when the responsible social services
7.23 agency receives birth match data under paragraph (q) from the Department of Human
7.24 Services.

7.25 (q) Upon receiving data under section 144.225, subdivision 2b, contained in a birth
7.26 record or recognition of parentage identifying a child who is subject to threatened injury
7.27 under paragraph (p), the Department of Human Services shall send the data to the responsible
7.28 social services agency. The data is known as "birth match" data. Unless the responsible
7.29 social services agency has already begun an investigation or assessment of the report due
7.30 to the birth of the child or execution of the recognition of parentage and the parent's previous
7.31 history with child protection, the agency shall accept the birth match data as a report under
7.32 this section. The agency may use either a family assessment or investigation to determine
7.33 whether the child is safe. All of the provisions of this section apply. If the child is determined

8.1 to be safe, the agency shall consult with the county attorney to determine the appropriateness
8.2 of filing a petition alleging the child is in need of protection or services under section
8.3 260C.007, subdivision 6, clause (16), in order to deliver needed services. If the child is
8.4 determined not to be safe, the agency and the county attorney shall take appropriate action
8.5 as required under section 260C.503, subdivision 2.

8.6 (r) Persons who conduct assessments or investigations under this section shall take into
8.7 account accepted child-rearing practices of the culture in which a child participates and
8.8 accepted teacher discipline practices, which are not injurious to the child's health, welfare,
8.9 and safety.

8.10 (Laws 2017, First Special Session chapter 6, article 10, section 138)

8.11 Subd. 2. **Definitions.** As used in this section, the following terms have the meanings
8.12 given them unless the specific content indicates otherwise:

8.13 (a) "Accidental" means a sudden, not reasonably foreseeable, and unexpected occurrence
8.14 or event which:

8.15 (1) is not likely to occur and could not have been prevented by exercise of due care; and

8.16 (2) if occurring while a child is receiving services from a facility, happens when the
8.17 facility and the employee or person providing services in the facility are in compliance with
8.18 the laws and rules relevant to the occurrence or event.

8.19 (b) "Commissioner" means the commissioner of human services.

8.20 (c) "Facility" means:

8.21 (1) a licensed or unlicensed day care facility, certified license-exempt child care center,
8.22 residential facility, agency, hospital, sanitarium, or other facility or institution required to
8.23 be licensed under sections 144.50 to 144.58, 241.021, or 245A.01 to 245A.16, or chapter
8.24 245D or 245G;

8.25 (2) a school as defined in section 120A.05, subdivisions 9, 11, and 13; and chapter 124E;
8.26 or

8.27 (3) a nonlicensed personal care provider organization as defined in section 256B.0625,
8.28 subdivision 19a.

8.29 (d) "Family assessment" means a comprehensive assessment of child safety, risk of
8.30 subsequent child maltreatment, and family strengths and needs that is applied to a child
8.31 maltreatment report that does not allege sexual abuse or substantial child endangerment.
8.32 Family assessment does not include a determination as to whether child maltreatment

9.1 occurred but does determine the need for services to address the safety of family members
9.2 and the risk of subsequent maltreatment.

9.3 (e) "Investigation" means fact gathering related to the current safety of a child and the
9.4 risk of subsequent maltreatment that determines whether child maltreatment occurred and
9.5 whether child protective services are needed. An investigation must be used when reports
9.6 involve sexual abuse or substantial child endangerment, and for reports of maltreatment in
9.7 facilities required to be licensed or certified under chapter 245A, 245D, or 245G; under
9.8 sections 144.50 to 144.58 and 241.021; in a school as defined in section 120A.05,
9.9 subdivisions 9, 11, and 13, and chapter 124E; or in a nonlicensed personal care provider
9.10 association as defined in section 256B.0625, subdivision 19a.

9.11 (f) "Mental injury" means an injury to the psychological capacity or emotional stability
9.12 of a child as evidenced by an observable or substantial impairment in the child's ability to
9.13 function within a normal range of performance and behavior with due regard to the child's
9.14 culture.

9.15 (g) "Neglect" means the commission or omission of any of the acts specified under
9.16 clauses (1) to (9), other than by accidental means:

9.17 (1) failure by a person responsible for a child's care to supply a child with necessary
9.18 food, clothing, shelter, health, medical, or other care required for the child's physical or
9.19 mental health when reasonably able to do so;

9.20 (2) failure to protect a child from conditions or actions that seriously endanger the child's
9.21 physical or mental health when reasonably able to do so, including a growth delay, which
9.22 may be referred to as a failure to thrive, that has been diagnosed by a physician and is due
9.23 to parental neglect;

9.24 (3) failure to provide for necessary supervision or child care arrangements appropriate
9.25 for a child after considering factors as the child's age, mental ability, physical condition,
9.26 length of absence, or environment, when the child is unable to care for the child's own basic
9.27 needs or safety, or the basic needs or safety of another child in their care;

9.28 (4) failure to ensure that the child is educated as defined in sections 120A.22 and
9.29 260C.163, subdivision 11, which does not include a parent's refusal to provide the parent's
9.30 child with sympathomimetic medications, consistent with section 125A.091, subdivision
9.31 5;

9.32 (5) nothing in this section shall be construed to mean that a child is neglected solely
9.33 because the child's parent, guardian, or other person responsible for the child's care in good

10.1 faith selects and depends upon spiritual means or prayer for treatment or care of disease or
10.2 remedial care of the child in lieu of medical care; except that a parent, guardian, or caretaker,
10.3 or a person mandated to report pursuant to subdivision 3, has a duty to report if a lack of
10.4 medical care may cause serious danger to the child's health. This section does not impose
10.5 upon persons, not otherwise legally responsible for providing a child with necessary food,
10.6 clothing, shelter, education, or medical care, a duty to provide that care;

10.7 (6) prenatal exposure to a controlled substance, as defined in section 253B.02, subdivision
10.8 2, used by the mother for a nonmedical purpose, as evidenced by withdrawal symptoms in
10.9 the child at birth, results of a toxicology test performed on the mother at delivery or the
10.10 child at birth, medical effects or developmental delays during the child's first year of life
10.11 that medically indicate prenatal exposure to a controlled substance, or the presence of a
10.12 fetal alcohol spectrum disorder;

10.13 (7) "medical neglect" as defined in section 260C.007, subdivision 6, clause (5);

10.14 (8) chronic and severe use of alcohol or a controlled substance by a parent or person
10.15 responsible for the care of the child that adversely affects the child's basic needs and safety;
10.16 or

10.17 (9) emotional harm from a pattern of behavior which contributes to impaired emotional
10.18 functioning of the child which may be demonstrated by a substantial and observable effect
10.19 in the child's behavior, emotional response, or cognition that is not within the normal range
10.20 for the child's age and stage of development, with due regard to the child's culture.

10.21 (h) "Nonmaltreatment mistake" means:

10.22 (1) at the time of the incident, the individual was performing duties identified in the
10.23 center's child care program plan required under Minnesota Rules, part 9503.0045;

10.24 (2) the individual has not been determined responsible for a similar incident that resulted
10.25 in a finding of maltreatment for at least seven years;

10.26 (3) the individual has not been determined to have committed a similar nonmaltreatment
10.27 mistake under this paragraph for at least four years;

10.28 (4) any injury to a child resulting from the incident, if treated, is treated only with
10.29 remedies that are available over the counter, whether ordered by a medical professional or
10.30 not; and

10.31 (5) except for the period when the incident occurred, the facility and the individual
10.32 providing services were both in compliance with all licensing requirements relevant to the
10.33 incident.

11.1 This definition only applies to child care centers licensed under Minnesota Rules, chapter
11.2 9503. If clauses (1) to (5) apply, rather than making a determination of substantiated
11.3 maltreatment by the individual, the commissioner of human services shall determine that a
11.4 nonmaltreatment mistake was made by the individual.

11.5 (i) "Operator" means an operator or agency as defined in section 245A.02.

11.6 (j) "Person responsible for the child's care" means (1) an individual functioning within
11.7 the family unit and having responsibilities for the care of the child such as a parent, guardian,
11.8 or other person having similar care responsibilities, or (2) an individual functioning outside
11.9 the family unit and having responsibilities for the care of the child such as a teacher, school
11.10 administrator, other school employees or agents, or other lawful custodian of a child having
11.11 either full-time or short-term care responsibilities including, but not limited to, day care,
11.12 babysitting whether paid or unpaid, counseling, teaching, and coaching.

11.13 (k) "Physical abuse" means any physical injury, mental injury, or threatened injury,
11.14 inflicted by a person responsible for the child's care on a child other than by accidental
11.15 means, or any physical or mental injury that cannot reasonably be explained by the child's
11.16 history of injuries, or any aversive or deprivation procedures, or regulated interventions,
11.17 that have not been authorized under section 125A.0942 or 245.825.

11.18 Abuse does not include reasonable and moderate physical discipline of a child
11.19 administered by a parent or legal guardian which does not result in an injury. Abuse does
11.20 not include the use of reasonable force by a teacher, principal, or school employee as allowed
11.21 by section 121A.582. Actions which are not reasonable and moderate include, but are not
11.22 limited to, any of the following:

11.23 (1) throwing, kicking, burning, biting, or cutting a child;

11.24 (2) striking a child with a closed fist;

11.25 (3) shaking a child under age three;

11.26 (4) striking or other actions which result in any nonaccidental injury to a child under 18
11.27 months of age;

11.28 (5) unreasonable interference with a child's breathing;

11.29 (6) threatening a child with a weapon, as defined in section 609.02, subdivision 6;

11.30 (7) striking a child under age one on the face or head;

11.31 (8) striking a child who is at least age one but under age four on the face or head, which
11.32 results in an injury;

12.1 (9) purposely giving a child poison, alcohol, or dangerous, harmful, or controlled
12.2 substances which were not prescribed for the child by a practitioner, in order to control or
12.3 punish the child; or other substances that substantially affect the child's behavior, motor
12.4 coordination, or judgment or that results in sickness or internal injury, or subjects the child
12.5 to medical procedures that would be unnecessary if the child were not exposed to the
12.6 substances;

12.7 (10) unreasonable physical confinement or restraint not permitted under section 609.379,
12.8 including but not limited to tying, caging, or chaining; or

12.9 (11) in a school facility or school zone, an act by a person responsible for the child's
12.10 care that is a violation under section 121A.58.

12.11 (l) "Practice of social services," for the purposes of subdivision 3, includes but is not
12.12 limited to employee assistance counseling and the provision of guardian ad litem and
12.13 parenting time expeditor services.

12.14 (m) "Report" means any communication received by the local welfare agency, police
12.15 department, county sheriff, or agency responsible for child protection pursuant to this section
12.16 that describes neglect or physical or sexual abuse of a child and contains sufficient content
12.17 to identify the child and any person believed to be responsible for the neglect or abuse, if
12.18 known.

12.19 (n) "Sexual abuse" means the subjection of a child by a person responsible for the child's
12.20 care, by a person who has a significant relationship to the child, as defined in section 609.341,
12.21 or by a person in a position of authority, as defined in section 609.341, subdivision 10, to
12.22 any act which constitutes a violation of section 609.342 (criminal sexual conduct in the first
12.23 degree), 609.343 (criminal sexual conduct in the second degree), 609.344 (criminal sexual
12.24 conduct in the third degree), 609.345 (criminal sexual conduct in the fourth degree), or
12.25 609.3451 (criminal sexual conduct in the fifth degree). Sexual abuse also includes any act
12.26 which involves a minor which constitutes a violation of prostitution offenses under sections
12.27 609.321 to 609.324 or 617.246. Effective May 29, 2017, sexual abuse includes all reports
12.28 of known or suspected child sex trafficking involving a child who is identified as a victim
12.29 of sex trafficking. Sexual abuse includes child sex trafficking as defined in section 609.321,
12.30 subdivisions 7a and 7b. Sexual abuse includes threatened sexual abuse which includes the
12.31 status of a parent or household member who has committed a violation which requires
12.32 registration as an offender under section 243.166, subdivision 1b, paragraph (a) or (b), or
12.33 required registration under section 243.166, subdivision 1b, paragraph (a) or (b).

