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#### Overview

This bill recodifies the Maltreatment of Minors Act, Minnesota Statutes, section 626.556 (article 1) and makes conforming changes (article 2).

Laws 2016, chapter 153, section 2, instructed the Revisor of Statutes, in consultation with legislative and agency staff, to recodify the Maltreatment of Minors Act and to submit the recodification in bill form for introduction in the 2017 Legislative Session.

Staff have reorganized the language to facilitate interpretation and application of the law, removed duplicative and obsolete language, used consistent terminology, updated cross-references, and redrafted language for clarity and consistency. Of particular note, the recodification adds a definition of “maltreatment,” which was previously defined for the purposes of only one subdivision, to include physical abuse, sexual abuse, neglect, and mental injury, and uses the term throughout the new chapter.

The language in this bill is not intended to change existing policy or to have a fiscal impact.

**Article 1: Maltreatment of Minors Act Recodification**

| **New section coding and headnote** | **New subdivision coding and headnote** |  **Current coding** |
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| **626B.01. Policy.** Consolidates declarations of public policy relating to child maltreatment. | None | 626.556, subd. 1(a); subd. 1(b) |
| **626B.02. Definitions.** Reorganizes and consolidates definitions into new section. Adds definition of “maltreatment.” | Subd. 1. Scope | 626.556, subd. 2, unlettered paragraph |
|  | Subd. 2. Accidental | 626.556, subd. 2, para (a) |
|  | Subd. 3. Child fatality | 626.556, subd. 11d, para (a), clause (1) |
|  | Subd. 4. Commissioner | 626.556, subd. 2, para (b) |
|  | Subd. 5. Facility | 626.556, subd. 2, para (c) |
|  | Subd. 6. Family assessment | 626.556, subd. 2, para (d) |
|  | Subd. 7. Findings and information | 626.556, subd. 11d, para (a), clause (3) |
|  | Subd. 8. Immediately | 626.556, subd. 3, para (e) |
|  | Subd. 9. Interested person acting on behalf of the child | 626.556, subd. 10i, para (g) |
|  | Subd. 10. Investigation | 626.556, subd. 2, para (e) |
|  | Subd. 11. Maltreatment | 626.556, subd. 10e, para (f) |
|  | Subd. 12. Mental injury | 626.556, subd. 2, para (f) |
|  | Subd. 13. Near fatality | 626.556, subd. 11d, para (a), clause (2) |
|  | Subd. 14. Neglect | 626.556, subd. 2, para (g)  |
|  | Subd. 15. Person responsible for the child’s care | 626.556, subd. 2, para (j) |
|  | Subd. 16. Physical abuse | 626.556, subd. 2, para (k) |
|  | Subd. 17. Report | 626.556, subd. 2, para (m) |
|  | Subd. 18. Sexual abuse | 626.556, subd. 2, para (n) |
|  | Subd. 19. Substantial child endangerment | 626.556, subd. 2, para (o) |
|  | Subd. 20. Threatened injury | 626.556, subd. 2, para (p) |
| **626B.03. Reporters.** Consolidates and reorganizes language relating to persons reporting maltreatment. | Subd. 1. Mandatory reporters (b) Practice of social services defined | 626.556, subd. 3, para (a)626.556, subd. 2, para (l) |
|  | Subd. 2. Voluntary reporters | 626.556, subd. 3, para (b) |
|  | Subd. 3. Retaliation prohibited | 626.556, subd. 4a, paras (a), (b), (c) |
| **626B.04. Reports.** Consolidates and reorganizes requirements for reports of maltreatment. | Subd. 1. Reports by mandated reporters | 626.556, subd. 3, para (c); subd. 3a; subd. 9 |
|  | Subd. 2. Report requirements | 626.556, subd. 7, paras (a) and (c) |
