DHS-2917-ENG 1-2023

Resource Guide for Mandated Reporters of Child Maltreatment Concerns

Child Safety and Permanency Division

January 2023

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Introduction

Children and families thrive when they experience safe, stable, nurturing relationships and environments; but such circumstances are dependent on conditions surrounding families, as well as a family's ability to access supports. People, businesses, schools, organizations, and other institutions that comprise communities set such conditions collectively. Persistent inequities due to health, wealth, geography, race, and other factors interrupt or interfere with community conditions, making it more difficult for some families to get supports they need. Intentionality is required in shaping practice, programs, and policies to wrap families in safety, stability, and nurturance –setting conditions – so children and families thrive.

The Minnesota Department of Human Services (department), with its partners, is responsible for protection of children whose health or welfare may be in jeopardy by child maltreatment. "While it is recognized that most parents want to keep their children safe, sometimes circumstances or conditions interfere with their ability to do so. When this occurs, the health and safety of children must be of paramount concern. Intervention and prevention efforts must address immediate concerns for child safety and the ongoing risk of abuse or neglect and should engage the protective capacities of families." [Minn. Stat. 260E.01]

Throughout the child welfare system, the department is committed to advancing equity, reducing disparities, and improving access to human services for communities experiencing inequities. Equity considerations are embedded in decision making at all levels. Concerns for child safety are the guide when making maltreatment reports, not children's or families' race or ethnicity, political, immigrant, refugee, or citizenship status; language; gender; or sexual orientation. Efforts to build an anti-racist workplace and ensure equity in decision making regarding reports of child maltreatment are important and necessary for any organization employing mandated reporters.

Anyone may voluntarily report suspected child abuse or neglect to the local child protection or law enforcement agency. This guide assists in better understanding the mandated reporter statute, outlining appropriate actions and best practice, if known or is suspected that children are being abused or neglected.

This guide includes information on:

- The process for reporting suspected child maltreatment
- Partnerships among law enforcement, child protection and licensing agencies
- Conditions of neglect and abuse that should be reported
- Identify behaviors and characteristics of children and families who may need help
- Relevant state statutes.

Who should report suspected child abuse or neglect?

Professionals who work with children and families are in key positions to help protect children from harm. Minnesota law requires professionals and their delegates working with children to make a child protection report if they know of or have reason to believe a child:

- Is being neglected or abused, or
- Was neglected or abused in the preceding three years.

Mandated reporters include professionals and their delegates in the following fields:

Health care

Mandated reporters include, but not limited to:

- Hospital administrators
- Medical personnel and professionals
- Dental professionals

Mental health professionals

Mandated reporters include, but not limited to:

- Psychiatrists
- Psychologists
- Therapists

Social services

Mandated reporters include, but not limited to:

- Caseworkers
- Group home staff
- Foster parents

Child care

Mandated reporters include, but not limited to:

- Family child care providers
- Child care center staff

Education

Mandated reporters include, but not limited to:

- Teachers and assistants
- School administrators
- School support staff

Other professionals considered mandated reporters include:

- Law enforcement
- Guardians ad litem
- Probation and correction services staff
- Clergy*
- Youth programs staff **

*Members of the clergy are required to report suspected child abuse or neglect unless information is received under certain privilege circumstances. See Minn. Stat. 260E,06, subd. 1(a)(2), and Minn. Stat., section 595.02, subd. 1(c). Minnesota laws obligate mandated reporters to take action.

** Effective June 1, 2023, Minn. Stats., section 260E.055, establishes a new mandated reporting requirement for employees and supervisors of public or private youth recreation programs. Private or public youth recreation programs "includes but is not limited to: Day camps or programs involving athletics, theater, arts, religious education, outdoor education, youth empowerment, or socialization." [Minn. Stat. § 260E.055, subd. 1(f)]

If anyone suspects that children are being abused or neglected, they cannot shift reporting responsibility to a supervisor, or to someone else in an office, school, clinic, or licensed facility. They alone are required to make reports to the responsible social service agency.

Anyone who reports child abuse or neglect in good faith is immune from civil liability. Reporter's names are confidential. This information is accessible only if a reporter consents, by court order, or by court procedure.

Anyone required to report known or suspected abuse or neglect but fails to do so is guilty of a misdemeanor.

Reporting suspected abuse or neglect is a serious matter that must not be taken lightly. Child protection workers, law enforcement agents, or licensing agency staff to whom a report is made may request reporter to provide as many facts as possible so staff can assess a child's situation, and determine need for intervention. If a child protection report results in a court hearing, reporters may be requested to testify.

Online training

The Minnesota Child Welfare Training Academy developed self-paced online trainings learning modules designed for professionals identified by law who must make reports, if suspected or known child maltreatment occurred. These trainings feature videos, quizzes, and activities completed through self-study.

Trainings are accessed here:
https://mnchildwelfaretraining.com/training/mandated-reporting-training/

When to report suspected abuse and neglect

Communities and government have a responsibility to set conditions for thriving children and families. Before a concern related to child maltreatment arises, there are often indicators that families need additional support or services. Mandated reporters can be part of the solution, and should make efforts to connect with families and children, ensuring they have necessary supports and services to thrive. Many county and tribal agencies offer Parent Support Outreach Program and other services able to provide concrete support to families before maltreatment is a concern. The following website can also help mandated reporters assist families in finding services they need:

https://mn.gov/dhs/general-public/licensing/maltreatment-investigations/mandated-reporter-resources/

The law requires mandated reporters to make reports if they know of or have reason to believe children are being neglected or abused, or have been neglected or abused within the preceding three years. Reporters are required to report suspected abuse or neglect of any child, regardless of their immigration status, nationality or race. Verbal reports must be communicated immediately (no longer than 24 hours). Written reports must be submitted within 72 hours (weekends and holidays excluded).

