

1.1 **ARTICLE 1**

1.2 **CHILDREN AND FAMILY SERVICES**

1.3 Sec. 4. Minnesota Statutes 2014, section 245C.03, is amended by adding a subdivision
1.4 to read:

1.5 Subd. 11. **Child protection workers or social services staff having responsibility**
1.6 **for child protective duties.** (a) The commissioner must complete background studies,
1.7 according to paragraph (b) and 245C.04, subdivision 10, when initiated by a county social
1.8 services agency or by a local welfare agency according to section 626.559, subdivision 1b.

1.9 (b) For background studies completed by the commissioner under this subdivision,
1.10 the commissioner shall not make a disqualification decision, but shall provide the
1.11 background study information received to the county that initiated the study.

1.12 Sec. 5. Minnesota Statutes 2014, section 245C.04, is amended by adding a subdivision
1.13 to read:

1.14 Subd. 10. **Child protection workers or social services staff having responsibility**
1.15 **for child protective duties.** The commissioner shall conduct background studies of
1.16 employees of county social services and local welfare agencies having responsibility
1.17 for child protection duties when the background study is initiated according to section
1.18 626.559, subdivision 1b.

1.19 Sec. 7. Minnesota Statutes 2014, section 245C.10, is amended by adding a subdivision
1.20 to read:

1.21 Subd. 12. **Child protection workers or social services staff having responsibility**
1.22 **for child protective duties.** The commissioner shall recover the cost of background studies
1.23 initiated by county social services agencies and local welfare agencies for individuals
1.24 who are required to have a background study under section 626.559, subdivision 1b,
1.25 through a fee of no more than \$20 per study. The fees collected under this subdivision are
1.26 appropriated to the commissioner for the purpose of conducting background studies.

1.27 Sec. 8. Minnesota Statutes 2014, section 256.01, is amended by adding a subdivision
1.28 to read:

1.29 Subd. 12a. **Department of Human Services child fatality and near fatality**
1.30 **review team.** The commissioner shall establish a Department of Human Services child
1.31 fatality and near fatality review team to review child fatalities and near fatalities due to
1.32 child maltreatment and child fatalities and near fatalities that occur in licensed facilities

2.1 and are not due to natural causes. The review team shall assess the entire child protection
2.2 services process from the point of a mandated reporter reporting the alleged maltreatment
2.3 through the ongoing case management process. Department staff shall lead and conduct
2.4 on-site local reviews and utilize supervisors from local county and tribal child welfare
2.5 agencies as peer reviewers. The review process must focus on critical elements of the case
2.6 and on the involvement of the child and family with the county or tribal child welfare
2.7 agency. The review team shall identify necessary program improvement planning to
2.8 address any practice issues identified and training and technical assistance needs of
2.9 the local agency. Summary reports of each review shall be provided to the state child
2.10 mortality review panel when completed.

2.11 Sec. 12. **[256E.28] CHILD PROTECTION GRANTS TO ADDRESS CHILD**
2.12 **WELFARE DISPARITIES.**

2.13 Subdivision 1. **Child welfare disparities grant program established.** The
2.14 commissioner may award grants to eligible entities for the development, implementation,
2.15 and evaluation of activities to address racial disparities and disproportionality in the child
2.16 welfare system by:

2.17 (1) identifying and addressing structural factors that contribute to inequities in
2.18 outcomes;

2.19 (2) identifying and implementing strategies to reduce racial disparities in treatment
2.20 and outcomes;

2.21 (3) using cultural values, beliefs, and practices of families, communities, and tribes
2.22 for case planning, service design, and decision-making processes;

2.23 (4) using placement and reunification strategies to maintain and support relationships
2.24 and connections between parents, siblings, children, kin, significant others, and tribes; and

2.25 (5) supporting families in the context of their communities and tribes to safely divert
2.26 them from the child welfare system, whenever possible.

2.27 Subd. 2. **State-community partnerships; plan.** The commissioner, in partnership
2.28 with the legislative task force on child protection; culturally based community
2.29 organizations; the Indian Affairs Council under section 3.922; the Council on Affairs of
2.30 Chicano/Latino People under section 3.9223; the Council on Black Minnesotans under
2.31 section 3.9225; the Council on Asian-Pacific Minnesotans under section 3.9226; the
2.32 American Indian Child Welfare Advisory Council under section 260.835; counties; and
2.33 tribal governments, shall develop and implement a comprehensive, coordinated plan to
2.34 award funds under this section for the priority areas identified in subdivision 1.

3.1 Subd. 3. **Measurable outcomes.** The commissioner, in consultation with the
3.2 state-community partners listed in subdivision 2, shall establish measurable outcomes to
3.3 determine the effectiveness of the grants and other activities funded under this section in
3.4 reducing disparities identified in subdivision 1. The development of measurable outcomes
3.5 must be completed before any funds are distributed under this section.

3.6 Subd. 4. **Process.** (a) The commissioner, in consultation with the state-community
3.7 partners listed in subdivision 2, shall develop the criteria and procedures to allocate
3.8 competitive grants under this section. In developing the criteria, the commissioner shall
3.9 establish an administrative cost limit for grant recipients. A county awarded a grant shall
3.10 not spend more than three percent of the grant on administrative costs. When a grant
3.11 is awarded, the commissioner must provide a grant recipient with information on the
3.12 outcomes established according to subdivision 3.

3.13 (b) A grant recipient must coordinate its activities with other entities receiving funds
3.14 under this section that are in the grant recipient's service area.

3.15 (c) Grant funds must not be used to supplant any state or federal funds received
3.16 for child welfare services.

3.17 Subd. 5. **Grant program criteria.** (a) The commissioner shall award competitive
3.18 grants to eligible applicants for local or regional projects and initiatives directed at
3.19 reducing disparities in the child welfare system.

3.20 (b) The commissioner may award up to 20 percent of the funds available as planning
3.21 grants. Planning grants must be used to address such areas as community assessment,
3.22 coordination activities, and development of community-supported strategies.

3.23 (c) Eligible applicants may include, but are not limited to, faith-based organizations,
3.24 social service organizations, community nonprofit organizations, counties, and tribal
3.25 governments. Applicants must submit proposals to the commissioner. A proposal must
3.26 specify the strategies to be implemented to address one or more of the priority areas in
3.27 subdivision 1 and must be targeted to achieve the outcomes established according to
3.28 subdivision 3.

3.29 (d) The commissioner shall give priority to applicants who demonstrate that their
3.30 proposed project or initiative:

3.31 (1) is supported by the community the applicant will serve;

3.32 (2) is evidence-based;

3.33 (3) is designed to complement other related community activities;

3.34 (4) utilizes strategies that positively impact priority areas;

3.35 (5) reflects culturally appropriate approaches; or

4.1 (6) will be implemented through or with community-based organizations that reflect
4.2 the culture of the population to be reached.

