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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.

Section

Article 1: Maltreatment of Minors Act Recodification

New section coding and headnote	New subdivision coding and headnote	Current coding
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	626.556, subd. 3, para (a)
	(b) Practice of social services defined	626.556, subd. 2, para (l)

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New section coding and headnote	New subdivision coding and headnote	Current coding
	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. 3b 626.556, subd. 3e 626.556, 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)

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New section coding and headnote	New subdivision coding and headnote	Current coding
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)

Section

New section coding and headnote	New subdivision coding and headnote	Current coding
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)

Section

New section coding and headnote	New subdivision coding and headnote	Current coding
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)
<p>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.</p> <p>Repeals Minnesota Statutes 2017 Supplement, section 626.556, subdivisions 2, 3, 3c, 4, 10d, 10e, 10f, 10i, and 11d.</p>		

Section

Article 2: Conforming Changes

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