Before making a report, make an extra effort to connect with children and their families who:

- Have a history of emotional, sexual, physical abuse or neglect, drug use or discussed/attempted suicide
- Have responsibility for care of other children, or live in a highly stressful family situation with limited support systems
- Require assistance due to physical, mental, behavioral, or medical disabilities or delays.

Connections across social and community networks are essential to ensure safety and well-being of families and children. Signs of concern for children may include:

- Child communicates they feel unsafe
- Reporter sees child/ren in a dangerous environment
- A child is being harmed
- Young child is left alone
- Noticing a significant change in child's mood/behavior.

To help mandated reporters utilize critical thinking in their reporting decision-making process, the following acronym can be used:

PASS (see Appendix A)

Pause − Take a moment to slow down before taking any further action.
Analyze − What information suggests there is a reason to believe a child has been maltreated?
Self-reflect − Ask yourself questions to check your bias.
Support or report − Determine if supportive resources are needed, or report if required.

Using self-reflection will be a key component to the decision-making process as a mandated reporter. This can be done by asking reflective questions prior to making a report to ensure it is not being made out of implicit or explicit bias. Mandated reporters might believe that making a report will not hurt anyone, but not making one might. However, this approach to reporting can actually have negative consequences for children and families. It can also reinforce racial disparities.

Questions for mandated reporters to reflect on before reporting include:

- What more can I do?
- Am I observing abuse or neglect, or could this be a cultural difference in parenting style?
- Would I still be making this report if this family looked like my family?

Bias and mandated reporting

Mandated reporters have a role in contributing toward child welfare outcomes. Given racial disparities in Minnesota's child welfare system, there is an obligation to consider mandated reporters' roles in contributing to outcomes that are more equitable.

The first step for mandated reporters is to consider carefully their own implicit or explicit bias when working with or observing children or families. Part of this consideration is accepting that mandated reporters cannot always be fully objective at all times. Instead, the goal is to be aware of when there is subjectivity, or when bias is present in a potential reportable situation. This is done by asking the following questions:

- How have personal experiences shaped reporter's worldview, and how does that world view impact the way they monitor for maltreatment? Or, how does reporter's worldview shape their views on parenting?
- Reporters should think about groups of individuals who they might show leniency towards, or conversely groups they may be hyper-vigilant toward.
- Before making a report, reporters should ask themselves, "Am I learning about maltreatment or could this be a cultural difference in parental style?" or, "Would I still be making this report if child identified as part of a different racial or cultural group, or with one similar to my own?" Reporters should remember that culture can be reflected in many different ways, from garments or dress, food choices, discipline style, to how families assemble, sleep, eat, or holidays they celebrate. What is normal or acceptable may differ across cultures.

If mandated reporters are unsure about whether a situation should be reported, or if they are simply observing a difference in cultural parental styles, they should contact the local child welfare agency or tribal social services for support.

Supporting families

If a child routinely attends school in clothing that is too small or dirty, missed meals or important medical appointments, or is living in a tent or car, the first instinct may be to report. These can be difficult areas to navigate, because as mandated reporters their duty is to report. Making a report as a means of *playing it safe* can have major negative consequences for children and families who are entered into the child welfare system. In the case of a child whose clothing is too small or not washed, or is living in a car or tent, this may be due to many different causes. It is presumptive to assume maltreatment on this information alone.

Mandated reporters may need to explore these situations more deeply to learn if support and resources are appropriate. Child's family may be struggling financially; poverty alone does not equal maltreatment. When a family is living in poverty or are otherwise under resourced, there are times parent's or caregiver's ability to provide for their children is limited or inconsistent because of their circumstances and lack of

financial resources. In these situations, it is important that mandated reporters consider a family's circumstances and provide resources or connect parents and caregivers to support or reduce the impact of financial strain on families.

While it is the duty as a mandated reporter to report maltreatment, sometimes what might be observed is not maltreatment, but rather hardship with basic needs. In these instances, reporters can help these children and families by connecting them to resources and services they need.

Where to report suspected abuse or neglect

Determining where to report may depend on whether there is immediate danger and whether or not a report is being made outside of normal business hours, identified as follows:

Immediate danger – if reporter knows or suspects that a child is in immediate danger (such as recent sexual assault or serious physical assault), or abandoned, contact local law enforcement agency immediately. Law enforcement officers can intervene in these types of situations and have authority to remove children from threatening environments to protect them, if necessary.

No immediate danger – if children are not in immediate danger but reporter believes they were maltreated, as soon as reasonable make reports to the following:

- **Local child welfare agency,** if alleged offender is a parent, guardian, family child care provider, family foster care provider, or an unlicensed personal care provider.
- **Minnesota Department of Human Services, Licensing Division,** 651-431-6500; if alleged maltreatment is committed by staff at a child care center, residential treatment center (children's mental health), group home for children, minor parent program, children's shelter, chemical dependency treatment program for adolescents, waivered services for children, crisis respite for children, or residential program for children with developmental disabilities.
- **Minnesota Department of Health, Office of Health Facility Complaints**, 651-201-4200 or 800-369-7994; if alleged maltreatment occurred in a home health care setting, hospital, regional treatment center, nursing home, intermediate care facility for developmentally disabled, or licensed and unlicensed care attendants.
- **Minnesota Department of Education**, 651-582-8546, or fax 651-797-1601; if alleged offender is employed by a public pre-school, elementary, middle, secondary, or charter schools, when children are students in the school. Reports received regarding staff working in private or parochial schools are sent directly to law enforcement.
- **Local law enforcement agency** if alleged offender is staff working in a private or parochial school, someone outside the family and not a staff person at a regulated facility. Examples of non-family, non-facility caretakers include athletic club staff and babysitters.

After hours, reports vary in terms of where to report. Check with the local child welfare agency to determine how these reports are received during non-business hours.

If unsure whether to make a report, call the local child welfare agency to express concerns; agency staff will consult with reporters about concerns. Consultation is an important function of local agency screeners and can aid mandated and voluntary reporters to ensure reports get to the right agency. Screeners can also consult with reporters regarding concerns that are not specific to an identifiable child.

