

SENATE
STATE OF MINNESOTA
EIGHTY-NINTH SESSION

S.F. No. 4

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DATE	D-PG	OFFICIAL STATUS
01/08/2015	37	Introduction and first reading Referred to Health, Human Services and Housing
01/22/2015	117	Author added Rest
01/29/2015	142a	Comm report: To pass as amended and re-refer to Judiciary
03/09/2015	590a	Comm report: To pass as amended and re-refer to Finance See SF1458, Art. 1, Sec. 89-95; 98-99; 122-123

1.1 A bill for an act
 1.2 relating to human services; modifying screening of child maltreatment reports;
 1.3 amending Minnesota Statutes 2014, section 626.556, subdivisions 1, 2, 3, 6a,
 1.4 7, 10, 10e, 10j, 10m, 11c, by adding subdivisions.

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

1.6 Section 1. Minnesota Statutes 2014, section 626.556, subdivision 1, is amended to read:

1.7 Subdivision 1. **Public policy.** (a) The legislature hereby declares that the public
 1.8 policy of this state is to protect children whose health or welfare may be jeopardized
 1.9 through physical abuse, neglect, or sexual abuse. While it is recognized that most parents
 1.10 want to keep their children safe, sometimes circumstances or conditions interfere with their
 1.11 ability to do so. When this occurs, ~~families are best served by interventions that engage~~
 1.12 ~~their protective capacities and address immediate safety concerns and ongoing risks of~~
 1.13 ~~child maltreatment~~ the health and safety of the children must be of paramount concern.
 1.14 Intervention and prevention efforts must address immediate concerns for child safety and
 1.15 the ongoing risk of abuse or neglect and should engage the protective capacities of families.

1.16 In furtherance of this public policy, it is the intent of the legislature under this section to:

- 1.17 (1) protect children and promote child safety;
 1.18 (2) strengthen the family and;
 1.19 (3) make the home, school, and community safe for children by promoting
 1.20 responsible child care in all settings; and to
 1.21 (4) provide, when necessary, a safe temporary or permanent home environment for
 1.22 physically or sexually abused or neglected children.

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

2.1 (1) require the reporting of neglect, or physical or sexual abuse of children in the
 2.2 home, school, and community settings; ~~to~~

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

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

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

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

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

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

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

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

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

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

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

- 3.1 ~~(3)~~ abandonment under section 260C.301, subdivision 2;
- 3.2 ~~(4)~~ (3) neglect as defined in paragraph (f), clause (2), that substantially endangers
- 3.3 the child's physical or mental health, including a growth delay, which may be referred to
- 3.4 as failure to thrive, that has been diagnosed by a physician and is due to parental neglect;
- 3.5 ~~(5)~~ (4) murder in the first, second, or third degree under section 609.185, 609.19, or
- 3.6 609.195;
- 3.7 ~~(6)~~ (5) manslaughter in the first or second degree under section 609.20 or 609.205;
- 3.8 ~~(7)~~ (6) assault in the first, second, or third degree under section 609.221, 609.222, or
- 3.9 609.223;
- 3.10 ~~(8)~~ (7) solicitation, inducement, and promotion of prostitution under section 609.322;
- 3.11 ~~(9)~~ (8) criminal sexual conduct under sections 609.342 to 609.3451;
- 3.12 ~~(10)~~ (9) solicitation of children to engage in sexual conduct under section 609.352;
- 3.13 ~~(11)~~ (10) malicious punishment or neglect or endangerment of a child under section
- 3.14 609.377 or 609.378;
- 3.15 ~~(12)~~ (11) use of a minor in sexual performance under section 617.246; or
- 3.16 ~~(13)~~ (12) parental behavior, status, or condition which mandates that the county
- 3.17 attorney file a termination of parental rights petition under section 260C.503, subdivision 2.
- 3.18 (d) "Sexual abuse" means the subjection of a child by a person responsible for the
- 3.19 child's care, by a person who has a significant relationship to the child, as defined in
- 3.20 section 609.341, or by a person in a position of authority, as defined in section 609.341,
- 3.21 subdivision 10, to any act which constitutes a violation of section 609.342 (criminal sexual
- 3.22 conduct in the first degree), 609.343 (criminal sexual conduct in the second degree),
- 3.23 609.344 (criminal sexual conduct in the third degree), 609.345 (criminal sexual conduct
- 3.24 in the fourth degree), or 609.3451 (criminal sexual conduct in the fifth degree). Sexual
- 3.25 abuse also includes any act which involves a minor which constitutes a violation of
- 3.26 prostitution offenses under sections 609.321 to 609.324 or 617.246. Sexual abuse includes
- 3.27 threatened sexual abuse which includes the status of a parent or household member
- 3.28 who has committed a violation which requires registration as an offender under section
- 3.29 243.166, subdivision 1b, paragraph (a) or (b), or required registration under section
- 3.30 243.166, subdivision 1b, paragraph (a) or (b).
- 3.31 (e) "Person responsible for the child's care" means (1) an individual functioning
- 3.32 within the family unit and having responsibilities for the care of the child such as a
- 3.33 parent, guardian, or other person having similar care responsibilities, or (2) an individual
- 3.34 functioning outside the family unit and having responsibilities for the care of the child
- 3.35 such as a teacher, school administrator, other school employees or agents, or other lawful
- 3.36 custodian of a child having either full-time or short-term care responsibilities including,

4.1 but not limited to, day care, babysitting whether paid or unpaid, counseling, teaching,
4.2 and coaching.