13.1 (o) "Substantial child endangerment" means a person responsible for a child's care, by
13.2 act or omission, commits or attempts to commit an act against a child under their care that
13.3 constitutes any of the following:

13.4 (1) egregious harm as defined in section 260C.007, subdivision 14;

13.5 (2) abandonment under section 260C.301, subdivision 2;

13.6 (3) neglect as defined in paragraph (g), clause (2), that substantially endangers the child's
13.7 physical or mental health, including a growth delay, which may be referred to as failure to
13.8 thrive, that has been diagnosed by a physician and is due to parental neglect;

13.9 (4) murder in the first, second, or third degree under section 609.185, 609.19, or 609.195;

13.10 (5) manslaughter in the first or second degree under section 609.20 or 609.205;

13.11 (6) assault in the first, second, or third degree under section 609.221, 609.222, or 609.223;

13.12 (7) solicitation, inducement, and promotion of prostitution under section 609.322;

13.13 (8) criminal sexual conduct under sections 609.342 to 609.3451;

13.14 (9) solicitation of children to engage in sexual conduct under section 609.352;

13.15 (10) malicious punishment or neglect or endangerment of a child under section 609.377
13.16 or 609.378;

13.17 (11) use of a minor in sexual performance under section 617.246; or

13.18 (12) parental behavior, status, or condition which mandates that the county attorney file
13.19 a termination of parental rights petition under section 260C.503, subdivision 2.

13.20 (p) "Threatened injury" means a statement, overt act, condition, or status that represents
13.21 a substantial risk of physical or sexual abuse or mental injury. Threatened injury includes,
13.22 but is not limited to, exposing a child to a person responsible for the child's care, as defined
13.23 in paragraph (j), clause (1), who has:

13.24 (1) subjected a child to, or failed to protect a child from, an overt act or condition that
13.25 constitutes egregious harm, as defined in section 260C.007, subdivision 14, or a similar law
13.26 of another jurisdiction;

13.27 (2) been found to be palpably unfit under section 260C.301, subdivision 1, paragraph
13.28 (b), clause (4), or a similar law of another jurisdiction;

13.29 (3) committed an act that has resulted in an involuntary termination of parental rights
13.30 under section 260C.301, or a similar law of another jurisdiction; or

14.1 (4) committed an act that has resulted in the involuntary transfer of permanent legal and
 14.2 physical custody of a child to a relative under Minnesota Statutes 2010, section 260C.201,
 14.3 subdivision 11, paragraph (d), clause (1), section 260C.515, subdivision 4, or a similar law
 14.4 of another jurisdiction.

14.5 A child is the subject of a report of threatened injury when the responsible social services
 14.6 agency receives birth match data under paragraph (q) from the Department of Human
 14.7 Services.

14.8 (q) Upon receiving data under section 144.225, subdivision 2b, contained in a birth
 14.9 record or recognition of parentage identifying a child who is subject to threatened injury
 14.10 under paragraph (p), the Department of Human Services shall send the data to the responsible
 14.11 social services agency. The data is known as "birth match" data. Unless the responsible
 14.12 social services agency has already begun an investigation or assessment of the report due
 14.13 to the birth of the child or execution of the recognition of parentage and the parent's previous
 14.14 history with child protection, the agency shall accept the birth match data as a report under
 14.15 this section. The agency may use either a family assessment or investigation to determine
 14.16 whether the child is safe. All of the provisions of this section apply. If the child is determined
 14.17 to be safe, the agency shall consult with the county attorney to determine the appropriateness
 14.18 of filing a petition alleging the child is in need of protection or services under section
 14.19 260C.007, subdivision 6, clause (16), in order to deliver needed services. If the child is
 14.20 determined not to be safe, the agency and the county attorney shall take appropriate action
 14.21 as required under section 260C.503, subdivision 2.

14.22 (r) Persons who conduct assessments or investigations under this section shall take into
 14.23 account accepted child-rearing practices of the culture in which a child participates and
 14.24 accepted teacher discipline practices, which are not injurious to the child's health, welfare,
 14.25 and safety.

14.26 (Laws 2017, First Special Session chapter 6, article 16, section 60)

14.27 Subd. 3. **Persons mandated to report; persons voluntarily reporting.** (a) A person
 14.28 who knows or has reason to believe a child is being neglected or physically or sexually
 14.29 abused, as defined in subdivision 2, or has been neglected or physically or sexually abused
 14.30 within the preceding three years, shall immediately report the information to the local welfare
 14.31 agency, agency responsible for assessing or investigating the report, police department,
 14.32 county sheriff, tribal social services agency, or tribal police department if the person is:

14.33 (1) a professional or professional's delegate who is engaged in the practice of the healing
 14.34 arts, social services, hospital administration, psychological or psychiatric treatment, child

15.1 care, education, correctional supervision, probation and correctional services, or law
15.2 enforcement; or

15.3 (2) employed as a member of the clergy and received the information while engaged in
15.4 ministerial duties, provided that a member of the clergy is not required by this subdivision
15.5 to report information that is otherwise privileged under section 595.02, subdivision 1,
15.6 paragraph (c).

15.7 (b) Any person may voluntarily report to the local welfare agency, agency responsible
15.8 for assessing or investigating the report, police department, county sheriff, tribal social
15.9 services agency, or tribal police department if the person knows, has reason to believe, or
15.10 suspects a child is being or has been neglected or subjected to physical or sexual abuse.

15.11 (c) A person mandated to report physical or sexual child abuse or neglect occurring
15.12 within a licensed facility shall report the information to the agency responsible for licensing
15.13 the facility under sections 144.50 to 144.58; 241.021; 245A.01 to 245A.16; or chapter 144H
15.14 or 245D; or a nonlicensed personal care provider organization as defined in section
15.15 256B.0625, subdivision 19a. A health or corrections agency receiving a report may request
15.16 the local welfare agency to provide assistance pursuant to subdivisions 10, 10a, and 10b.
15.17 A board or other entity whose licensees perform work within a school facility, upon receiving
15.18 a complaint of alleged maltreatment, shall provide information about the circumstances of
15.19 the alleged maltreatment to the commissioner of education. Section 13.03, subdivision 4,
15.20 applies to data received by the commissioner of education from a licensing entity.

15.21 (d) Notification requirements under subdivision 10 apply to all reports received under
15.22 this section.

15.23 (e) For purposes of this section, "immediately" means as soon as possible but in no event
15.24 longer than 24 hours.

15.25 (Laws 2017, First Special Session chapter 6, article 10, section 139)

15.26 **Subd. 3. Persons mandated to report; persons voluntarily reporting.** (a) A person
15.27 who knows or has reason to believe a child is being neglected or physically or sexually
15.28 abused, as defined in subdivision 2, or has been neglected or physically or sexually abused
15.29 within the preceding three years, shall immediately report the information to the local welfare
15.30 agency, agency responsible for assessing or investigating the report, police department,
15.31 county sheriff, tribal social services agency, or tribal police department if the person is:

15.32 (1) a professional or professional's delegate who is engaged in the practice of the healing
15.33 arts, social services, hospital administration, psychological or psychiatric treatment, child

16.1 care, education, correctional supervision, probation and correctional services, or law
16.2 enforcement; or

16.3 (2) employed as a member of the clergy and received the information while engaged in
16.4 ministerial duties, provided that a member of the clergy is not required by this subdivision
16.5 to report information that is otherwise privileged under section 595.02, subdivision 1,
16.6 paragraph (c).

16.7 (b) Any person may voluntarily report to the local welfare agency, agency responsible
16.8 for assessing or investigating the report, police department, county sheriff, tribal social
16.9 services agency, or tribal police department if the person knows, has reason to believe, or
16.10 suspects a child is being or has been neglected or subjected to physical or sexual abuse.

16.11 (c) A person mandated to report physical or sexual child abuse or neglect occurring
16.12 within a licensed facility shall report the information to the agency responsible for licensing
16.13 or certifying the facility under sections 144.50 to 144.58; 241.021; 245A.01 to 245A.16;
16.14 or chapter 245D or 245G; or a nonlicensed personal care provider organization as defined
16.15 in section 256B.0625, subdivision 19. A health or corrections agency receiving a report
16.16 may request the local welfare agency to provide assistance pursuant to subdivisions 10, 10a,
16.17 and 10b. A board or other entity whose licensees perform work within a school facility,
16.18 upon receiving a complaint of alleged maltreatment, shall provide information about the
16.19 circumstances of the alleged maltreatment to the commissioner of education. Section 13.03,
16.20 subdivision 4, applies to data received by the commissioner of education from a licensing
16.21 entity.

16.22 (d) Notification requirements under subdivision 10 apply to all reports received under
16.23 this section.

16.24 (e) For purposes of this section, "immediately" means as soon as possible but in no event
16.25 longer than 24 hours.

16.26 (Laws 2017, First Special Session chapter 6, article 16, section 61)

16.27 Subd. 3a. **Report of deprivation of parental rights or kidnapping.** A person mandated
16.28 to report under subdivision 3, who knows or has reason to know of a violation of section
16.29 609.25 or 609.26, shall report the information to the local police department or the county
16.30 sheriff. Receipt by a local welfare agency of a report or notification of a report of a violation
16.31 of section 609.25 or 609.26 shall not be construed to invoke the duties of subdivision 10,
16.32 10a, or 10b.

17.1 Subd. 3b. **Agency responsible for assessing or investigating reports of maltreatment.**

17.2 The Department of Education is the agency responsible for assessing or investigating
17.3 allegations of child maltreatment in schools as defined in section 120A.05, subdivisions 9,
17.4 11, and 13; and chapter 124E.

17.5 Subd. 3c. **Local welfare agency, Department of Human Services or Department of**
17.6 **Health responsible for assessing or investigating reports of maltreatment.** (a) The local

17.7 welfare agency is the agency responsible for assessing or investigating allegations of
17.8 maltreatment in child foster care, family child care, legally nonlicensed child care, and
17.9 reports involving children served by an unlicensed personal care provider organization
17.10 under section 256B.0659. Copies of findings related to personal care provider organizations
17.11 under section 256B.0659 must be forwarded to the Department of Human Services provider
17.12 enrollment.

17.13 (b) The Department of Human Services is the agency responsible for assessing or
17.14 investigating allegations of maltreatment in juvenile correctional facilities listed under
17.15 section 241.021 located in the local welfare agency's county and in facilities licensed or
17.16 certified under chapters 245A and 245D, except for child foster care and family child care.

17.17 (c) The Department of Health is the agency responsible for assessing or investigating
17.18 allegations of child maltreatment in facilities licensed under sections 144.50 to 144.58 and
17.19 144A.43 to 144A.482.

17.20 (Laws 2017, First Special Session chapter 6, article 9, section 11)

17.21 Subd. 3c. **Local welfare agency, Department of Human Services or Department of**
17.22 **Health responsible for assessing or investigating reports of maltreatment.** (a) The county

17.23 local welfare agency is the agency responsible for assessing or investigating allegations of
17.24 maltreatment in child foster care, family child care, legally unlicensed child care, juvenile
17.25 correctional facilities licensed under section 241.021 located in the local welfare agency's
17.26 county, and reports involving children served by an unlicensed personal care provider
17.27 organization under section 256B.0659. Copies of findings related to personal care provider
17.28 organizations under section 256B.0659 must be forwarded to the Department of Human
17.29 Services provider enrollment.

17.30 (b) The Department of Human Services is the agency responsible for assessing or
17.31 investigating allegations of maltreatment in facilities licensed under chapters 245A and
17.32 245D, except for child foster care and family child care.

18.1 (c) The Department of Health is the agency responsible for assessing or investigating
18.2 allegations of child maltreatment in facilities licensed under sections 144.50 to 144.58 and
18.3 144A.43 to 144A.482 or chapter 144H.

18.4 (Laws 2017, First Special Session chapter 6, article 10, section 140)

18.5 Subd. 3c. **Local welfare agency, Department of Human Services or Department of**
18.6 **Health responsible for assessing or investigating reports of maltreatment.** (a) The local
18.7 welfare agency is the agency responsible for assessing or investigating allegations of
18.8 maltreatment in child foster care, family child care, legally nonlicensed child care, and
18.9 reports involving children served by an unlicensed personal care provider organization
18.10 under section 256B.0659. Copies of findings related to personal care provider organizations
18.11 under section 256B.0659 must be forwarded to the Department of Human Services provider
18.12 enrollment.