What to include in a report

When filing a report, mandated reporters should be prepared to provide Information about the family, which should include names and addresses of child/ren and their parents or guardians. Reporters should also be prepared to provide specific descriptions of suspected maltreatment. For example - what happened, when it occurred, and identity of alleged offender/s.

When a report is made

When receiving a report of child maltreatment, child welfare agency staff must first determine whether a report meets the legal definition of child maltreatment. A screened in report of alleged child maltreatment must include the following three elements:

- An allegation meets the statutory definition of child maltreatment, according to Minn. Stat. 260E
- There is sufficient identifying information to attempt to locate child/ren, or at least one member of their family
- Report includes maltreatment allegations not previously assessed or investigated by the local child welfare agency or another child welfare agency.

To determine if a report meets the statutory definition, child protection staff may contact other individuals with knowledge of child/ren and/or family for additional information. Past reports and history of social services involvement are considered.

For information regarding screening guidelines, see Minnesota Child Maltreatment Intake, Screening and Response Path Guidelines.

At times, there may be inadequate information to begin an assessment or investigation. For these families, offering services may be a suggestion. Law enforcement and child protection agencies, and other responsible agencies, cooperatively assess and investigate accepted reports meeting statutory criteria of child maltreatment. These agencies are best prepared to help children and families in need of support, and will assess or investigate reports of maltreatment. Local child welfare agencies offer services to safeguard the welfare of abused or

neglected children. Whether initially reported to local law enforcement, child welfare, or other responsible agency, it is possible that other agencies may be involved as investigation or assessment activities are coordinated.

Commonly asked questions

Reliable information gained from reporters is essential for the best screening decisions possible. Reporters can provide valuable information to an agency. If contacting a local child welfare agency, child protection screeners may request the following information:

- Reporters name, phone number, relationship to family or child/ren, and source of information (witnessed, heard, etc.)
- Name, address, age, and other identifying information regarding alleged victim/s, siblings, alleged offender/s, other household members, or any additional witnesses.
- Specific description of allegations; when and where alleged incident occurred, and if children are in immediate danger.
- Description of child's injuries or present condition, and reporter's understanding of the impact of alleged maltreatment.
- Presence of domestic violence or criminal activity, including sex trafficking of children, weapons, or other dangerous activities in the home.
- Description of any action a school and/or other facility or agency has taken specifically in response to an incident.
- Family's awareness of reporter's contact with agency.
- Reporter's awareness or knowledge of any immediate family/relative/community resources willing to offer protection or support.
- What reporter is willing to do (or has done) to help family.
- Reporter's awareness of child's lineage to Indian tribes, and if so, which tribe/s, if known.
- Additional information regarding child and/or family that may be helpful.
- Whether reporter would like information regarding initial disposition.

Although reporters may not have knowledge or answers to all questions asked, they should respond to the best of their ability.

Collateral contacts

Child protection screeners may contact other individuals regarding a child/ren. Contacting an individual or professional other than reporter to assist in making a screening decision is permissible by law. Collateral contacts are not required to provide requested information, and may include:

- Individuals who can provide first-hand information necessary to provide a fuller picture of alleged child maltreatment
- Mandated reporters who have recent and/or regular contact with child/ren

- Individuals who can judge the quality and nature of parents' or caregiver's behavior
- Relevant law enforcement agencies.

The name of initial reporter remains confidential, and only released by consent or court order.

Use of past history in screening reports

When determining whether reports are screened in or out, prior accepted and screened out reports of child maltreatment are considered in screening a current maltreatment report. This includes case histories of all participants involved in current reports. When prior records, or contact with child protection exist in another Minnesota child welfare agency, or another state, caseworkers make every effort to obtain relevant information to screen current reports.

Non-discrimination in screening

Children's family's race; religion; age; socioeconomic; cultural history; ethnicity; political, immigrant, refugee, citizenship status; gender or sexual orientation is not a factor when making screening decisions on reports of alleged child maltreatment. Child safety issues alone guide decisions.

Child welfare agency caseworkers remain aware of the impact that historical trauma and current war-trauma has for families of color and American Indian families involved with the child protection system.

When a maltreatment assessment or investigation is conducted, accepted child-rearing practices of the culture in which children participate, and accepted disciplinary practices not injurious to children's health, welfare, and safety are taken into account.

Maltreatment types

The following explanations of maltreatment types help to understand better what law enforcement, child protection, and other responsible agencies, are required to assess. Details are included in relevant statutes and in Minnesota Child Maltreatment Intake, Screening and Response Path Guidelines.

Neglect

Neglect according to Minn. Stat. 260E, subd. 15, is failure by parents or caretakers to provide children with necessary food, shelter, clothing or medical care. Neglect also includes failure to ensure that children are educated, although this does not include parents' refusal to provide children with nervous system stimulant medications. Neglect also may occur when persons responsible for children's care fail to protect them from conditions or actions that seriously endanger their physical or mental health, when reasonably able to do so. Neglect also includes failure to provide for appropriate supervision or child care arrangements after considering children's age, mental ability, physical condition, and length of absence or environment.

Child neglect differs from physical abuse, though the results of abuse and neglect may be similar. Both can lead to physical injury, emotional harm, and even death. Neglect is failure of parents or other caretaker to do what they are legally obligated to do, rather than what they do. The following are conditions of neglect that must be reported to child protection:

- Inadequate food, clothing, shelter or medical care
- Abandonment
- Exposure to threatening or endangering conditions
- Failure to ensure obtaining an education
- Prenatal exposure to certain controlled substances*
- Failure to provide necessary supervision or child care arrangements
- Environmental hazardous conditions that pose a significant health or safety hazard to children and not corrected by their parent/s or guardian
- Failure to provide for children's special needs
- Exposure to, or involvement in, criminal activities
- Failure to protect children from conditions or actions that present serious endangerment
- Chronic and severe use of alcohol or a controlled substance by parents or persons responsible for children's care that adversely affects their basic needs and safety.