4.3 Subd. 6. **Evaluation.** (a) Using the outcomes established according to subdivision
4.4 3, the commissioner shall conduct a biennial evaluation of the grant program funded under
4.5 this section. Grant recipients shall cooperate with the commissioner in the evaluation and
4.6 shall provide the commissioner with the information needed to conduct the evaluation.

4.7 (b) The commissioner shall consult with the legislative task force on child protection
4.8 during the evaluation process and shall submit a biennial evaluation report to the task
4.9 force and to the chairs and ranking minority members of the house of representatives and
4.10 senate committees with jurisdiction over child protection funding.

4.11 Subd. 7. **American Indian child welfare projects.** Of the amount appropriated for
4.12 purposes of this section, the commissioner shall award \$75,000 to each tribe authorized to
4.13 provide tribal delivery of child welfare services under section 256.01, subdivision 14b. To
4.14 receive funds under this subdivision, a participating tribe is not required to apply to the
4.15 commissioner for grant funds. Participating tribes are also eligible for competitive grant
4.16 funds under this section.

4.17 **Sec. 46. [256M.41] CHILD PROTECTION GRANT ALLOCATION.**

4.18 Subdivision 1. **Formula for county staffing funds.** (a) The commissioner shall
4.19 allocate state funds appropriated under this section to each county board on a calendar
4.20 year basis in an amount determined according to the following formula:

4.21 (1) 50 percent must be distributed on the basis of the child population residing in the
4.22 county as determined by the most recent data of the state demographer;

4.23 (2) 25 percent must be distributed on the basis of the number of screened-in
4.24 reports of child maltreatment under sections 626.556 and 626.5561, and in the county as
4.25 determined by the most recent data of the commissioner; and

4.26 (3) 25 percent must be distributed on the basis of the number of open child
4.27 protection case management cases in the county as determined by the most recent data of
4.28 the commissioner.

4.29 (b) Notwithstanding this subdivision, no county shall be awarded an allocation of
4.30 less than \$75,000.

4.31 Subd. 2. **Prohibition on supplanting existing funds.** Funds received under this
4.32 section must be used to address staffing for child protection or expand child protection
4.33 services. Funds must not be used to supplant current county expenditures for these
4.34 purposes.

5.1 Subd. 3. **Payments based on performance.** (a) The commissioner shall make
5.2 payments under this section to each county board on a calendar year basis in an amount
5.3 determined under paragraph (b).

5.4 (b) Calendar year allocations under subdivision 1 shall be paid to counties in the
5.5 following manner:

5.6 (1) 80 percent of the allocation as determined in subdivision 1 must be paid to
5.7 counties on or before July 10 of each year;

5.8 (2) ten percent of the allocation shall be withheld until the commissioner determines
5.9 if the county has met the performance outcome threshold of 90 percent based on
5.10 face-to-face contact with alleged child victims. In order to receive the performance
5.11 allocation, the county child protection workers must have a timely face-to-face contact
5.12 with at least 90 percent of all alleged child victims of screened-in maltreatment reports.
5.13 The standard requires that each initial face-to-face contact occur consistent with timelines
5.14 defined in section 626.556, subdivision 10, paragraph (i). The commissioner shall make
5.15 threshold determinations in January of each year and payments to counties meeting the
5.16 performance outcome threshold shall occur in February of each year. Any withheld funds
5.17 from this appropriation for counties that do not meet this requirement shall be reallocated
5.18 by the commissioner to those counties meeting the requirement; and

5.19 (3) ten percent of the allocation shall be withheld until the commissioner determines
5.20 that the county has met the performance outcome threshold of 90 percent based on
5.21 face-to-face visits by the case manager. In order to receive the performance allocation, the
5.22 total number of visits made by caseworkers on a monthly basis to children in foster care
5.23 and children receiving child protection services while residing in their home must be at
5.24 least 90 percent of the total number of such visits that would occur if every child were
5.25 visited once per month. The commissioner shall make such determinations in January
5.26 of each year and payments to counties meeting the performance outcome threshold
5.27 shall occur in February of each year. Any withheld funds from this appropriation for
5.28 counties that do not meet this requirement shall be reallocated by the commissioner to
5.29 those counties meeting the requirement. For 2015, the commissioner shall only apply
5.30 the standard for monthly foster care visits.

5.31 (c) The commissioner shall work with stakeholders and the Human Services
5.32 Performance Council under section 402A.16 to develop recommendations for specific
5.33 outcome measures that counties should meet in order to receive funds withheld under
5.34 paragraph (b), and include in those recommendations a determination as to whether
5.35 the performance measures under paragraph (b) should be modified or phased out. The

6.1 commissioner shall report the recommendations to the legislative committees having
6.2 jurisdiction over child protection issues by January 1, 2018.

6.3 Sec. 88. Minnesota Statutes 2014, section 626.556, subdivision 1, as amended by Laws
6.4 2015, chapter 4, section 1, is amended to read:

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

6.14 (1) protect children and promote child safety;

6.15 (2) strengthen the family;

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

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

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

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

6.23 (2) provide for the voluntary reporting of abuse or neglect of children; ~~to require~~
6.24 ~~a family assessment, when appropriate, as the preferred response to reports not alleging~~
6.25 ~~substantial child endangerment;~~

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

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

6.30 ~~(4)~~ (5) provide protective, family support, and family preservation services when
6.31 needed in appropriate cases.

6.32 Sec. 89. Minnesota Statutes 2014, section 626.556, subdivision 2, is amended to read:

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

7.1 (a) "Family assessment" means a comprehensive assessment of child safety, risk of
 7.2 subsequent child maltreatment, and family strengths and needs that is applied to a child
 7.3 maltreatment report that does not allege sexual abuse or substantial child endangerment.
 7.4 Family assessment does not include a determination as to whether child maltreatment
 7.5 occurred but does determine the need for services to address the safety of family members
 7.6 and the risk of subsequent maltreatment.

7.7 (b) "Investigation" means fact gathering related to the current safety of a child
 7.8 and the risk of subsequent maltreatment that determines whether child maltreatment
 7.9 occurred and whether child protective services are needed. An investigation must be used
 7.10 when reports involve sexual abuse or substantial child endangerment, and for reports of
 7.11 maltreatment in facilities required to be licensed under chapter 245A or 245D; under
 7.12 sections 144.50 to 144.58 and 241.021; in a school as defined in sections 120A.05,
 7.13 subdivisions 9, 11, and 13, and 124D.10; or in a nonlicensed personal care provider
 7.14 association as defined in section 256B.0625, subdivision 19a.