18.13 (b) The Department of Human Services is the agency responsible for assessing or
18.14 investigating allegations of maltreatment in juvenile correctional facilities listed under
18.15 section 241.021 located in the local welfare agency's county and in facilities licensed or
18.16 certified under chapters 245A, 245D, and 245G, except for child foster care and family
18.17 child care.

18.18 (c) The Department of Health is the agency responsible for assessing or investigating
18.19 allegations of child maltreatment in facilities licensed under sections 144.50 to 144.58 and
18.20 144A.43 to 144A.482.

18.21 (Laws 2017, First Special Session chapter 6, article 16, section 62)

18.22 Subd. 3d. **Authority to interview.** The agency responsible for assessing or investigating
18.23 reports of child maltreatment has the authority to interview the child, the person or persons
18.24 responsible for the child's care, the alleged perpetrator, and any other person with knowledge
18.25 of the abuse or neglect for the purpose of gathering the facts, assessing safety and risk to
18.26 the child, and formulating a plan.

18.27 Subd. 3e. **Agency responsible for assessing or investigating reports of sexual abuse.**
18.28 The local welfare agency is the agency responsible for investigating allegations of sexual
18.29 abuse if the alleged offender is the parent, guardian, sibling, or an individual functioning
18.30 within the family unit as a person responsible for the child's care, or a person with a
18.31 significant relationship to the child if that person resides in the child's household. Effective
18.32 May 29, 2017, the local welfare agency is also responsible for investigating when a child
18.33 is identified as a victim of sex trafficking.

19.1 Subd. 3f. **Law enforcement agency responsible for investigating maltreatment.** The
19.2 local law enforcement agency has responsibility for investigating any report of child
19.3 maltreatment if a violation of a criminal statute is alleged. Law enforcement and the
19.4 responsible agency must coordinate their investigations or assessments as required under
19.5 subdivision 10.

19.6 Subd. 4. **Immunity from liability.** (a) The following persons are immune from any civil
19.7 or criminal liability that otherwise might result from their actions, if they are acting in good
19.8 faith:

19.9 (1) any person making a voluntary or mandated report under subdivision 3 or under
19.10 section 626.5561 or assisting in an assessment under this section or under section 626.5561;

19.11 (2) any person with responsibility for performing duties under this section or supervisor
19.12 employed by a local welfare agency, the commissioner of an agency responsible for operating
19.13 or supervising a licensed or unlicensed day care facility, residential facility, agency, hospital,
19.14 sanitarium, or other facility or institution required to be licensed or certified under sections
19.15 144.50 to 144.58; 241.021; 245A.01 to 245A.16; or chapter 245B or 245G; or a school as
19.16 defined in section 120A.05, subdivisions 9, 11, and 13; and chapter 124E; or a nonlicensed
19.17 personal care provider organization as defined in section 256B.0625, subdivision 19a,
19.18 complying with subdivision 10d; and

19.19 (3) any public or private school, facility as defined in subdivision 2, or the employee of
19.20 any public or private school or facility who permits access by a local welfare agency, the
19.21 Department of Education, or a local law enforcement agency and assists in an investigation
19.22 or assessment pursuant to subdivision 10 or under section 626.5561.

19.23 (b) A person who is a supervisor or person with responsibility for performing duties
19.24 under this section employed by a local welfare agency, the commissioner of human services,
19.25 or the commissioner of education complying with subdivisions 10 and 11 or section 626.5561
19.26 or any related rule or provision of law is immune from any civil or criminal liability that
19.27 might otherwise result from the person's actions, if the person is (1) acting in good faith
19.28 and exercising due care, or (2) acting in good faith and following the information collection
19.29 procedures established under subdivision 10, paragraphs (h), (i), and (j).

19.30 (c) This subdivision does not provide immunity to any person for failure to make a
19.31 required report or for committing neglect, physical abuse, or sexual abuse of a child.

19.32 (d) If a person who makes a voluntary or mandatory report under subdivision 3 prevails
19.33 in a civil action from which the person has been granted immunity under this subdivision,
19.34 the court may award the person attorney fees and costs.

20.1 (Laws 2017, First Special Session chapter 6, article 16, section 63)

20.2 Subd. 4a. **Retaliation prohibited.** (a) An employer of any person required to make
20.3 reports under subdivision 3 shall not retaliate against the person for reporting in good faith
20.4 abuse or neglect pursuant to this section, or against a child with respect to whom a report
20.5 is made, because of the report.

20.6 (b) The employer of any person required to report under subdivision 3 who retaliates
20.7 against the person because of a report of abuse or neglect is liable to that person for actual
20.8 damages and, in addition, a penalty up to \$10,000.

20.9 (c) There shall be a rebuttable presumption that any adverse action within 90 days of a
20.10 report is retaliatory. For purposes of this paragraph, the term "adverse action" refers to action
20.11 taken by an employer of a person required to report under subdivision 3 which is involved
20.12 in a report against the person making the report or the child with respect to whom the report
20.13 was made because of the report, and includes, but is not limited to:

20.14 (1) discharge, suspension, termination, or transfer from the facility, institution, school,
20.15 or agency;

20.16 (2) discharge from or termination of employment;

20.17 (3) demotion or reduction in remuneration for services; or

20.18 (4) restriction or prohibition of access to the facility, institution, school, agency, or
20.19 persons affiliated with it.

20.20 Subd. 5. **Malicious and reckless reports.** Any person who knowingly or recklessly
20.21 makes a false report under the provisions of this section shall be liable in a civil suit for any
20.22 actual damages suffered by the person or persons so reported and for any punitive damages
20.23 set by the court or jury, plus costs and reasonable attorney fees.

20.24 Subd. 6. **Failure to report.** (a) A person mandated by this section to report who knows
20.25 or has reason to believe that a child is neglected or physically or sexually abused, as defined
20.26 in subdivision 2, or has been neglected or physically or sexually abused within the preceding
20.27 three years, and fails to report is guilty of a misdemeanor.

20.28 (b) A person mandated by this section to report who knows or has reason to believe that
20.29 two or more children not related to the perpetrator have been physically or sexually abused,
20.30 as defined in subdivision 2, by the same perpetrator within the preceding ten years, and fails
20.31 to report is guilty of a gross misdemeanor.

21.1 (c) A parent, guardian, or caretaker who knows or reasonably should know that the
21.2 child's health is in serious danger and who fails to report as required by subdivision 2,
21.3 paragraph (g), is guilty of a gross misdemeanor if the child suffers substantial or great bodily
21.4 harm because of the lack of medical care. If the child dies because of the lack of medical
21.5 care, the person is guilty of a felony and may be sentenced to imprisonment for not more
21.6 than two years or to payment of a fine of not more than \$4,000, or both. The provision in
21.7 section 609.378, subdivision 1, paragraph (a), clause (1), providing that a parent, guardian,
21.8 or caretaker may, in good faith, select and depend on spiritual means or prayer for treatment
21.9 or care of a child, does not exempt a parent, guardian, or caretaker from the duty to report
21.10 under this subdivision.

21.11 Subd. 6a. **Failure to notify.** If a local welfare agency receives a report under subdivision
21.12 3, paragraph (a) or (b), and fails to notify the local police department or county sheriff as
21.13 required by subdivision 10, the person within the agency who is responsible for ensuring
21.14 that notification is made shall be subject to disciplinary action in keeping with the agency's
21.15 existing policy or collective bargaining agreement on discipline of employees. If a local
21.16 police department or a county sheriff receives a report under subdivision 3, paragraph (a)
21.17 or (b), and fails to notify the local welfare agency as required by subdivision 10, the person
21.18 within the police department or county sheriff's office who is responsible for ensuring that
21.19 notification is made shall be subject to disciplinary action in keeping with the agency's
21.20 existing policy or collective bargaining agreement on discipline of employees.

21.21 Subd. 7. **Report; information provided to parent; reporter.** (a) An oral report shall
21.22 be made immediately by telephone or otherwise. An oral report made by a person required
21.23 under subdivision 3 to report shall be followed within 72 hours, exclusive of weekends and
21.24 holidays, by a report in writing to the appropriate police department, the county sheriff, the
21.25 agency responsible for assessing or investigating the report, or the local welfare agency.

21.26 (b) The local welfare agency shall determine if the report is to be screened in or out as
21.27 soon as possible but in no event longer than 24 hours after the report is received. When
21.28 determining whether a report will be screened in or out, the agency receiving the report
21.29 must consider, when relevant, all previous history, including reports that were screened out.
21.30 The agency may communicate with treating professionals and individuals specified under
21.31 subdivision 10, paragraph (i), clause (3), item (iii).

21.32 (c) Any report shall be of sufficient content to identify the child, any person believed to
21.33 be responsible for the abuse or neglect of the child if the person is known, the nature and
21.34 extent of the abuse or neglect and the name and address of the reporter. The local welfare
21.35 agency or agency responsible for assessing or investigating the report shall accept a report

22.1 made under subdivision 3 notwithstanding refusal by a reporter to provide the reporter's
22.2 name or address as long as the report is otherwise sufficient under this paragraph. Written
22.3 reports received by a police department or the county sheriff shall be forwarded immediately
22.4 to the local welfare agency or the agency responsible for assessing or investigating the
22.5 report. The police department or the county sheriff may keep copies of reports received by
22.6 them. Copies of written reports received by a local welfare department or the agency
22.7 responsible for assessing or investigating the report shall be forwarded immediately to the
22.8 local police department or the county sheriff.

22.9 (d) When requested, the agency responsible for assessing or investigating a report shall
22.10 inform the reporter within ten days after the report was made, either orally or in writing,
22.11 whether the report was accepted or not. If the responsible agency determines the report does
22.12 not constitute a report under this section, the agency shall advise the reporter the report was
22.13 screened out. Any person mandated to report shall receive a summary of the disposition of
22.14 any report made by that reporter, including whether the case has been opened for child
22.15 protection or other services, or if a referral has been made to a community organization,
22.16 unless release would be detrimental to the best interests of the child. Any person who is not
22.17 mandated to report shall, upon request to the local welfare agency, receive a concise summary
22.18 of the disposition of any report made by that reporter, unless release would be detrimental
22.19 to the best interests of the child.

22.20 (e) Reports that are screened out must be maintained in accordance with subdivision
22.21 11c, paragraph (a).

22.22 (f) A local welfare agency or agency responsible for investigating or assessing a report
22.23 may use a screened-out report for making an offer of social services to the subjects of the
22.24 screened-out report. A local welfare agency or agency responsible for evaluating a report
22.25 alleging maltreatment of a child shall consider prior reports, including screened-out reports,
22.26 to determine whether an investigation or family assessment must be conducted.

22.27 (g) Notwithstanding paragraph (a), the commissioner of education must inform the
22.28 parent, guardian, or legal custodian of the child who is the subject of a report of alleged
22.29 maltreatment in a school facility within ten days of receiving the report, either orally or in
22.30 writing, whether the commissioner is assessing or investigating the report of alleged
22.31 maltreatment.

22.32 (h) Regardless of whether a report is made under this subdivision, as soon as practicable
22.33 after a school receives information regarding an incident that may constitute maltreatment
22.34 of a child in a school facility, the school shall inform the parent, legal guardian, or custodian

23.1 of the child that an incident has occurred that may constitute maltreatment of the child,
23.2 when the incident occurred, and the nature of the conduct that may constitute maltreatment.

23.3 (i) A written copy of a report maintained by personnel of agencies, other than welfare
23.4 or law enforcement agencies, which are subject to chapter 13 shall be confidential. An
23.5 individual subject of the report may obtain access to the original report as provided by
23.6 subdivision 11.

23.7 Subd. 7a. **Guidance for screening reports.** (a) Child protection staff, supervisors, and
23.8 others involved in child protection screening shall follow the guidance provided in the child
23.9 maltreatment screening guidelines issued by the commissioner of human services and, when
23.10 notified by the commissioner, shall immediately implement updated procedures and protocols.

23.11 (b) Any modifications to the screening guidelines must be preapproved by the
23.12 commissioner of human services and must not be less protective of children than is mandated
23.13 by statute. The county agency must consult with the county attorney before proposing
23.14 modifications to the commissioner. The guidelines may provide additional protections for
23.15 children but must not limit reports that are screened in or provide additional limits on
23.16 consideration of reports that were screened out in making screening determinations.