There are times when poverty can create circumstances perceived as neglect, with parents unable to provide care for their child/ren due to lack of adequate financial resources. Under these circumstances, local child welfare agencies will work to assist parents in providing necessary care for children, and not define parental behavior as neglectful.

*Amendments were made to prenatal substance exposure reporting in Minn. Stats., section 260E.31, subd. 1, effective July 1, 2021. The amendment identifies a health care professional is not required to report substance use by pregnant women if mandated reporter is

collaborating with other health care professionals to provide mother and infant with care. If a woman stops receiving prenatal or post-partum care, or seeking care for her infant, mandated reporters are required to report exposure of children to controlled substances. However, if either mother or infant tests positive as a result of toxicology tests performed at birth, a report is required. [Minn. Stat. 260E.03, subd. 15(a)(5)]

Physical abuse

The definition of **physical abuse** is in Minn. Stat. 260E, subd. 18, as follows:

- Physical or mental injury or threatened injury, inflicted on a child by a person responsible for their care, other than by accidental means
- Physical or mental injury that cannot reasonably be explained by a child's history of injuries
- Aversive or deprivation procedures, or regulated interventions, not authorized under law for use in facilities serving persons who have developmental disabilities or related conditions.

Physically abused children sometimes have bruises, welts, burns, bite mark, cuts, fractures, swelling, or lost teeth. While internal injuries are seldom detectable without a medical exam, anyone in close contact with children should be alert to multiple injuries, a history of repeated injuries, new injuries added to old ones, and untreated injuries.

Report other indicators of physical abuse, including:

- Injuries that appear to be non-accidental
- Physical injury resulting from hazardous conditions not corrected by parent/s or guardian
- Significant threats indicating there is substantial risk of physical abuse or mental injury
- Visible injuries at the time of making a report are not necessary to report physical abuse.

Physical abuse does not include reasonable and moderate physical discipline of children administered by parents or guardian that does not result in injury.

Threatened injury

The definition of **threatened injury** is in Minn. Stat. 260E.03, subd. 23 (a)(b), which is a statement, overt act, condition, or status that represents a substantial risk of physical or sexual abuse, or mental injury to children by someone responsible for their care, unless it involves

sex trafficking. In sex trafficking reports, an alleged offender does not have to be in a caregiving role. Threatened injury includes a person who:

- Has subjected children to, or failed to protect them from, an overt act or condition that constitutes egregious harm, as defined in Minn. Stat. 260C.007, subd. 14, or a similar law of another jurisdiction
- Is found to be palpably unfit under Minn. Stat. 260C.301, subd. 1 (b)(4)
- Committed an act that resulted in an involuntary termination of parental rights
- Committed an act that resulted in involuntary transfer of permanent physical and legal custody of child to a relative.

Mental injury

Mental injury is in Minn. Stat. 260E.03, subd. 13, which is an injury to the psychological capacity or emotional stability of a child as evidenced by an observable or substantial impairment in their ability to function within a normal range of performance and behavior, with due regard to child's culture. Possible behavioral indicators of mental injury may include:

- Excessive sucking or rocking
- Destructive or antisocial behavior
- Sleep disorders
- Inhibition of play
- Behavioral extremes (passive or aggressive)
- Some types of developmental delays
- Substance abuse
- Obsessive and/or compulsive behaviors and phobias.

The above behavioral symptoms often need to be evaluated by a mental health practitioner to determine cause, since there may be factors other than mental injury that contribute to development of particular disorders.

Sexual abuse

Sexual abuse is in Minn. Stat. 260E.03, subd. 20, which means the subjection of a child to sexual contact by persons responsible for their care, person with a significant relationship to child, or in a position of authority. For reports of sex trafficking, alleged offenders do not have to be in a caregiving role. Sexual abuse also includes any act involving a minor that constitutes a violation of prostitution offenses under Minn. Stats. 609.321 to 609.234 or 617.247.

Sexual contact includes fondling, touching intimate parts, and sexual intercourse. Sexual abuse also includes use of children in sex trafficking or in the production of sexually explicit works, or knowingly allowing them to engage in activities described in this paragraph. Sexual abuse also includes threatened sexual abuse. Since sexually abused children may lack outward symptoms of physical abuse, sexual abuse can be difficult to identify. Children often do not know how to express or explain what happened to them and may be afraid, confused, or ashamed. Children may not be developmentally capable of understanding or preventing contact. Possible indicators of sexual abuse include sudden change in behavior and signs of emotional disturbance.

In a broad definition, sexual contact includes:

- Touching of children's intimate parts
- Having child touch the intimate parts of another person
- Touching clothing, or the clothing covering the immediate area of intimate parts
- Performing an act with sexual or aggressive intent. [Minn. Stat. 609.341, subd. 11]

Warning signs may include:

- Fear of, or unwillingness to be near a particular place or person
- Nightmares
- Regressive behaviors such as crying excessively, sucking, rocking, bed- or pants-wetting'
- Withdrawal from social relationships
- Ongoing anger
- Sexually acting out with other children
- Playing out what happened to them with dolls or another person
- Unusual interest in the private body parts of other children
- Inappropriate sexual knowledge for a child's developmental or chronological age.

Local child welfare agencies are responsible for investigating allegations of sexual abuse if alleged offender is the parent, guardian, sibling, or an individual functioning within the family unit responsible for child's care, or a person with a significant relationship to child, if that person resides in their household.