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

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

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

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

4.16 (4) failure to ensure that the child is educated as defined in sections 120A.22 and
4.17 260C.163, subdivision 11, which does not include a parent's refusal to provide the parent's
4.18 child with sympathomimetic medications, consistent with section 125A.091, subdivision 5;

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

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

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

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

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

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

5.11 Abuse does not include reasonable and moderate physical discipline of a child
 5.12 administered by a parent or legal guardian which does not result in an injury. Abuse does
 5.13 not include the use of reasonable force by a teacher, principal, or school employee as
 5.14 allowed by section 121A.582. Actions which are not reasonable and moderate include,
 5.15 but are not limited to, any of the following ~~that are done in anger or without regard to the~~
 5.16 ~~safety of the child:~~

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

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

5.19 (3) shaking a child under age three;

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

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

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

5.24 (7) striking a child under age ~~one~~ four on the face or head;

5.25 (8) purposely giving a child poison, alcohol, or dangerous, harmful, or controlled
 5.26 substances which were not prescribed for the child by a practitioner, in order to control or
 5.27 punish the child; or other substances that substantially affect the child's behavior, motor
 5.28 coordination, or judgment or that results in sickness or internal injury, or subjects the
 5.29 child to medical procedures that would be unnecessary if the child were not exposed
 5.30 to the substances;

5.31 (9) unreasonable physical confinement or restraint not permitted under section
 5.32 609.379, including but not limited to tying, caging, or chaining; or

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

5.35 (h) "Report" means any ~~report~~ communication received by the local welfare agency,
 5.36 police department, county sheriff, or agency responsible for ~~assessing or investigating~~

6.1 ~~maltreatment~~ child protection pursuant to this section that describes neglect or physical or
6.2 sexual abuse of a child and contains sufficient content to identify the child and any person
6.3 believed to be responsible for the neglect or abuse, if known.

6.4 (i) "Facility" means:

6.5 (1) a licensed or unlicensed day care facility, residential facility, agency, hospital,
6.6 sanitarium, or other facility or institution required to be licensed under sections 144.50 to
6.7 144.58, 241.021, or 245A.01 to 245A.16, or chapter 245D;

6.8 (2) a school as defined in sections 120A.05, subdivisions 9, 11, and 13; and
6.9 124D.10; or

6.10 (3) a nonlicensed personal care provider organization as defined in section
6.11 256B.0625, subdivision 19a.

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

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

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

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

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

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

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

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

6.32 (4) committed an act that has resulted in the involuntary transfer of permanent
6.33 legal and physical custody of a child to a relative under Minnesota Statutes 2010, section
6.34 260C.201, subdivision 11, paragraph (d), clause (1), section 260C.515, subdivision 4, or a
6.35 similar law of another jurisdiction.

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

7.4 (o) Upon receiving data under section 144.225, subdivision 2b, contained in a
7.5 birth record or recognition of parentage identifying a child who is subject to threatened
7.6 injury under paragraph (n), the Department of Human Services shall send the data to the
7.7 responsible social services agency. The data is known as "birth match" data. Unless the
7.8 responsible social services agency has already begun an investigation or assessment of the
7.9 report due to the birth of the child or execution of the recognition of parentage and the
7.10 parent's previous history with child protection, the agency shall accept the birth match
7.11 data as a report under this section. The agency may use either a family assessment or
7.12 investigation to determine whether the child is safe. All of the provisions of this section
7.13 apply. If the child is determined to be safe, the agency shall consult with the county
7.14 attorney to determine the appropriateness of filing a petition alleging the child is in need
7.15 of protection or services under section 260C.007, subdivision 6, clause (16), in order to
7.16 deliver needed services. If the child is determined not to be safe, the agency and the county
7.17 attorney shall take appropriate action as required under section 260C.503, subdivision 2.