23.17 Subd. 8. **Evidence not privileged.** No evidence relating to the neglect or abuse of a
23.18 child or to any prior incidents of neglect or abuse involving any of the same persons accused
23.19 of neglect or abuse shall be excluded in any proceeding arising out of the alleged neglect
23.20 or physical or sexual abuse on the grounds of privilege set forth in section 595.02, subdivision
23.21 1, paragraph (a), (d), or (g).

23.22 Subd. 9. **Mandatory reporting to medical examiner or coroner.** When a person
23.23 required to report under the provisions of subdivision 3 knows or has reason to believe a
23.24 child has died as a result of neglect or physical or sexual abuse, the person shall report that
23.25 information to the appropriate medical examiner or coroner instead of the local welfare
23.26 agency, police department, or county sheriff. Medical examiners or coroners shall notify
23.27 the local welfare agency or police department or county sheriff in instances in which they
23.28 believe that the child has died as a result of neglect or physical or sexual abuse. The medical
23.29 examiner or coroner shall complete an investigation as soon as feasible and report the
23.30 findings to the police department or county sheriff and the local welfare agency. If the child
23.31 was receiving services or treatment for mental illness, developmentally disabled, chemical
23.32 dependency, or emotional disturbance from an agency, facility, or program as defined in
23.33 section 245.91, the medical examiner or coroner shall also notify and report findings to the
23.34 ombudsman established under sections 245.91 to 245.97.

24.1 Subd. 10. **Duties of local welfare agency and local law enforcement agency upon**
24.2 **receipt of report; mandatory notification between police or sheriff and agency.** (a) The
24.3 police department or the county sheriff shall immediately notify the local welfare agency
24.4 or agency responsible for child protection reports under this section orally and in writing
24.5 when a report is received. The local welfare agency or agency responsible for child protection
24.6 reports shall immediately notify the local police department or the county sheriff orally and
24.7 in writing when a report is received. The county sheriff and the head of every local welfare
24.8 agency, agency responsible for child protection reports, and police department shall each
24.9 designate a person within their agency, department, or office who is responsible for ensuring
24.10 that the notification duties of this paragraph are carried out. When the alleged maltreatment
24.11 occurred on tribal land, the local welfare agency or agency responsible for child protection
24.12 reports and the local police department or the county sheriff shall immediately notify the
24.13 tribe's social services agency and tribal law enforcement orally and in writing when a report
24.14 is received.

24.15 (b) Upon receipt of a report, the local welfare agency shall determine whether to conduct
24.16 a family assessment or an investigation as appropriate to prevent or provide a remedy for
24.17 child maltreatment. The local welfare agency:

24.18 (1) shall conduct an investigation on reports involving sexual abuse or substantial child
24.19 endangerment;

24.20 (2) shall begin an immediate investigation if, at any time when it is using a family
24.21 assessment response, it determines that there is reason to believe that sexual abuse or
24.22 substantial child endangerment or a serious threat to the child's safety exists;

24.23 (3) may conduct a family assessment for reports that do not allege sexual abuse or
24.24 substantial child endangerment. In determining that a family assessment is appropriate, the
24.25 local welfare agency may consider issues of child safety, parental cooperation, and the need
24.26 for an immediate response;

24.27 (4) may conduct a family assessment on a report that was initially screened and assigned
24.28 for an investigation. In determining that a complete investigation is not required, the local
24.29 welfare agency must document the reason for terminating the investigation and notify the
24.30 local law enforcement agency if the local law enforcement agency is conducting a joint
24.31 investigation; and

24.32 (5) shall provide immediate notice, according to section 260.761, subdivision 2, to an
24.33 Indian child's tribe when the agency has reason to believe the family assessment or

25.1 investigation may involve an Indian child. For purposes of this clause, "immediate notice"
25.2 means notice provided within 24 hours.

25.3 If the report alleges neglect, physical abuse, or sexual abuse by a parent, guardian, or
25.4 individual functioning within the family unit as a person responsible for the child's care, or
25.5 sexual abuse by a person with a significant relationship to the child when that person resides
25.6 in the child's household or by a sibling, the local welfare agency shall immediately conduct
25.7 a family assessment or investigation as identified in clauses (1) to (4). In conducting a family
25.8 assessment or investigation, the local welfare agency shall gather information on the existence
25.9 of substance abuse and domestic violence and offer services for purposes of preventing
25.10 future child maltreatment, safeguarding and enhancing the welfare of the abused or neglected
25.11 minor, and supporting and preserving family life whenever possible. If the report alleges a
25.12 violation of a criminal statute involving sexual abuse, physical abuse, or neglect or
25.13 endangerment, under section 609.378, the local law enforcement agency and local welfare
25.14 agency shall coordinate the planning and execution of their respective investigation and
25.15 assessment efforts to avoid a duplication of fact-finding efforts and multiple interviews.
25.16 Each agency shall prepare a separate report of the results of its investigation or assessment.
25.17 In cases of alleged child maltreatment resulting in death, the local agency may rely on the
25.18 fact-finding efforts of a law enforcement investigation to make a determination of whether
25.19 or not maltreatment occurred. When necessary the local welfare agency shall seek authority
25.20 to remove the child from the custody of a parent, guardian, or adult with whom the child is
25.21 living. In performing any of these duties, the local welfare agency shall maintain appropriate
25.22 records.

25.23 If the family assessment or investigation indicates there is a potential for abuse of alcohol
25.24 or other drugs by the parent, guardian, or person responsible for the child's care, the local
25.25 welfare agency shall conduct a chemical use assessment pursuant to Minnesota Rules, part
25.26 9530.6615.

25.27 (c) When a local agency receives a report or otherwise has information indicating that
25.28 a child who is a client, as defined in section 245.91, has been the subject of physical abuse,
25.29 sexual abuse, or neglect at an agency, facility, or program as defined in section 245.91, it
25.30 shall, in addition to its other duties under this section, immediately inform the ombudsman
25.31 established under sections 245.91 to 245.97. The commissioner of education shall inform
25.32 the ombudsman established under sections 245.91 to 245.97 of reports regarding a child
25.33 defined as a client in section 245.91 that maltreatment occurred at a school as defined in
25.34 section 120A.05, subdivisions 9, 11, and 13, and chapter 124E.

26.1 (d) Authority of the local welfare agency responsible for assessing or investigating the
26.2 child abuse or neglect report, the agency responsible for assessing or investigating the report,
26.3 and of the local law enforcement agency for investigating the alleged abuse or neglect
26.4 includes, but is not limited to, authority to interview, without parental consent, the alleged
26.5 victim and any other minors who currently reside with or who have resided with the alleged
26.6 offender. The interview may take place at school or at any facility or other place where the
26.7 alleged victim or other minors might be found or the child may be transported to, and the
26.8 interview conducted at, a place appropriate for the interview of a child designated by the
26.9 local welfare agency or law enforcement agency. The interview may take place outside the
26.10 presence of the alleged offender or parent, legal custodian, guardian, or school official. For
26.11 family assessments, it is the preferred practice to request a parent or guardian's permission
26.12 to interview the child prior to conducting the child interview, unless doing so would
26.13 compromise the safety assessment. Except as provided in this paragraph, the parent, legal
26.14 custodian, or guardian shall be notified by the responsible local welfare or law enforcement
26.15 agency no later than the conclusion of the investigation or assessment that this interview
26.16 has occurred. Notwithstanding rule 32 of the Minnesota Rules of Procedure for Juvenile
26.17 Courts, the juvenile court may, after hearing on an ex parte motion by the local welfare
26.18 agency, order that, where reasonable cause exists, the agency withhold notification of this
26.19 interview from the parent, legal custodian, or guardian. If the interview took place or is to
26.20 take place on school property, the order shall specify that school officials may not disclose
26.21 to the parent, legal custodian, or guardian the contents of the notification of intent to interview
26.22 the child on school property, as provided under this paragraph, and any other related
26.23 information regarding the interview that may be a part of the child's school record. A copy
26.24 of the order shall be sent by the local welfare or law enforcement agency to the appropriate
26.25 school official.

26.26 (e) When the local welfare, local law enforcement agency, or the agency responsible
26.27 for assessing or investigating a report of maltreatment determines that an interview should
26.28 take place on school property, written notification of intent to interview the child on school
26.29 property must be received by school officials prior to the interview. The notification shall
26.30 include the name of the child to be interviewed, the purpose of the interview, and a reference
26.31 to the statutory authority to conduct an interview on school property. For interviews
26.32 conducted by the local welfare agency, the notification shall be signed by the chair of the
26.33 local social services agency or the chair's designee. The notification shall be private data
26.34 on individuals subject to the provisions of this paragraph. School officials may not disclose
26.35 to the parent, legal custodian, or guardian the contents of the notification or any other related
26.36 information regarding the interview until notified in writing by the local welfare or law

27.1 enforcement agency that the investigation or assessment has been concluded, unless a school
27.2 employee or agent is alleged to have maltreated the child. Until that time, the local welfare
27.3 or law enforcement agency or the agency responsible for assessing or investigating a report
27.4 of maltreatment shall be solely responsible for any disclosures regarding the nature of the
27.5 assessment or investigation.

27.6 Except where the alleged offender is believed to be a school official or employee, the
27.7 time and place, and manner of the interview on school premises shall be within the discretion
27.8 of school officials, but the local welfare or law enforcement agency shall have the exclusive
27.9 authority to determine who may attend the interview. The conditions as to time, place, and
27.10 manner of the interview set by the school officials shall be reasonable and the interview
27.11 shall be conducted not more than 24 hours after the receipt of the notification unless another
27.12 time is considered necessary by agreement between the school officials and the local welfare
27.13 or law enforcement agency. Where the school fails to comply with the provisions of this
27.14 paragraph, the juvenile court may order the school to comply. Every effort must be made
27.15 to reduce the disruption of the educational program of the child, other students, or school
27.16 staff when an interview is conducted on school premises.

27.17 (f) Where the alleged offender or a person responsible for the care of the alleged victim
27.18 or other minor prevents access to the victim or other minor by the local welfare agency, the
27.19 juvenile court may order the parents, legal custodian, or guardian to produce the alleged
27.20 victim or other minor for questioning by the local welfare agency or the local law
27.21 enforcement agency outside the presence of the alleged offender or any person responsible
27.22 for the child's care at reasonable places and times as specified by court order.

27.23 (g) Before making an order under paragraph (f), the court shall issue an order to show
27.24 cause, either upon its own motion or upon a verified petition, specifying the basis for the
27.25 requested interviews and fixing the time and place of the hearing. The order to show cause
27.26 shall be served personally and shall be heard in the same manner as provided in other cases
27.27 in the juvenile court. The court shall consider the need for appointment of a guardian ad
27.28 litem to protect the best interests of the child. If appointed, the guardian ad litem shall be
27.29 present at the hearing on the order to show cause.

27.30 (h) The commissioner of human services, the ombudsman for mental health and
27.31 developmental disabilities, the local welfare agencies responsible for investigating reports,
27.32 the commissioner of education, and the local law enforcement agencies have the right to
27.33 enter facilities as defined in subdivision 2 and to inspect and copy the facility's records,
27.34 including medical records, as part of the investigation. Notwithstanding the provisions of
27.35 chapter 13, they also have the right to inform the facility under investigation that they are

28.1 conducting an investigation, to disclose to the facility the names of the individuals under
28.2 investigation for abusing or neglecting a child, and to provide the facility with a copy of
28.3 the report and the investigative findings.

28.4 (i) The local welfare agency responsible for conducting a family assessment or
28.5 investigation shall collect available and relevant information to determine child safety, risk
28.6 of subsequent child maltreatment, and family strengths and needs and share not public
28.7 information with an Indian's tribal social services agency without violating any law of the
28.8 state that may otherwise impose duties of confidentiality on the local welfare agency in
28.9 order to implement the tribal state agreement. The local welfare agency or the agency
28.10 responsible for investigating the report shall collect available and relevant information to
28.11 ascertain whether maltreatment occurred and whether protective services are needed.
28.12 Information collected includes, when relevant, information with regard to the person reporting
28.13 the alleged maltreatment, including the nature of the reporter's relationship to the child and
28.14 to the alleged offender, and the basis of the reporter's knowledge for the report; the child
28.15 allegedly being maltreated; the alleged offender; the child's caretaker; and other collateral
28.16 sources having relevant information related to the alleged maltreatment. The local welfare
28.17 agency or the agency responsible for investigating the report may make a determination of
28.18 no maltreatment early in an investigation, and close the case and retain immunity, if the
28.19 collected information shows no basis for a full investigation.