Threatened sexual abuse

Threatened sexual abuse is in Minn. Stat. 260E.03, subd. 20, which goes beyond provisions of the criminal sexual conduct statutes and includes the following, but not limited to:

- Anything said or done that poses a significant danger that an alleged offender will perpetrate or attempt to perpetrate sexual abuse, or threaten to have sexual contact with a child.
- An adult soliciting sexual activity with another minor (not a household minor). Adult does not have to be in a caregiving role.
- Parent or other person residing in a household in possession of child pornography.
- A person who has sexually abused a child, based on prior maltreatment determination or current credible statements, is residing with children or having unsupervised contact with them.
- Behavior recognized as preparation for initiating sexual contact with a child, such as showering or bathing with sexualized intent, prolonged lip kissing, and/or peeking at a child while they are undressing or dressing.

Domestic violence

In situations involving domestic violence against parent/caregiver and maltreatment against child, a report of child maltreatment must meet the statutory threshold for physical abuse, mental injury, threatened injury, sexual abuse, or neglect of a child to be screened in (see previous sections). When reporting domestic violence, consider whether another type of maltreatment may also be present.

In most cases, a child must be involved in or otherwise situated in a location that puts them at risk of injury during incidents of domestic violence. Children's witnessing or exposure to domestic violence against a parent or caregiver is not by itself sufficient to report as child maltreatment. Mere exposure to acts of domestic violence committed against child's parent/caregiver does not constitute child maltreatment; there must be an allegation of child maltreatment meeting criteria for assessment or investigation before responding under a child protection response.

Reporters concerned about victims of domestic violence may also choose to reach out to their local or regional domestic violence program for information on how to best support victims. To find and/or contact domestic violence prevention service providers in Minnesota, call the Minnesota Day One Crisis Line at 1-866-223-1111; visit dayoneservices.org; email safety@dayoneservices.org; or text 612-399-9995. To locate domestic violence prevention service providers by county using the internet, go to the Violence Free Minnesota website (formerly Minnesota Coalition for Battered Women) at vfmn.org. When working with American Indian victims of domestic violence call the Strong Hearts helpline at 1-844-7NATIVE (1-844-762-8483), or go to strongheartshelpline.org.

Predatory offenders

Report a parent or household member who is registered or required to register as a predatory offender. This includes parents who do not reside in child's primary household. Local child welfare agencies must assess these situations to assure safety of children residing in the home.

Sexually exploited youth

Sexual exploitation includes many types of sexual conduct, such as criminal sexual conduct, transportation across state lines for sexual activity, pornography, sexual performance, and commercial sexual exploitation, referred to as prostitution in criminal law. Commercial sexual exploitation occurs when anything of value, e.g., money, drugs, food, shelter, rent, higher status in a gang or group, or promises of anything valuable, is given by any means in exchange for any type of sexual activity. A third party may not be involved. Some circumstances of indicating sexual exploitation include, but not limited to:

- A minor solicited by any means to engage in sexual conduct for something of value
- Children who have unexplained, repeated injuries to their genitals suspicious for sexual abuse
- A child intentionally exposed to sexual activity for the purpose of sexual arousal or sexual gratification
- Children used in or sending sexual images.

Report sexual exploitation concerns to local child welfare agency when a parent, caregiver, or person with a significant relationship to child is involved in these activities. When in doubt, consult with local child welfare agency to determine whether a report should be made. Local agencies determine if a report meets criteria for physical abuse, neglect, sexual abuse, or threatened sexual abuse. All sexually exploited youth are crime victims, and receive an offer of services.

Sex trafficking

Report all known or suspected sex trafficking involving youth to child protection agency, even those involving non-caregiver or unknown alleged offenders. Sex trafficking is a type of commercial sexual exploitation that involves commercial sex between an individual and a buyer in which a third person, not the buyer or victim, facilitates or receives profits. All children involved in sex trafficking must be reported as alleged victims, even when there is a report of using force, fraud, or coercion by alleged offender/s. Local agencies will determine if a report meets criteria for sex trafficking and, if so, it will be investigated by local child protection agency.

Labor trafficking

Labor trafficking occurs when children are compelled to work for the benefit of another person by use of force, threats, intimidation or blackmail, when someone imposes unreasonable or unlimited terms on repayment of a real or fabricated debt as a way to coerce them to work. [Minn. Stat. 609.281] Alleged offenders can be a parent, guardian, sibling, or other related or unrelated caregiver. They may also be a peer, acquaintance or employer.

Report labor trafficking to local child welfare agencies, although this is not required. Children involved in labor trafficking often experience other types of abuse or neglect. Reporting labor trafficking to local child welfare agency is key to connecting children and families to services.

Child protection responsibilities

Local child welfare agencies perform three essential functions, including:

- Receiving and screening reports of child maltreatment
- Assessing or investigating accepted reports of child maltreatment where alleged offenders are a parent, guardian, family child care, or foster care provider
- Providing child protective and family support services, as needed.

Local child welfare staff does not have authority to assess or investigate every complaint or concern expressed. Authority only exists for agency services to respond to reports that meet statutory definitions of child maltreatment. Minnesota Statutes have criteria for determining how to evaluate and appropriately respond to child protection reports.

Reports made to child welfare agencies are screened to determine whether a report meets criteria to be assigned for a child protection response. Screening teams review and confirm screening decisions, or in the absence of a team, child protection supervisor or designee. Screening teams may consist of child protection staff, as well as other professionals such as law enforcement, county attorneys, mental health professionals and physicians. If maltreatment occurred in a family and meets the statutory definition, it is assigned for an Investigative or Family Assessment response. All reports of sex trafficking receive an Investigation response; alleged offender does not have to be in a caregiving role. Both statutory and discretionary reasons are involved in selecting the child protection response used for screened in reports of child maltreatment. Family Assessment and Family Investigation are not voluntary responses. They are both involuntary, serious child protective service responses focused on child safety as the paramount concern.

Child protection staff assesses safety and risk of children and identify parents' strengths, protective factors, and other capabilities to provide safety and well-being needed for their children. Child protection workers, in partnership with families, identify services and supports a family needs to address safety. Supports may include family members, kin, cultural and community members, as well as other groups a family can reach out to when needed.

