



# **Resource Guide for Mandated Reporters of Child Maltreatment Concerns**

Child Safety and Permanency Division

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## Introduction

Children and families thrive when they experience safe, stable, nurturing relationships and environments. Such relationships and environments are dependent upon the conditions that surround families as well as a family's ability to access supports. The conditions are set collectively by the people, businesses, schools, organizations, and other institutions that make up communities. Persistent inequities due to health, wealth, geography, race, and other factors interrupt or interfere with community conditions and make it more difficult for some families to get the support they need. Intentionality is required in shaping practice, programs, and policies to wrap families in safety, stability, and nurturance – to set the conditions – so that children and families thrive.

The Minnesota Department of Human Services (department), with its partners, is responsible for the protection of children whose health or welfare may be in jeopardy by child maltreatment. “While it is recognized that most parents want to keep their children safe, sometimes circumstances or conditions interfere with their ability to do so. When this occurs, the health and safety of children must be of paramount concern. Intervention and prevention efforts must address immediate concerns for child safety and the ongoing risk of abuse or neglect and should engage the protective capacities of families.” [\[Minn. Stat. 260E.01\]](#)

Throughout the child welfare system, the department is committed to advancing equity, reducing disparities and improving access to human services for communities experiencing inequities. Equity considerations are embedded in decisions at all levels. Concerns for child safety are the guide when making a maltreatment report, not a child's or family's race, ethnicity, political, immigrant, refugee, citizenship status, language, gender, or sexual orientation. Efforts to build an anti-racist workplace and ensure equity in decision making around reporting of child maltreatment are important and necessary for any organization employing mandated reporters.

Anyone may voluntarily report suspected child abuse or neglect to the local child protection or law enforcement agency. Anyone working with children or families is legally required to report suspected child abuse or neglect. This guide is to help better understand the mandated reporter statute, and to outline appropriate actions and best practice if known or is suspected that a child is being abused or neglected.

This guide includes information on:

- The process for reporting suspected child maltreatment
- Partnerships among law enforcement, child protection and licensing agencies
- Conditions of neglect and abuse that should be reported
- Some behaviors and characteristics of children and families who may need help
- Relevant state statutes.

## Who should report suspected child abuse or neglect?

Professionals who work with children and families are in key positions to help protect children from harm. Minnesota law requires professionals and their delegates who work with children to make a child protection report if they know of or have reason to believe a child:

- Is being neglected or abused, or
- Was neglected or abused in the preceding three years.

Mandated reporters include professionals and their delegates in the following fields:

### Health care

- Hospital administrators
- Medical personnel and professionals
- Dental professionals

### Mental health professionals

- Psychiatrists
- Psychologists
- Therapists

### Social services

- Caseworkers
- Group home staff
- Foster parents

### Child care

- Family child care providers
- Child care center staff

### Education

- Teachers and assistants
- School administrators
- School support staff

## Law enforcement

## Guardians ad litem

## Clergy\*

## Probation and correction services

\*Members of the clergy are required to report suspected child abuse or neglect unless that information received under certain privilege circumstances. See [Minn. Stat., 260E.06, subd. 1\(a\)\(2\)](#), and [Minn. Stat., section 595.02, subd. 1\(c\)](#). **Minnesota laws obligate mandated reporters to take action.**

**If anyone suspects that a child is being abused or neglected, they cannot shift that responsibility of reporting to a supervisor, or to someone else in an office, school, clinic or licensed facility. They alone are required to make a report to the responsible social service agency.**

Anyone who reports child abuse or neglect in good faith is immune from civil liability. A reporter's name is confidential. It is accessible only if a reporter consents, by court order, or by court procedure.

Anyone who is required to report known or suspected abuse or neglect and fails to do so is guilty of a misdemeanor.

Reporting suspected abuse or neglect is a serious matter and must not be taken lightly. The child protection worker, law enforcement agent, or licensing agency worker to whom a report is made may request a reporter to provide as many facts as possible so staff can assess a child's situation, and determine need for intervention. If a child protection report results in a court hearing, reporters may be requested to testify. The inconvenience of reporting is offset by a simple fact: The action taken may save the life and spirit of a child and provide a family with needed support.