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

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

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

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

7.29 (r) "Nonmaltreatment mistake" means:

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

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

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

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

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

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

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

8.12 Subd. 3. **Persons mandated to report; persons voluntarily reporting.** (a) A
8.13 person who knows or has reason to believe a child is being neglected or physically or
8.14 sexually abused, as defined in subdivision 2, or has been neglected or physically or
8.15 sexually abused within the preceding three years, shall immediately report the information
8.16 to the local welfare agency, agency responsible for assessing or investigating the report,
8.17 police department, or the county sheriff if the person is:

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

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

8.26 ~~The police department or the county sheriff, upon receiving a report, shall~~
8.27 ~~immediately notify the local welfare agency or agency responsible for assessing or~~
8.28 ~~investigating the report, orally and in writing. The local welfare agency, or agency~~
8.29 ~~responsible for assessing or investigating the report, upon receiving a report, shall~~
8.30 ~~immediately notify the local police department or the county sheriff orally and in writing.~~
8.31 ~~The county sheriff and the head of every local welfare agency, agency responsible~~
8.32 ~~for assessing or investigating reports, and police department shall each designate a~~
8.33 ~~person within their agency, department, or office who is responsible for ensuring that~~
8.34 ~~the notification duties of this paragraph and paragraph (b) are carried out. Nothing in~~

9.1 ~~this subdivision shall be construed to require more than one report from any institution,~~
 9.2 ~~facility, school, or agency.~~

9.3 (b) Any person may voluntarily report to the local welfare agency, agency responsible
 9.4 for assessing or investigating the report, police department, or the county sheriff if the
 9.5 person knows, has reason to believe, or suspects a child is being or has been neglected or
 9.6 subjected to physical or sexual abuse. ~~The police department or the county sheriff, upon~~
 9.7 ~~receiving a report, shall immediately notify the local welfare agency or agency responsible~~
 9.8 ~~for assessing or investigating the report, orally and in writing. The local welfare agency or~~
 9.9 ~~agency responsible for assessing or investigating the report, upon receiving a report, shall~~
 9.10 ~~immediately notify the local police department or the county sheriff orally and in writing.~~

9.11 (c) A person mandated to report physical or sexual child abuse or neglect occurring
 9.12 within a licensed facility shall report the information to the agency responsible for
 9.13 licensing the facility under sections 144.50 to 144.58; 241.021; 245A.01 to 245A.16; or
 9.14 chapter 245D; or a nonlicensed personal care provider organization as defined in section
 9.15 256B.0625, subdivision 19. A health or corrections agency receiving a report may request
 9.16 the local welfare agency to provide assistance pursuant to subdivisions 10, 10a, and 10b. A
 9.17 board or other entity whose licensees perform work within a school facility, upon receiving
 9.18 a complaint of alleged maltreatment, shall provide information about the circumstances of
 9.19 the alleged maltreatment to the commissioner of education. Section 13.03, subdivision 4,
 9.20 applies to data received by the commissioner of education from a licensing entity.

9.21 (d) ~~Any person mandated to report shall receive a summary of the disposition of~~
 9.22 ~~any report made by that reporter, including whether the case has been opened for child~~
 9.23 ~~protection or other services, or if a referral has been made to a community organization,~~
 9.24 ~~unless release would be detrimental to the best interests of the child. Any person who is~~
 9.25 ~~not mandated to report shall, upon request to the local welfare agency, receive a concise~~
 9.26 ~~summary of the disposition of any report made by that reporter, unless release would be~~
 9.27 ~~detrimental to the best interests of the child. Notification requirements under subdivision~~
 9.28 10 apply to all reports received under this section.

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

9.31 Sec. 4. Minnesota Statutes 2014, section 626.556, subdivision 6a, is amended to read:

9.32 Subd. 6a. **Failure to notify.** If a local welfare agency receives a report under
 9.33 subdivision 3, paragraph (a) or (b), and fails to notify the local police department or county
 9.34 sheriff as required by subdivision 3, ~~paragraph (a) or (b)~~ 10, the person within the agency
 9.35 who is responsible for ensuring that notification is made shall be subject to disciplinary

10.1 action in keeping with the agency's existing policy or collective bargaining agreement on
 10.2 discipline of employees. If a local police department or a county sheriff receives a report
 10.3 under subdivision 3, paragraph (a) or (b), and fails to notify the local welfare agency as
 10.4 required by subdivision 3, ~~paragraph (a) or (b)~~ 10, the person within the police department
 10.5 or county sheriff's office who is responsible for ensuring that notification is made shall be
 10.6 subject to disciplinary action in keeping with the agency's existing policy or collective
 10.7 bargaining agreement on discipline of employees.

10.8 Sec. 5. Minnesota Statutes 2014, section 626.556, subdivision 7, is amended to read:

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

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

10.22 ~~(b)~~ (c) Any report shall be of sufficient content to identify the child, any person
 10.23 believed to be responsible for the abuse or neglect of the child if the person is known, the
 10.24 nature and extent of the abuse or neglect and the name and address of the reporter. The
 10.25 local welfare agency or agency responsible for assessing or investigating the report shall
 10.26 accept a report made under subdivision 3 notwithstanding refusal by a reporter to provide
 10.27 the reporter's name or address as long as the report is otherwise sufficient under this
 10.28 paragraph. Written reports received by a police department or the county sheriff shall be
 10.29 forwarded immediately to the local welfare agency or the agency responsible for assessing
 10.30 or investigating the report. The police department or the county sheriff may keep copies of
 10.31 reports received by them. Copies of written reports received by a local welfare department
 10.32 or the agency responsible for assessing or investigating the report shall be forwarded
 10.33 immediately to the local police department or the county sheriff.

