

Subject Child care center maltreatment; background studies; determination of responsibility

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Overview

Under chapter 245C, governing background studies conducted by the Department of Human Services, a person is disqualified from providing direct contact services for seven years if the person has been found responsible for serious or recurring maltreatment. This bill adds a notification exception in chapter 245C to require notification of a child care applicant or license holder if a background study subject has been found responsible for maltreatment of a minor, but the maltreatment was not disqualifying as serious or recurring.

When maltreatment of a minor is determined in an investigation involving a facility, the investigating agency must also determine whether the facility or individual was responsible, or whether both were responsible. Sections 2 and 3 of the bill require a finding that the facility and the child care center director were responsible for maltreatment when the maltreatment occurred more than twice, or for over one month. Section 4 of the bill modifies the requirements for providing the written investigation memorandum, expanding it to parents, guardians, and legal custodians of all children in the facility, from the time the maltreatment occurred until the conclusion of the investigation.

Summary

Section	Description
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| 1 | <p>Disqualification notification.</p> <p>Amends § 245C.17, subd. 3. Provides an exception, requiring the commissioner of human services to notify a child care applicant or license holder if a background study indicates that an individual has been found responsible for maltreatment of a minor, but the maltreatment finding does not result in disqualification as serious or recurring maltreatment. Specifies that the notice must only state:</p> |
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Section	Description
	<ol style="list-style-type: none">1) that the commissioner has found information indicating that the individual studied has been determined to be responsible for maltreatment of a minor; and2) that the individual is not disqualified based on the maltreatment determination.
2	<p>Investigation involving a facility.</p> <p>Amends § 260E.30, subd. 2. Specifies that “systemic maltreatment” occurs when the actions constituting maltreatment occurred (1) for more than one month, or (2) in more than two instances.</p> <p>Requires the commissioner of children, youth, and families to determine that the child care center license holder and the center director were responsible for the maltreatment, if systemic maltreatment is determined.</p>
3	<p>Mitigating factors in investigating facilities.</p> <p>Amends § 260E.30, subd. 4. Specifies that mitigating factors listed in the subdivision cannot be considered when making a determination of systemic maltreatment.</p>
4	<p>Notification when school or facility investigation is completed.</p> <p>Amends § 260E.30, subd. 5. Strikes language in paragraphs (c) and (d), so that If maltreatment is determined to exist, the commissioner or local welfare agency must provide the written investigation memorandum to the parent, guardian, or legal custodian of each child in the facility, rather than to the parents of children who had contact with the responsible individual or who received services in the facility.</p> <p>Modifies the time frame, so that the parent, guardian, or legal custodian of each child receiving services from the time the maltreatment occurred until the conclusion of the investigation receives the written memorandum.</p>



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