

**SENATE
STATE OF MINNESOTA
NINETIETH SESSION**

S.F. No. 1751

(SENATE AUTHORS: HAYDEN)

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OFFICIAL STATUS
Introduction and first reading
Referred to Health and Human Services Finance and Policy

1.1 A bill for an act
1.2 relating to child protection; modifying monthly caseworker visit requirements;
1.3 expanding report definition; modifying local welfare agency screening and
1.4 assessment or investigation duties; amending Minnesota Statutes 2016, sections
1.5 260C.212, subdivision 4a; 626.556, subdivisions 2, 3c, 10.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2016, section 260C.212, subdivision 4a, is amended to read:

1.8 Subd. 4a. **Monthly caseworker visits.** (a) Every child in foster care or on a trial home
1.9 visit shall be visited by the child's caseworker or another person who has responsibility for
1.10 visitation of the child on a monthly basis, with the majority of visits occurring in the child's
1.11 residence. For the purposes of this section, the following definitions apply:

1.12 (1) "visit" is defined as a face-to-face contact between a child and the child's caseworker;

1.13 (2) "visited on a monthly basis" is defined as at least one visit per calendar month;

1.14 (3) "the child's caseworker" is defined as the person who has responsibility for managing
1.15 the child's foster care placement case as assigned by the responsible social service agency;
1.16 and

1.17 (4) "the child's residence" is defined as the home where the child is residing, and can
1.18 include the foster home, child care institution, or the home from which the child was removed
1.19 if the child is on a trial home visit.

1.20 (b) Caseworker visits shall be of sufficient substance and duration to address issues
1.21 pertinent to case planning and service delivery to ensure the safety, permanency, and
1.22 well-being of the child, including whether the child is enrolled and attending school as
1.23 required by law.

2.1 (c) If a child is in foster care or on a trial home visit out of state, the responsible local
2.2 social service agency may delegate an every-other-monthly caseworker visit under this
2.3 subdivision to a local social services agency in the state where the child resides through a
2.4 memorandum of understanding or contract. The memorandum of understanding or contract
2.5 must be approved by the commissioner and must ensure that delegated caseworker visits
2.6 comply with the requirements of this subdivision.

2.7 Sec. 2. Minnesota Statutes 2016, section 626.556, subdivision 2, is amended to read:

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

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

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

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

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

2.17 (c) "Facility" means:

2.18 (1) a licensed or unlicensed day care facility, residential facility, agency, hospital,
2.19 sanitarium, or other facility or institution required to be licensed under sections 144.50 to
2.20 144.58, 241.021, or 245A.01 to 245A.16, or chapter 245D;

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

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

2.25 (d) "Family assessment" means a comprehensive assessment of child safety, risk of
2.26 subsequent child maltreatment, and family strengths and needs that is applied to a child
2.27 maltreatment report that does not allege sexual abuse or substantial child endangerment.
2.28 Family assessment does not include a determination as to whether child maltreatment
2.29 occurred but does determine the need for services to address the safety of family members
2.30 and the risk of subsequent maltreatment.

2.31 (e) "Investigation" means fact gathering related to the current safety of a child and the
2.32 risk of subsequent maltreatment that determines whether child maltreatment occurred and

3.1 whether child protective services are needed. An investigation must be used when reports
3.2 involve sexual abuse or substantial child endangerment, and for reports of maltreatment in
3.3 facilities required to be licensed under chapter 245A or 245D; under sections 144.50 to
3.4 144.58 and 241.021; in a school as defined in section 120A.05, subdivisions 9, 11, and 13,
3.5 and chapter 124E; or in a nonlicensed personal care provider association as defined in section
3.6 256B.0625, subdivision 19a.

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

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

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

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

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

3.24 (4) failure to ensure that the child is educated as defined in sections 120A.22 and
3.25 260C.163, subdivision 11, which does not include a parent's refusal to provide the parent's
3.26 child with sympathomimetic medications, consistent with section 125A.091, subdivision
3.27 5;

3.28 (5) nothing in this section shall be construed to mean that a child is neglected solely
3.29 because the child's parent, guardian, or other person responsible for the child's care in good
3.30 faith selects and depends upon spiritual means or prayer for treatment or care of disease or
3.31 remedial care of the child in lieu of medical care; except that a parent, guardian, or caretaker,
3.32 or a person mandated to report pursuant to subdivision 3, has a duty to report if a lack of
3.33 medical care may cause serious danger to the child's health. This section does not impose