Screened in reports and response paths

Screened in reports are assigned to one of the following response paths, depending on reported concerns:

- Family Investigation
- Family Assessment
- Facility Investigation

Each of the three child protection responses is required under Minnesota Statutes. All three focus on child safety as the priority. Agencies must complete a Family Investigations, Family Assessments, or Facility Investigations within 45 days of the date of receipt of reports. [Minn. Stat. 260E.24, subd. 1]

Goals of child protection are to help achieve positive outcomes for families, their children, and:

- Make child safety paramount and at the forefront of decision making
- Assess and ensure safety of children initially and ongoing during involvement
- Gather facts to help decide if a child experienced harm and provide needed services
- Identify family strengths to help address risks and ensure child safety
- Affirm family's cultural beliefs
- Coordinate and monitor services to families, including use of trauma-informed interventions
- Promote children's well-being and permanency.

Working with families

Both statutory and discretionary reasons are involved in selecting the child protection response used for screened in reports of child maltreatment. By law, child protection has a specialized role in working with children and families. Child protection's responsibilities are to:

- Respond promptly to reports of alleged abuse, neglect, or exploitation of children
- Assess and assure safety of children
- Determine if children were harmed by their exposure to maltreatment and provide corrective interventions
- Identify family problems that contributed to child safety concerns, and when possible, assist them to locate supports to help keep their child/ren safe
- Evaluate families' ability to benefit from services
- Develop treatment and service plans with families to meet their needs
- Implement treatment plans and involve community resources to meet identified needs
- Seek authority of juvenile or family court in situations with determined need for protective services, but family refuses services, or continues to pose a threat to safety of children.

Family Investigation Response overview

Family Investigations respond to the most serious reports of maltreatment to children, including situations where there is not a serious report of harm or neglect, but additional considerations or vulnerabilities exist that indicate a need for an Investigation Response. Reports of child maltreatment alleging substantial child endangerment, sexual abuse, or sex trafficking, must receive an investigation. Minnesota Statutes define substantial child endangerment to include categories of egregious harm, physical and sexual abuse, and reports of high-risk neglect. [Minn. Stat. 260E.03, subd. 11]

Law enforcement sometimes assists in conducting investigations as part of its investigation. Depending on circumstances of a report, a local child welfare agency may decide to assign reports not involving substantial child endangerment for an investigation. When this occurs, it is a Discretionary Family Investigation because it is at the discretion of a child welfare agency as to when it will provide an Investigation response, even though a situation is not related to substantial child endangerment or sexual abuse.

The focus of a Family Investigation response centers on gathering facts, assessing/evaluating risk for subsequent child maltreatment, and assessing family protective capacities regarding child safety.

In situations where serious harm occurred, or where there is risk of serious and imminent harm, the police or sheriff's departments are authorized to remove children from their family home for 72 hours. Child welfare agencies may seek emergency protective care of children by petitioning juvenile court. Emergency protective care grants authority to a child welfare agency to continue children in placement, providing for their safety while a thorough investigation is completed.

Reports alleging substantial child endangerment, sexual abuse, or other reports assigned for an investigation, must begin immediately and include face-to-face contact with children and their caretakers. All reports assigned for an investigation must conclude within 45 days.

Investigators make two decisions at the conclusion of a Family Investigation, including:

- A determination of whether child maltreatment occurred
- Whether child protective services are needed.

Family Assessment Response overview

Reports not involving substantial child endangerment, sexual abuse, or situations of serious danger may be assigned for a Family Assessment Response. Reports providing information indicating less serious safety concerns for children may be appropriate for a Family Assessment Response. The focus is child safety and is not a voluntary response.

Family Assessments involve gathering facts to evaluate thoroughly child safety, risk for subsequent child maltreatment, and family's strengths, demonstrating protection of children over time. The focus of Family Assessment is to engage a family's protective capacities and offer services that address immediate and ongoing safety concerns of child/ren. Family Assessment uses strength-based interventions, and involves families in planning for and selecting services. If families do not complete a Family Assessment, will not follow through with recommended services, or when an agency has not been successful in engaging them in discussion regarding child safety, the response track may switch to Investigation Response.

In Family Assessment Response, child protection staff must have face-to-face contact with child/ren and their primary caretaker within five calendar days. Family Assessments must conclude within 45 days of agency accepting a report.

There is no determination of maltreatment in Family Assessment Response. Two decisions at the conclusion of a Family Assessment are whether:

- Child protective services are needed
- Family support services are jointly agreed to by agency and parents.

Facility Investigation overview

Facility investigations are completed when allegations of maltreatment involve children served by licensed and unlicensed child care providers, foster care providers, and unlicensed personal care providers. Legally unlicensed child care includes a caregiver, relative or nonrelative caring for children in an ongoing arrangement, whether paid or unpaid, regardless of location. Other types of facilities have investigations conducted by other entities, including the Minnesota Departments of Human Services, Education and Health. Facilities are held to a higher standard, as they are responsible for the care of children who are not their own.

Decisions made at the conclusion of a Facility Investigation Response include whether:

- Child maltreatment occurred
- A staff person was responsible
- A facility was responsible
- Child protective services are needed.

The Minnesota Departments of Human Services, Education and Health are responsible for investigating reports of child maltreatment occurring in a school or various licensed facilities. When these agencies receive a maltreatment report, they screen it to determine whether to investigate, and if so, what priority it receives. After completing, the investigating agency determines whether maltreatment occurred, and

what corrective or protective actions are required. When maltreatment is determined in an investigation involving a facility, an investigating agency also determines whether facility, or an individual, was responsible for the maltreatment, or whether both are responsible.

Facility operators are required to inform mandated reporters employed by a facility of their requirements, and of prohibition against retaliation for reports made in good faith. [Minn. Stat. 260E.06]

Learning of outcomes

Privacy laws limit information that child protection and licensing agencies can discuss. Mandated reporters can find out if a report is accepted for investigation. If accepted, reporters receive a summary of disposition of the report, unless such release of information would be detrimental to the best interests of child.