## When to report suspected abuse and neglect

Communities and government have a responsibility to set the conditions for thriving children and families. Before a concern related to child maltreatment arises, there are often indicators that families need additional support or services. Mandated reporters can be part of the solution, and should make efforts to connect with families and children and ensure they have the necessary supports and services to thrive. Many counties and tribes have Parent Support and Outreach Program and other services and may be able to provide concrete supports to families before maltreatment is a concern. The following website can also help mandated reporters assist families in finding the services they need:

<https://www.minnesotahelp.info/SpecialTopics/Families>

The law requires mandated reporters to make a report if they know of or have reason to believe a child is being neglected or abused, or has been neglected or abused within the preceding three years. Reporters are required to report suspected abuse or neglect of any child, regardless of their immigration status, nationality or race. Verbal reports must be communicated immediately (no longer than 24 hours). Written reports must be submitted within 72 hours (weekends and holidays excluded).

Before making a report, make an extra effort to connect with children, and their families who:

- Have a history of emotional, sexual, physical abuse or neglect, drug use or discussed/attempted suicide
- Responsible for the care of other children, or live in a highly stressful family situation with limited support systems
- Require assistance due to physical, mental, behavioral or medical disabilities or delays.

Connections across social and community networks are essential to ensure safety and well-being for families and children. Signs of concern for a child may include:

- Child communicates they feel unsafe
- Reporter sees a child in a dangerous environment
- A child is being harmed
- Young child is left alone
- Noticing a significant change in a child's mood/behavior.

If possible, connect with the family and children and ask how they are feeling, and try to create an open dialogue. Support families in identifying and building on their strengths if they are open to it.

At times, what appear to be conditions of neglect are actually symptoms of poverty. Families provide for their children to the best of their ability and yet may lack resources, such as adequate financial means and/or community and social connections that are key to meeting their children's essential needs. Conditions of poverty can present differently, depending on cultural practices and geographic areas. When making a report, child welfare agencies may ask clarifying questions of a mandated reporter to differentiate issues stemming from parent neglect versus conditions of poverty. Questions asked of a reporter include:

- What are a family's support systems?
- Whom might the family call if they need help?
- Is anything known about family's economic situation?
- Have there been recent changes for family?
- What child care resources are in the community, and does family have access to them?

Mandated reporters may not know the answers to the above questions, but must answer to the best of their ability. Reports are made to the local child welfare agency. For a list of child welfare agencies, refer to Minnesota's county and tribal child protection agencies.

## Where to report suspected abuse or neglect

**Immediate danger** – If reporter knows or suspects that a child is in immediate danger (such as recent sexual assault or serious physical assault), or a child is abandoned, contact local law enforcement agency immediately. Law enforcement officers can remove a child from a threatening environment to protect them.



**No immediate danger** – If a child is not in immediate danger but reporter believes they have been maltreated as soon as reasonable make reports to the following:

- Local child welfare agency, if alleged offender is a parent, guardian, family child care provider, family foster care provider, or an unlicensed personal care provider.
- **Minnesota Department of Human Services, Licensing Division**, 651-431-6500; if alleged maltreatment is committed by staff person at a child care center, residential treatment center (children’s mental health), group home for children, minor parent program, children’s shelter, chemical dependency treatment program for adolescents, waived services for children, crisis respite for children, or residential program for children with developmental disabilities.
- **Minnesota Department of Health, Office of Health Facility Complaints**, 651-201-4200 or 800-369-7994; if alleged maltreatment occurred in a home health care setting, hospital, regional treatment center, nursing home, intermediate care facility for developmentally disabled, or licensed and unlicensed care attendants.
- **Minnesota Department of Education**, 651-582-8546, or fax 651-797-1601; if alleged offender is employed by a public pre-school, elementary school, middle school, secondary school, or charter school, when a child is a student in the school. Reports received regarding staff working in private or parochial schools are sent directly to law enforcement.
- **Local law enforcement agency** if alleged offender is staff working in a private or parochial school, someone outside the family and not a staff person at a regulated facility. Examples of non-family, non-facility caretakers include athletic club staff and babysitters.

If unsure whether to make a report, call the local child welfare agency and report the concern; agency staff will consult with reporter about concerns. Consultation is an important function of local agency screeners and can aid mandated and voluntary reporters to ensure a report gets to the right agency. Screeners can also consult with reporters regarding concerns that are not specific to an identifiable child.

## When a report is made

When receiving a report of child maltreatment, child welfare agency staff must first determine whether a report meets the legal definition of child maltreatment. A screened in report of alleged child maltreatment must include the following three elements:

- The allegation meets the statutory definition of child maltreatment, according to [Minn. Stat. 260E](#)
- There is sufficient identifying information to attempt to locate child, or at least one member of their family
- A report includes maltreatment allegations not previously assessed or investigated by the local child welfare agency or another child welfare agency.

To determine if a report meets the statutory definition, child protection staff may contact other individuals with knowledge of child and/or family for additional information. Past reports and history of social services involvement are considered.