28.20 Information relevant to the assessment or investigation must be asked for, and may
28.21 include:

28.22 (1) the child's sex and age; prior reports of maltreatment, including any maltreatment
28.23 reports that were screened out and not accepted for assessment or investigation; information
28.24 relating to developmental functioning; credibility of the child's statement; and whether the
28.25 information provided under this clause is consistent with other information collected during
28.26 the course of the assessment or investigation;

28.27 (2) the alleged offender's age, a record check for prior reports of maltreatment, and
28.28 criminal charges and convictions. The local welfare agency or the agency responsible for
28.29 assessing or investigating the report must provide the alleged offender with an opportunity
28.30 to make a statement. The alleged offender may submit supporting documentation relevant
28.31 to the assessment or investigation;

28.32 (3) collateral source information regarding the alleged maltreatment and care of the
28.33 child. Collateral information includes, when relevant: (i) a medical examination of the child;
28.34 (ii) prior medical records relating to the alleged maltreatment or the care of the child

29.1 maintained by any facility, clinic, or health care professional and an interview with the
29.2 treating professionals; and (iii) interviews with the child's caretakers, including the child's
29.3 parent, guardian, foster parent, child care provider, teachers, counselors, family members,
29.4 relatives, and other persons who may have knowledge regarding the alleged maltreatment
29.5 and the care of the child; and

29.6 (4) information on the existence of domestic abuse and violence in the home of the child,
29.7 and substance abuse.

29.8 Nothing in this paragraph precludes the local welfare agency, the local law enforcement
29.9 agency, or the agency responsible for assessing or investigating the report from collecting
29.10 other relevant information necessary to conduct the assessment or investigation.

29.11 Notwithstanding sections 13.384 or 144.291 to 144.298, the local welfare agency has access
29.12 to medical data and records for purposes of clause (3). Notwithstanding the data's
29.13 classification in the possession of any other agency, data acquired by the local welfare
29.14 agency or the agency responsible for assessing or investigating the report during the course
29.15 of the assessment or investigation are private data on individuals and must be maintained
29.16 in accordance with subdivision 11. Data of the commissioner of education collected or
29.17 maintained during and for the purpose of an investigation of alleged maltreatment in a school
29.18 are governed by this section, notwithstanding the data's classification as educational,
29.19 licensing, or personnel data under chapter 13.

29.20 In conducting an assessment or investigation involving a school facility as defined in
29.21 subdivision 2, paragraph (c), the commissioner of education shall collect investigative
29.22 reports and data that are relevant to a report of maltreatment and are from local law
29.23 enforcement and the school facility.

29.24 (j) Upon receipt of a report, the local welfare agency shall conduct a face-to-face contact
29.25 with the child reported to be maltreated and with the child's primary caregiver sufficient to
29.26 complete a safety assessment and ensure the immediate safety of the child. The face-to-face
29.27 contact with the child and primary caregiver shall occur immediately if sexual abuse or
29.28 substantial child endangerment is alleged and within five calendar days for all other reports.
29.29 If the alleged offender was not already interviewed as the primary caregiver, the local welfare
29.30 agency shall also conduct a face-to-face interview with the alleged offender in the early
29.31 stages of the assessment or investigation. At the initial contact, the local child welfare agency
29.32 or the agency responsible for assessing or investigating the report must inform the alleged
29.33 offender of the complaints or allegations made against the individual in a manner consistent
29.34 with laws protecting the rights of the person who made the report. The interview with the

30.1 alleged offender may be postponed if it would jeopardize an active law enforcement
30.2 investigation.

30.3 (k) When conducting an investigation, the local welfare agency shall use a question and
30.4 answer interviewing format with questioning as nondirective as possible to elicit spontaneous
30.5 responses. For investigations only, the following interviewing methods and procedures must
30.6 be used whenever possible when collecting information:

30.7 (1) audio recordings of all interviews with witnesses and collateral sources; and

30.8 (2) in cases of alleged sexual abuse, audio-video recordings of each interview with the
30.9 alleged victim and child witnesses.

30.10 (l) In conducting an assessment or investigation involving a school facility as defined
30.11 in subdivision 2, paragraph (c), the commissioner of education shall collect available and
30.12 relevant information and use the procedures in paragraphs (j) and (k), and subdivision 3d,
30.13 except that the requirement for face-to-face observation of the child and face-to-face interview
30.14 of the alleged offender is to occur in the initial stages of the assessment or investigation
30.15 provided that the commissioner may also base the assessment or investigation on investigative
30.16 reports and data received from the school facility and local law enforcement, to the extent
30.17 those investigations satisfy the requirements of paragraphs (j) and (k), and subdivision 3d.

30.18 Subd. 10a. **Law enforcement agency responsibility for investigation; welfare agency**
30.19 **reliance on law enforcement fact-finding; welfare agency offer of services.** (a) If the
30.20 report alleges neglect, physical abuse, or sexual abuse by a person who is not a parent,
30.21 guardian, sibling, person responsible for the child's care functioning within the family unit,
30.22 or a person who lives in the child's household and who has a significant relationship to the
30.23 child, in a setting other than a facility as defined in subdivision 2, the local welfare agency
30.24 shall immediately notify the appropriate law enforcement agency, which shall conduct an
30.25 investigation of the alleged abuse or neglect if a violation of a criminal statute is alleged.

30.26 (b) The local agency may rely on the fact-finding efforts of the law enforcement
30.27 investigation conducted under this subdivision to make a determination whether or not
30.28 threatened injury or other maltreatment has occurred under subdivision 2 if an alleged
30.29 offender has minor children or lives with minors.

30.30 (c) If a child is the victim of an alleged crime under paragraph (a), the law enforcement
30.31 agency shall immediately notify the local welfare agency, which shall offer appropriate
30.32 social services for the purpose of safeguarding and enhancing the welfare of the abused or
30.33 neglected minor.

31.1 Subd. 10b. **Duties of commissioner; neglect or abuse in facility.** (a) This section applies
31.2 to the commissioners of human services, health, and education. The commissioner of the
31.3 agency responsible for assessing or investigating the report shall immediately assess or
31.4 investigate if the report alleges that:

31.5 (1) a child who is in the care of a facility as defined in subdivision 2 is neglected,
31.6 physically abused, sexually abused, or is the victim of maltreatment in a facility by an
31.7 individual in that facility, or has been so neglected or abused, or been the victim of
31.8 maltreatment in a facility by an individual in that facility within the three years preceding
31.9 the report; or

31.10 (2) a child was neglected, physically abused, sexually abused, or is the victim of
31.11 maltreatment in a facility by an individual in a facility defined in subdivision 2, while in
31.12 the care of that facility within the three years preceding the report.

31.13 The commissioner of the agency responsible for assessing or investigating the report
31.14 shall arrange for the transmittal to the commissioner of reports received by local agencies
31.15 and may delegate to a local welfare agency the duty to investigate reports. In conducting
31.16 an investigation under this section, the commissioner has the powers and duties specified
31.17 for local welfare agencies under this section. The commissioner of the agency responsible
31.18 for assessing or investigating the report or local welfare agency may interview any children
31.19 who are or have been in the care of a facility under investigation and their parents, guardians,
31.20 or legal custodians.

31.21 (b) Prior to any interview, the commissioner of the agency responsible for assessing or
31.22 investigating the report or local welfare agency shall notify the parent, guardian, or legal
31.23 custodian of a child who will be interviewed in the manner provided for in subdivision 10d,
31.24 paragraph (a). If reasonable efforts to reach the parent, guardian, or legal custodian of a
31.25 child in an out-of-home placement have failed, the child may be interviewed if there is
31.26 reason to believe the interview is necessary to protect the child or other children in the
31.27 facility. The commissioner of the agency responsible for assessing or investigating the report
31.28 or local agency must provide the information required in this subdivision to the parent,
31.29 guardian, or legal custodian of a child interviewed without parental notification as soon as
31.30 possible after the interview. When the investigation is completed, any parent, guardian, or
31.31 legal custodian notified under this subdivision shall receive the written memorandum
31.32 provided for in subdivision 10d, paragraph (c).

31.33 (c) In conducting investigations under this subdivision the commissioner or local welfare
31.34 agency shall obtain access to information consistent with subdivision 10, paragraphs (h),

32.1 (i), and (j). In conducting assessments or investigations under this subdivision, the
32.2 commissioner of education shall obtain access to reports and investigative data that are
32.3 relevant to a report of maltreatment and are in the possession of a school facility as defined
32.4 in subdivision 2, paragraph (c), notwithstanding the classification of the data as educational
32.5 or personnel data under chapter 13. This includes, but is not limited to, school investigative
32.6 reports, information concerning the conduct of school personnel alleged to have committed
32.7 maltreatment of students, information about witnesses, and any protective or corrective
32.8 action taken by the school facility regarding the school personnel alleged to have committed
32.9 maltreatment.

32.10 (d) The commissioner may request assistance from the local social services agency.

32.11 Subd. 10c. **Duties of local social service agency upon receipt of report of medical**
32.12 **neglect.** If the report alleges medical neglect as defined in section 260C.007, subdivision
32.13 6, clause (5), the local welfare agency shall, in addition to its other duties under this section,
32.14 immediately consult with designated hospital staff and with the parents of the infant to
32.15 verify that appropriate nutrition, hydration, and medication are being provided; and shall
32.16 immediately secure an independent medical review of the infant's medical charts and records
32.17 and, if necessary, seek a court order for an independent medical examination of the infant.
32.18 If the review or examination leads to a conclusion of medical neglect, the agency shall
32.19 intervene on behalf of the infant by initiating legal proceedings under section 260C.141 and
32.20 by filing an expedited motion to prevent the withholding of medically indicated treatment.

32.21 Subd. 10d. **Notification of neglect or abuse in facility.** (a) When a report is received
32.22 that alleges neglect, physical abuse, sexual abuse, or maltreatment of a child while in the
32.23 care of a licensed or unlicensed day care facility, residential facility, agency, hospital,
32.24 sanitarium, or other facility or institution required to be licensed according to sections 144.50
32.25 to 144.58; 241.021; or 245A.01 to 245A.16; or chapter 144H or 245D, or a school as defined
32.26 in section 120A.05, subdivisions 9, 11, and 13; and chapter 124E; or a nonlicensed personal
32.27 care provider organization as defined in section 256B.0625, subdivision 19a, the
32.28 commissioner of the agency responsible for assessing or investigating the report or local
32.29 welfare agency investigating the report shall provide the following information to the parent,
32.30 guardian, or legal custodian of a child alleged to have been neglected, physically abused,
32.31 sexually abused, or the victim of maltreatment of a child in the facility: the name of the
32.32 facility; the fact that a report alleging neglect, physical abuse, sexual abuse, or maltreatment
32.33 of a child in the facility has been received; the nature of the alleged neglect, physical abuse,
32.34 sexual abuse, or maltreatment of a child in the facility; that the agency is conducting an
32.35 assessment or investigation; any protective or corrective measures being taken pending the

33.1 outcome of the investigation; and that a written memorandum will be provided when the
33.2 investigation is completed.

33.3 (b) The commissioner of the agency responsible for assessing or investigating the report
33.4 or local welfare agency may also provide the information in paragraph (a) to the parent,
33.5 guardian, or legal custodian of any other child in the facility if the investigative agency
33.6 knows or has reason to believe the alleged neglect, physical abuse, sexual abuse, or
33.7 maltreatment of a child in the facility has occurred. In determining whether to exercise this
33.8 authority, the commissioner of the agency responsible for assessing or investigating the
33.9 report or local welfare agency shall consider the seriousness of the alleged neglect, physical
33.10 abuse, sexual abuse, or maltreatment of a child in the facility; the number of children
33.11 allegedly neglected, physically abused, sexually abused, or victims of maltreatment of a
33.12 child in the facility; the number of alleged perpetrators; and the length of the investigation.
33.13 The facility shall be notified whenever this discretion is exercised.