The summary that mandated reporters receive includes the following information:

- Agency's assigned response path under Minn. Admin. Rules, part 9560.0230, subp. 5
- Name of child protection worker or investigator who conducted the Family Assessment or Family Investigation Response
- Nature of maltreatment, if an agency determined that maltreatment occurred
- If case was opened for child protection or other services
- If a referral was made to a community organization.

Voluntary reporters receive a summary, if requested, but is limited to the following information:

- Agency's assigned response path under Minn. Admin. Rules, part 9560.0230, and
- A statement regarding whether child protective services are being provided.

Under Minn. Stat. 260E.35, subd. 4 (a)(b), local child welfare agencies are required to provide data to mandated reporters making reports with ongoing responsibility for the health, education, or welfare of children affected by the data, unless providing it would not be in child's best interest. Data may also be provided to other mandated reporters with ongoing responsibility for the health, education, or welfare of children. Data provided under this section must be limited to that pertinent to an individual's responsibility of caring for children.

Maltreatment determinations

In Family Investigation Response, a determination of whether maltreatment occurred is made, and if child protective services are needed. Determinations are based on preponderance of evidence of facts that may include information from interviews, physical evidence, records, and other documentation.

No determinations of maltreatment are made in Family Assessments. Two decisions made at the conclusion of a Family Assessment include whether:

- Child protective services are needed
- Family support services jointly agreed upon by agency and parents.

In both Family Investigation and Family Assessment Responses, a determination of whether child protective services are needed is made. In Minn. Stat. 260E.24, subd. 4:, "A determination that child protective services are needed means the local welfare agency has documented conditions during the assessment or investigation sufficient to cause a child protection worker to conclude that a child is at significant risk of maltreatment if protective intervention is not provided, and the individuals responsible for the child's care have not taken or are not likely to take actions to protect the child from maltreatment or risk of maltreatment."

Reconsideration of maltreatment determinations

An individual or facility acting on behalf of a child may request that an investigating agency reconsider its final decision regarding maltreatment.

When children are placed in out-of-home care

Children belong with their families unless safety concerns exist. Child protection staff must make reasonable or active efforts to prevent out-of-home placement, providing safety for children in their home, whenever possible. If it is necessary for children's safety to separate them from an abusive or neglectful family member, child protection agencies try to provide the least restrictive setting possible. Whenever possible, alleged offenders are requested to leave the premises to prevent removal of children from their home. Placement of children with relatives is often considered. If a suitable relative home is not available, however, other responsible adults who have a significant relationship with children may be considered for placement. Maintaining children's connections to family and their culture is a priority. If a relative or kinship placement is not available, or not in the best interest of child/ren, they may be placed in foster care. The goal is to help families resolve problems contributing to maltreatment so it is safe for child/ren to reunite with their family.

Placement of Indian children

There are specific state and federal laws governing placement of Indian children. Best interests means compliance with the Indian Child Welfare Act and the Minnesota Indian Family Preservation Act, to preserve and maintain Indian children's family, extended family and tribe. Active efforts must be made to prevent placement of Indian children, including acknowledging traditional helping and healing systems of Indian children's tribe, and using these systems as the core to help and heal Indian children and their families. Active efforts set a higher standard than reasonable efforts to preserve families, prevent breakup of Indian families, and reunify families.