For information regarding screening guidelines, see [Minnesota Child Maltreatment Intake, Screening and Response Path Guidelines](#).

At times, there may be inadequate information to begin an assessment or investigation. For these families, offering services may be a suggestion. Law enforcement and child protection agencies, and other responsible agencies, cooperatively assess and investigate accepted reports that meet statutory criteria of child maltreatment. These agencies are best prepared to help children and families in need of support, and will assess or investigate reports of maltreatment. Local child welfare agencies offer services to safeguard the welfare of abused or neglected children. Whether initially reported to local law enforcement, child welfare, or other responsible agency, it is possible that other agencies may be involved as investigation or assessment activities are coordinated.

## Commonly asked questions

Information gained from reporters is essential for the best screening decisions possible. Reporters can provide valuable information to an agency. If contacting a local child welfare agency, child protection screeners may request the following information:

- Reporters name, phone number, relationship to family or child, and source of information (witnessed, heard, etc.)
- Name, address, age, and other identifying information regarding alleged victim, siblings, alleged offender, other household members, or any additional witnesses.
- Specific description of allegations; when and where alleged incident occurred, and if child is in immediate danger.
- Description of child's injuries or present condition, and reporters understanding of the impact of alleged maltreatment to the child.
- Presence of domestic violence or criminal activity, including sex trafficking of children, weapons, or other dangerous activities in the home.
- Description of any action a school and/or other facility or agency has taken specifically in response to an incident.
- Family's awareness of reporter's contact with agency.
- Reporter's awareness or knowledge of any immediate family/relative/community resources willing to offer protection or support. What reporter is willing to do (or has done) to help family.
- Reporter's awareness of child's lineage to Indian tribes, and if so, which tribe/s, if known.
- Additional information regarding child and/or family that may be helpful.
- Whether reporter would like information regarding initial disposition.

Although reporters may not have knowledge or answers to all questions asked, they should respond to the best of their ability.

## Collateral contacts

Child protection screeners may contact other individuals regarding a child. Contacting an individual or professional other than reporter to assist in making a screening decision is permissible by law. A collateral contact is not required to provide requested information. Collateral contacts may include:

- Individuals who can provide first-hand information necessary to provide a fuller picture of alleged child maltreatment
- Mandated reporters who have recent and/or regular contact with child
- Individuals who can judge the quality and nature of parents' or caregiver's behavior
- Relevant law enforcement agencies.

The name of initial reporter remains confidential, and only released by consent or a court order.

## Use of past history in screening reports

When determining whether reports are screened in or out, prior accepted and screened out reports of child maltreatment are considered in screening a current child maltreatment report. This includes case histories of all participants involved in current reports. When prior records, or contact with child protection exist in another Minnesota child welfare agency, or another state, caseworkers make every effort to obtain relevant information to screen current reports.

## Non-discrimination in screening

Child's family's race; religion; age; socioeconomic; cultural history; ethnicity; political, immigrant, refugee, citizenship status; gender or sexual orientation; is not a factor when making screening decisions on reports of alleged child maltreatment. Child safety issues alone guide this decision.

Child welfare agency caseworkers remain aware of the impact that historical trauma and current war-trauma has for families of color and American Indian families involved with the child protection system.

When a maltreatment assessment or investigation is conducted, accepted child-rearing practices of the culture in which a child participates, and accepted discipline practices not injurious to a child's health, welfare, and safety are taken into account.

## Maltreatment types

The following explanations of maltreatment types help better understand what law enforcement, child protection, and other responsible agencies, are required to assess. Details are included in relevant statutes and in [Minnesota Child Maltreatment Intake, Screening and Response Path Guidelines](#).

## Neglect

Neglect according to [Minn. Stat. 260E, subd. 15](#), is failure by parents or caretakers to provide a child with necessary food, shelter, clothing or medical care. Neglect also includes failure to ensure that a child is educated, although this does not include parents' refusal to provide a child with nervous system stimulant medications. Neglect also may occur when a person responsible for a child's care fails to protect them from conditions or actions that seriously endanger their physical or mental health, when reasonably able to do so. In addition, neglect includes failure to provide for appropriate supervision or child care arrangements after considering child's age, mental ability, physical condition, and length of absence or environment.