4.1 upon persons, not otherwise legally responsible for providing a child with necessary food,
4.2 clothing, shelter, education, or medical care, a duty to provide that care;

4.3 (6) prenatal exposure to a controlled substance, as defined in section 253B.02, subdivision
4.4 2, used by the mother for a nonmedical purpose, as evidenced by withdrawal symptoms in
4.5 the child at birth, results of a toxicology test performed on the mother at delivery or the
4.6 child at birth, medical effects or developmental delays during the child's first year of life
4.7 that medically indicate prenatal exposure to a controlled substance, or the presence of a
4.8 fetal alcohol spectrum disorder;

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

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

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

4.17 (h) "Nonmaltreatment mistake" means:

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

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

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

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

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

4.30 This definition only applies to child care centers licensed under Minnesota Rules, chapter
4.31 9503. If clauses (1) to (5) apply, rather than making a determination of substantiated

5.1 maltreatment by the individual, the commissioner of human services shall determine that a
5.2 nonmaltreatment mistake was made by the individual.

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

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

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

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

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

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

5.23 (3) shaking a child under age three;

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

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

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

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

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

5.31 (9) purposely giving a child poison, alcohol, or dangerous, harmful, or controlled
5.32 substances which were not prescribed for the child by a practitioner, in order to control or

6.1 punish the child; or other substances that substantially affect the child's behavior, motor
6.2 coordination, or judgment or that results in sickness or internal injury, or subjects the child
6.3 to medical procedures that would be unnecessary if the child were not exposed to the
6.4 substances;

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

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

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

6.12 (m) "Report" means any communication received by the local welfare agency, police
6.13 department, county sheriff, or agency responsible for child protection pursuant to this section
6.14 that describes neglect or physical or sexual abuse of a child and contains sufficient content
6.15 to identify the child and any person believed to be responsible for the neglect or abuse, if
6.16 known. Report includes all communications received from mandated or voluntary reporters
6.17 that describe the same incident of neglect or physical or sexual abuse of a child.

6.18 (n) "Sexual abuse" means the subjection of a child by a person responsible for the child's
6.19 care, by a person who has a significant relationship to the child, as defined in section 609.341,
6.20 or by a person in a position of authority, as defined in section 609.341, subdivision 10, to
6.21 any act which constitutes a violation of section 609.342 (criminal sexual conduct in the first
6.22 degree), 609.343 (criminal sexual conduct in the second degree), 609.344 (criminal sexual
6.23 conduct in the third degree), 609.345 (criminal sexual conduct in the fourth degree), or
6.24 609.3451 (criminal sexual conduct in the fifth degree). Sexual abuse also includes any act
6.25 which involves a minor which constitutes a violation of prostitution offenses under sections
6.26 609.321 to 609.324 or 617.246. Effective May 29, 2017, sexual abuse includes all reports
6.27 of known or suspected child sex trafficking involving a child who is identified as a victim
6.28 of sex trafficking. Sexual abuse includes child sex trafficking as defined in section 609.321,
6.29 subdivisions 7a and 7b. Sexual abuse includes threatened sexual abuse which includes the
6.30 status of a parent or household member who has committed a violation which requires
6.31 registration as an offender under section 243.166, subdivision 1b, paragraph (a) or (b), or
6.32 required registration under section 243.166, subdivision 1b, paragraph (a) or (b).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8.8 (q) Upon receiving data under section 144.225, subdivision 2b, contained in a birth
8.9 record or recognition of parentage identifying a child who is subject to threatened injury
8.10 under paragraph (p), the Department of Human Services shall send the data to the responsible
8.11 social services agency. The data is known as "birth match" data. Unless the responsible
8.12 social services agency has already begun an investigation or assessment of the report due
8.13 to the birth of the child or execution of the recognition of parentage and the parent's previous
8.14 history with child protection, the agency shall accept the birth match data as a report under
8.15 this section. The agency may use either a family assessment or investigation to determine
8.16 whether the child is safe. All of the provisions of this section apply. If the child is determined
8.17 to be safe, the agency shall consult with the county attorney to determine the appropriateness
8.18 of filing a petition alleging the child is in need of protection or services under section
8.19 260C.007, subdivision 6, clause (16), in order to deliver needed services. If the child is
8.20 determined not to be safe, the agency and the county attorney shall take appropriate action
8.21 as required under section 260C.503, subdivision 2.