7.15 (c) "Substantial child endangerment" means a person responsible for a child's care,
 7.16 ~~and in the case of sexual abuse includes a person who has a significant relationship to the~~
 7.17 ~~child as defined in section 609.341, or a person in a position of authority as defined in~~
 7.18 ~~section 609.341, who~~ by act or omission, commits or attempts to commit an act against a
 7.19 child under their care that constitutes any of the following:

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

7.21 (2) ~~sexual abuse as defined in paragraph (d);~~

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

7.23 (4) (3) neglect as defined in paragraph (f), clause (2), that substantially endangers
 7.24 the child's physical or mental health, including a growth delay, which may be referred to
 7.25 as failure to thrive, that has been diagnosed by a physician and is due to parental neglect;

7.26 (5) (4) murder in the first, second, or third degree under section 609.185, 609.19, or
 7.27 609.195;

7.28 (6) (5) manslaughter in the first or second degree under section 609.20 or 609.205;

7.29 (7) (6) assault in the first, second, or third degree under section 609.221, 609.222, or
 7.30 609.223;

7.31 (8) (7) solicitation, inducement, and promotion of prostitution under section 609.322;

7.32 (9) (8) criminal sexual conduct under sections 609.342 to 609.3451;

7.33 (10) (9) solicitation of children to engage in sexual conduct under section 609.352;

7.34 (11) (10) malicious punishment or neglect or endangerment of a child under section
 7.35 609.377 or 609.378;

7.36 (12) (11) use of a minor in sexual performance under section 617.246; or

8.1 ~~(13)~~ (12) parental behavior, status, or condition which mandates that the county
8.2 attorney file a termination of parental rights petition under section 260C.503, subdivision 2.

8.3 (d) "Sexual abuse" means the subjection of a child by a person responsible for the
8.4 child's care, by a person who has a significant relationship to the child, as defined in
8.5 section 609.341, or by a person in a position of authority, as defined in section 609.341,
8.6 subdivision 10, to any act which constitutes a violation of section 609.342 (criminal sexual
8.7 conduct in the first degree), 609.343 (criminal sexual conduct in the second degree),
8.8 609.344 (criminal sexual conduct in the third degree), 609.345 (criminal sexual conduct
8.9 in the fourth degree), or 609.3451 (criminal sexual conduct in the fifth degree). Sexual
8.10 abuse also includes any act which involves a minor which constitutes a violation of
8.11 prostitution offenses under sections 609.321 to 609.324 or 617.246. Sexual abuse includes
8.12 threatened sexual abuse which includes the status of a parent or household member
8.13 who has committed a violation which requires registration as an offender under section
8.14 243.166, subdivision 1b, paragraph (a) or (b), or required registration under section
8.15 243.166, subdivision 1b, paragraph (a) or (b).

8.16 (e) "Person responsible for the child's care" means (1) an individual functioning
8.17 within the family unit and having responsibilities for the care of the child such as a
8.18 parent, guardian, or other person having similar care responsibilities, or (2) an individual
8.19 functioning outside the family unit and having responsibilities for the care of the child
8.20 such as a teacher, school administrator, other school employees or agents, or other lawful
8.21 custodian of a child having either full-time or short-term care responsibilities including,
8.22 but not limited to, day care, babysitting whether paid or unpaid, counseling, teaching,
8.23 and coaching.

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

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

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

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

9.1 (4) failure to ensure that the child is educated as defined in sections 120A.22 and
9.2 260C.163, subdivision 11, which does not include a parent's refusal to provide the parent's
9.3 child with sympathomimetic medications, consistent with section 125A.091, subdivision 5;

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

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

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

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

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

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

9.32 Abuse does not include reasonable and moderate physical discipline of a child
9.33 administered by a parent or legal guardian which does not result in an injury. Abuse does
9.34 not include the use of reasonable force by a teacher, principal, or school employee as
9.35 allowed by section 121A.582. Actions which are not reasonable and moderate include,

10.1 but are not limited to, any of the following ~~that are done in anger or without regard to the~~
 10.2 ~~safety of the child:~~

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

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

10.5 (3) shaking a child under age three;

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

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

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

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

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

10.13 ~~(8)~~ (9) purposely giving a child poison, alcohol, or dangerous, harmful, or controlled
 10.14 substances which were not prescribed for the child by a practitioner, in order to control or
 10.15 punish the child; or other substances that substantially affect the child's behavior, motor
 10.16 coordination, or judgment or that results in sickness or internal injury, or subjects the
 10.17 child to medical procedures that would be unnecessary if the child were not exposed
 10.18 to the substances;

10.19 ~~(9)~~ (10) unreasonable physical confinement or restraint not permitted under section
 10.20 609.379, including but not limited to tying, caging, or chaining; or

10.21 ~~(10)~~ (11) in a school facility or school zone, an act by a person responsible for the
 10.22 child's care that is a violation under section 121A.58.

10.23 (h) "Report" means any ~~report~~ communication received by the local welfare agency,
 10.24 police department, county sheriff, or agency responsible for ~~assessing or investigating~~
 10.25 ~~maltreatment~~ child protection pursuant to this section that describes neglect or physical or
 10.26 sexual abuse of a child and contains sufficient content to identify the child and any person
 10.27 believed to be responsible for the neglect or abuse, if known.

10.28 (i) "Facility" means:

10.29 (1) a licensed or unlicensed day care facility, residential facility, agency, hospital,
 10.30 sanitarium, or other facility or institution required to be licensed under sections 144.50 to
 10.31 144.58, 241.021, or 245A.01 to 245A.16, or chapter 245D;

10.32 (2) a school as defined in sections 120A.05, subdivisions 9, 11, and 13; and
 10.33 124D.10; or

10.34 (3) a nonlicensed personal care provider organization as defined in section
 10.35 256B.0625, subdivision 19a.

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

11.1 (k) "Commissioner" means the commissioner of human services.

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

11.5 (m) "Mental injury" means an injury to the psychological capacity or emotional
11.6 stability of a child as evidenced by an observable or substantial impairment in the child's
11.7 ability to function within a normal range of performance and behavior with due regard to
11.8 the child's culture.

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

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

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

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

11.20 (4) committed an act that has resulted in the involuntary transfer of permanent
11.21 legal and physical custody of a child to a relative under Minnesota Statutes 2010, section
11.22 260C.201, subdivision 11, paragraph (d), clause (1), section 260C.515, subdivision 4, or a
11.23 similar law of another jurisdiction.

11.24 A child is the subject of a report of threatened injury when the responsible social
11.25 services agency receives birth match data under paragraph (o) from the Department of
11.26 Human Services.