Child neglect differs from physical abuse, though the results of abuse and neglect may be similar. Both can lead to physical injury, emotional harm, and even death. Neglect is failure of a parent or other caretaker to do what they are legally obligated to do rather than what s/he does. The following are conditions of neglect that must be reported to child protection:

- Inadequate food, clothing, shelter or medical care
- Abandonment
- Exposure to threatening or endangering conditions
- Failure to ensure obtaining an education
- Prenatal exposure to certain controlled substances
- Failure to provide necessary supervision or child care arrangements
- Environmental hazardous conditions that pose a significant health or safety hazard to a child and not corrected by their parent/s or guardian
- Failure to provide for a child's special needs
- Exposure to, or involvement in, criminal activities
- Failure to protect a child from conditions or actions that present serious endangerment
- Chronic and severe use of alcohol or a controlled substance by a parent or person responsible for child's care that adversely affects their basic needs and safety.

There are times when poverty can create circumstances perceived as neglect, with parents unable to provide care for their child/ren due to lack of adequate financial resources. Under these circumstances, local child welfare agencies will work to assist parent/s in providing necessary care for a child, and not define parental behavior as neglectful.

## Physical abuse

The definition of **physical abuse** is in [Minn. Stat. 260E, subd. 18](#), as follows:

- Physical or mental injury or threatened injury, inflicted on a child by a person responsible for their care, other than by accidental means
- Physical or mental injury that cannot reasonably be explained by a child's history of injuries
- Aversive or deprivation procedures, or regulated interventions, not authorized under law for use in facilities serving persons who have developmental disabilities or related conditions.

Physically abused children sometimes have bruises, welts, burns, bite mark, cuts, fractures, swelling, or lost teeth. While internal injuries are seldom detectable without a medical exam, anyone in close contact with children should be alert to multiple injuries, a history of repeated injuries, new injuries added to old injuries, and untreated injuries.

Report other indicators of physical abuse, including:

- An injury that appears to be non-accidental
- Physical injury resulting from hazardous conditions not corrected by parent/s or guardian
- Significant threats indicating there is substantial risk of physical abuse or mental injury
- Visible injuries at the time of making a report is not necessary to report physical abuse.

Physical abuse does not include reasonable and moderate physical discipline of children administered by parents or guardian that does not result in injury.

## Threatened injury

The definition of **threatened injury** is in [Minn. Stat. 260E.03, subd. 23 \(a\)\(b\)](#), which is a statement, overt act, condition, or status that represents a substantial risk of physical or sexual abuse, or mental injury to children by someone responsible for their care, unless it involves sex trafficking. In sex trafficking reports, an alleged offender does not have to be in a caregiving role. Threatened injury includes a person who:

- Has subjected a child to, or failed to protect them from, an overt act or condition that constitutes egregious harm, as defined in [Minn. Stat. 260C.007, subd. 14](#), or a similar law of another jurisdiction
- Is found to be palpably unfit under [Minn. Stat. 260C.301, subd. 1 \(b\)\(4\)](#)
- Committed an act that resulted in an involuntary termination of parental rights
- Committed an act that resulted in involuntary transfer of permanent physical and legal custody of a child to a relative.

## Mental injury

**Mental injury** is in [Minn. Stat. 260E.03, subd. 13](#), which is an injury to the psychological capacity or emotional stability of a child as evidenced by an observable or substantial impairment in their ability to function within a normal range of performance and behavior, with due regard to child's culture. Possible behavioral indicators of mental injury may include:

- Excessive sucking or rocking
- Destructive or antisocial behavior
- Sleep disorders
- Inhibition of play
- Behavioral extremes (passive or aggressive)
- Some types of developmental delays
- Substance abuse

- Obsessive and/or compulsive behaviors and phobias.

The above behavioral symptoms often need to be evaluated by a mental health practitioner to determine cause, since there may be factors other than mental injury that contribute to development of particular disorders.

## Sexual abuse

**Sexual abuse** is in [Minn. Stat. 260E.03, subd. 20](#), which means the subjection of a child to sexual contact by persons responsible for child's care, person with a significant relationship to child, or in a position of authority. For reports of sex trafficking, alleged offenders do not have to be in a caregiving role. Sexual abuse also includes any act involving a minor that constitutes a violation of prostitution offenses under [Minn. Stats. 609.321 to 609.234](#) or [617.247](#).

Sexual contact includes fondling, touching intimate parts, and sexual intercourse. Sexual abuse also includes use of children in sex trafficking or in the production of sexually explicit works, or knowingly allowing them to engage in activities described in this paragraph. Sexual abuse also includes threatened sexual abuse. Since sexually abused children may lack outward symptoms of physical abuse, sexual abuse can be difficult to identify. Children often do not know how to express or explain what has happened to them and may be afraid, confused, or ashamed. Children may not be developmentally capable of understanding or preventing contact. Possible indicators of sexual abuse include sudden change in behavior and signs of emotional disturbance.