10.34 ~~(e)~~ (d) When requested, the agency responsible for assessing or investigating a
 10.35 report shall inform the reporter within ten days after the report was made, either orally or

11.1 in writing, whether the report was accepted or not. If the responsible agency determines
 11.2 the report does not constitute a report under this section, the agency shall advise the
 11.3 reporter the report was screened out. ~~A screened-out report~~ Any person mandated to report
 11.4 shall receive a summary of the disposition of any report made by that reporter, including
 11.5 whether the case has been opened for child protection or other services, or if a referral has
 11.6 been made to a community organization, unless release would be detrimental to the best
 11.7 interests of the child. Any person who is not mandated to report shall, upon request to the
 11.8 local welfare agency, receive a concise summary of the disposition of any report made by
 11.9 that reporter, unless release would be detrimental to the best interests of the child.

11.10 (e) Reports that are not screened in must not be used for any purpose other than
 11.11 making an offer of social services to the subjects of the screened-out report be maintained
 11.12 in accordance with subdivision 11c, paragraph (a).

11.13 ~~(d)~~ (f) Notwithstanding paragraph (a), the commissioner of education must inform
 11.14 the parent, guardian, or legal custodian of the child who is the subject of a report of
 11.15 alleged maltreatment in a school facility within ten days of receiving the report, either
 11.16 orally or in writing, whether the commissioner is assessing or investigating the report
 11.17 of alleged maltreatment.

11.18 ~~(e)~~ (g) Regardless of whether a report is made under this subdivision, as soon as
 11.19 practicable after a school receives information regarding an incident that may constitute
 11.20 maltreatment of a child in a school facility, the school shall inform the parent, legal
 11.21 guardian, or custodian of the child that an incident has occurred that may constitute
 11.22 maltreatment of the child, when the incident occurred, and the nature of the conduct
 11.23 that may constitute maltreatment.

11.24 ~~(f)~~ (h) A written copy of a report maintained by personnel of agencies, other than
 11.25 welfare or law enforcement agencies, which are subject to chapter 13 shall be confidential.
 11.26 An individual subject of the report may obtain access to the original report as provided
 11.27 by subdivision 11.

11.28 Sec. 6. Minnesota Statutes 2014, section 626.556, is amended by adding a subdivision
 11.29 to read:

11.30 Subd. 7a. **Mandatory guidance for screening reports.** (a) Child protection intake
 11.31 workers, supervisors, and others involved with child protection screening shall, at a
 11.32 minimum, follow the guidance provided in the Minnesota Child Maltreatment Screening
 11.33 Guidelines when screening reports, and, when notified by the commissioner of human
 11.34 services, shall immediately implement updated procedures and protocols.

12.1 (b) Any modifications to the screening guidelines by the county agency must be
 12.2 preapproved by the commissioner of human services and must not be less protective of
 12.3 children than is mandated by statute. The guidelines may provide additional protections
 12.4 for children but must not limit reports that are screened in or provide additional limits on
 12.5 consideration of reports that were screened out in making screening determinations.

12.6 Sec. 7. Minnesota Statutes 2014, section 626.556, subdivision 10, is amended to read:

12.7 Subd. 10. **Duties of local welfare agency and local law enforcement agency upon**
 12.8 **receipt of report; mandatory notification between police or sheriff and agency. (a)**

12.9 The police department or the county sheriff shall immediately notify the local welfare
 12.10 agency or agency responsible for child protection reports under this section orally and
 12.11 in writing when a report is received. The local welfare agency or agency responsible for
 12.12 child protection reports shall immediately notify the local police department or the county
 12.13 sheriff orally and in writing when a report is received. The county sheriff and the head of
 12.14 every local welfare agency, agency responsible for child protection reports, and police
 12.15 department shall each designate a person within their agency, department, or office who is
 12.16 responsible for ensuring that the notification duties of this paragraph are carried out.

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

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

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

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

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

12.34 If the report alleges neglect, physical abuse, or sexual abuse by a parent, guardian,
 12.35 or individual functioning within the family unit as a person responsible for the child's

