

CHAPTER 9560
DEPARTMENT OF HUMAN SERVICES
SOCIAL SERVICES FOR CHILDREN

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9560.0092 [Repealed, L 2008 c 361 art 6 s 59]

9560.0093 MODIFICATION OF THE SUBSIDY.

[For text of subp 1, see M.R.]

Subp 2 [Repealed, L 2008 c 361 art 6 s 59]

[For text of subps 3 and 4, see M.R.]

Statutory Authority: MS s 259 67

History: L 2008 c 361 art 6 s 59

9560.0214 DEFINITIONS.

[For text of subps 1 and 2, see M.R.]

Subp 3 [Repealed, 32 SR 565]

[For text of subps 4 to 10, see M R]

Subp 10a Family assessment. "Family assessment" means a comprehensive assessment of child safety, risk of subsequent child maltreatment, and family strengths and needs that

A is applied to child maltreatment reports that do not allege substantial child endangerment,

B does not include a determination as to whether child maltreatment occurred, and

C. determines the need for services to address the safety of family members and the risk of subsequent maltreatment.

[For text of subps 11 to 13, see M.R.]

Subp. 14 Investigation. "Investigation" means fact gathering related to the current safety of a child and the risk of subsequent maltreatment that determines:

A whether child maltreatment occurred, and

B whether child protective services are needed.

An investigation must be used for reports alleging substantial child endangerment, and for reports of maltreatment in facilities identified in Minnesota Statutes, section 626 556, subdivision 2, paragraph (b)

[For text of subps 15 to 21, see M.R.]

Statutory Authority: Ms s 14 388; 256 01; 256E 05, 257 175; 393.07; 626 556

History: 32 SR 565

9560.0216 BASIC REQUIREMENTS.

[For text of subps 1 and 1a, see M R]

Subp 2 County of service: imminent danger. In a situation of imminent danger, the local agency shall screen and investigate reports of maltreatment of any child found in the county without regard to the legal residence of the child

[For text of items A and B, see M R]

Subp 3 Screening reports.

A The local agency shall screen reports of maltreatment to determine the need for assessment or investigation

Except for those reports described in item B, the local agency shall conduct an assessment or investigation if a report meets the criteria in subitems (1) to (3)

(1) the allegations in the report constitute maltreatment as defined under part 9560 0214, subpart 18,

(2) sufficient identifying information to locate the child or at least one member of the family unit exists to permit an assessment or investigation, and

(3) the report contains information that has not previously been received and assessed or investigated by the local agency

B. Upon receipt of a report, the local welfare agency shall determine whether to conduct a family assessment or an investigation as appropriate to prevent or provide a remedy for child maltreatment. The local welfare agency.

(1) shall conduct an investigation on reports involving substantial child endangerment,

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

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

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

C If a report alleges maltreatment in a facility licensed by the commissioner, other than a foster care or family day care facility, the local agency shall immediately forward the report to the commissioner for investigation

Subp 3a. Report alleging maltreatment of a child of a facility license holder.

A If the report of maltreatment alleges maltreatment of a child related by blood, marriage, or adoption to the license holder in a facility during nonbusiness hours of the facility, the local agency shall follow the procedures under part 9560 0220. The local agency shall notify the responsible licensing agency listed in part 9560 0222, subpart 1, when the local agency receives the report of maltreatment and when the local agency completes an assessment or investigation

[For text of item B, see M R]

[For text of subp 4, see M R.]

Subp 5 Time frames for initiating an assessment or investigation. The local agency shall respond to reports of maltreatment within the time limits under item A or B

A. When a report alleges substantial child endangerment, the local agency shall initiate an investigation immediately

B When the report does not allege substantial child endangerment, the local agency shall initiate an assessment within five calendar days

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Subp 5a **Conflict of interest.** A person who conducts an assessment or investigation under this part or under Minnesota Statutes, section 626 5561, may not have

A any direct or shared financial interest or referral relationship resulting in a direct or shared financial gain with a provider of treatment for child abuse and neglect, or

B a personal or family relationship with a party in the assessment or investigation

If an independent assessor or investigator is not available, the person responsible for making the maltreatment determination may use the services of an assessor or investigator with a financial interest, referral relationship, or personal or family relationship

Subp. 6. **In person observation.** A face-to-face contact with the child and primary caretaker sufficient to complete a safety assessment and ensure the immediate safety of the child is required.

A immediately if substantial child endangerment is alleged, and

B within five calendar days for all other reports.

[For text of subp 7, see M.R.]