11.27 (o) Upon receiving data under section 144.225, subdivision 2b, contained in a
11.28 birth record or recognition of parentage identifying a child who is subject to threatened
11.29 injury under paragraph (n), the Department of Human Services shall send the data to the
11.30 responsible social services agency. The data is known as "birth match" data. Unless the
11.31 responsible social services agency has already begun an investigation or assessment of the
11.32 report due to the birth of the child or execution of the recognition of parentage and the
11.33 parent's previous history with child protection, the agency shall accept the birth match
11.34 data as a report under this section. The agency may use either a family assessment or
11.35 investigation to determine whether the child is safe. All of the provisions of this section
11.36 apply. If the child is determined to be safe, the agency shall consult with the county

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

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

12.9 (q) "Accidental" means a sudden, not reasonably foreseeable, and unexpected
12.10 occurrence or event which:

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

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

12.16 (r) "Nonmaltreatment mistake" means:

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

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

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

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

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

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

12.33 Sec. 90. Minnesota Statutes 2014, section 626.556, subdivision 3, is amended to read:

12.34 Subd. 3. **Persons mandated to report; persons voluntarily reporting.** (a) A
12.35 person who knows or has reason to believe a child is being neglected or physically or

13.1 sexually abused, as defined in subdivision 2, or has been neglected or physically or
13.2 sexually abused within the preceding three years, shall immediately report the information
13.3 to the local welfare agency, agency responsible for assessing or investigating the report,
13.4 police department, ~~or the county sheriff~~, tribal social services agency, or tribal police
13.5 department if the person is:

13.6 (1) a professional or professional's delegate who is engaged in the practice of
13.7 the healing arts, social services, hospital administration, psychological or psychiatric
13.8 treatment, child care, education, correctional supervision, probation and correctional
13.9 services, or law enforcement; or

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

13.14 ~~The police department or the county sheriff, upon receiving a report, shall~~
13.15 ~~immediately notify the local welfare agency or agency responsible for assessing or~~
13.16 ~~investigating the report, orally and in writing. The local welfare agency, or agency~~
13.17 ~~responsible for assessing or investigating the report, upon receiving a report, shall~~
13.18 ~~immediately notify the local police department or the county sheriff orally and in writing.~~
13.19 ~~The county sheriff and the head of every local welfare agency, agency responsible~~
13.20 ~~for assessing or investigating reports, and police department shall each designate a~~
13.21 ~~person within their agency, department, or office who is responsible for ensuring that~~
13.22 ~~the notification duties of this paragraph and paragraph (b) are carried out. Nothing in~~
13.23 ~~this subdivision shall be construed to require more than one report from any institution,~~
13.24 ~~facility, school, or agency.~~

13.25 (b) Any person may voluntarily report to the local welfare agency, agency
13.26 responsible for assessing or investigating the report, police department, ~~or the county~~
13.27 ~~sheriff~~, tribal social services agency, or tribal police department if the person knows,
13.28 has reason to believe, or suspects a child is being or has been neglected or subjected to
13.29 physical or sexual abuse. ~~The police department or the county sheriff, upon receiving~~
13.30 ~~a report, shall immediately notify the local welfare agency or agency responsible for~~
13.31 ~~assessing or investigating the report, orally and in writing. The local welfare agency or~~
13.32 ~~agency responsible for assessing or investigating the report, upon receiving a report, shall~~
13.33 ~~immediately notify the local police department or the county sheriff orally and in writing.~~

13.34 (c) A person mandated to report physical or sexual child abuse or neglect occurring
13.35 within a licensed facility shall report the information to the agency responsible for
13.36 licensing the facility under sections 144.50 to 144.58; 241.021; 245A.01 to 245A.16; or

14.1 chapter 245D; or a nonlicensed personal care provider organization as defined in section
14.2 256B.0625, subdivision 19. A health or corrections agency receiving a report may request
14.3 the local welfare agency to provide assistance pursuant to subdivisions 10, 10a, and 10b. A
14.4 board or other entity whose licensees perform work within a school facility, upon receiving
14.5 a complaint of alleged maltreatment, shall provide information about the circumstances of
14.6 the alleged maltreatment to the commissioner of education. Section 13.03, subdivision 4,
14.7 applies to data received by the commissioner of education from a licensing entity.

14.8 ~~(d) Any person mandated to report shall receive a summary of the disposition of~~
14.9 ~~any report made by that reporter, including whether the case has been opened for child~~
14.10 ~~protection or other services, or if a referral has been made to a community organization,~~
14.11 ~~unless release would be detrimental to the best interests of the child. Any person who is~~
14.12 ~~not mandated to report shall, upon request to the local welfare agency, receive a concise~~
14.13 ~~summary of the disposition of any report made by that reporter, unless release would be~~
14.14 ~~detrimental to the best interests of the child. Notification requirements under subdivision~~
14.15 ~~10 apply to all reports received under this section.~~

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

14.18 Sec. 92. Minnesota Statutes 2014, section 626.556, subdivision 7, as amended by Laws
14.19 2015, chapter 4, section 2, is amended to read:

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

14.26 ~~(b) The local welfare agency shall determine if the report is accepted for an~~
14.27 ~~assessment or investigation to be screened in or out as soon as possible but in no event~~
14.28 ~~longer than 24 hours after the report is received. When determining whether a report will~~
14.29 ~~be screened in or out, the agency receiving the report must consider, when relevant, all~~
14.30 ~~previous history, including reports that were screened out. The agency may communicate~~
14.31 ~~with treating professionals and individuals specified under subdivision 10, paragraph~~
14.32 ~~(i), clause (3), item (iii).~~

14.33 ~~(b)~~ (c) Any report shall be of sufficient content to identify the child, any person
14.34 believed to be responsible for the abuse or neglect of the child if the person is known, the
14.35 nature and extent of the abuse or neglect and the name and address of the reporter. The

15.1 local welfare agency or agency responsible for assessing or investigating the report shall
15.2 accept a report made under subdivision 3 notwithstanding refusal by a reporter to provide
15.3 the reporter's name or address as long as the report is otherwise sufficient under this
15.4 paragraph. Written reports received by a police department or the county sheriff shall be
15.5 forwarded immediately to the local welfare agency or the agency responsible for assessing
15.6 or investigating the report. The police department or the county sheriff may keep copies of
15.7 reports received by them. Copies of written reports received by a local welfare department
15.8 or the agency responsible for assessing or investigating the report shall be forwarded
15.9 immediately to the local police department or the county sheriff.

15.10 (e) (d) When requested, the agency responsible for assessing or investigating a
15.11 report shall inform the reporter within ten days after the report was made, either orally or
15.12 in writing, whether the report was accepted or not. If the responsible agency determines
15.13 the report does not constitute a report under this section, the agency shall advise the
15.14 reporter the report was screened out. Any person mandated to report shall receive a
15.15 summary of the disposition of any report made by that reporter, including whether the case
15.16 has been opened for child protection or other services, or if a referral has been made to a
15.17 community organization, unless release would be detrimental to the best interests of the
15.18 child. Any person who is not mandated to report shall, upon request to the local welfare
15.19 agency, receive a concise summary of the disposition of any report made by that reporter,
15.20 unless release would be detrimental to the best interests of the child.