33.14 (c) When the commissioner of the agency responsible for assessing or investigating the
33.15 report or local welfare agency has completed its investigation, every parent, guardian, or
33.16 legal custodian previously notified of the investigation by the commissioner or local welfare
33.17 agency shall be provided with the following information in a written memorandum: the
33.18 name of the facility investigated; the nature of the alleged neglect, physical abuse, sexual
33.19 abuse, or maltreatment of a child in the facility; the investigator's name; a summary of the
33.20 investigation findings; a statement whether maltreatment was found; and the protective or
33.21 corrective measures that are being or will be taken. The memorandum shall be written in a
33.22 manner that protects the identity of the reporter and the child and shall not contain the name,
33.23 or to the extent possible, reveal the identity of the alleged perpetrator or of those interviewed
33.24 during the investigation. If maltreatment is determined to exist, the commissioner or local
33.25 welfare agency shall also provide the written memorandum to the parent, guardian, or legal
33.26 custodian of each child in the facility who had contact with the individual responsible for
33.27 the maltreatment. When the facility is the responsible party for maltreatment, the
33.28 commissioner or local welfare agency shall also provide the written memorandum to the
33.29 parent, guardian, or legal custodian of each child who received services in the population
33.30 of the facility where the maltreatment occurred. This notification must be provided to the
33.31 parent, guardian, or legal custodian of each child receiving services from the time the
33.32 maltreatment occurred until either the individual responsible for maltreatment is no longer
33.33 in contact with a child or children in the facility or the conclusion of the investigation. In
33.34 the case of maltreatment within a school facility, as defined in section 120A.05, subdivisions
33.35 9, 11, and 13, and chapter 124E, the commissioner of education need not provide notification

34.1 to parents, guardians, or legal custodians of each child in the facility, but shall, within ten
34.2 days after the investigation is completed, provide written notification to the parent, guardian,
34.3 or legal custodian of any student alleged to have been maltreated. The commissioner of
34.4 education may notify the parent, guardian, or legal custodian of any student involved as a
34.5 witness to alleged maltreatment.

34.6 (Laws 2017, First Special Session chapter 6, article 10, section 141)

34.7 Subd. 10d. **Notification of neglect or abuse in facility.** (a) When a report is received
34.8 that alleges neglect, physical abuse, sexual abuse, or maltreatment of a child while in the
34.9 care of a licensed or unlicensed day care facility, residential facility, agency, hospital,
34.10 sanitarium, or other facility or institution required to be licensed or certified according to
34.11 sections 144.50 to 144.58; 241.021; or 245A.01 to 245A.16; or chapter 245D or 245G, or
34.12 a school as defined in section 120A.05, subdivisions 9, 11, and 13; and chapter 124E; or a
34.13 nonlicensed personal care provider organization as defined in section 256B.0625, subdivision
34.14 19a, the commissioner of the agency responsible for assessing or investigating the report
34.15 or local welfare agency investigating the report shall provide the following information to
34.16 the parent, guardian, or legal custodian of a child alleged to have been neglected, physically
34.17 abused, sexually abused, or the victim of maltreatment of a child in the facility: the name
34.18 of the facility; the fact that a report alleging neglect, physical abuse, sexual abuse, or
34.19 maltreatment of a child in the facility has been received; the nature of the alleged neglect,
34.20 physical abuse, sexual abuse, or maltreatment of a child in the facility; that the agency is
34.21 conducting an assessment or investigation; any protective or corrective measures being
34.22 taken pending the outcome of the investigation; and that a written memorandum will be
34.23 provided when the investigation is completed.

34.24 (b) The commissioner of the agency responsible for assessing or investigating the report
34.25 or local welfare agency may also provide the information in paragraph (a) to the parent,
34.26 guardian, or legal custodian of any other child in the facility if the investigative agency
34.27 knows or has reason to believe the alleged neglect, physical abuse, sexual abuse, or
34.28 maltreatment of a child in the facility has occurred. In determining whether to exercise this
34.29 authority, the commissioner of the agency responsible for assessing or investigating the
34.30 report or local welfare agency shall consider the seriousness of the alleged neglect, physical
34.31 abuse, sexual abuse, or maltreatment of a child in the facility; the number of children
34.32 allegedly neglected, physically abused, sexually abused, or victims of maltreatment of a
34.33 child in the facility; the number of alleged perpetrators; and the length of the investigation.
34.34 The facility shall be notified whenever this discretion is exercised.

35.1 (c) When the commissioner of the agency responsible for assessing or investigating the
35.2 report or local welfare agency has completed its investigation, every parent, guardian, or
35.3 legal custodian previously notified of the investigation by the commissioner or local welfare
35.4 agency shall be provided with the following information in a written memorandum: the
35.5 name of the facility investigated; the nature of the alleged neglect, physical abuse, sexual
35.6 abuse, or maltreatment of a child in the facility; the investigator's name; a summary of the
35.7 investigation findings; a statement whether maltreatment was found; and the protective or
35.8 corrective measures that are being or will be taken. The memorandum shall be written in a
35.9 manner that protects the identity of the reporter and the child and shall not contain the name,
35.10 or to the extent possible, reveal the identity of the alleged perpetrator or of those interviewed
35.11 during the investigation. If maltreatment is determined to exist, the commissioner or local
35.12 welfare agency shall also provide the written memorandum to the parent, guardian, or legal
35.13 custodian of each child in the facility who had contact with the individual responsible for
35.14 the maltreatment. When the facility is the responsible party for maltreatment, the
35.15 commissioner or local welfare agency shall also provide the written memorandum to the
35.16 parent, guardian, or legal custodian of each child who received services in the population
35.17 of the facility where the maltreatment occurred. This notification must be provided to the
35.18 parent, guardian, or legal custodian of each child receiving services from the time the
35.19 maltreatment occurred until either the individual responsible for maltreatment is no longer
35.20 in contact with a child or children in the facility or the conclusion of the investigation. In
35.21 the case of maltreatment within a school facility, as defined in section 120A.05, subdivisions
35.22 9, 11, and 13, and chapter 124E, the commissioner of education need not provide notification
35.23 to parents, guardians, or legal custodians of each child in the facility, but shall, within ten
35.24 days after the investigation is completed, provide written notification to the parent, guardian,
35.25 or legal custodian of any student alleged to have been maltreated. The commissioner of
35.26 education may notify the parent, guardian, or legal custodian of any student involved as a
35.27 witness to alleged maltreatment.

35.28 (Laws 2017, First Special Session chapter 6, article 16, section 64)

35.29 Subd. 10e. **Determinations.** (a) The local welfare agency shall conclude the family
35.30 assessment or the investigation within 45 days of the receipt of a report. The conclusion of
35.31 the assessment or investigation may be extended to permit the completion of a criminal
35.32 investigation or the receipt of expert information requested within 45 days of the receipt of
35.33 the report.

36.1 (b) After conducting a family assessment, the local welfare agency shall determine
36.2 whether services are needed to address the safety of the child and other family members
36.3 and the risk of subsequent maltreatment.

36.4 (c) After conducting an investigation, the local welfare agency shall make two
36.5 determinations: first, whether maltreatment has occurred; and second, whether child
36.6 protective services are needed. No determination of maltreatment shall be made when the
36.7 alleged perpetrator is a child under the age of ten.

36.8 (d) If the commissioner of education conducts an assessment or investigation, the
36.9 commissioner shall determine whether maltreatment occurred and what corrective or
36.10 protective action was taken by the school facility. If a determination is made that
36.11 maltreatment has occurred, the commissioner shall report to the employer, the school board,
36.12 and any appropriate licensing entity the determination that maltreatment occurred and what
36.13 corrective or protective action was taken by the school facility. In all other cases, the
36.14 commissioner shall inform the school board or employer that a report was received, the
36.15 subject of the report, the date of the initial report, the category of maltreatment alleged as
36.16 defined in paragraph (f), the fact that maltreatment was not determined, and a summary of
36.17 the specific reasons for the determination.

36.18 (e) When maltreatment is determined in an investigation involving a facility, the
36.19 investigating agency shall also determine whether the facility or individual was responsible,
36.20 or whether both the facility and the individual were responsible for the maltreatment using
36.21 the mitigating factors in paragraph (i). Determinations under this subdivision must be made
36.22 based on a preponderance of the evidence and are private data on individuals or nonpublic
36.23 data as maintained by the commissioner of education.

36.24 (f) For the purposes of this subdivision, "maltreatment" means any of the following acts
36.25 or omissions:

36.26 (1) physical abuse as defined in subdivision 2, paragraph (k);

36.27 (2) neglect as defined in subdivision 2, paragraph (g);

36.28 (3) sexual abuse as defined in subdivision 2, paragraph (n);

36.29 (4) mental injury as defined in subdivision 2, paragraph (f); or

36.30 (5) maltreatment of a child in a facility as defined in subdivision 2, paragraph (c).

36.31 (g) For the purposes of this subdivision, a determination that child protective services
36.32 are needed means that the local welfare agency has documented conditions during the
36.33 assessment or investigation sufficient to cause a child protection worker, as defined in

37.1 section 626.559, subdivision 1, to conclude that a child is at significant risk of maltreatment
37.2 if protective intervention is not provided and that the individuals responsible for the child's
37.3 care have not taken or are not likely to take actions to protect the child from maltreatment
37.4 or risk of maltreatment.

37.5 (h) This subdivision does not mean that maltreatment has occurred solely because the
37.6 child's parent, guardian, or other person responsible for the child's care in good faith selects
37.7 and depends upon spiritual means or prayer for treatment or care of disease or remedial care
37.8 of the child, in lieu of medical care. However, if lack of medical care may result in serious
37.9 danger to the child's health, the local welfare agency may ensure that necessary medical
37.10 services are provided to the child.

37.11 (i) When determining whether the facility or individual is the responsible party, or
37.12 whether both the facility and the individual are responsible for determined maltreatment in
37.13 a facility, the investigating agency shall consider at least the following mitigating factors:

37.14 (1) whether the actions of the facility or the individual caregivers were according to,
37.15 and followed the terms of, an erroneous physician order, prescription, individual care plan,
37.16 or directive; however, this is not a mitigating factor when the facility or caregiver was
37.17 responsible for the issuance of the erroneous order, prescription, individual care plan, or
37.18 directive or knew or should have known of the errors and took no reasonable measures to
37.19 correct the defect before administering care;

37.20 (2) comparative responsibility between the facility, other caregivers, and requirements
37.21 placed upon an employee, including the facility's compliance with related regulatory standards
37.22 and the adequacy of facility policies and procedures, facility training, an individual's
37.23 participation in the training, the caregiver's supervision, and facility staffing levels and the
37.24 scope of the individual employee's authority and discretion; and

37.25 (3) whether the facility or individual followed professional standards in exercising
37.26 professional judgment.

37.27 The evaluation of the facility's responsibility under clause (2) must not be based on the
37.28 completeness of the risk assessment or risk reduction plan required under section 245A.66,
37.29 but must be based on the facility's compliance with the regulatory standards for policies
37.30 and procedures, training, and supervision as cited in Minnesota Statutes and Minnesota
37.31 Rules.

37.32 (j) Notwithstanding paragraph (i), when maltreatment is determined to have been
37.33 committed by an individual who is also the facility license or certification holder, both the
37.34 individual and the facility must be determined responsible for the maltreatment, and both

38.1 the background study disqualification standards under section 245C.15, subdivision 4, and
38.2 the licensing or certification actions under section 245A.06, 245A.07, 245G.06, or 245G.07
38.3 apply.