13.1 care, or sexual abuse by a person with a significant relationship to the child when that
13.2 person resides in the child's household or by a sibling, the local welfare agency shall
13.3 immediately conduct a family assessment or investigation as identified in clauses (1)
13.4 to (4). In conducting a family assessment or investigation, the local welfare agency
13.5 shall gather information on the existence of substance abuse and domestic violence and
13.6 offer services for purposes of preventing future child maltreatment, safeguarding and
13.7 enhancing the welfare of the abused or neglected minor, and supporting and preserving
13.8 family life whenever possible. If the report alleges a violation of a criminal statute
13.9 involving sexual abuse, physical abuse, or neglect or endangerment, under section
13.10 609.378, the local law enforcement agency and local welfare agency shall coordinate the
13.11 planning and execution of their respective investigation and assessment efforts to avoid a
13.12 duplication of fact-finding efforts and multiple interviews. Each agency shall prepare a
13.13 separate report of the results of its investigation or assessment. In cases of alleged child
13.14 maltreatment resulting in death, the local agency may rely on the fact-finding efforts of a
13.15 law enforcement investigation to make a determination of whether or not maltreatment
13.16 occurred. When necessary the local welfare agency shall seek authority to remove the
13.17 child from the custody of a parent, guardian, or adult with whom the child is living. In
13.18 performing any of these duties, the local welfare agency shall maintain appropriate records.

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

13.23 ~~(b)~~ (c) When a local agency receives a report or otherwise has information indicating
13.24 that a child who is a client, as defined in section 245.91, has been the subject of physical
13.25 abuse, sexual abuse, or neglect at an agency, facility, or program as defined in section
13.26 245.91, it shall, in addition to its other duties under this section, immediately inform the
13.27 ombudsman established under sections 245.91 to 245.97. The commissioner of education
13.28 shall inform the ombudsman established under sections 245.91 to 245.97 of reports
13.29 regarding a child defined as a client in section 245.91 that maltreatment occurred at a
13.30 school as defined in sections 120A.05, subdivisions 9, 11, and 13, and 124D.10.

13.31 ~~(e)~~ (d) Authority of the local welfare agency responsible for assessing or
13.32 investigating the child abuse or neglect report, the agency responsible for assessing or
13.33 investigating the report, and of the local law enforcement agency for investigating the
13.34 alleged abuse or neglect includes, but is not limited to, authority to interview, without
13.35 parental consent, the alleged victim and any other minors who currently reside with or
13.36 who have resided with the alleged offender. The interview may take place at school or at

14.1 any facility or other place where the alleged victim or other minors might be found or the
14.2 child may be transported to, and the interview conducted at, a place appropriate for the
14.3 interview of a child designated by the local welfare agency or law enforcement agency.
14.4 The interview may take place outside the presence of the alleged offender or parent, legal
14.5 custodian, guardian, or school official. For family assessments, it is the preferred practice
14.6 to request a parent or guardian's permission to interview the child prior to conducting the
14.7 child interview, unless doing so would compromise the safety assessment. Except as
14.8 provided in this paragraph, the parent, legal custodian, or guardian shall be notified by
14.9 the responsible local welfare or law enforcement agency no later than the conclusion of
14.10 the investigation or assessment that this interview has occurred. Notwithstanding rule 32
14.11 of the Minnesota Rules of Procedure for Juvenile Courts, the juvenile court may, after
14.12 hearing on an ex parte motion by the local welfare agency, order that, where reasonable
14.13 cause exists, the agency withhold notification of this interview from the parent, legal
14.14 custodian, or guardian. If the interview took place or is to take place on school property,
14.15 the order shall specify that school officials may not disclose to the parent, legal custodian,
14.16 or guardian the contents of the notification of intent to interview the child on school
14.17 property, as provided under this paragraph, and any other related information regarding
14.18 the interview that may be a part of the child's school record. A copy of the order shall be
14.19 sent by the local welfare or law enforcement agency to the appropriate school official.

14.20 ~~(d)~~ (e) When the local welfare, local law enforcement agency, or the agency
14.21 responsible for assessing or investigating a report of maltreatment determines that an
14.22 interview should take place on school property, written notification of intent to interview
14.23 the child on school property must be received by school officials prior to the interview.
14.24 The notification shall include the name of the child to be interviewed, the purpose of the
14.25 interview, and a reference to the statutory authority to conduct an interview on school
14.26 property. For interviews conducted by the local welfare agency, the notification shall
14.27 be signed by the chair of the local social services agency or the chair's designee. The
14.28 notification shall be private data on individuals subject to the provisions of this paragraph.
14.29 School officials may not disclose to the parent, legal custodian, or guardian the contents
14.30 of the notification or any other related information regarding the interview until notified
14.31 in writing by the local welfare or law enforcement agency that the investigation or
14.32 assessment has been concluded, unless a school employee or agent is alleged to have
14.33 maltreated the child. Until that time, the local welfare or law enforcement agency or the
14.34 agency responsible for assessing or investigating a report of maltreatment shall be solely
14.35 responsible for any disclosures regarding the nature of the assessment or investigation.

15.1 Except where the alleged offender is believed to be a school official or employee,
15.2 the time and place, and manner of the interview on school premises shall be within the
15.3 discretion of school officials, but the local welfare or law enforcement agency shall have
15.4 the exclusive authority to determine who may attend the interview. The conditions as to
15.5 time, place, and manner of the interview set by the school officials shall be reasonable and
15.6 the interview shall be conducted not more than 24 hours after the receipt of the notification
15.7 unless another time is considered necessary by agreement between the school officials and
15.8 the local welfare or law enforcement agency. Where the school fails to comply with the
15.9 provisions of this paragraph, the juvenile court may order the school to comply. Every
15.10 effort must be made to reduce the disruption of the educational program of the child, other
15.11 students, or school staff when an interview is conducted on school premises.