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

8.26 Sec. 3. Minnesota Statutes 2016, section 626.556, subdivision 3c, is amended to read:

8.27 Subd. 3c. **Local welfare agency, Department of Human Services or Department of**
8.28 **Health responsible for screening and assessing or investigating reports of maltreatment.**

8.29 (a) The county local welfare agency is the agency responsible for screening and assessing
8.30 or investigating allegations of maltreatment in child foster care, family child care, legally
8.31 unlicensed child care, juvenile correctional facilities licensed under section 241.021 located
8.32 in the local welfare agency's county, and reports involving children served by an unlicensed
8.33 personal care provider organization under section 256B.0659. Copies of findings related to
8.34 personal care provider organizations under section 256B.0659 must be forwarded to the

9.1 Department of Human Services provider enrollment. When a reporter contacts a local welfare
9.2 agency alleging maltreatment and the local welfare agency is not responsible for screening
9.3 and assessing or investigating the allegation, the local welfare agency receiving the contact
9.4 shall refer the reporter to the responsible local welfare agency, tribal agency, or state
9.5 department. A communication alleging maltreatment is not a report under subdivision 2,
9.6 paragraph (m), until the allegation is communicated to the local welfare agency responsible
9.7 for screening and assessing or investigating the report under subdivision 7.

9.8 (b) The Department of Human Services is the agency responsible for assessing or
9.9 investigating allegations of maltreatment in facilities licensed under chapters 245A and
9.10 245D, except for child foster care and family child care.

9.11 (c) The Department of Health is the agency responsible for assessing or investigating
9.12 allegations of child maltreatment in facilities licensed under sections 144.50 to 144.58 and
9.13 144A.43 to 144A.482.

9.14 Sec. 4. Minnesota Statutes 2016, section 626.556, subdivision 10, is amended to read:

9.15 Subd. 10. **Duties of local welfare agency and local law enforcement agency upon**
9.16 **receipt of report; mandatory notification between police or sheriff and agency.** (a) The
9.17 police department or the county sheriff shall immediately notify the local welfare agency
9.18 or agency responsible for child protection reports under this section orally and in writing
9.19 when a report is received. The local welfare agency or agency responsible for child protection
9.20 reports shall immediately notify the local police department or the county sheriff orally and
9.21 in writing when a report is received. The county sheriff and the head of every local welfare
9.22 agency, agency responsible for child protection reports, and police department shall each
9.23 designate a person within their agency, department, or office who is responsible for ensuring
9.24 that the notification duties of this paragraph are carried out. When the alleged maltreatment
9.25 occurred on tribal land, the local welfare agency or agency responsible for child protection
9.26 reports and the local police department or the county sheriff shall immediately notify the
9.27 tribe's social services agency and tribal law enforcement orally and in writing when a report
9.28 is received.

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

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

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

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

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

10.13 (5) shall provide immediate notice, according to section 260.761, subdivision 2, to an
10.14 Indian child's tribe when the agency has reason to believe the family assessment or
10.15 investigation may involve an Indian child. For purposes of this clause, "immediate notice"
10.16 means notice provided within 24 hours.

10.17 If the report alleges neglect, physical abuse, or sexual abuse by a parent, guardian, or
10.18 individual functioning within the family unit as a person responsible for the child's care, or
10.19 sexual abuse by a person with a significant relationship to the child when that person resides
10.20 in the child's household or by a sibling, the local welfare agency shall immediately conduct
10.21 a family assessment or investigation as identified in clauses (1) to (4). In conducting a family
10.22 assessment or investigation, the local welfare agency shall gather information on the existence
10.23 of substance abuse and domestic violence and offer services for purposes of preventing
10.24 future child maltreatment, safeguarding and enhancing the welfare of the abused or neglected
10.25 minor, and supporting and preserving family life whenever possible. If the report alleges a
10.26 violation of a criminal statute involving sexual abuse, physical abuse, or neglect or
10.27 endangerment, under section 609.378, the local law enforcement agency and local welfare
10.28 agency shall coordinate the planning and execution of their respective investigation and
10.29 assessment efforts to avoid a duplication of fact-finding efforts and multiple interviews. If
10.30 the local law enforcement agency or local welfare agency has specific documented
10.31 information indicating that the alleged perpetrator of neglect, physical abuse, or sexual
10.32 abuse cannot access the child or that the child is not at risk of imminent harm, the local
10.33 welfare agency is not required to immediately conduct a family assessment or investigation
10.34 as identified in clauses (1) to (4). Each agency shall prepare a separate report of the results
10.35 of its investigation or assessment. In cases of alleged child maltreatment resulting in death,