In a broad definition, sexual contact includes:

- Touching of children's intimate parts
- Having a child touch the intimate parts of another person
- Touching clothing, or the clothing covering the immediate area of intimate parts
- Performing an act with sexual or aggressive intent. [[Minn. Stat. 609.341, subd.11](#)]

Warning signs may include:

- Fear of, or unwillingness to be near a particular place or person
- Nightmares
- Regressive behaviors such as crying excessively, sucking, rocking, bed- or pants-wetting'
- Withdrawal from social relationships
- Ongoing anger
- Sexually acting out with other children
- Playing out what happened to them with dolls or another person
- Unusual interest in the private body parts of other children
- Inappropriate sexual knowledge for a child's developmental or chronological age.

Local child welfare agencies are responsible for investigating allegations of sexual abuse if alleged offender is the parent, guardian, sibling, or an individual functioning within the family unit responsible for a child's care, or a person with a significant relationship to child, if that person resides in their household.

## Threatened sexual abuse

**Threatened sexual abuse** is in [Minn. Stat. 260E.03, subd. 20](#), which goes beyond provisions of the criminal sexual conduct statutes and includes the following, but not limited to:

- Anything said or done that poses a significant danger that an alleged offender will perpetrate or attempt to perpetrate sexual abuse, or threaten to have sexual contact with a child.
- An adult soliciting sexual activity with another minor (not a household minor). An adult does not have to be in a caregiving role.
- Parent or other person residing in a household in possession of child pornography.
- A person who has sexually abused a child, based on prior maltreatment determination or current credible statements, is residing with a child or having unsupervised contact with them.
- Behavior recognized as preparation for initiating sexual contact with a child, such as showering or bathing with sexualized intent, prolonged lip kissing, and/or peeking at a child while they are undressing or dressing.

## Domestic violence

There are times when domestic violence and child maltreatment co-occur. In these situations, a report must meet the statutory threshold for physical abuse, mental injury, threatened injury, sexual abuse, or neglect of a child. In most cases, a child must be involved in, a witness to, or otherwise situated in a location that puts them at risk during incidents of domestic violence.

Other conditions of domestic violence may meet the definition of threatened injury or mental harm, included in the [Minnesota Child Maltreatment Intake, Screening and Response Path Guidelines](#) under Domestic Violence.

Conditions of domestic violence may meet the definition of maltreatment and include but not limited to, any of the following:

- Injuries to a parent, caregiver, or offender are potentially life threatening or permanent, or a parent or caregiver receives internal or other serious injuries, such as broken bones, broken teeth, burns, injuries requiring sutures, injured to the degree that they are unable to provide care for their children.
- Weapons are used or threatened
- Objects are used as weapons in the course of domestic violence and there is an impact on children
- Sexual assault occurs in the course of domestic violence and is witnessed by children
- A child intervenes in the course of domestic violence, such as making a 911 call for fear of harm to themselves or others in a residence
- A child inserts themselves as a shield to protect parent/s or caregiver, is physically restrained from leaving, or is used as a shield during an assault in an incidence of violence
- Alleged offender does not allow protective parent and child access to basic needs, impacting their health and safety
- Violence is increasing in frequency and severity
- Kidnapping, or threats of kidnapping, suicide, or homicide occur

- An alleged offender has killed, substantially harmed, or is making believable threats to do so to anyone in a family, including extended family members and pets
- A child has persistent and prolonged fear for their life, or the life of a parent or person responsible for their care, or the life of someone else in relation to an incident.

## **Predatory offenders**

Report a parent or household member who is registered or required to register as a predatory offender. This includes parents who do not reside in child's primary household. Local child welfare agencies must assess these situations to assure safety of children residing in the home.

## **Sexually exploited youth**

Sexually exploited youth are alleged to have engaged in conduct that would, if committed by an adult, constitute a violation of prostitution offenses and/or use of minors in a sexual performance. Youth being sexually exploited occurs when anything of value (e.g., money, drugs, food, shelter, rent or higher status in a gang or group, or the promise of anything of value, is given by any means in exchange for any type of sexual activity. A third party may or may not be involved. Some circumstances of sexually exploited youth include, but not limited to:

- A minor solicited to engage in sexual conduct by any means
- Children who have unexplained injuries to their genitals that are suspicious for sexual abuse
- A child intentionally exposed to sexual activity for the purpose of sexual arousal or sexual gratification.