15.12 ~~(e)~~ (f) Where the alleged offender or a person responsible for the care of the alleged
15.13 victim or other minor prevents access to the victim or other minor by the local welfare
15.14 agency, the juvenile court may order the parents, legal custodian, or guardian to produce
15.15 the alleged victim or other minor for questioning by the local welfare agency or the local
15.16 law enforcement agency outside the presence of the alleged offender or any person
15.17 responsible for the child's care at reasonable places and times as specified by court order.

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

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

15.34 ~~(h)~~ (i) The local welfare agency responsible for conducting a family assessment or
15.35 investigation shall collect available and relevant information to determine child safety,
15.36 risk of subsequent child maltreatment, and family strengths and needs and share not public

16.1 information with an Indian's tribal social services agency without violating any law of the
16.2 state that may otherwise impose duties of confidentiality on the local welfare agency in
16.3 order to implement the tribal state agreement. The local welfare agency or the agency
16.4 responsible for investigating the report shall collect available and relevant information
16.5 to ascertain whether maltreatment occurred and whether protective services are needed.
16.6 Information collected includes, when relevant, information with regard to the person
16.7 reporting the alleged maltreatment, including the nature of the reporter's relationship to the
16.8 child and to the alleged offender, and the basis of the reporter's knowledge for the report;
16.9 the child allegedly being maltreated; the alleged offender; the child's caretaker; and other
16.10 collateral sources having relevant information related to the alleged maltreatment. The
16.11 local welfare agency or the agency responsible for investigating the report may make a
16.12 determination of no maltreatment early in an investigation, and close the case and retain
16.13 immunity, if the collected information shows no basis for a full investigation.

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

16.16 (1) the child's sex and age, prior reports of maltreatment, information relating
16.17 to developmental functioning, credibility of the child's statement, and whether the
16.18 information provided under this clause is consistent with other information collected
16.19 during the course of the assessment or investigation;

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

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

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

16.35 Nothing in this paragraph precludes the local welfare agency, the local law
16.36 enforcement agency, or the agency responsible for assessing or investigating the report

17.1 from collecting other relevant information necessary to conduct the assessment or
17.2 investigation. Notwithstanding sections 13.384 or 144.291 to 144.298, the local welfare
17.3 agency has access to medical data and records for purposes of clause (3). Notwithstanding
17.4 the data's classification in the possession of any other agency, data acquired by the
17.5 local welfare agency or the agency responsible for assessing or investigating the report
17.6 during the course of the assessment or investigation are private data on individuals and
17.7 must be maintained in accordance with subdivision 11. Data of the commissioner of
17.8 education collected or maintained during and for the purpose of an investigation of
17.9 alleged maltreatment in a school are governed by this section, notwithstanding the data's
17.10 classification as educational, licensing, or personnel data under chapter 13.

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

17.15 ~~(i)~~ (j) Upon receipt of a report, the local welfare agency shall conduct a face-to-face
17.16 contact with the child reported to be maltreated and with the child's primary caregiver
17.17 sufficient to complete a safety assessment and ensure the immediate safety of the child.
17.18 The face-to-face contact with the child and primary caregiver shall occur immediately
17.19 if sexual abuse or substantial child endangerment is alleged and within five calendar
17.20 days for all other reports. If the alleged offender was not already interviewed as the
17.21 primary caregiver, the local welfare agency shall also conduct a face-to-face interview
17.22 with the alleged offender in the early stages of the assessment or investigation. At the
17.23 initial contact, the local child welfare agency or the agency responsible for assessing or
17.24 investigating the report must inform the alleged offender of the complaints or allegations
17.25 made against the individual in a manner consistent with laws protecting the rights of the
17.26 person who made the report. The interview with the alleged offender may be postponed if
17.27 it would jeopardize an active law enforcement investigation.

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

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

17.35 ~~(k)~~ (l) In conducting an assessment or investigation involving a school facility
17.36 as defined in subdivision 2, paragraph (i), the commissioner of education shall collect

18.1 available and relevant information and use the procedures in paragraphs ~~(i)~~ (j), (k), and
18.2 subdivision 3d, except that the requirement for face-to-face observation of the child
18.3 and face-to-face interview of the alleged offender is to occur in the initial stages of the
18.4 assessment or investigation provided that the commissioner may also base the assessment
18.5 or investigation on investigative reports and data received from the school facility and
18.6 local law enforcement, to the extent those investigations satisfy the requirements of
18.7 paragraphs ~~(i)~~ and (j), (k), and subdivision 3d.