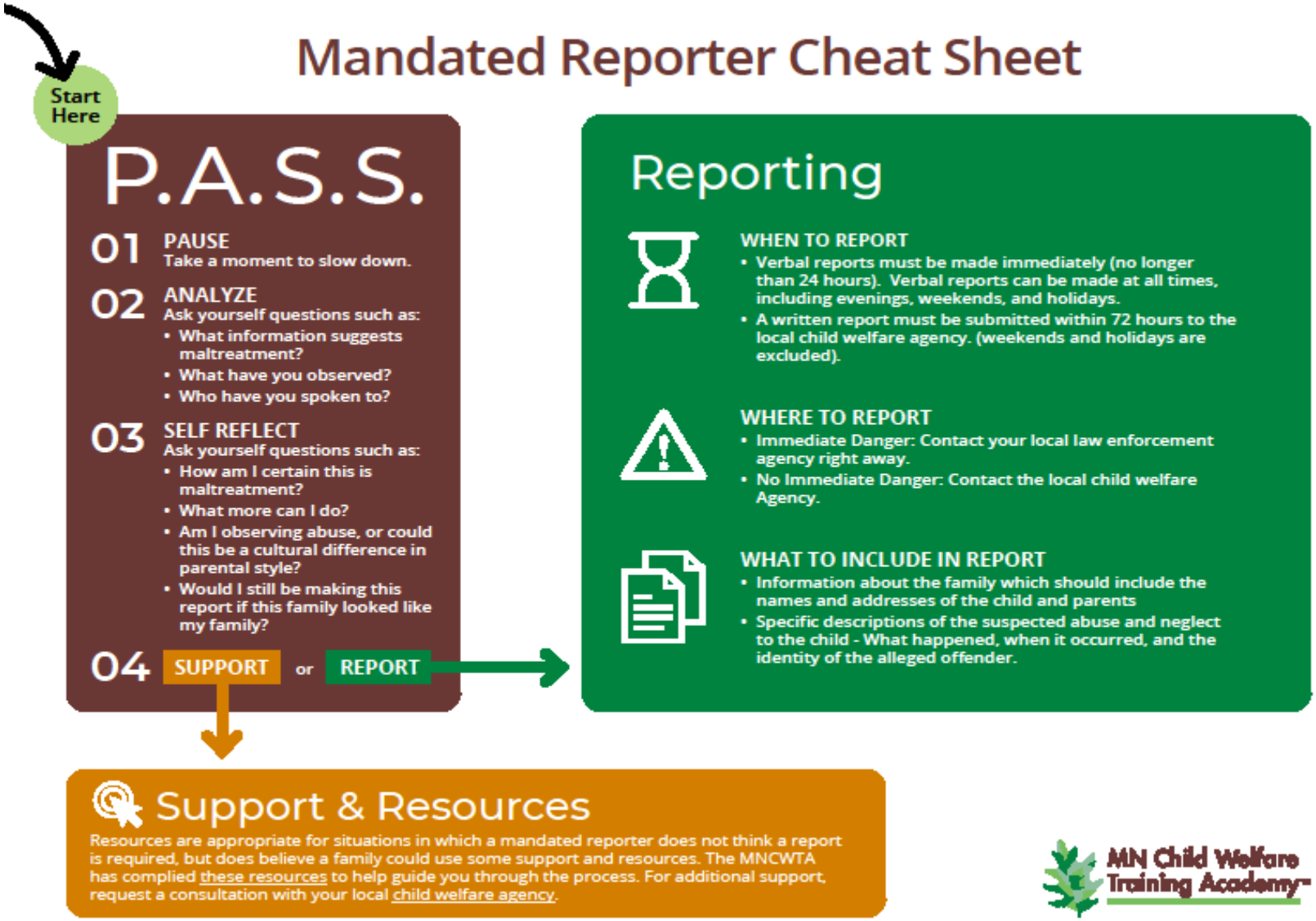
Relevant statutes and guidelines

- The Reporting of Maltreatment of Minors Act: Minn. Stat. 260E
- Governing reporting of prenatal exposure to controlled substances: Minn. Stat. 260E.31, subds. 2, 3, 4
- The definition of Child in Need of Protection or Services (CHIPS): Minn. Stat., section 260C.007, subd. 6
- Administrative rule governing disclosure of records: Minn. Admin. Rule 9560.0230
- Federal statute governing Indian children in the child welfare system: Indian Child Welfare Act, (ICWA) 25 USC 1901 ET SEQ
- Statute governing Indian children in the child welfare system: Minn. Stat. 260.762
- Statute governing prostitution and sex trafficking: Minn. Stats. 609.321 to 609.324
- Statute governing labor trafficking: Minn. Stat. 609.281

For information on all child maltreatment guidelines see:

- Minnesota Child Maltreatment Intake, Screening Response Path and Assessment Guidelines

Appendix A


Mandated Reporter Cheat Sheet
Start Here
P.A.S.S.
01 PAUSE
Take a moment to slow down.
02 ANALYZE
Ask yourself questions such as:
• What information suggests maltreatment?
• What have you observed?
• Who have you spoken to?
03 SELF REFLECT
Ask yourself questions such as:
• How am I certain this is maltreatment?
• What more can I do?
• Am I observing abuse, or could this be a cultural difference in parental style?
• Would I still be making this report if this family looked like my family?
04 SUPPORT or REPORT
Reporting
WHEN TO REPORT
• Verbal reports must be made immediately (no longer than 24 hours). Verbal reports can be made at all times, including evenings, weekends, and holidays.
• A written report must be submitted within 72 hours to the local child welfare agency. (weekends and holidays are excluded).
WHERE TO REPORT
• Immediate Danger: Contact your local law enforcement agency right away.
• No Immediate Danger: Contact the local child welfare Agency.
WHAT TO INCLUDE IN REPORT
• Information about the family which should include the names and addresses of the child and parents
• Specific descriptions of the suspected abuse and neglect to the child - What happened, when it occurred, and the identity of the alleged offender.
Support & Resources
Resources are appropriate for situations in which a mandated reporter does not think a report is required, but does believe a family could use some support and resources. The MNCWTA has complied these resources to help guide you through the process. For additional support, request a consultation with your local child welfare agency.
MN Child Welfare Training Academy

651-431-4697

Attention. If you need free help interpreting this document, call the above number.

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ملاحظة: إذا أردت مساعدة مجانية لترجمة هذه الوثيقة، اتصل على الرقم أعلاه.

သတိ။ ဤစွရက်စာတမ်းအားအခမဲ့ဘာသာပြန်ပေးခြင်း အကူအညီလိုအပ်ပါက၊ အထက်ပါဖုန်းနံပါတ်ကိုခေါ်ဆိုပါ။

កំណត់សំគាល់ ។ បើអ្នកត្រូវការជំនួយក្នុងការបកប្រែឯកសារនេះដោយឥតគិតថ្លៃ សូមហៅទូរស័ព្ទតាមលេខខាងលើ ។

請注意，如果您需要免費協助傳譯這份文件，請撥打上面的電話號碼。

Attention. Si vous avez besoin d’une aide gratuite pour interpréter le présent document, veuillez appeler au numéro ci-dessus.

Thov ua twb zoo nyeem. Yog hais tias koj xav tau kev pab txhais lus rau tsab ntaub ntawv no pub dawb, ces hu rau tus najnpawb xov tooj saum toj no.

ဟ်သူဉ်ဟ်သးဘဉ်တက့ၢ်. ဖဲနမ့ၢ်လိဉ်ဘဉ်တၢ်မၤစၢၤကလီလၢတၢ်ကကျိးထံဝဲဒဉ်လံာ် တီလံာ်မီတခါအံၤနူဉ်,ကိးဘဉ်လီတဲစိနီၢ်ဂံၢ်လၢထးအံၤနူဉ်တက့ၢ်.

알려드립니다. 이 문서에 대한 이해를 돕기 위해 무료로 제공되는 도움을 받으시려면 위의 전화번호로 연락하십시오.

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Hubachiisa. Dokumentiin kun tola akka siif hiikamu gargaarsa hoo feete, lakkoobsa gubbatti kenname bilbili.

Внимание: если вам нужна бесплатная помощь в устном переводе данного документа, позвоните по указанному выше телефону.

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LB2 (10-20)

ADA Advisory

For accessible formats of this information or assistance with additional equal access to human services, write to DHS.info@state.mn.us, call 651-431-4697, or use your preferred relay service. ADA1 (2-18)

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