

9560.0214 DEFINITIONS.

Subpart 1. **Scope.** As used in parts 9560.0210 to 9560.0234, the following terms have the meanings given them.

Subp. 2. **Alleged offender.** "Alleged offender" means a person who is reported to have committed maltreatment.

Subp. 3. [Repealed, 32 SR 565]

Subp. 4. **Child.** "Child" means a person under the age of 18.

Subp. 5. **Child protection worker.** "Child protection worker" means an employee of a local agency who is responsible for providing child protective services.

Subp. 6. **Child protective services.** "Child protective services" means services provided by the local agency to protect a child who has reportedly been maltreated by a person within the family unit or within a facility who is responsible for the child's care. Child protective services include assessment or investigation; protective intervention under parts 9560.0218, subpart 8, 9560.0220, subpart 8, and 9560.0222, subpart 11; and the planning and provision of services under part 9560.0228.

Subp. 6a. **Commissioner.** "Commissioner" means the commissioner of the Department of Human Services or the commissioner's designee.

Subp. 7. **County board.** "County board" means the county board of commissioners in each county. A human services board established under Minnesota Statutes, chapter 402, or a welfare board established under Minnesota Statutes, chapter 393, shall be considered the county board for purposes of parts 9560.0210 to 9560.0234.

Subp. 8. **Department.** "Department" means the Minnesota Department of Human Services.

Subp. 9. [Repealed, 17 SR 3412]

Subp. 10. **Facility.** "Facility" means a facility or program for the care of children required to be licensed by the Department of Corrections under Minnesota Statutes, section 241.021, or the Department of Human Services under Minnesota Statutes, chapter 245A.

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.

Subp. 11. **Family unit.** "Family unit" means:

- A. the child; and

- B. all persons related to the child by blood, marriage, or adoption; and
- C. persons living within the same household as the child; or
- D. the child's guardian.

Subp. 12. **Imminent danger.** "Imminent danger" means that a child is threatened with immediate and present maltreatment that is life threatening or likely to result in abandonment, sexual abuse, or serious physical injury.

Subp. 12a. **Indian child.** "Indian child" means an unmarried person under the age of 18 who is either a member of or eligible for membership in an American Indian tribe.

Subp. 13. **Infant medical neglect.** "Infant medical neglect" includes, but is not limited to, the withholding of medically indicated treatment from a disabled infant with a life threatening condition. For the purposes of this subpart, "infant" means a child less than one year of age, or a child one year of age or older who has been continuously hospitalized since birth as specified in Code of Federal Regulations, title 45, part 1340, section 15(b)(3)(i). The term "withholding of medically indicated treatment" means the failure to respond to the infant's life threatening condition by providing treatment including appropriate nutrition, hydration, and medication which, in the treating physician's or physicians' reasonable medical judgment, will be most likely to be effective in ameliorating or correcting all conditions, except that the term does not include the failure to provide treatment other than appropriate nutrition, hydration, or medication to an infant when, in the treating physician's or physicians' reasonable medical judgment:

- A. the infant is chronically and irreversibly comatose;
- B. the provision of the treatment would merely prolong dying, not be effective in ameliorating or correcting all of the infant's life threatening conditions, or otherwise be futile in terms of the survival of the infant; or
- C. the provision of the treatment would be virtually futile in terms of the survival of the infant and the treatment itself under the circumstances would be inhumane.

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 260E.03, subdivision 6.

Subp. 15. **Law enforcement agency.** "Law enforcement agency" means the Department of Public Safety, the local police or sheriff's department, or the state highway patrol.

Subp. 16. **Legal custody.** "Legal custody" means the right to care, custody, and control of a child as defined in Minnesota Statutes, section 260B.007, subdivision 8, or 260C.007, subdivision 22.

Subp. 17. **Local agency.** "Local agency" means the social services agency authorized by the county board to provide social services and financial assistance under Minnesota Statutes, section 393.07.

Subp. 18. **Maltreatment.** "Maltreatment" means physical or sexual abuse or neglect under Minnesota Statutes, section 260E.03, subdivision 12. "Neglect" includes prenatal exposure to a controlled substance as listed in Minnesota Statutes, section 253B.02, subdivision 2, and infant medical neglect.

Subp. 19. **Report or report of maltreatment.** "Report" or "report of maltreatment" means an oral or written report received by a local agency that alleges a child is being or has been maltreated.

Subp. 20. **Shelter care facility.** "Shelter care facility" means a physically unrestricting facility, such as a hospital, group home, or licensed facility for foster care, used for the temporary care of a child.

Subp. 21. **Subject.** "Subject" means any person on whom the local agency retains private or confidential information obtained from reports of maltreatment or during assessments or investigations of reports of maltreatment.

Statutory Authority: *MS s 14.388; 256.01; 256E.05; 257.175; 393.07; 626.556*

History: *13 SR 303; 17 SR 3412; L 1999 c 139 art 4 s 2; 25 SR 1772; L 2001 c 178 art 1 s 44; 32 SR 565; L 2015 c 71 art 1 s 126*

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