Report sexually exploited youth to the local child welfare agency when a parent or person with a significant relationship is involved. When in doubt, make a report. The local agency will determine if a report meets criteria for physical abuse, neglect, sexual abuse, or threatened sexual abuse. All sexually exploited youth are crime victims, who will receive an offer of services.

## **Sex trafficking**

Report all known or suspected sex trafficking that involve youth to a child protection agency. Sex trafficking is a type of commercial sexual exploitation that involves prostitution of an individual in which a third person, not the buyer or the victim, facilitates or receives profits. Sex trafficking victims are engaged in commercial sexual activity through use of force, fraud, or coercion by a third person, not the buyer or child victim, considered a victim of sexual abuse.

## **Labor trafficking**

Labor trafficking is a person compelled to work for the benefit of another person by use of force, threats, intimidation or blackmail, when one person imposes unreasonable or unlimited terms on repayment of a real or fabricated debt as a way to coerce persons to work. [[Minn. Stat. 609.281](#)] Alleged offenders can be a parent, guardian, sibling, or other related or unrelated caregiver. They may also be a peer, acquaintance or employer.



Report labor trafficking to local child welfare agencies, although this is not required. Children experiencing labor trafficking often experience other types of abuse or neglect. Reporting labor trafficking to the local child welfare agency is key to connecting children and families to services.

Information regarding sexually exploited youth, and sex and labor trafficking, is in the [Minnesota Best Practice Response to trafficking and exploitation of Children and Youth](#).

## Child protection's responsibility

Local child welfare agencies perform three essential functions, including:

- Receiving and screening reports of child maltreatment
- Assessing or investigating accepted reports of child maltreatment where alleged offender is a parent, guardian, family child care or foster care provider
- Providing child protective and family support services, as needed.

Local child welfare staff does not have authority to assess or investigate every complaint or concern expressed. Authority only exists for agency services to respond to reports that meet the statutory definition of child maltreatment. Minnesota Statutes have criteria for determining how to evaluate and appropriately respond to child protection reports.

Reports made to child welfare agencies are screened to determine whether a report meets criteria to be assigned for a child protection response. Screening teams review and confirm screening decisions, or in the absence of a team, child protection supervisor or designee. Screening teams may consist of child protection staff, as well as other professionals such as law enforcement, county attorneys, mental health professionals and physicians. If maltreatment occurred in a family and meets the statutory definition, it is assigned for an Investigative or Family Assessment response. All reports of sex trafficking receive an Investigation response; alleged offender does not have to be in a caregiving role. Both statutory and discretionary reasons are involved in selecting the child protection response used for screened in reports of child maltreatment. Family Assessment and Family Investigation are not voluntary responses. They are both involuntary, serious child protective service responses focused on child safety as the paramount concern.

Child protection staff assess the safety and risk of children and identify parents' strengths, protective factors, and other capabilities to provide the safety and well-being needed for their children. Child protection workers, in partnership with families, identify the services and supports a family needs to address safety. Supports may include family members, kin, cultural and community members, as well as other groups a family can reach out to when needed.

## Screened in reports and response paths

Screened in reports are assigned to one of the following response paths, depending on reported concerns:

- Family Investigation

- Family Assessment
- Facility Investigation

Each of the three child protection responses is required under Minnesota Statutes. All three focus on child safety as the priority. Agencies must complete a Family Investigation, Family Assessment, or Facility Investigation within 45 days of date of receipt of a report. [[Minn. Stat. 260E.24, subd. 1](#)]

The goals of child protection are to help achieve positive outcomes for families, their children, and:

- Make child safety paramount and at the forefront of decision making
- Assess and ensure safety of children initially and ongoing during involvement
- Gather facts to help decide if a child has experienced harm and provide needed services
- Identify family strengths to help address risks and ensure child safety
- Affirm a family's cultural beliefs
- Coordinate and monitor services to families, including use of trauma-informed interventions
- Promote children's well-being and permanency.

## Working with families

Both statutory and discretionary reasons are involved in selecting the child protection response used for screened in reports of child maltreatment. By law, child protection has a specialized role in working with a child and family. Child protection's responsibilities are to:

- Respond promptly to reports of alleged abuse, neglect or exploitation of children
- Assess and assure the safety of children
- Determine if a child was harmed by their exposure to maltreatment and provide corrective interventions
- Identify family problems that contributed to child safety concerns, and when possible, assist them to locate supports to help keep their child/ren safe
- Evaluate family's ability to benefit from services
- Develop a treatment and service plan with family to meet their needs
- Implement a treatment plan and involve community resources to meet identified needs
- Seek authority of juvenile or family court in situations with a determined need for protective services and family refuses services, or continues to pose a threat to safety of a child.

