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State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 1055

02/19/2015 Authored by Backer and Kresha

The bill was read for the first time and referred to the Committee on Health and Human Services Reform

1.1 A bill for an act
1.2 relating to children; amending the Maltreatment of Minors Act; amending
1.3 Minnesota Statutes 2014, section 626.556, subdivisions 1, 7.
1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. Minnesota Statutes 2014, section 626.556, subdivision 1, is amended to read:

1.6 Subdivision 1. Public policy. (a) The legislature hereby declares that the public
1.7 policy of this state is to protect children whose health or welfare may be jeopardized
1.8 through physical abuse, neglect, or sexual abuse. While it is recognized that most parents
1.9 want to keep their children safe, sometimes circumstances or conditions interfere with their
1.10 ability to do so. When this occurs, families are best served by interventions that engage
1.11 their protective capacities and address immediate safety concerns and ongoing risks of
1.12 child maltreatment. the health and safety of the children shall be of paramount concern.
1.13 Intervention and prevention efforts shall address immediate concerns for child safety and
1.14 the ongoing risk of abuse or neglect and should engage the protective capacities of families.

1.15 In furtherance of this public policy, it is the intent of the legislature under this section to:

- 1.16 (1) protect children and promote child safety;
1.17 (2) strengthen the family and;
1.18 (3) make the home, school, and community safe for children by promoting
1.19 responsible child care in all settings; and to
1.20 (4) provide, when necessary, a safe temporary or permanent home environment for
1.21 physically or sexually abused or neglected children.

1.22 (b) In addition, it is the policy of this state to:

- 1.23 (1) require the reporting of neglect, or physical or sexual abuse of children in the
1.24 home, school, and community settings; to

- 2.1 (2) provide for the voluntary reporting of abuse or neglect of children; ~~to~~
- 2.2 (3) require a family assessment, when appropriate, as the preferred response to
- 2.3 reports not alleging substantial child endangerment; ~~to~~
- 2.4 (4) require an investigation when the report alleges substantial child endangerment;
- 2.5 and ~~to~~
- 2.6 (5) provide protective, family support, and family preservation services when
- 2.7 needed in appropriate cases.

2.8 Sec. 2. Minnesota Statutes 2014, section 626.556, subdivision 7, is amended to read:

2.9 Subd. 7. **Report; information provided to parent.** (a) An oral report shall be

2.10 made immediately by telephone or otherwise. An oral report made by a person required

2.11 under subdivision 3 to report shall be followed within 72 hours, exclusive of weekends

2.12 and holidays, by a report in writing to the appropriate police department, the county

2.13 sheriff, the agency responsible for assessing or investigating the report, or the local

2.14 welfare agency. The local welfare agency shall determine if the report is accepted for an

2.15 assessment or investigation as soon as possible but in no event longer than 24 hours

2.16 after the report is received.

2.17 (b) Any report shall be of sufficient content to identify the child, any person believed

2.18 to be responsible for the abuse or neglect of the child if the person is known, the nature

2.19 and extent of the abuse or neglect and the name and address of the reporter. The local

2.20 welfare agency or agency responsible for assessing or investigating the report shall

2.21 accept a report made under subdivision 3 notwithstanding refusal by a reporter to provide

2.22 the reporter's name or address as long as the report is otherwise sufficient under this

2.23 paragraph. Written reports received by a police department or the county sheriff shall be

2.24 forwarded immediately to the local welfare agency or the agency responsible for assessing

2.25 or investigating the report. The police department or the county sheriff may keep copies of

2.26 reports received by them. Copies of written reports received by a local welfare department

2.27 or the agency responsible for assessing or investigating the report shall be forwarded

2.28 immediately to the local police department or the county sheriff.

2.29 (c) When requested, the agency responsible for assessing or investigating a report

2.30 shall inform the reporter within ten days after the report was made, either orally or in

2.31 writing, whether the report was accepted or not. If the responsible agency determines the

2.32 report does not constitute a report under this section, the agency shall advise the reporter

2.33 the report was screened out. ~~A screened-out report must not be used for any purpose other~~

2.34 ~~than making an offer of social services to the subjects of the screened-out report.~~

3.1 (d) Notwithstanding paragraph (a), the commissioner of education must inform the
3.2 parent, guardian, or legal custodian of the child who is the subject of a report of alleged
3.3 maltreatment in a school facility within ten days of receiving the report, either orally or
3.4 in writing, whether the commissioner is assessing or investigating the report of alleged
3.5 maltreatment.

3.6 (e) Regardless of whether a report is made under this subdivision, as soon as
3.7 practicable after a school receives information regarding an incident that may constitute
3.8 maltreatment of a child in a school facility, the school shall inform the parent, legal
3.9 guardian, or custodian of the child that an incident has occurred that may constitute
3.10 maltreatment of the child, when the incident occurred, and the nature of the conduct
3.11 that may constitute maltreatment.

3.12 (f) A written copy of a report maintained by personnel of agencies, other than
3.13 welfare or law enforcement agencies, which are subject to chapter 13 shall be confidential.
3.14 An individual subject of the report may obtain access to the original report as provided
3.15 by subdivision 11.

3.16 **EFFECTIVE DATE.** This section is effective the day following final enactment.