38.4 (Laws 2017, First Special Session chapter 6, article 16, section 65)

38.5 Subd. 10f. **Notice of determinations.** Within ten working days of the conclusion of a
38.6 family assessment, the local welfare agency shall notify the parent or guardian of the child
38.7 of the need for services to address child safety concerns or significant risk of subsequent
38.8 child maltreatment. The local welfare agency and the family may also jointly agree that
38.9 family support and family preservation services are needed. Within ten working days of the
38.10 conclusion of an investigation, the local welfare agency or agency responsible for
38.11 investigating the report shall notify the parent or guardian of the child, the person determined
38.12 to be maltreating the child, and, if applicable, the director of the facility, of the determination
38.13 and a summary of the specific reasons for the determination. When the investigation involves
38.14 a child foster care setting that is monitored by a private licensing agency under section
38.15 245A.16, the local welfare agency responsible for investigating the report shall notify the
38.16 private licensing agency of the determination and shall provide a summary of the specific
38.17 reasons for the determination. The notice to the private licensing agency must include
38.18 identifying private data, but not the identity of the reporter of maltreatment. The notice must
38.19 also include a certification that the information collection procedures under subdivision 10,
38.20 paragraphs (h), (i), and (j), were followed and a notice of the right of a data subject to obtain
38.21 access to other private data on the subject collected, created, or maintained under this section.
38.22 In addition, the notice shall include the length of time that the records will be kept under
38.23 subdivision 11c. The investigating agency shall notify the parent or guardian of the child
38.24 who is the subject of the report, and any person or facility determined to have maltreated a
38.25 child, of their appeal or review rights under this section. The notice must also state that a
38.26 finding of maltreatment may result in denial of a license or certification application or
38.27 background study disqualification under chapter 245C related to employment or services
38.28 that are licensed or certified by the Department of Human Services under chapter 245A or
38.29 245G, the Department of Health under chapter 144 or 144A, the Department of Corrections
38.30 under section 241.021, and from providing services related to an unlicensed personal care
38.31 provider organization under chapter 256B.

38.32 (Laws 2017, First Special Session chapter 6, article 16, section 66)

38.33 Subd. 10g. **Interstate data exchange.** All reports and records created, collected, or
38.34 maintained under this section by a local social service agency or law enforcement agency

39.1 may be disclosed to a local social service or other child welfare agency of another state
39.2 when the agency certifies that:

39.3 (1) the reports and records are necessary in order to conduct an investigation of actions
39.4 that would qualify as sexual abuse, physical abuse, or neglect under this section; and

39.5 (2) the reports and records will be used only for purposes of a child protection assessment
39.6 or investigation and will not be further disclosed to any other person or agency.

39.7 The local social service agency or law enforcement agency in this state shall keep a
39.8 record of all records or reports disclosed pursuant to this subdivision and of any agency to
39.9 which the records or reports are disclosed. If in any case records or reports are disclosed
39.10 before a determination is made under subdivision 10e, or a disposition of any criminal
39.11 proceedings is reached, the local social service agency or law enforcement agency in this
39.12 state shall forward the determination or disposition to any agency that has received any
39.13 report or record under this subdivision.

39.14 Subd. 10h. **Child abuse data; release to family court services.** The responsible authority
39.15 or its designee of a local welfare agency may release private or confidential data on an active
39.16 case involving assessment or investigation of actions that are defined as sexual abuse,
39.17 physical abuse, or neglect under this section to a court services agency if:

39.18 (1) the court services agency has an active case involving a common client or clients
39.19 who are the subject of the data; and

39.20 (2) the data are necessary for the court services agency to effectively process the court
39.21 services' case, including investigating or performing other duties relating to the case required
39.22 by law.

39.23 The data disclosed under this subdivision may be used only for purposes of the active
39.24 court services case described in clause (1) and may not be further disclosed to any other
39.25 person or agency, except as authorized by law.

39.26 Subd. 10i. **Administrative reconsideration; review panel.** (a) Administrative
39.27 reconsideration is not applicable in family assessments since no determination concerning
39.28 maltreatment is made. For investigations, except as provided under paragraph (e), an
39.29 individual or facility that the commissioner of human services, a local social service agency,
39.30 or the commissioner of education determines has maltreated a child, an interested person
39.31 acting on behalf of the child, regardless of the determination, who contests the investigating
39.32 agency's final determination regarding maltreatment, may request the investigating agency
39.33 to reconsider its final determination regarding maltreatment. The request for reconsideration

40.1 must be submitted in writing to the investigating agency within 15 calendar days after receipt
40.2 of notice of the final determination regarding maltreatment or, if the request is made by an
40.3 interested person who is not entitled to notice, within 15 days after receipt of the notice by
40.4 the parent or guardian of the child. If mailed, the request for reconsideration must be
40.5 postmarked and sent to the investigating agency within 15 calendar days of the individual's
40.6 or facility's receipt of the final determination. If the request for reconsideration is made by
40.7 personal service, it must be received by the investigating agency within 15 calendar days
40.8 after the individual's or facility's receipt of the final determination. Effective January 1,
40.9 2002, an individual who was determined to have maltreated a child under this section and
40.10 who was disqualified on the basis of serious or recurring maltreatment under sections
40.11 245C.14 and 245C.15, may request reconsideration of the maltreatment determination and
40.12 the disqualification. The request for reconsideration of the maltreatment determination and
40.13 the disqualification must be submitted within 30 calendar days of the individual's receipt
40.14 of the notice of disqualification under sections 245C.16 and 245C.17. If mailed, the request
40.15 for reconsideration of the maltreatment determination and the disqualification must be
40.16 postmarked and sent to the investigating agency within 30 calendar days of the individual's
40.17 receipt of the maltreatment determination and notice of disqualification. If the request for
40.18 reconsideration is made by personal service, it must be received by the investigating agency
40.19 within 30 calendar days after the individual's receipt of the notice of disqualification.

40.20 (b) Except as provided under paragraphs (e) and (f), if the investigating agency denies
40.21 the request or fails to act upon the request within 15 working days after receiving the request
40.22 for reconsideration, the person or facility entitled to a fair hearing under section 256.045
40.23 may submit to the commissioner of human services or the commissioner of education a
40.24 written request for a hearing under that section. Section 256.045 also governs hearings
40.25 requested to contest a final determination of the commissioner of education. The investigating
40.26 agency shall notify persons who request reconsideration of their rights under this paragraph.
40.27 The hearings specified under this section are the only administrative appeal of a decision
40.28 issued under paragraph (a). Determinations under this section are not subject to accuracy
40.29 and completeness challenges under section 13.04.

40.30 (c) If, as a result of a reconsideration or review, the investigating agency changes the
40.31 final determination of maltreatment, that agency shall notify the parties specified in
40.32 subdivisions 10b, 10d, and 10f.

40.33 (d) Except as provided under paragraph (f), if an individual or facility contests the
40.34 investigating agency's final determination regarding maltreatment by requesting a fair
40.35 hearing under section 256.045, the commissioner of human services shall assure that the

41.1 hearing is conducted and a decision is reached within 90 days of receipt of the request for
41.2 a hearing. The time for action on the decision may be extended for as many days as the
41.3 hearing is postponed or the record is held open for the benefit of either party.

41.4 (e) If an individual was disqualified under sections 245C.14 and 245C.15, on the basis
41.5 of a determination of maltreatment, which was serious or recurring, and the individual has
41.6 requested reconsideration of the maltreatment determination under paragraph (a) and
41.7 requested reconsideration of the disqualification under sections 245C.21 to 245C.27,
41.8 reconsideration of the maltreatment determination and reconsideration of the disqualification
41.9 shall be consolidated into a single reconsideration. If reconsideration of the maltreatment
41.10 determination is denied and the individual remains disqualified following a reconsideration
41.11 decision, the individual may request a fair hearing under section 256.045. If an individual
41.12 requests a fair hearing on the maltreatment determination and the disqualification, the scope
41.13 of the fair hearing shall include both the maltreatment determination and the disqualification.

41.14 (f) If a maltreatment determination or a disqualification based on serious or recurring
41.15 maltreatment is the basis for a denial of a license under section 245A.05 or a licensing
41.16 sanction under section 245A.07, the license holder has the right to a contested case hearing
41.17 under chapter 14 and Minnesota Rules, parts 1400.8505 to 1400.8612. As provided for
41.18 under section 245A.08, subdivision 2a, the scope of the contested case hearing shall include
41.19 the maltreatment determination, disqualification, and licensing sanction or denial of a license.
41.20 In such cases, a fair hearing regarding the maltreatment determination and disqualification
41.21 shall not be conducted under section 256.045. Except for family child care and child foster
41.22 care, reconsideration of a maltreatment determination as provided under this subdivision,
41.23 and reconsideration of a disqualification as provided under section 245C.22, shall also not
41.24 be conducted when:

41.25 (1) a denial of a license under section 245A.05 or a licensing sanction under section
41.26 245A.07, is based on a determination that the license holder is responsible for maltreatment
41.27 or the disqualification of a license holder based on serious or recurring maltreatment;

41.28 (2) the denial of a license or licensing sanction is issued at the same time as the
41.29 maltreatment determination or disqualification; and

41.30 (3) the license holder appeals the maltreatment determination or disqualification, and
41.31 denial of a license or licensing sanction.

41.32 Notwithstanding clauses (1) to (3), if the license holder appeals the maltreatment
41.33 determination or disqualification, but does not appeal the denial of a license or a licensing
41.34 sanction, reconsideration of the maltreatment determination shall be conducted under sections

42.1 626.556, subdivision 10i, and 626.557, subdivision 9d, and reconsideration of the
42.2 disqualification shall be conducted under section 245C.22. In such cases, a fair hearing shall
42.3 also be conducted as provided under sections 245C.27, 626.556, subdivision 10i, and
42.4 626.557, subdivision 9d.

42.5 If the disqualified subject is an individual other than the license holder and upon whom
42.6 a background study must be conducted under chapter 245C, the hearings of all parties may
42.7 be consolidated into a single contested case hearing upon consent of all parties and the
42.8 administrative law judge.

42.9 (g) For purposes of this subdivision, "interested person acting on behalf of the child"
42.10 means a parent or legal guardian; stepparent; grandparent; guardian ad litem; adult
42.11 stepbrother, stepsister, or sibling; or adult aunt or uncle; unless the person has been
42.12 determined to be the perpetrator of the maltreatment.

42.13 (h) If a maltreatment determination is the basis for a correction order under section
42.14 245G.06 or decertification under section 245G.07, the certification holder has the right to
42.15 request reconsideration under sections 245G.06 and 245G.07. If the certification holder
42.16 appeals the maltreatment determination or disqualification, but does not appeal the correction
42.17 order or decertification, reconsideration of the maltreatment determination shall be conducted
42.18 under section 626.556, subdivision 10i, and reconsideration of the disqualification shall be
42.19 conducted under section 245C.22.

42.20 (Laws 2017, First Special Session chapter 6, article 16, section 67)

42.21 Subd. 10j. **Release of data to mandated reporters.** (a) A local social services or child
42.22 protection agency, or the agency responsible for assessing or investigating the report of
42.23 maltreatment, shall provide relevant private data on individuals obtained under this section
42.24 to a mandated reporter who made the report and who has an ongoing responsibility for the
42.25 health, education, or welfare of a child affected by the data, unless the agency determines
42.26 that providing the data would not be in the best interests of the child. The agency may
42.27 provide the data to other mandated reporters with ongoing responsibility for the health,
42.28 education, or welfare of the child. Mandated reporters with ongoing responsibility for the
42.29 health, education, or welfare of a child affected by the data include the child's teachers or
42.30 other appropriate school personnel, foster parents, health care providers, respite care workers,
42.31 therapists, social workers, child care providers, residential care staff, crisis nursery staff,
42.32 probation officers, and court services personnel. Under this section, a mandated reporter
42.33 need not have made the report to be considered a person with ongoing responsibility for the

43.1 health, education, or welfare of a child affected by the data. Data provided under this section
43.2 must be limited to data pertinent to the individual's responsibility for caring for the child.

43.3 (b) A reporter who receives private data on individuals under this subdivision must treat
43.4 the data according to that classification, regardless of whether the reporter is an employee
43.5 of a government entity. The remedies and penalties under sections 13.08 and 13.09 apply
43.6 if a reporter releases data in violation of this section or other law.

43.7 **Subd. 10k. Release of certain assessment or investigative records to other counties.**
43.8 Records maintained under subdivision 11c, paragraph (a), may be shared with another local
43.9 welfare agency that requests the information because it is conducting an assessment or
43.10 investigation under this section of the subject of the records.

43.11 **Subd. 10l. Documentation.** When a case is closed that has been open for services, the
43.12 local welfare agency shall document the outcome of the family assessment or investigation,
43.13 including a description of services provided and the removal or reduction of risk to the
43.14 child, if it existed.

43.15 **Subd. 10m. Provision of child protective services; consultation with county attorney.**
43.16 (a) The local welfare agency shall create a written plan, in collaboration with the family
43.17 whenever possible, within 30 days of the determination that child protective services are
43.18 needed or upon joint agreement of the local welfare agency and the family that family
43.19 support and preservation services are needed. Child protective services for a family are
43.20 voluntary unless ordered by the court.