## Family Investigation response overview

Family Investigations respond to the most serious reports of maltreatment to children, including situations where there is not a serious report of harm or neglect, but additional considerations or vulnerabilities exist that indicate a need for an Investigation response. Reports of child maltreatment that allege substantial child endangerment or sexual abuse, and sex trafficking, must receive an Investigation. Minnesota Statutes define substantial child endangerment to include categories of egregious harm, physical and sexual abuse, and reports of high-risk neglect. [[Minn. Stat. 260E.03, subd. 11](#)]

Law enforcement sometimes assists in conducting investigations as part of a police investigation. Depending on circumstances of a report, a local child welfare agency may decide to assign a report not involving substantial child endangerment for an Investigation. When this occurs it is called a Discretionary Family Investigation because it is at the discretion of a child welfare agency as to when it will provide an Investigation response, even though a situation is not related to substantial child endangerment or sexual abuse.

The focus of a Family Investigation response centers on gathering facts, assessing/evaluating risk for subsequent child maltreatment, and assessing family protective capacities regarding child safety.

In situations where serious harm occurred, or where there is risk of serious and imminent harm, the police or sheriff's department is authorized to remove a child from the family home for 72 hours. Child welfare agencies may seek emergency protective care of a child by petitioning juvenile court. Emergency protective care grants authority to the child welfare agency to continue a child in placement, providing for their safety while a thorough investigation is completed.

Reports alleging substantial child endangerment, sexual abuse, or other reports assigned for an Investigation, must begin immediately and include face-to-face contact with child and their caretaker. All reports assigned for Investigation must conclude within 45 days.

Investigators make two decisions at the conclusion of a Family Investigation, including:

- A determination of whether child maltreatment occurred
- Whether child protective services are needed.

### **Family Assessment response overview**

Reports not involving substantial child endangerment, sexual abuse, or situations of serious danger may be assigned for a Family Assessment. Reports that provide information indicating less serious safety concerns for children may be appropriate for a Family Assessment response. The focus is child safety and is not a voluntary response.

Family Assessments involve gathering facts to evaluate thoroughly child safety, risk for subsequent child maltreatment, and family's strengths, that demonstrate protection of children over time. The focus of Family Assessment is to engage a family's protective capacities and offer services that address immediate and ongoing safety concerns of child/ren. Family Assessment uses strength-based interventions, and involves families in planning for and selecting services. If families do not complete a Family Assessment, do not follow through with recommended services, or when an agency has not been successful in engaging them in discussion around child safety, the response track may switch to Investigation response.

In Family Assessment response, child protection staff must have face-to-face contact with child and their primary caretaker within five calendar days. A Family Assessment must conclude within 45 days of agency accepting a report.

There is no determination of maltreatment in Family Assessment response. Two decisions at the conclusion of a Family Assessment are whether:

- Child protective services are needed
- Family support services jointly agreed upon by agency and parents.

## Facility Investigation overview

Facility Investigations are completed when allegations of maltreatment involve children being served by licensed and unlicensed child care providers, foster care providers, and unlicensed personal care providers. Legally unlicensed child care includes a caregiver, relative or nonrelative, caring for a child as part of an ongoing arrangement, whether paid or unpaid, regardless of location. Other types of facilities have investigations conducted by other entities, including the Minnesota Departments of Human Services, Education and Health. Facilities are held to a higher standard, as they are responsible for the care of children who are not their own.

Decisions made at the conclusion of a Facility Investigation include whether:

- Child maltreatment occurred
- A staff person was responsible
- A facility was responsible
- Child protective services are needed.

The Minnesota Departments of Human Services, Education and Health are responsible for investigating reports of child maltreatment occurring in a school or various licensed facilities. When these agencies receive a maltreatment report, they screen the report and determine whether it will be investigated, and if so, what priority the investigation receives. After an investigation, the investigating agency determines whether maltreatment occurred, and what corrective or protective actions are required. When maltreatment is determined in an investigation involving a facility, the investigating agency also determines whether the facility, or individual, was responsible for the maltreatment, or whether both were responsible.

Facility operators are required to inform mandated reporters employed by a facility of their requirements, and of prohibition against retaliation for reports made in good faith. [[Minn. Stat. 260E.06](#)]

## Learning the outcomes

Privacy laws limit information that child protection and licensing agencies can discuss. A mandated reporter can find out if a report is accepted for investigation. If accepted, reporters will receive a summary of disposition of the report, unless such a release of information would be detrimental to the best interests of child.