18.8 Sec. 8. Minnesota Statutes 2014, section 626.556, subdivision 10e, is amended to read:

18.9 Subd. 10e. **Determinations.** (a) The local welfare agency shall conclude the family
18.10 assessment or the investigation within 45 days of the receipt of a report. The conclusion of
18.11 the assessment or investigation may be extended to permit the completion of a criminal
18.12 investigation or the receipt of expert information requested within 45 days of the receipt
18.13 of the report.

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

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

18.21 (d) If the commissioner of education conducts an assessment or investigation,
18.22 the commissioner shall determine whether maltreatment occurred and what corrective
18.23 or protective action was taken by the school facility. If a determination is made that
18.24 maltreatment has occurred, the commissioner shall report to the employer, the school
18.25 board, and any appropriate licensing entity the determination that maltreatment occurred
18.26 and what corrective or protective action was taken by the school facility. In all other cases,
18.27 the commissioner shall inform the school board or employer that a report was received,
18.28 the subject of the report, the date of the initial report, the category of maltreatment alleged
18.29 as defined in paragraph (f), the fact that maltreatment was not determined, and a summary
18.30 of the specific reasons for the determination.

18.31 (e) When maltreatment is determined in an investigation involving a facility,
18.32 the investigating agency shall also determine whether the facility or individual was
18.33 responsible, or whether both the facility and the individual were responsible for the
18.34 maltreatment using the mitigating factors in paragraph (i). Determinations under this

19.1 subdivision must be made based on a preponderance of the evidence and are private data
19.2 on individuals or nonpublic data as maintained by the commissioner of education.

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

19.5 (1) physical abuse as defined in subdivision 2, paragraph (g);

19.6 (2) neglect as defined in subdivision 2, paragraph (f);

19.7 (3) sexual abuse as defined in subdivision 2, paragraph (d);

19.8 (4) mental injury as defined in subdivision 2, paragraph (m); or

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

19.10 (g) For the purposes of this subdivision, a determination that child protective
19.11 services are needed means that the local welfare agency has documented conditions
19.12 during the assessment or investigation sufficient to cause a child protection worker, as
19.13 defined in section 626.559, subdivision 1, to conclude that a child is at significant risk of
19.14 maltreatment if protective intervention is not provided and that the individuals responsible
19.15 for the child's care have not taken or are not likely to take actions to protect the child
19.16 from maltreatment or risk of maltreatment.

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

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

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

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

20.1 (3) whether the facility or individual followed professional standards in exercising
 20.2 professional judgment.

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

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

20.12 ~~(k) Individual counties may implement more detailed definitions or criteria that~~
 20.13 ~~indicate which allegations to investigate, as long as a county's policies are consistent~~
 20.14 ~~with the definitions in the statutes and rules and are approved by the county board. Each~~
 20.15 ~~local welfare agency shall periodically inform mandated reporters under subdivision 3~~
 20.16 ~~who work in the county of the definitions of maltreatment in the statutes and rules and any~~
 20.17 ~~additional definitions or criteria that have been approved by the county board.~~

20.18 Sec. 9. Minnesota Statutes 2014, section 626.556, subdivision 10j, is amended to read:

20.19 Subd. 10j. **Release of data to mandated reporters.** (a) A local social services or
 20.20 child protection agency, or the agency responsible for assessing or investigating the report
 20.21 of maltreatment, ~~may~~ shall provide relevant private data on individuals obtained under
 20.22 this section to ~~a mandated reporters reporter who made the report and who have~~ has an
 20.23 ongoing responsibility for the health, education, or welfare of a child affected by the data,
 20.24 unless the agency determines that providing the data would not be in the best interests
 20.25 of the child. The agency may provide the data to other mandated reporters with ongoing
 20.26 responsibility for the health, education, or welfare of the child. Mandated reporters with
 20.27 ongoing responsibility for the health, education, or welfare of a child affected by the data
 20.28 include the child's teachers or other appropriate school personnel, foster parents, health
 20.29 care providers, respite care workers, therapists, social workers, child care providers,
 20.30 residential care staff, crisis nursery staff, probation officers, and court services personnel.
 20.31 Under this section, a mandated reporter need not have made the report to be considered a
 20.32 person with ongoing responsibility for the health, education, or welfare of a child affected
 20.33 by the data. Data provided under this section must be limited to data pertinent to the
 20.34 individual's responsibility for caring for the child.

21.1 (b) A reporter who receives private data on individuals under this subdivision must
 21.2 treat the data according to that classification, regardless of whether the reporter is an
 21.3 employee of a government entity. The remedies and penalties under sections 13.08 and
 21.4 13.09 apply if a reporter releases data in violation of this section or other law.

21.5 Sec. 10. Minnesota Statutes 2014, section 626.556, subdivision 10m, is amended to
 21.6 read:

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

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

21.16 (1) the family does not accept or comply with a plan for child protective services;
 21.17 (2) voluntary child protective services may not provide sufficient protection for the
 21.18 child; or
 21.19 (3) the family is not cooperating with an investigation.