15.21 (e) Reports that are screened out must be maintained in accordance with subdivision
15.22 11c, paragraph (a).

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

15.28 (d) (g) Notwithstanding paragraph (a), the commissioner of education must inform
15.29 the parent, guardian, or legal custodian of the child who is the subject of a report of
15.30 alleged maltreatment in a school facility within ten days of receiving the report, either
15.31 orally or in writing, whether the commissioner is assessing or investigating the report
15.32 of alleged maltreatment.

15.33 (e) (h) Regardless of whether a report is made under this subdivision, as soon as
15.34 practicable after a school receives information regarding an incident that may constitute
15.35 maltreatment of a child in a school facility, the school shall inform the parent, legal
15.36 guardian, or custodian of the child that an incident has occurred that may constitute

16.1 maltreatment of the child, when the incident occurred, and the nature of the conduct
16.2 that may constitute maltreatment.

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

16.7 Sec. 93. Minnesota Statutes 2014, section 626.556, is amended by adding a subdivision
16.8 to read:

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

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

16.21 Sec. 94. Minnesota Statutes 2014, section 626.556, subdivision 10, is amended to read:

16.22 **Subd. 10. Duties of local welfare agency and local law enforcement agency upon**
16.23 **receipt of report; mandatory notification between police or sheriff and agency.** (a)
16.24 The police department or the county sheriff shall immediately notify the local welfare
16.25 agency or agency responsible for child protection reports under this section orally and
16.26 in writing when a report is received. The local welfare agency or agency responsible
16.27 for child protection reports shall immediately notify the local police department or the
16.28 county sheriff orally and in writing when a report is received. The county sheriff and the
16.29 head of every local welfare agency, agency responsible for child protection reports, and
16.30 police department shall each designate a person within their agency, department, or office
16.31 who is responsible for ensuring that the notification duties of this paragraph are carried
16.32 out. When the alleged maltreatment occurred on tribal land, the local welfare agency or
16.33 agency responsible for child protection reports and the local police department or the

17.1 county sheriff shall immediately notify the tribe's social services agency and tribal law
17.2 enforcement orally and in writing when a report is received.

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

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

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

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

17.15 (4) may conduct a family assessment on a report that was initially screened and
17.16 assigned for an investigation. In determining that a complete investigation is not required,
17.17 the local welfare agency must document the reason for terminating the investigation and
17.18 notify the local law enforcement agency if the local law enforcement agency is conducting
17.19 a joint investigation.

17.20 If the report alleges neglect, physical abuse, or sexual abuse by a parent, guardian,
17.21 or individual functioning within the family unit as a person responsible for the child's
17.22 care, or sexual abuse by a person with a significant relationship to the child when that
17.23 person resides in the child's household or by a sibling, the local welfare agency shall
17.24 immediately conduct a family assessment or investigation as identified in clauses (1)
17.25 to (4). In conducting a family assessment or investigation, the local welfare agency
17.26 shall gather information on the existence of substance abuse and domestic violence and
17.27 offer services for purposes of preventing future child maltreatment, safeguarding and
17.28 enhancing the welfare of the abused or neglected minor, and supporting and preserving
17.29 family life whenever possible. If the report alleges a violation of a criminal statute
17.30 involving sexual abuse, physical abuse, or neglect or endangerment, under section
17.31 609.378, the local law enforcement agency and local welfare agency shall coordinate the
17.32 planning and execution of their respective investigation and assessment efforts to avoid a
17.33 duplication of fact-finding efforts and multiple interviews. Each agency shall prepare a
17.34 separate report of the results of its investigation or assessment. In cases of alleged child
17.35 maltreatment resulting in death, the local agency may rely on the fact-finding efforts of a
17.36 law enforcement investigation to make a determination of whether or not maltreatment

18.1 occurred. When necessary the local welfare agency shall seek authority to remove the
18.2 child from the custody of a parent, guardian, or adult with whom the child is living. In
18.3 performing any of these duties, the local welfare agency shall maintain appropriate records.

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

18.8 ~~(b)~~ (c) When a local agency receives a report or otherwise has information indicating
18.9 that a child who is a client, as defined in section 245.91, has been the subject of physical
18.10 abuse, sexual abuse, or neglect at an agency, facility, or program as defined in section
18.11 245.91, it shall, in addition to its other duties under this section, immediately inform the
18.12 ombudsman established under sections 245.91 to 245.97. The commissioner of education
18.13 shall inform the ombudsman established under sections 245.91 to 245.97 of reports
18.14 regarding a child defined as a client in section 245.91 that maltreatment occurred at a
18.15 school as defined in sections 120A.05, subdivisions 9, 11, and 13, and 124D.10.

18.16 ~~(e)~~ (d) Authority of the local welfare agency responsible for assessing or
18.17 investigating the child abuse or neglect report, the agency responsible for assessing or
18.18 investigating the report, and of the local law enforcement agency for investigating the
18.19 alleged abuse or neglect includes, but is not limited to, authority to interview, without
18.20 parental consent, the alleged victim and any other minors who currently reside with or
18.21 who have resided with the alleged offender. The interview may take place at school or at
18.22 any facility or other place where the alleged victim or other minors might be found or the
18.23 child may be transported to, and the interview conducted at, a place appropriate for the
18.24 interview of a child designated by the local welfare agency or law enforcement agency.
18.25 The interview may take place outside the presence of the alleged offender or parent, legal
18.26 custodian, guardian, or school official. For family assessments, it is the preferred practice
18.27 to request a parent or guardian's permission to interview the child prior to conducting the
18.28 child interview, unless doing so would compromise the safety assessment. Except as
18.29 provided in this paragraph, the parent, legal custodian, or guardian shall be notified by
18.30 the responsible local welfare or law enforcement agency no later than the conclusion of
18.31 the investigation or assessment that this interview has occurred. Notwithstanding rule 32
18.32 of the Minnesota Rules of Procedure for Juvenile Courts, the juvenile court may, after
18.33 hearing on an ex parte motion by the local welfare agency, order that, where reasonable
18.34 cause exists, the agency withhold notification of this interview from the parent, legal
18.35 custodian, or guardian. If the interview took place or is to take place on school property,
18.36 the order shall specify that school officials may not disclose to the parent, legal custodian,

19.1 or guardian the contents of the notification of intent to interview the child on school
19.2 property, as provided under this paragraph, and any other related information regarding
19.3 the interview that may be a part of the child's school record. A copy of the order shall be
19.4 sent by the local welfare or law enforcement agency to the appropriate school official.

