

# HOUSE RESEARCH

## Bill Summary

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**Subject:** Child protection

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### Overview

In September 2014, Governor Dayton established the Governor's Task Force on the Protection of Children to review the existing child protection system and its implementation by state, county, and local agencies. The task force was charged with issuing preliminary recommendations by December 31, 2014, and final recommendations by March 31, 2015. This bill amends the Maltreatment of Minors Act in order to implement preliminary recommendations from the task force.

#### Section

**1** **Public policy.** Amends § 626.556, subd. 1. Modifies the public policy statement to reflect that when reports alleging child abuse or neglect are received, the health and safety of the children are the primary consideration. (Current law focuses on engaging the family's protective capabilities while addressing child safety and risk.)

Strikes the requirement that a family assessment shall be the preferred response for all reports except those alleging substantial child endangerment, instead providing that a family assessment shall be conducted when children are determined to be at low risk of abuse or neglect and for whom there are no immediate safety concerns.

Clarifies that all reports alleging sexual abuse and substantial child endangerment must be handled as investigations and not initially accepted as family assessment.

Makes technical changes to the structure of this subdivision.

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- 2**        **Definitions.** Amends § 626.556, subd. 2. Amends paragraph (g), the definition of physical abuse. Clarifies that certain actions are not considered reasonable and moderate physical discipline. (Current law provides that these actions are not reasonable or moderate physical discipline when done in anger or without regard to the safety of the child. This is the language that was stricken.)
- 3**        **Persons mandated to report.** Amends § 626.556, subd. 3. Clarifies that all reports received by the local welfare agency must be referred to law enforcement. This includes reports that are not accepted for investigation or assessment.
- 4**        **Failure to notify.** Amends § 626.556, subd. 6a. Changes cross-references so that all reports, whether received from a mandated or voluntary reporter, are referred to law enforcement by the receiving social service agency.
- 5**        **Report; information provided to parent.** Amends § 626.556, subd. 7. Adds that the local welfare agency shall refer all reports to law enforcement, including those not accepted for investigation or assessment.
- In paragraph (f), strikes language prohibiting the use of information contained in screened out reports. Requires the local welfare agency to consider collateral information and prior reports, including screened-out reports, when making screening decisions.
- Requires screened-out reports to be maintained according to the record retention schedule in subdivision 11c.
- 6**        **Mandatory guidance for screening reports.** Amends § 626.556, by adding subd. 7a. Requires staff, supervisors, and other involved in child protection screening to follow guidance issued by the commissioner of human services and immediately implement updated policies and procedures when notified by the commissioner.
- 7**        **Duties of local welfare agency and local law enforcement agency upon receipt of report.** Amends § 626.556, subd. 10. Adds that the local welfare agency must notify law enforcement when the agency receives a report, including reports not accepted for investigation or assessment.
- Adds that an investigation shall be conducted on reports involving sexual abuse.
- Adds that prior screened out reports are relevant information in investigations and family assessments.
- 8**        **Determinations.** Amends § 626.556, subd. 10e. Strikes paragraph (k) which provides counties with the discretion to modify definitions and criteria associated with determining which allegations of abuse and neglect to investigate as long as the policies are consistent with statutes and rules and approved by the county board.
- 9**        **Welfare, court services agency, and school records maintained.** Amends § 626.556, subd. 11c. Adds reports alleging child maltreatment that were not accepted for assessment or investigation to the record retention requirements of this paragraph. Requires those reports, family assessment cases, and cases in which an investigation determines there has

## Section

been no maltreatment or need for protective services to be retained for five years. Requires that records of screened-out reports must contain sufficient information to identify the subjects of the reports, the alleged maltreatment, and the reasons the report was not accepted.

Clarifies that retained records can be used in future screening decisions and risk and safety assessments.

Strikes paragraph (e) which required reports that were not accepted for assessment or investigation to be retained for 365 days.

- 10** **Commissioner's duty to provide oversight; quality assurance reviews; annual summary of reviews.** Amends § 626.556, by adding subd. 16. Paragraph (a) instructs the commissioner to develop a plan for quality assurance reviews of local agency screening practices. Requires the commissioner to oversee and provide guidance to counties so that screening decisions are consistent throughout the state. Requires the reviews to begin no later than September 30, 2015.

Paragraph (b) requires the commissioner to issue an annual report with summary results of the reviews. Provides that the report must be classified as public information and be provided to designated members of the legislature.

- 11** **Instructions to the commissioner; screening guidelines.** Paragraph (a) instructs the commissioner to update the child maltreatment screening guidelines no later than August 1, 2015, to reflect changes in the use of screened out reports and the emphasis on child health and safety.

Paragraph (b) instructs the commissioner to publish and distribute the updated guidelines no later than September 30, 2015.

Paragraph (c) requires county staff to implement the guidelines on October 1, 2015.