21.20 If the agency responsible for child protection under this section is an Indian tribe
 21.21 social service agency, the agency shall consult with the tribal authority that would be
 21.22 responsible for filing a petition.

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

21.24 Subd. 11c. **Welfare, court services agency, and school records maintained;**
 21.25 **county duty to maintain reports.** Notwithstanding sections 138.163 and 138.17,
 21.26 records maintained or records derived from reports of abuse by local welfare agencies,
 21.27 agencies responsible for assessing or investigating the report, court services agencies, or
 21.28 schools under this section shall be destroyed as provided in paragraphs (a) to ~~(d)~~ (e) by
 21.29 the responsible authority.

21.30 (a) For reports that were not screened in, family assessment cases, and cases
 21.31 where an investigation results in no determination of maltreatment or the need for child
 21.32 protective services, the assessment or investigation records must be maintained by the
 21.33 local welfare agency for a period of ~~four~~ five years after the date of the final entry in the

22.1 case record. Records under this paragraph may not be used for employment, background
 22.2 checks, or purposes other than to assist in future risk and safety assessments.

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

22.6 (c) All records regarding a report of maltreatment, including any notification of
 22.7 intent to interview which was received by a school under subdivision 10, paragraph ~~(d)~~
 22.8 (e), shall be destroyed by the school when ordered to do so by the agency conducting the
 22.9 assessment or investigation. The agency shall order the destruction of the notification
 22.10 when other records relating to the report under investigation or assessment are destroyed
 22.11 under this subdivision.

22.12 (d) Private or confidential data released to a court services agency under subdivision
 22.13 10h must be destroyed by the court services agency when ordered to do so by the local
 22.14 welfare agency that released the data. The local welfare agency or agency responsible for
 22.15 assessing or investigating the report shall order destruction of the data when other records
 22.16 relating to the assessment or investigation are destroyed under this subdivision.

22.17 (e) For reports alleging child maltreatment that were not accepted for assessment
 22.18 or investigation, counties shall:

22.19 (1) maintain sufficient information to identify repeat reports alleging maltreatment
 22.20 of the same child or children for ~~365 days~~ five years from the date the report was screened
 22.21 out, and the commissioner of human services shall specify to the counties the minimum
 22.22 information needed to accomplish this purpose. ~~Counties shall;~~

22.23 (2) document the reason as to why the report was not accepted for assessment or
 22.24 investigation; and

22.25 (3) enter this the data under clauses (1) and (2) into the state social services
 22.26 information system.

22.27 Sec. 12. Minnesota Statutes 2014, section 626.556, is amended by adding a subdivision
 22.28 to read:

22.29 Subd. 16. **Commissioner's duty to provide oversight; quality assurance**
 22.30 **reviews; annual summary results of reviews.** (a) The commissioner shall develop
 22.31 a plan to perform quality assurance reviews of county agency screening practices and
 22.32 decisions. The commissioner shall provide oversight and guidance to counties to ensure
 22.33 the consistent application of screening guidelines, thorough and appropriate screening
 22.34 decisions, and correct documentation and maintenance of reports.

23.1 (b) The commissioner shall produce an annual report of the summary results of
23.2 the reviews. The report is public information and must be provided to the chairs and
23.3 ranking minority members of the legislative committees having jurisdiction over child
23.4 protection issues.

23.5 Sec. 13. **INSTRUCTIONS TO THE COMMISSIONER; CHILD**
23.6 **MALTREATMENT SCREENING GUIDELINES.**

23.7 (a) No later than August 1, 2015, the commissioner of human services shall update
23.8 the child maltreatment screening guidelines to require agencies to consider prior reports
23.9 that were not screened in when determining whether a new report will or will not be
23.10 screened in. The updated guidelines must emphasize that intervention and prevention
23.11 efforts are to focus on child safety and the ongoing risk of child abuse or neglect, and that
23.12 the health and safety of children are of paramount concern.

23.13 (b) No later than September 30, 2015, the commissioner shall publish and distribute
23.14 the updated guidelines and ensure that all agency staff have received training on the
23.15 updated guidelines.

23.16 (c) Agency staff must implement the guidelines by October 1, 2015.

23.17 Sec. 14. **COMMISSIONER'S DUTY TO PROVIDE TRAINING TO CHILD**
23.18 **PROTECTION SUPERVISORS.**

23.19 The commissioner shall establish requirements for competency-based initial training,
23.20 support, and continuing education for child protection supervisors. This would include
23.21 developing a set of competencies specific to child protection supervisor knowledge, skills,
23.22 and attitudes based on the Minnesota Child Welfare Practice Model.

23.23 Sec. 15. **REVISOR'S INSTRUCTION.**

23.24 The revisor shall alphabetize the definitions in Minnesota Statutes, section 626.556,
23.25 subdivision 2, and correct related cross-references.