19.5 ~~(d)~~ (e) When the local welfare, local law enforcement agency, or the agency
19.6 responsible for assessing or investigating a report of maltreatment determines that an
19.7 interview should take place on school property, written notification of intent to interview
19.8 the child on school property must be received by school officials prior to the interview.
19.9 The notification shall include the name of the child to be interviewed, the purpose of the
19.10 interview, and a reference to the statutory authority to conduct an interview on school
19.11 property. For interviews conducted by the local welfare agency, the notification shall
19.12 be signed by the chair of the local social services agency or the chair's designee. The
19.13 notification shall be private data on individuals subject to the provisions of this paragraph.
19.14 School officials may not disclose to the parent, legal custodian, or guardian the contents
19.15 of the notification or any other related information regarding the interview until notified
19.16 in writing by the local welfare or law enforcement agency that the investigation or
19.17 assessment has been concluded, unless a school employee or agent is alleged to have
19.18 maltreated the child. Until that time, the local welfare or law enforcement agency or the
19.19 agency responsible for assessing or investigating a report of maltreatment shall be solely
19.20 responsible for any disclosures regarding the nature of the assessment or investigation.

19.21 Except where the alleged offender is believed to be a school official or employee,
19.22 the time and place, and manner of the interview on school premises shall be within the
19.23 discretion of school officials, but the local welfare or law enforcement agency shall have
19.24 the exclusive authority to determine who may attend the interview. The conditions as to
19.25 time, place, and manner of the interview set by the school officials shall be reasonable and
19.26 the interview shall be conducted not more than 24 hours after the receipt of the notification
19.27 unless another time is considered necessary by agreement between the school officials and
19.28 the local welfare or law enforcement agency. Where the school fails to comply with the
19.29 provisions of this paragraph, the juvenile court may order the school to comply. Every
19.30 effort must be made to reduce the disruption of the educational program of the child, other
19.31 students, or school staff when an interview is conducted on school premises.

19.32 ~~(e)~~ (f) Where the alleged offender or a person responsible for the care of the alleged
19.33 victim or other minor prevents access to the victim or other minor by the local welfare
19.34 agency, the juvenile court may order the parents, legal custodian, or guardian to produce
19.35 the alleged victim or other minor for questioning by the local welfare agency or the local

20.1 law enforcement agency outside the presence of the alleged offender or any person
20.2 responsible for the child's care at reasonable places and times as specified by court order.

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

20.10 ~~(g)~~ (h) The commissioner of human services, the ombudsman for mental health and
20.11 developmental disabilities, the local welfare agencies responsible for investigating reports,
20.12 the commissioner of education, and the local law enforcement agencies have the right to
20.13 enter facilities as defined in subdivision 2 and to inspect and copy the facility's records,
20.14 including medical records, as part of the investigation. Notwithstanding the provisions of
20.15 chapter 13, they also have the right to inform the facility under investigation that they are
20.16 conducting an investigation, to disclose to the facility the names of the individuals under
20.17 investigation for abusing or neglecting a child, and to provide the facility with a copy of
20.18 the report and the investigative findings.

20.19 ~~(h)~~ (i) The local welfare agency responsible for conducting a family assessment or
20.20 investigation shall collect available and relevant information to determine child safety,
20.21 risk of subsequent child maltreatment, and family strengths and needs and share not public
20.22 information with an Indian's tribal social services agency without violating any law of the
20.23 state that may otherwise impose duties of confidentiality on the local welfare agency in
20.24 order to implement the tribal state agreement. The local welfare agency or the agency
20.25 responsible for investigating the report shall collect available and relevant information
20.26 to ascertain whether maltreatment occurred and whether protective services are needed.
20.27 Information collected includes, when relevant, information with regard to the person
20.28 reporting the alleged maltreatment, including the nature of the reporter's relationship to the
20.29 child and to the alleged offender, and the basis of the reporter's knowledge for the report;
20.30 the child allegedly being maltreated; the alleged offender; the child's caretaker; and other
20.31 collateral sources having relevant information related to the alleged maltreatment. The
20.32 local welfare agency or the agency responsible for investigating the report may make a
20.33 determination of no maltreatment early in an investigation, and close the case and retain
20.34 immunity, if the collected information shows no basis for a full investigation.

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

21.1 (1) the child's sex and age;² prior reports of maltreatment, including any
21.2 maltreatment reports that were screened out and not accepted for assessment or
21.3 investigation; information relating to developmental functioning;² credibility of the child's
21.4 statement;² and whether the information provided under this clause is consistent with other
21.5 information collected during the course of the assessment or investigation;

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

21.11 (3) collateral source information regarding the alleged maltreatment and care of the
21.12 child. Collateral information includes, when relevant: (i) a medical examination of the
21.13 child; (ii) prior medical records relating to the alleged maltreatment or the care of the
21.14 child maintained by any facility, clinic, or health care professional and an interview with
21.15 the treating professionals; and (iii) interviews with the child's caretakers, including the
21.16 child's parent, guardian, foster parent, child care provider, teachers, counselors, family
21.17 members, relatives, and other persons who may have knowledge regarding the alleged
21.18 maltreatment and the care of the child; and

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

21.21 Nothing in this paragraph precludes the local welfare agency, the local law
21.22 enforcement agency, or the agency responsible for assessing or investigating the report
21.23 from collecting other relevant information necessary to conduct the assessment or
21.24 investigation. Notwithstanding sections 13.384 or 144.291 to 144.298, the local welfare
21.25 agency has access to medical data and records for purposes of clause (3). Notwithstanding
21.26 the data's classification in the possession of any other agency, data acquired by the
21.27 local welfare agency or the agency responsible for assessing or investigating the report
21.28 during the course of the assessment or investigation are private data on individuals and
21.29 must be maintained in accordance with subdivision 11. Data of the commissioner of
21.30 education collected or maintained during and for the purpose of an investigation of
21.31 alleged maltreatment in a school are governed by this section, notwithstanding the data's
21.32 classification as educational, licensing, or personnel data under chapter 13.

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

22.1 ~~(i)~~ (j) Upon receipt of a report, the local welfare agency shall conduct a face-to-face
22.2 contact with the child reported to be maltreated and with the child's primary caregiver
22.3 sufficient to complete a safety assessment and ensure the immediate safety of the child.
22.4 The face-to-face contact with the child and primary caregiver shall occur immediately
22.5 if sexual abuse or substantial child endangerment is alleged and within five calendar
22.6 days for all other reports. If the alleged offender was not already interviewed as the
22.7 primary caregiver, the local welfare agency shall also conduct a face-to-face interview
22.8 with the alleged offender in the early stages of the assessment or investigation. At the
22.9 initial contact, the local child welfare agency or the agency responsible for assessing or
22.10 investigating the report must inform the alleged offender of the complaints or allegations
22.11 made against the individual in a manner consistent with laws protecting the rights of the
22.12 person who made the report. The interview with the alleged offender may be postponed if
22.13 it would jeopardize an active law enforcement investigation.

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

- 22.18 (1) audio recordings of all interviews with witnesses and collateral sources; and
22.19 (2) in cases of alleged sexual abuse, audio-video recordings of each interview with
22.20 the alleged victim and child witnesses.

