

Subject Child in need of protection or services; special care and access to treatment

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Summary

If a child is determined to need protection or services, a child in need of protection or services (CHIPS) petition may be filed with the court; services are delivered to the child and family, and the child may be moved into foster care if necessary for the child's safety. Minnesota Statutes, section 260C.007, subdivision 6, lists the reasons a child may be considered a child in need of protection or services. One reason is that the child is without the special care made necessary by a physical, mental, or emotional condition because the child's parent, guardian, or custodian is unable or unwilling to provide that care.

This bill modifies the special care clause to specify that a caregiver must not be considered unable or unwilling to provide necessary special care, absent other actions or factors that would constitute maltreatment, if the child stays in an emergency department or hospital because the caregiver cannot find residential treatment for the child or the child cannot be safely discharged to their family because necessary services are not available. Under these circumstances, the child would not be considered a child in need of protection or services.