|  | Subd. 3. Failure to report | 626.556, subd. 6, paras (a), (b), (c) |
|  | Subd. 4. False reports | 626.556, subd. 5 |
|  | Subd. 5. Notification requirements | 626.556, subd 3, para (d) |
| **626B.05. Actions upon receipt of report.** Consolidates, reorganizes, and clarifies the actions required when an agency receives a report of maltreatment. | Subd. 1. Police department or county sheriff | 626.556, subd. 10, para (a); subd. 7, para (c); subd. 10a, para (c) |
|  | Subd. 2. Local welfare agency or agency responsible | 626.556, subd. 10, para (a); subd. 7, para (c); subd. 10a, para (a); subd. 3a |
|  | Subd. 3. Report to ombudsman | 626.556, subd. 10, para (c) |
|  | Subd. 4. Request for assistance | 626.556, subd. 3, para (c) |
|  | Subd. 5. Penalties for failure to notify | 626.556, subd. 6a |
| **626B.06. Agency responsible for assessment or investigation.** Consolidates and reorganizes provisions specifying the agencies responsible for maltreatment responses in different settings and circumstances. | None | 626.556, subd. 3c, paras (a), (b), (c)626.556, subd. 3b626.556, subd. 3e626.556, subd. 3f |
| **626B.07. Screening.** Consolidates and reorganizes provisions relating to screening processes for maltreatment reports. | Subd. 1. Screening procedure | 626.556, subd. 10, para (b)626.556, subd. 10, unlettered paras after (b)626.556, subd. 7a, paras (a) and (b) |
|  | Subd. 2. Timeline | 626.556, subd. 7, para (b) |
|  | Subd. 3. Face-to-face contact | 626.556, subd. 10, para (j) |
|  | Subd. 4. Post-screening notification | 626.556, subd. 7, para (d) |
| **626B.08. Screened-out reports.** Reorganizes requirements for handling screened-out maltreatment reports. | Subd. 1. Records | 626.556, subd. 7, para (e) |
|  | Subd. 2. Offer of social services | 626.556, subd. 7, para (f) |
| **626B.09. Conducting assessment or investigation.** Consolidates and reorganizes requirements relating to assessment and investigation procedures. | Subd. 1. Immediate assessment or investigation for alleged maltreatment in a facility | 626.556, subd. 10b, para (a) |
|  | Subd. 2. Consultation regarding alleged medical neglect | 626.556, subd. 10c |
|  | Subd. 3. Facility records | 626.556, subd. 10, para (h) |
|  | Subd. 4. Collection of information | 626.556, subd. 10, para (i) |
|  | Subd. 5. Law enforcement fact finding | 626.556, subd. 10a, para (b) |
|  | Subd. 6. Access to information | 626.556, subd. 10b, paras (c) and (d) |
|  | Subd. 7. Conflict of interest | 626.556, subd. 14 |
|  | Subd. 8. Cultural practices | 626.556, subd. 2, para (r) |
|  | Subd. 9. Assessment or investigation involving a school facility | 626.556, subd. 10, para (l) |
|  | Subd. 10. Notification requirements for school facility | 626.556, subd. 7, paras (g) and (h) |
|  | Subd. 11. Notification requirements for other types of facilities | 626.556, subd. 10d, paras (a) and (b) |
| **626B.10. Interviews.** Consolidates and reorganizes provisions governing interviews related to maltreatment assessments and investigations. | Subd. 1. Preinterview notification | 626.556, subd. 10b, para (b) |
|  | Subd. 2. Authority to interview | 626.556, subd. 3d; subd. 10, para (d) |
|  | Subd. 3. Interview procedure | 626.556, subd. 10, para (d); subd. 11a; subd. 10, paras (f), (g), (k) |
|  | Subd. 4. Interviews on school property | 626.556, subd. 10, para (e) |