22.21 ~~(k)~~ (l) In conducting an assessment or investigation involving a school facility
22.22 as defined in subdivision 2, paragraph (i), the commissioner of education shall collect
22.23 available and relevant information and use the procedures in paragraphs ~~(i)~~, (j) and (k),
22.24 and subdivision 3d, except that the requirement for face-to-face observation of the child
22.25 and face-to-face interview of the alleged offender is to occur in the initial stages of the
22.26 assessment or investigation provided that the commissioner may also base the assessment
22.27 or investigation on investigative reports and data received from the school facility and
22.28 local law enforcement, to the extent those investigations satisfy the requirements of
22.29 paragraphs ~~(i)~~ and (j) and (k), and subdivision 3d.

22.30 Sec. 95. Minnesota Statutes 2014, section 626.556, subdivision 10e, is amended to read:

22.31 Subd. 10e. **Determinations.** (a) The local welfare agency shall conclude the family
22.32 assessment or the investigation within 45 days of the receipt of a report. The conclusion of
22.33 the assessment or investigation may be extended to permit the completion of a criminal
22.34 investigation or the receipt of expert information requested within 45 days of the receipt
22.35 of the report.

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

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

23.8 (d) If the commissioner of education conducts an assessment or investigation,
23.9 the commissioner shall determine whether maltreatment occurred and what corrective
23.10 or protective action was taken by the school facility. If a determination is made that
23.11 maltreatment has occurred, the commissioner shall report to the employer, the school
23.12 board, and any appropriate licensing entity the determination that maltreatment occurred
23.13 and what corrective or protective action was taken by the school facility. In all other cases,
23.14 the commissioner shall inform the school board or employer that a report was received,
23.15 the subject of the report, the date of the initial report, the category of maltreatment alleged
23.16 as defined in paragraph (f), the fact that maltreatment was not determined, and a summary
23.17 of the specific reasons for the determination.

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

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

- 23.26 (1) physical abuse as defined in subdivision 2, paragraph (g);
- 23.27 (2) neglect as defined in subdivision 2, paragraph (f);
- 23.28 (3) sexual abuse as defined in subdivision 2, paragraph (d);
- 23.29 (4) mental injury as defined in subdivision 2, paragraph (m); or
- 23.30 (5) maltreatment of a child in a facility as defined in subdivision 2, paragraph (i).

23.31 (g) For the purposes of this subdivision, a determination that child protective
23.32 services are needed means that the local welfare agency has documented conditions
23.33 during the assessment or investigation sufficient to cause a child protection worker, as
23.34 defined in section 626.559, subdivision 1, to conclude that a child is at significant risk of
23.35 maltreatment if protective intervention is not provided and that the individuals responsible

24.1 for the child's care have not taken or are not likely to take actions to protect the child
24.2 from maltreatment or risk of maltreatment.

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

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

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

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

24.23 (3) whether the facility or individual followed professional standards in exercising
24.24 professional judgment.

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

24.29 (j) Notwithstanding paragraph (i), when maltreatment is determined to have been
24.30 committed by an individual who is also the facility license holder, both the individual and
24.31 the facility must be determined responsible for the maltreatment, and both the background
24.32 study disqualification standards under section 245C.15, subdivision 4, and the licensing
24.33 actions under sections 245A.06 or 245A.07 apply.

24.34 ~~(k) Individual counties may implement more detailed definitions or criteria that~~
24.35 ~~indicate which allegations to investigate, as long as a county's policies are consistent~~
24.36 ~~with the definitions in the statutes and rules and are approved by the county board. Each~~

25.1 ~~local welfare agency shall periodically inform mandated reporters under subdivision 3~~
25.2 ~~who work in the county of the definitions of maltreatment in the statutes and rules and any~~
25.3 ~~additional definitions or criteria that have been approved by the county board.~~

25.4 Sec. 96. Minnesota Statutes 2014, section 626.556, subdivision 10j, is amended to read:

25.5 Subd. 10j. **Release of data to mandated reporters.** (a) A local social services or
25.6 child protection agency, or the agency responsible for assessing or investigating the report
25.7 of maltreatment, ~~may~~ shall provide relevant private data on individuals obtained under
25.8 this section to a mandated reporters reporter who made the report and who have has an
25.9 ongoing responsibility for the health, education, or welfare of a child affected by the data,
25.10 unless the agency determines that providing the data would not be in the best interests
25.11 of the child. The agency may provide the data to other mandated reporters with ongoing
25.12 responsibility for the health, education, or welfare of the child. Mandated reporters with
25.13 ongoing responsibility for the health, education, or welfare of a child affected by the data
25.14 include the child's teachers or other appropriate school personnel, foster parents, health
25.15 care providers, respite care workers, therapists, social workers, child care providers,
25.16 residential care staff, crisis nursery staff, probation officers, and court services personnel.
25.17 Under this section, a mandated reporter need not have made the report to be considered a
25.18 person with ongoing responsibility for the health, education, or welfare of a child affected
25.19 by the data. Data provided under this section must be limited to data pertinent to the
25.20 individual's responsibility for caring for the child.

25.21 (b) A reporter who receives private data on individuals under this subdivision must
25.22 treat the data according to that classification, regardless of whether the reporter is an
25.23 employee of a government entity. The remedies and penalties under sections 13.08 and
25.24 13.09 apply if a reporter releases data in violation of this section or other law.

25.25 Sec. 97. Minnesota Statutes 2014, section 626.556, subdivision 10m, is amended to
25.26 read:

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

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

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

26.5 **(2) voluntary child protective services may not provide sufficient protection for the**
26.6 **child; or**

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

26.8 Sec. 98. Minnesota Statutes 2014, section 626.556, subdivision 11c, is amended to read:

26.9 Subd. 11c. **Welfare, court services agency, and school records maintained.**

26.10 Notwithstanding sections 138.163 and 138.17, records maintained or records derived
26.11 from reports of abuse by local welfare agencies, agencies responsible for assessing or
26.12 investigating the report, court services agencies, or schools under this section shall be
26.13 destroyed as provided in paragraphs (a) to (d) by the responsible authority.

26.14 (a) For reports alleging child maltreatment that were not accepted for assessment
26.15 or investigation, family assessment cases, and cases where an investigation results in no
26.16 determination of maltreatment or the need for child protective services, the assessment or
26.17 investigation records must be maintained for a period of ~~four~~ five years after the date the
26.18 report was not accepted for assessment or investigation or of the final entry in the case
26.19 record. Records of reports that were not accepted must contain sufficient information to
26.20 identify the subjects of the report, the nature of the alleged maltreatment, and the reasons
26.21 as to why the report was not accepted. Records under this paragraph may not be used for
26.22 employment, background checks, or purposes other than to assist in future screening
26.23 decisions and risk and safety assessments.