Statutory Authority: *Ms s 14 388, 256 01, 256E 05, 257 175, 393.07, 626 556*

History: *32 SR 565*

9560.0220 RESPONSE TO REPORTS OF MALTREATMENT WITHIN THE FAMILY UNIT.

Subpart 1 **Basic procedures.** The local agency shall follow the basic requirements in part 9560 0216 when a report alleges maltreatment by a person within the family unit who is responsible for the child's care. The local agency shall also collect available and relevant information to determine whether maltreatment occurred and whether protective services are needed as specified in Minnesota Statutes, section 626 556, subdivision 10, paragraph (h) Relevant information includes information on the existence of substance abuse and domestic violence as specified in Minnesota Statutes, section 626 556, subdivision 10, paragraph (a).

Subp 2. **Coordination with law enforcement.** The local agency shall

[For text of item A, see M.R.]

B. coordinate its assessment or investigation with the law enforcement agency's investigation to avoid duplication of fact finding efforts and multiple interviews; and

C prepare an independent report of its assessment or investigation

Subp 3 **Child interviews.** For family assessments, it is the preferred practice to request a parent or guardian's permission to interview the child prior to conducting the child interview, unless doing so would compromise the safety assessment. When a local agency and a law enforcement agency that coordinate assessments and investigations jointly determine that an interview by one person with the child who is reported to be maltreated is in the best interests of the child, and the interview is conducted by the law enforcement agency, the interview can be substituted for the procedures in items A to F

When necessary to make the determinations in subpart 6, the local agency shall interview any other minors within the family unit When interviewing children, the local agency shall follow the procedures in items A to F

A The local agency shall interview the child in a face-to-face meeting in a manner appropriate to the child's age, development, and ability to understand and verbalize The agency shall use a question-and-answer interviewing format with questioning as nondirective as possible to elicit spontaneous responses A face-to-face observation of the child is required immediately for reports alleging substantial child endangerment and within five calendar days for all other reports.

[For text of item B, see M.R.]

C The local agency may interview a child under this part without parental consent. By the time the assessment or investigation is completed, the local agency shall notify the parent, legal custodian, or guardian that the interview has occurred unless ordered by the juvenile court to withhold notification

D If a parent, legal custodian, or guardian prevents the local agency from interviewing a child, the local agency shall ask the county attorney to obtain a judicial order to produce the child for an interview

E. For investigations only the local agency shall make a record of every interview according to subitems (1) and (2)

[For text of subitems (1) and (2), see M R]

[For text of item F, see M R]

Subp 4 **Parent interviews.** The local agency shall interview parents and persons responsible for the child's care within the family unit. The agency must use a question-and-answer interviewing format with questioning as nondirective as possible to elicit spontaneous responses. These interviews must take place immediately if substantial child endangerment is alleged and within five calendar days for all other reports unless postponement is necessary to prevent risk to a child or interference with law enforcement's investigation. If, after reasonable effort, the local agency is unable to locate a parent, this requirement is waived. All interviews with witnesses and collateral sources must be audiotaped when conducting investigations whenever possible.

Subp 4a **Interview of alleged offender.** In the initial stages of an assessment or investigation, the agency must conduct a face-to-face interview of the alleged offender. The interview with the alleged offender may be postponed if it jeopardizes an active law enforcement investigation. The agency must use a question-and-answer interviewing format with questioning as nondirective as possible to elicit spontaneous responses. The local agency must provide the alleged offender with an opportunity to make a statement. The alleged offender may submit supporting documentation relevant to the assessment or investigation. The interviews must be audiotaped when conducting an investigation whenever possible.

[For text of subp 5, see M R]

Subp 6 **Local agency determinations.** When the local agency has completed its investigation under subparts 1 to 5, the local agency shall make determinations

[For text of items A and B, see M R]

[For text of subps 6a to 9, see M R]

Statutory Authority: *Ms s 14.388, 256 01, 256E 05, 257 175, 393 07, 626.556*

History: *32 SR 565*

9560.0225 APPEALS OF MALTREATMENT DETERMINATIONS.

Subpart 1 **Notice of right to appeal.** Administrative reconsideration is not applicable in family assessments because no determination concerning maltreatment is made. For investigations, the agency must notify the designee of a child who is the subject of a report, and any persons or facilities determined to have maltreated a child, of their appeal and reconsideration rights under Minnesota Statutes, section 626 556, subdivision 10i

[For text of subp 2, see M R]

Statutory Authority: *Ms s 14.388, 626 556*

History: *32 SR 565*

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9560.0228 PROTECTIVE SERVICES.

[For text of subpart 1, see M R]

Subp. 2 **Written protective services plan.** The written protective services plan based on the risk assessment in part 9560.0216 must be prepared within 30 days after the assessment is completed. The written protective services plan must meet the criteria in items A to D

[For text of items A to D, see M R.]

[For text of subps 3 to 6, see M R]

Statutory Authority: *Ms s 256.01; 256E 05, 257.175, 393 07, 626 556*

History: *32 SR 565*

9560.0609 [Repealed, L 2008 c 361 art 6 s 59]