11.1 the local agency may rely on the fact-finding efforts of a law enforcement investigation to
11.2 make a determination of whether or not maltreatment occurred. When necessary the local
11.3 welfare agency shall seek authority to remove the child from the custody of a parent,
11.4 guardian, or adult with whom the child is living. In performing any of these duties, the local
11.5 welfare agency shall maintain appropriate records.

11.6 If the family assessment or investigation indicates there is a potential for abuse of alcohol
11.7 or other drugs by the parent, guardian, or person responsible for the child's care, the local
11.8 welfare agency shall conduct a chemical use assessment pursuant to Minnesota Rules, part
11.9 9530.6615.

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

11.18 (d) Authority of the local welfare agency responsible for assessing or investigating the
11.19 child abuse or neglect report, the agency responsible for assessing or investigating the report,
11.20 and of the local law enforcement agency for investigating the alleged abuse or neglect
11.21 includes, but is not limited to, authority to interview, without parental consent, the alleged
11.22 victim and any other minors who currently reside with or who have resided with the alleged
11.23 offender. The interview may take place at school or at any facility or other place where the
11.24 alleged victim or other minors might be found or the child may be transported to, and the
11.25 interview conducted at, a place appropriate for the interview of a child designated by the
11.26 local welfare agency or law enforcement agency. The interview may take place outside the
11.27 presence of the alleged offender or parent, legal custodian, guardian, or school official. For
11.28 family assessments, it is the preferred practice to request a parent or guardian's permission
11.29 to interview the child prior to conducting the child interview, unless doing so would
11.30 compromise the safety assessment. Except as provided in this paragraph, the parent, legal
11.31 custodian, or guardian shall be notified by the responsible local welfare or law enforcement
11.32 agency no later than the conclusion of the investigation or assessment that this interview
11.33 has occurred. Notwithstanding rule 32 of the Minnesota Rules of Procedure for Juvenile
11.34 Courts, the juvenile court may, after hearing on an ex parte motion by the local welfare
11.35 agency, order that, where reasonable cause exists, the agency withhold notification of this

12.1 interview from the parent, legal custodian, or guardian. If the interview took place or is to
12.2 take place on school property, the order shall specify that school officials may not disclose
12.3 to the parent, legal custodian, or guardian the contents of the notification of intent to interview
12.4 the child on school property, as provided under this paragraph, and any other related
12.5 information regarding the interview that may be a part of the child's school record. A copy
12.6 of the order shall be sent by the local welfare or law enforcement agency to the appropriate
12.7 school official.

12.8 (e) When the local welfare, local law enforcement agency, or the agency responsible
12.9 for assessing or investigating a report of maltreatment determines that an interview should
12.10 take place on school property, written notification of intent to interview the child on school
12.11 property must be received by school officials prior to the interview. The notification shall
12.12 include the name of the child to be interviewed, the purpose of the interview, and a reference
12.13 to the statutory authority to conduct an interview on school property. For interviews
12.14 conducted by the local welfare agency, the notification shall be signed by the chair of the
12.15 local social services agency or the chair's designee. The notification shall be private data
12.16 on individuals subject to the provisions of this paragraph. School officials may not disclose
12.17 to the parent, legal custodian, or guardian the contents of the notification or any other related
12.18 information regarding the interview until notified in writing by the local welfare or law
12.19 enforcement agency that the investigation or assessment has been concluded, unless a school
12.20 employee or agent is alleged to have maltreated the child. Until that time, the local welfare
12.21 or law enforcement agency or the agency responsible for assessing or investigating a report
12.22 of maltreatment shall be solely responsible for any disclosures regarding the nature of the
12.23 assessment or investigation.

12.24 Except where the alleged offender is believed to be a school official or employee, the
12.25 time and place, and manner of the interview on school premises shall be within the discretion
12.26 of school officials, but the local welfare or law enforcement agency shall have the exclusive
12.27 authority to determine who may attend the interview. The conditions as to time, place, and
12.28 manner of the interview set by the school officials shall be reasonable and the interview
12.29 shall be conducted not more than 24 hours after the receipt of the notification unless another
12.30 time is considered necessary by agreement between the school officials and the local welfare
12.31 or law enforcement agency. Where the school fails to comply with the provisions of this
12.32 paragraph, the juvenile court may order the school to comply. Every effort must be made
12.33 to reduce the disruption of the educational program of the child, other students, or school
12.34 staff when an interview is conducted on school premises.

