
T H E M I N N E S O T A
C O U N T Y A T T O R N E Y S
A S S O C I A T I O N

Expansion of maltreatment protections to children traveling to other states/countries

2025 MCAA Legislative Priority

HF 1367 Chief Author Rep. Pinto, Co-Authors Rep. Moller, Nash, Virnig

SF 1841 Chief Author Sen. Anderson, Co-Author Sen. Limmer

The Minnesota County Attorneys Association (MCAA) supports legislation to expand maltreatment protections to children in the care of others while traveling to other states and countries. Under current law, children who are residents of Minnesota but who are alleged to be subject to maltreatment by caregivers while visiting in other states or countries are not protected under the Maltreatment Reporting Act, Minn. Stat. 260E. Although Minnesota social service agencies must accept and screen all reports of maltreatment, agencies are precluded from investigating and making a maltreatment determination in these circumstances due to lack of jurisdiction and venue.

Minnesota County Attorneys have seen cases where families have traveled out of state and abused their children but do not face any child protection consequences. The suggested changes noted below would add jurisdiction and venue provisions to the Maltreatment Reporting Act similar to language that exists in the child protection statutes, as well as language allowing for judicial review at the District Court level. The following are recent case examples which highlight the need for the requested changes.

Dakota County Case

The Dakota County case involved a family who travelled to Florida for vacation. While in Florida, the offender (stepdad, who is a minister) sexually abused the child. The family returned to Minnesota, and the allegations of sexual abuse were reported to the local police department and Dakota County Social Services (DCSS). No action regarding the child protection allegations were taken in Florida; Florida declined to prosecute. DCSS accepted, screened in, investigated, and upheld a maltreatment determination against the stepfather. The stepfather appealed the maltreatment determination to DHS, where the Human Services Judge reversed DCSS's finding of maltreatment for lack of subject matter jurisdiction because the sexual abuse occurred beyond Minnesota's border. Dakota County intended to appeal the reversal to Dakota County District Court under Minn. Stat. §256.045 but discovered an appeal could only be taken to the district court in the county where the maltreatment occurred. See. Minn. Stat §256.045, subd. 7.

Sherburne County Case

The Sherburne case involved a victim who resided in another state when serious abuse occurred to her as a young child. The victim and offender relocated to Minnesota, and after some years, the victim disclosed the early childhood abuse. Sherburne County Health and Human Services (SCHHS)

100 Empire Drive, Suite 200 • St. Paul, MN 55103 • 6 5 1-6 4 1-1 6 0 0 • Fax: 6 5 1-6 4 1-1 6 6 6

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made and then upheld a maltreatment determination against the offender that would have been included in a background check, barring him from working with vulnerable populations; however, he appealed the determination to DHS, and it was reversed for lack of jurisdiction because the abuse happened outside of Minnesota. As such, the offender's background does not reveal this prior abuse, and he can go on to work with vulnerable individuals, which he intends to do.

Ramsey County Case

The Ramsey County case involved children who were visiting their father in Mississippi. While there, the respondent is alleged to have sexually abused one of the children. When the children returned home to Minnesota, the allegations of sexual abuse were reported to Ramsey County Social Services (RCSS). No actions were initially taken in Mississippi regarding the child protection allegations. RCSS accepted, screened in, investigated, and upheld a maltreatment determination against the father. The father appealed the maltreatment determination to DHS, but the appeal was suspended per Minn. Stat. § 256.045, subd. 3(b).

St. Louis County Cases

There have been many cases in St. Louis County, highlighting the problem we seek to resolve. One child was reportedly being physically abused by an uncle while the child was in his care on an extended stay with his uncle's family in North Carolina. The child returned to his mother in Duluth and made a disclosure. It was screened out solely because the alleged maltreatment occurred outside of Minnesota. Another case involved an alleged maltreatment that happened when a child was visiting the noncustodial parent in Wisconsin. Yet another involved abuse that occurred just over state lines in Wisconsin by the custodial parent. And lastly, there was a mother from Duluth, driving with her child in Wisconsin while intoxicated.

Currently Minnesota Law fails to protect Minnesota children who travel beyond our state's borders. The current law also creates potential risk of harm to all Minnesota children. The proposed legislative addresses these concerns.

A MN family consisting of a mother, stepfather and child go on a vacation to another state or country. While outside of MN, the stepfather physically and sexually abuses the child. In this hypothetical, assume the family was just across the border in Wisconsin at their family cabin. After the family returns home, the child discloses the sexual abuse, and a report is made to the local social service agency in the county where the family resides. The local agency screens the report, conducts a child protection investigation, and subsequently determines maltreatment occurred. Although the evidence is clear the child was victimized by their stepfather and maltreatment occurred, the stepfather appeals the agency's determination to a Human Services Judge. After a fair hearing and under current law, the stepfather prevails, and the determination of maltreatment is reversed based on lack of jurisdiction because the abuse occurred beyond our state's border. The stepfather, who is employed as, for example, an elementary teacher, personal care assistant (PCA) for children/youth, a coach, or youth pastor in Minnesota is not only successful in reversing the maltreatment finding, but now, despite having sexually abused a child, will pass a MN DHS background check allowing him direct access to Minnesota children through his employment.

Child maltreatment investigations by local welfare agencies involving Minnesota residents are critical for a proper response to alleged abuse or neglect whether the incidents occur in Minnesota or elsewhere. Furthermore, jurisdiction over out-of-state maltreatment is essential to protecting vulnerable populations. Maltreatment determinations are found on an offender's background study to ensure the offender is not permitted to work with vulnerable people (children and adults) as a foster parent, daycare provider, health care provider, PCA, etc. Without this determination, employers and others conducting necessary due diligence will not be alerted to prior abuse or neglect by the applicant, making it possible for offenders to re-offend against those most helpless to defend themselves.