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

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

26.32 (d) Private or confidential data released to a court services agency under subdivision
26.33 10h must be destroyed by the court services agency when ordered to do so by the local
26.34 welfare agency that released the data. The local welfare agency or agency responsible for

27.1 assessing or investigating the report shall order destruction of the data when other records
27.2 relating to the assessment or investigation are destroyed under this subdivision.

27.3 ~~(e) For reports alleging child maltreatment that were not accepted for assessment
27.4 or investigation, counties shall maintain sufficient information to identify repeat reports
27.5 alleging maltreatment of the same child or children for 365 days from the date the report
27.6 was screened out. The commissioner of human services shall specify to the counties the
27.7 minimum information needed to accomplish this purpose. Counties shall enter this data
27.8 into the state social services information system.~~

27.9 Sec. 99. Minnesota Statutes 2014, section 626.556, is amended by adding a subdivision
27.10 to read:

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

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

27.23 Sec. 100. Minnesota Statutes 2014, section 626.559, is amended by adding a
27.24 subdivision to read:

27.25 Subd. 1b. **Background studies.** (a) County employees hired on or after July 1,
27.26 2015, who have responsibility for child protection duties or current county employees who
27.27 are assigned new child protection duties on or after July 1, 2015, are required to undergo a
27.28 background study. A county may complete these background studies by either:

27.29 (1) use of the Department of Human Services NETStudy 2.0 system according to
27.30 sections 245C.03 and 245C.10; or

27.31 (2) an alternative process defined by the county.

27.32 (b) County social services agencies and local welfare agencies must initiate
27.33 background studies before an individual begins a position allowing direct contact with
27.34 persons served by the agency.

28.1 Sec. 122. **INSTRUCTIONS TO THE COMMISSIONER; CHILD**
28.2 **MALTREATMENT SCREENING GUIDELINES.**

28.3 (a) No later than October 1, 2015, the commissioner of human services shall update
28.4 the child maltreatment screening guidelines to require agencies to consider prior reports that
28.5 were not screened in when determining whether a new report will or will not be screened
28.6 in. The updated guidelines must emphasize that intervention and prevention efforts are to
28.7 focus on child safety and the ongoing risk of child abuse or neglect, and that the health and
28.8 safety of children are of paramount concern. The commissioner shall work with a diverse
28.9 group of community representatives who are experts on limiting cultural and ethnic bias
28.10 when developing the updated guidelines. The guidelines must be developed with special
28.11 sensitivity to reducing system bias with regard to screening and assessment tools.

28.12 (b) No later than November 1, 2015, the commissioner shall publish and distribute
28.13 the updated guidelines and ensure that all agency staff have received training on the
28.14 updated guidelines.

28.15 (c) Agency staff must implement the guidelines by January 1, 2016.

28.16 Sec. 123. **COMMISSIONER'S DUTY TO PROVIDE TRAINING TO CHILD**
28.17 **PROTECTION SUPERVISORS.**

28.18 The commissioner shall establish requirements for competency-based initial
28.19 training, support, and continuing education for child protection supervisors. This includes
28.20 developing a set of competencies specific to child protection supervisor knowledge, skills,
28.21 and attitudes based on the Minnesota Child Welfare Practice Model. Competency-based
28.22 training of supervisors must advance continuous emphasis and improvement in skills that
28.23 promote the use of the client's culture as a resource and the ability to integrate the client's
28.24 traditions, customs, values, and faith into service delivery.

28.25 Sec. 124. **CHILD PROTECTION UPDATED FORMULA.**

28.26 The commissioner of human services shall evaluate the formulas in Minnesota
28.27 Statutes, section 256M.41, and recommend an updated equitable distribution formula
28.28 beginning in fiscal year 2018, for funding child protection staffing and expanded services
28.29 to counties and tribes, taking into consideration any relief to counties and tribes for child
28.30 welfare and foster care costs, additional tribes delivering social services, and any other
28.31 relevant information that should be considered in developing a new distribution formula.
28.32 The commissioner shall report to the legislative committees having jurisdiction over child
28.33 protection issues by December 15, 2016.

29.1 Sec. 125. LEGISLATIVE TASK FORCE; CHILD PROTECTION.

29.2 (a) A legislative task force is created to:

29.3 (1) review the efforts being made to implement the recommendations of the
29.4 Governor's Task Force on the Protection of Children, including a review of the roles and
29.5 functions of the Office of Ombudsperson for Families;

29.6 (2) expand the efforts into related areas of the child welfare system;

29.7 (3) work with the commissioner of human services and community partners to
29.8 establish and evaluate child protection grants to address disparities in child welfare
29.9 pursuant to Minnesota Statutes, section 256E.28; and

29.10 (4) identify additional areas within the child welfare system that need to be addressed
29.11 by the legislature.

29.12 (b) Members of the legislative task force shall include:

29.13 (1) the four legislators who served as members of the Governor's Task Force on
29.14 the Protection of Children;

29.15 (2) two members from the house of representatives appointed by the speaker, one
29.16 from the majority party and one from the minority party; and

29.17 (3) two members from the senate appointed by the majority leader, one from the
29.18 majority party and one from the minority party.

29.19 The speaker and the majority leader shall each appoint a chair and vice-chair from the
29.20 membership of the task force. The gavel shall rotate after each meeting, and the house of
29.21 representatives shall assume the leadership of the task force first.

29.22 (c) The task force may provide oversight and monitoring of:

29.23 (1) the efforts by the Department of Human Services, counties, and tribes to
29.24 implement laws related to child protection;

29.25 (2) efforts by the Department of Human Services, counties, and tribes to implement
29.26 the recommendations of the Governor's Task Force on the Protection of Children;

29.27 (3) efforts by agencies, including but not limited to the Minnesota Department
29.28 of Education, the Minnesota Housing Finance Agency, the Minnesota Department of
29.29 Corrections, and the Minnesota Department of Public Safety, to work with the Department
29.30 of Human Services to assure safety and well-being for children at risk of harm or children
29.31 in the child welfare system; and

29.32 (4) efforts by the Department of Human Services, other agencies, counties, and
29.33 tribes to implement best practices to ensure every child is protected from maltreatment
29.34 and neglect and to ensure every child has the opportunity for healthy development.

29.35 (d) The task force, in cooperation with the commissioner of human services, shall
29.36 issue a report to the legislature and governor February 1, 2016. The report must contain

30.1 information on the progress toward implementation of changes to the child protection
30.2 system, recommendations for additional legislative changes and procedures affecting child
30.3 protection and child welfare, and funding needs to implement recommended changes.

30.4 (e) The task force shall convene upon the effective date of this section and shall
30.5 continue until the last day of the 2016 legislative session.

30.6 **EFFECTIVE DATE.** This section is effective the day following final enactment.