| **626B.11. Conclusion of assessment or investigation.** Consolidates and streamlines procedures required at the conclusion of an assessment or investigation in various circumstances. | Subd. 1. Local welfare agency | 626.556, subd. 10e, paras (a), (b), (c), (h); subd. 10, para (i) |
|  | Subd. 2. Commissioner of education | 626.556, subd. 10e, para (d) |
|  | Subd. 3. Investigation involving a facility | 626.556, subd. 10e, para (e); subd. 12 |
|  | Subd. 4. Nonmaltreatment mistake | 626.556, subd. 2, para (h) |
|  | Subd. 5. Child protective services | 626.556, subd. 10e, para (g) |
|  | Subd. 6. Mitigating factors in investigating facilities | 626.556, subd. 10e, paras (i) and (j) |
|  | Subd. 7. Notification when assessment or investigation is completed  | 626.556, subd. 10d, para (c) |
|  | Subd. 8. Notification following assessment or investigation (local agencies) | 626.556, subd. 10f |
|  | Subd. 9. Final notifications | 626.556, subd. 7, para (d) |
|  | Subd. 10. Documentation of outcome | 626.556, subd. 10l |
|  | Subd. 11. Local welfare agency actions following determination that services are needed | 626.556, subd. 10m, paras (a) and (b) |
|  | Subd. 12. Child under age three | 626.556, subd. 10n |
|  | Subd. 13. Evidence | 626.556, subd. 8 |
| **626B.12. Appeals.** Consolidates provisions relating to appeals of maltreatment determinations. | Subd. 1. Following family assessment | 626.556, subd. 10i, para (a) |
|  | Subd. 2. Request for reconsideration | 626.556, subd. 10i, paras (a) and (h) |
|  | Subd. 3. Fair hearing request | 626.556, subd. 10i, paras (b) and (d) |
|  | Subd. 4. Change of final determination | 626.556, subd. 10i, para (c) |
|  | Subd. 5. Consolidation | 626.556, subd. 10i, para (e) |
|  | Subd. 6. Contested case hearing | 626.556, subd. 10i, para (f) |
| **626B.13. Immunity.** Moves subdivision governing immunity from civil and criminal liability throughout the reporting and investigation or assessment process. | None | 626.556, subd. 4 |
| **626B.14. Data practices.** Consolidates and reorganizes all provisions governing data practices throughout the reporting and investigation or assessment process. | Subd. 1. Classification and release of data | 626.556, subd. 7, para (i); subd. 10g; subd. 10h; subd. 10k; subd. 11, paras (a) and (b); subd. 11b; subd. 3, para (c) |
|  | Subd. 2. Data disclosed to reporter | 626.556, subd. 10j, paras (a) and (b) |
|  | Subd. 3. Data provided to the commissioner of education | 626.556, subd. 11, para (c) |
|  | Subd. 4. Data retention | 626.556, subd. 11c, unlettered paragraph, paras (a), (b), (c), (d) |
|  | Subd. 5. Disclosure to the public | 626.556, subd. 11d, paras (b), (c), (d), (e), (f) |
|  | Subd. 6. Birth match data | 626.556, subd. 2, para (q) |
| **626B.15. Audit.** Consolidates provisions relating to DHS maltreatment of minors audit requirements. | Subd. 1. Audit required | 626.556, subd. 15 |
|  | Subd. 2. Audit procedure | 626.556, subd. 16, para (a) |
|  | Subd. 3. Report required | 626.556, subd. 16, para (b) |
| **Repealer.** Repeals Minnesota Statutes 2016 section 626.556, subdivisions 1, 3a, 3b, 3d, 3e, 3f, 4a, 5, 6, 6a, 7, 7a, 8, 9, 10, 10a, 10b, 10c, 10g, 10h, 10j, 10k, 10l, 10m, 10n, 11, 11a, 11b, 11c, 12, 13, 14, 15, and 16.Repeals Minnesota Statutes 2017 Supplement, section 626.556, subdivisions 2, 3, 3c, 4, 10d, 10e, 10f, 10i, and 11d. |  |  |

**Article 2: Conforming Changes**

This article makes conforming statutory changes related to the Maltreatment of Minors Act recodification.