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

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

13.14 (h) The commissioner of human services, the ombudsman for mental health and
13.15 developmental disabilities, the local welfare agencies responsible for investigating reports,
13.16 the commissioner of education, and the local law enforcement agencies have the right to
13.17 enter facilities as defined in subdivision 2 and to inspect and copy the facility's records,
13.18 including medical records, as part of the investigation. Notwithstanding the provisions of
13.19 chapter 13, they also have the right to inform the facility under investigation that they are
13.20 conducting an investigation, to disclose to the facility the names of the individuals under
13.21 investigation for abusing or neglecting a child, and to provide the facility with a copy of
13.22 the report and the investigative findings.

13.23 (i) The local welfare agency responsible for conducting a family assessment or
13.24 investigation shall collect available and relevant information to determine child safety, risk
13.25 of subsequent child maltreatment, and family strengths and needs and share not public
13.26 information with an Indian's tribal social services agency without violating any law of the
13.27 state that may otherwise impose duties of confidentiality on the local welfare agency in
13.28 order to implement the tribal state agreement. The local welfare agency or the agency
13.29 responsible for investigating the report shall collect available and relevant information to
13.30 ascertain whether maltreatment occurred and whether protective services are needed.
13.31 Information collected includes, when relevant, information with regard to the person reporting
13.32 the alleged maltreatment, including the nature of the reporter's relationship to the child and
13.33 to the alleged offender, and the basis of the reporter's knowledge for the report; the child
13.34 allegedly being maltreated; the alleged offender; the child's caretaker; and other collateral
13.35 sources having relevant information related to the alleged maltreatment. The local welfare

14.1 agency or the agency responsible for investigating the report may make a determination of
14.2 no maltreatment early in an investigation, and close the case and retain immunity, if the
14.3 collected information shows no basis for a full investigation.

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

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

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

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

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

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

14.29 Notwithstanding sections 13.384 or 144.291 to 144.298, the local welfare agency has access
14.30 to medical data and records for purposes of clause (3). Notwithstanding the data's
14.31 classification in the possession of any other agency, data acquired by the local welfare
14.32 agency or the agency responsible for assessing or investigating the report during the course
14.33 of the assessment or investigation are private data on individuals and must be maintained
14.34 in accordance with subdivision 11. Data of the commissioner of education collected or

15.1 maintained during and for the purpose of an investigation of alleged maltreatment in a school
15.2 are governed by this section, notwithstanding the data's classification as educational,
15.3 licensing, or personnel data under chapter 13.

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

15.8 (j) Upon receipt of a report, the local welfare agency shall conduct a face-to-face contact
15.9 with the child reported to be maltreated and with the child's primary caregiver sufficient to
15.10 complete a safety assessment and ensure the immediate safety of the child. The face-to-face
15.11 contact with the child and primary caregiver shall occur immediately if sexual abuse or
15.12 substantial child endangerment is alleged and within five calendar days for all other reports.
15.13 If the local welfare agency has specific documented information indicating that the alleged
15.14 perpetrator of sexual abuse or abuse constituting substantial child endangerment cannot
15.15 access the child reported to be maltreated or that the child is not at risk of imminent harm,
15.16 the local welfare agency is not required to immediately conduct a face-to-face contact with
15.17 the child reported to be maltreated but must do so within five calendar days. If the alleged
15.18 offender was not already interviewed as the primary caregiver, the local welfare agency
15.19 shall also conduct a face-to-face interview with the alleged offender in the early stages of
15.20 the assessment or investigation. At the initial contact, the local child welfare agency or the
15.21 agency responsible for assessing or investigating the report must inform the alleged offender
15.22 of the complaints or allegations made against the individual in a manner consistent with
15.23 laws protecting the rights of the person who made the report. The interview with the alleged
15.24 offender may be postponed if it would jeopardize an active law enforcement investigation.
15.25 A local welfare agency may delegate face-to-face contact under this paragraph through a
15.26 memorandum of understanding or a contract with another county agency.

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

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

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

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