The summary that mandated reporters receive includes the following information:

- Agency's assigned response path under [Minn. Admin. Rules, part 9560.0230, subp. 5](#)
- The name of child protection worker or investigator who conducted the Family Assessment or Family Investigation

- Nature of maltreatment, if an agency determined that maltreatment occurred
- If a case has been opened for child protection or other services
- If a referral was made to a community organization.

A voluntary reporter will receive a summary, if requested. The summary is limited to the following information:

- Agency’s assigned response path under [Minn. Admin. Rules, part 9560.0230](#), and
- A statement regarding whether child protective services are being provided.

In [Minn. Stat. 260E.35, subd. 4 \(a\)\(b\)](#), local child welfare agencies are required to provide data to mandated reporters making reports who have ongoing responsibility for the health, education or welfare of children affected by the data, unless providing the data would not be in child’s best interest; data may be provided to other mandated reporters with ongoing responsibility for the health, education or welfare of children. Data provided under this section must be limited to data pertinent to the individual’s responsibility of caring for child.

## **Maltreatment determinations**

In Family Investigations, a determination of whether maltreatment occurred is made, and if child protective services are needed. Determinations are based on a preponderance of evidence of facts, which may include information from interviews, physical evidence, records, and other documentation.

No determinations of maltreatment are made in Family Assessments. Two decisions made at the conclusion of a Family Assessment include whether:

- Child protective services are needed
- Family support services jointly agreed upon by agency and parents.

In both Family Investigations and Family Assessments, a determination of whether child protective services are needed is made. In [Minn. Stat. 260E.24, subd. 4](#): “A determination that child protective services are needed means the local welfare agency has documented conditions during the assessment or investigation sufficient to cause a child protection worker to conclude that a child is at significant risk of maltreatment if protective intervention is not provided, and the individuals responsible for the child’s care have not taken or are not likely to take actions to protect the child from maltreatment or risk of maltreatment.”

## **Reconsideration of maltreatment determinations**

An individual or facility acting on behalf of a child may request that an investigating agency reconsider its final decision regarding maltreatment.

## **When a child is placed in out-of-home care**

Children belong with their families unless they are not safe. Child protection staff must make reasonable or active efforts to prevent children from placement out of their home, and provide safety for them in their home

whenever possible. If it is necessary for a child's safety to separate them from an abusive or neglectful family member, child protection agencies try to provide the least restrictive setting possible. Whenever possible, alleged offenders are requested to leave premises to prevent removal of child from their home. Placement of child with relatives is often considered. If a suitable relative home is not available, however, other responsible adults who have a significant relationship with child may be considered for placement. Maintaining children's connections to family and their culture is a priority. If a relative or kinship placement is not available, or not in the best interest of a child, they may be placed in foster care. The goal is to help families resolve problems that contributed to maltreatment so that it is safe for child to reunite with their family.

## Placement of an Indian child

There are specific state and federal laws that govern placement of an Indian child. Best interests of an Indian child means compliance with the [Indian Child Welfare Act](#) and the [Minnesota Indian Family Preservation Act](#), to preserve and maintain an Indian child's family, extended family and tribe. Active efforts must be made to prevent placement of an Indian child, which include acknowledging traditional helping and healing systems of an Indian child's tribe, and using these systems as the core to help and heal an Indian child and their family. Active efforts set a higher standard than reasonable efforts to preserve families, prevent breakup of Indian family, and reunify families.

## Relevant statutes and guidelines

- The Reporting of Maltreatment of Minors Act: [Minn. Stat. 260E](#)
- Governing reporting of prenatal exposure to controlled substances: [Minn. Stat. 260E.31, subd. 2,3,4](#)
- The definition of Child in Need of Protection or Services (CHIPS): [Minn. Stat., section 260C.007, subd. 6](#)
- Administrative rule governing disclosure of records: [Minn. Admin. Rule 9560.0230](#)
- Federal statute governing Indian children in the child welfare system: [Indian Child Welfare Act, \(ICWA\) 25 USC 1901 ET SEQ](#)
- Statute governing Indian children in the child welfare system: [Minn. Stat. 260.762](#) Statute governing prostitution and sex trafficking: [Minn. Stats. 609.321 to 609.324](#)
- Statute governing labor trafficking: [Minn. Stat. 609.281](#)

For information on all child maltreatment guidelines see:

- [Minnesota Child Maltreatment Intake, Screening Response Path and Assessment Guidelines](#)

Minnesota Statutes, Chapter 3.197, requires the disclosure of the cost to prepare this report. The estimated cost of preparing this report is [Type cost \$XX,XXX here].

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