43.21 (b) The local welfare agency shall consult with the county attorney to determine the
43.22 appropriateness of filing a petition alleging the child is in need of protection or services
43.23 under section 260C.007, subdivision 6, if:

43.24 (1) the family does not accept or comply with a plan for child protective services;

43.25 (2) voluntary child protective services may not provide sufficient protection for the child;

43.26 or

43.27 (3) the family is not cooperating with an investigation or assessment.

43.28 **Subd. 10n. Required referral to early intervention services.** A child under age three
43.29 who is involved in a substantiated case of maltreatment shall be referred for screening under
43.30 the Individuals with Disabilities Education Act, part C. Parents must be informed that the
43.31 evaluation and acceptance of services are voluntary. The commissioner of human services
43.32 shall monitor referral rates by county and annually report the information to the legislature

44.1 beginning March 15, 2014. Refusal to have a child screened is not a basis for a child in need
44.2 of protection or services petition under chapter 260C.

44.3 Subd. 11. **Records.** (a) Except as provided in paragraph (b) and subdivisions 10b, 10d,
44.4 10g, and 11b, all records concerning individuals maintained by a local welfare agency or
44.5 agency responsible for assessing or investigating the report under this section, including
44.6 any written reports filed under subdivision 7, shall be private data on individuals, except
44.7 insofar as copies of reports are required by subdivision 7 to be sent to the local police
44.8 department or the county sheriff. All records concerning determinations of maltreatment
44.9 by a facility are nonpublic data as maintained by the Department of Education, except insofar
44.10 as copies of reports are required by subdivision 7 to be sent to the local police department
44.11 or the county sheriff. Reports maintained by any police department or the county sheriff
44.12 shall be private data on individuals except the reports shall be made available to the
44.13 investigating, petitioning, or prosecuting authority, including county medical examiners or
44.14 county coroners. Section 13.82, subdivisions 8, 9, and 14, apply to law enforcement data
44.15 other than the reports. The local social services agency or agency responsible for assessing
44.16 or investigating the report shall make available to the investigating, petitioning, or prosecuting
44.17 authority, including county medical examiners or county coroners or their professional
44.18 delegates, any records which contain information relating to a specific incident of neglect
44.19 or abuse which is under investigation, petition, or prosecution and information relating to
44.20 any prior incidents of neglect or abuse involving any of the same persons. The records shall
44.21 be collected and maintained in accordance with the provisions of chapter 13. In conducting
44.22 investigations and assessments pursuant to this section, the notice required by section 13.04,
44.23 subdivision 2, need not be provided to a minor under the age of ten who is the alleged victim
44.24 of abuse or neglect. An individual subject of a record shall have access to the record in
44.25 accordance with those sections, except that the name of the reporter shall be confidential
44.26 while the report is under assessment or investigation except as otherwise permitted by this
44.27 subdivision. Any person conducting an investigation or assessment under this section who
44.28 intentionally discloses the identity of a reporter prior to the completion of the investigation
44.29 or assessment is guilty of a misdemeanor. After the assessment or investigation is completed,
44.30 the name of the reporter shall be confidential. The subject of the report may compel disclosure
44.31 of the name of the reporter only with the consent of the reporter or upon a written finding
44.32 by the court that the report was false and that there is evidence that the report was made in
44.33 bad faith. This subdivision does not alter disclosure responsibilities or obligations under
44.34 the Rules of Criminal Procedure.

45.1 (b) Upon request of the legislative auditor, data on individuals maintained under this
45.2 section must be released to the legislative auditor in order for the auditor to fulfill the auditor's
45.3 duties under section 3.971. The auditor shall maintain the data in accordance with chapter
45.4 13.

45.5 (c) The commissioner of education must be provided with all requested data that are
45.6 relevant to a report of maltreatment and are in possession of a school facility as defined in
45.7 subdivision 2, paragraph (c), when the data is requested pursuant to an assessment or
45.8 investigation of a maltreatment report of a student in a school. If the commissioner of
45.9 education makes a determination of maltreatment involving an individual performing work
45.10 within a school facility who is licensed by a board or other agency, the commissioner shall
45.11 provide necessary and relevant information to the licensing entity to enable the entity to
45.12 fulfill its statutory duties. Notwithstanding section 13.03, subdivision 4, data received by a
45.13 licensing entity under this paragraph are governed by section 13.41 or other applicable law
45.14 governing data of the receiving entity, except that this section applies to the classification
45.15 of and access to data on the reporter of the maltreatment.

45.16 Subd. 11a. **Disclosure of information not required in certain cases.** When interviewing
45.17 a minor under subdivision 10, an individual does not include the parent or guardian of the
45.18 minor for purposes of section 13.04, subdivision 2, when the parent or guardian is the alleged
45.19 perpetrator of the abuse or neglect.

45.20 Subd. 11b. **Data received from law enforcement.** Active law enforcement investigative
45.21 data received by a local welfare agency or agency responsible for assessing or investigating
45.22 the report under this section are confidential data on individuals. When this data become
45.23 inactive in the law enforcement agency, the data are private data on individuals.

45.24 Subd. 11c. **Welfare, court services agency, and school records maintained.**
45.25 Notwithstanding sections 138.163 and 138.17, records maintained or records derived from
45.26 reports of abuse by local welfare agencies, agencies responsible for assessing or investigating
45.27 the report, court services agencies, or schools under this section shall be destroyed as
45.28 provided in paragraphs (a) to (d) by the responsible authority.

45.29 (a) For reports alleging child maltreatment that were not accepted for assessment or
45.30 investigation, family assessment cases, and cases where an investigation results in no
45.31 determination of maltreatment or the need for child protective services, the records must
45.32 be maintained for a period of five years after the date the report was not accepted for
45.33 assessment or investigation or of the final entry in the case record. Records of reports that
45.34 were not accepted must contain sufficient information to identify the subjects of the report,

46.1 the nature of the alleged maltreatment, and the reasons as to why the report was not accepted.
46.2 Records under this paragraph may not be used for employment, background checks, or
46.3 purposes other than to assist in future screening decisions and risk and safety assessments.

46.4 (b) All records relating to reports which, upon investigation, indicate either maltreatment
46.5 or a need for child protective services shall be maintained for ten years after the date of the
46.6 final entry in the case record.

46.7 (c) All records regarding a report of maltreatment, including any notification of intent
46.8 to interview which was received by a school under subdivision 10, paragraph (d), shall be
46.9 destroyed by the school when ordered to do so by the agency conducting the assessment or
46.10 investigation. The agency shall order the destruction of the notification when other records
46.11 relating to the report under investigation or assessment are destroyed under this subdivision.

46.12 (d) Private or confidential data released to a court services agency under subdivision
46.13 10h must be destroyed by the court services agency when ordered to do so by the local
46.14 welfare agency that released the data. The local welfare agency or agency responsible for
46.15 assessing or investigating the report shall order destruction of the data when other records
46.16 relating to the assessment or investigation are destroyed under this subdivision.

46.17 Subd. 11d. **Disclosure in child fatality or near-fatality cases.** (a) The definitions in
46.18 this paragraph apply to this section.

46.19 (1) "Child fatality" means the death of a child from child abuse or neglect.

46.20 (2) "Near fatality" means a case in which a physician, advanced practice registered nurse,
46.21 or physician assistant determines that a child is in serious or critical condition as the result
46.22 of sickness or injury caused by child abuse or neglect.

46.23 (3) "Findings and information" means a written summary described in paragraph (c) of
46.24 actions taken or services rendered by a local social services agency following receipt of a
46.25 report.

46.26 (b) Notwithstanding any other provision of law and subject to this subdivision, a public
46.27 agency shall disclose to the public, upon request, the findings and information related to a
46.28 child fatality or near fatality if:

46.29 (1) a person is criminally charged with having caused the child fatality or near fatality;

46.30 (2) a county attorney certifies that a person would have been charged with having caused
46.31 the child fatality or near fatality but for that person's death; or

46.32 (3) a child protection investigation resulted in a determination of child abuse or neglect.

47.1 (c) Findings and information disclosed under this subdivision consist of a written
47.2 summary that includes any of the following information the agency is able to provide:

47.3 (1) the cause and circumstances regarding the child fatality or near fatality;

47.4 (2) the age and gender of the child;

47.5 (3) information on any previous reports of child abuse or neglect that are pertinent to
47.6 the abuse or neglect that led to the child fatality or near fatality;

47.7 (4) information on any previous investigations that are pertinent to the abuse or neglect
47.8 that led to the child fatality or near fatality;

47.9 (5) the results of any investigations described in clause (4);

47.10 (6) actions of and services provided by the local social services agency on behalf of a
47.11 child that are pertinent to the child abuse or neglect that led to the child fatality or near
47.12 fatality; and

47.13 (7) the results of any review of the state child mortality review panel, a local child
47.14 mortality review panel, a local community child protection team, or any public agency.

47.15 (d) Nothing in this subdivision authorizes access to the private data in the custody of a
47.16 local social services agency, or the disclosure to the public of the records or content of any
47.17 psychiatric, psychological, or therapeutic evaluations, or the disclosure of information that
47.18 would reveal the identities of persons who provided information related to abuse or neglect
47.19 of the child.

47.20 (e) A person whose request is denied may apply to the appropriate court for an order
47.21 compelling disclosure of all or part of the findings and information of the public agency.
47.22 The application must set forth, with reasonable particularity, factors supporting the
47.23 application. The court has jurisdiction to issue these orders. Actions under this section must
47.24 be set down for immediate hearing, and subsequent proceedings in those actions must be
47.25 given priority by the appellate courts.

47.26 (f) A public agency or its employees acting in good faith in disclosing or declining to
47.27 disclose information under this section are immune from criminal or civil liability that might
47.28 otherwise be incurred or imposed for that action.

47.29 (Laws 2017, chapter 59, section 15)

47.30 Subd. 12. **Duties of facility operators.** Any operator, employee, or volunteer worker
47.31 at any facility who intentionally neglects, physically abuses, or sexually abuses any child
47.32 in the care of that facility may be charged with a violation of section 609.255, 609.377, or

48.1 609.378. Any operator of a facility who knowingly permits conditions to exist which result
48.2 in neglect, physical abuse, sexual abuse, or maltreatment of a child in a facility while in the
48.3 care of that facility may be charged with a violation of section 609.378. The facility operator
48.4 shall inform all mandated reporters employed by or otherwise associated with the facility
48.5 of the duties required of mandated reporters and shall inform all mandatory reporters of the
48.6 prohibition against retaliation for reports made in good faith under this section.

48.7 Subd. 14. **Conflict of interest.** (a) A potential conflict of interest related to assisting in
48.8 an assessment under this section resulting in a direct or shared financial interest with a child
48.9 abuse and neglect treatment provider or resulting from a personal or family relationship
48.10 with a party in the investigation must be considered by the local welfare agency in an effort
48.11 to prevent unethical relationships.

48.12 (b) A person who conducts an assessment under this section or section 626.5561 may
48.13 not have:

48.14 (1) any direct or shared financial interest or referral relationship resulting in a direct
48.15 shared financial gain with a child abuse and neglect treatment provider; or

48.16 (2) a personal or family relationship with a party in the investigation.

48.17 If an independent assessor is not available, the person responsible for making the
48.18 determination under this section may use the services of an assessor with a financial interest,
48.19 referral, or personal or family relationship.

48.20 Subd. 15. **Auditing.** The commissioner of human services shall regularly audit for
48.21 accuracy the data reported by counties on maltreatment of minors.

48.22 Subd. 16. **Commissioner's duty to provide oversight; quality assurance reviews;
48.23 annual summary of reviews.** (a) The commissioner shall develop a plan to perform quality
48.24 assurance reviews of local welfare agency screening practices and decisions. The
48.25 commissioner shall provide oversight and guidance to counties to ensure consistent
48.26 application of screening guidelines, thorough and appropriate screening decisions, and
48.27 correct documentation and maintenance of reports. Quality assurance reviews must begin
48.28 no later than September 30, 2015.

48.29 (b) The commissioner shall produce an annual report of the summary results of the
48.30 reviews. The report must only contain aggregate data and may not include any data that
48.31 could be used to personally identify any subject whose data is included in the report. The
48.32 report is public information and must be provided to the chairs and ranking minority members
48.33 of the legislative committees having jurisdiction over child protection issues.