

Resource Guide for Mandated Reporters of Child Maltreatment Concerns



**Child Safety and Permanency Division
Minnesota Department of Human Services, May 2018**

Contents

Introduction	1	Learning the outcome.....	9
Who should report suspected child abuse or neglect? ..	1	Maltreatment determinations.....	9
Health care	1	Reconsideration of maltreatment determinations ...	10
Social services	1	Maltreatment types.....	10
Mental health professionals.....	1	Neglect	10
Child care.....	1	Physical abuse	11
Education	1	Threatened injury	11
Law enforcement.....	1	Mental injury	12
Guardians ad litem	1	Sexual abuse	12
Clergy*	1	Threatened sexual abuse.....	13
Probation and correctional services.	1	Domestic violence	13
When to report suspected abuse or neglect.....	2	Predatory offenders.....	14
Where to report suspected abuse or neglect	2	Sexually exploited youth.....	14
When a report is made	3	Sex trafficking.....	14
What will be asked?	4	When a child is placed in out-of-home care	15
Collateral contacts	4	Placement of an Indian child.....	15
Use of past history in screening reports.....	5	Relevant statutes and guidelines	15
Non-discrimination in screening	5		
Child protection's responsibility	5		
Screened in reports and response paths	6		
Working with families	6		
Family Investigation response overview.....	7		
Family Assessment response overview	7		
Facility Investigation overview.....	8		

Introduction

A safe community where children can live and grow among caring adults does not just happen. It is created by individuals who are committed and determined to help shape that safe community. Abused or neglected children are especially in need of a caring community. Minnesota policy is protection of children whose health or welfare may be jeopardized through 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.” [\[Minn. Stat. 626.556, subd. 1\]](#)

Anyone may voluntarily report suspected child abuse or neglect to the local child protection or law enforcement agency. If you work with children or families, you are **legally required** to report suspected child abuse or neglect. This guide is designed to help you better understand the mandated reporter statute and to outline appropriate actions you should take if you know or suspect a child is being abused or neglected.

This guide includes information on:

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

Who should report suspected child abuse or neglect?

If you are a professional who works with children and families, you are in a key position to help protect children from harm. Minnesota law requires professionals and their delegates who work 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
- Has been neglected or abused within the preceding three years.

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

Health care

- Hospital administrators
- Medical personnel and professionals
- Dental professionals.

Social services

- Caseworkers
- Group home staff
- Foster parents.

Mental health professionals

- Psychiatrists
- Psychologists
- Therapists.

Child care

- Family child care providers
- Child care center staff.

Education

- Teachers and assistants
- School administrators
- School support staff.

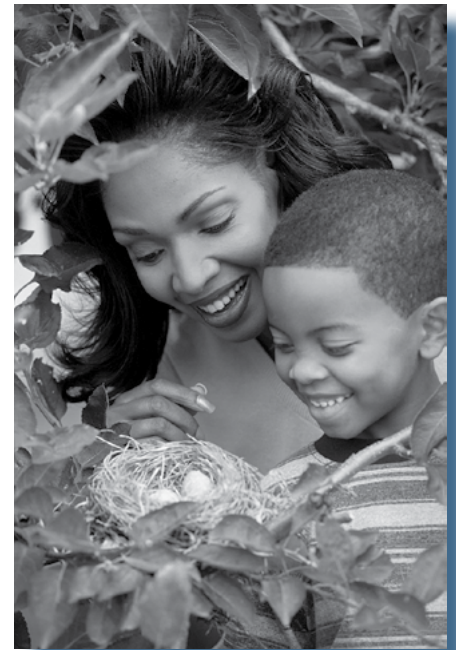
Law enforcement

Guardians ad litem

Clergy*

Probation and correctional services.

*Members of the clergy are required to report suspected child abuse or neglect unless that information is received under certain privileged circumstances. See [Minn. Stat., section 626.556, subd. 3\(a\)\(2\)](#), and [Minn. Stat., section 595.02, subd. 1\(c\)](#). Minnesota laws obligate mandated reporters to take action.



*Strengthening families
is effective in preventing
child abuse and neglect.*



There are specific state and federal laws that govern child protection involvement with an Indian child.

If you suspect a child is being abused or neglected, you cannot shift the responsibility of reporting to a supervisor, or to someone else in the office, school, clinic or licensed facility. You alone are required to make the report to the responsible agency.

Anyone who reports child abuse or neglect in good faith is immune from civil liability. A reporter's name is confidential. It is accessible only if a reporter consents, by court order, or by court procedure.

If you are required to report known or suspected abuse or neglect and fail to do so, you are guilty of a misdemeanor.

Reporting suspected abuse or neglect is a serious matter that must not be taken lightly. The child protection worker, law enforcement agent, or licensing agency worker to whom you report may ask you to provide as many facts as possible so they can assess a child's situation and determine the need for intervention. If a child protection report results in a court hearing, you may be asked to testify. Any inconvenience of reporting is offset by a simple fact: The action you take may save the life and spirit of a child and provide a family with needed support.

When to report suspected abuse or neglect

The law requires mandated reporters to make a report if they know of or have reason to believe a child is being neglected or abused, or has been neglected or abused within the preceding three years. Verbal reports must be made immediately (no longer than 24 hours). A written report must be submitted within 72 hours (weekends and holidays are excluded).

Reports should be made to the local child welfare agency. For a complete listing of local child welfare agencies, refer to Minnesota's county and tribal child protection agencies.

Where to report suspected abuse or neglect

Immediate danger – If you know or suspect that a child is in immediate danger (such as a recent sexual assault or a serious physical assault) or a child is abandoned, contact your local law enforcement agency right away. Law enforcement officers can remove a child from a threatening environment to protect them.

No immediate danger – If a child is not in immediate danger, as soon as you have reason to believe a child has been maltreated you should contact:

- The local child welfare agency if an alleged perpetrator is a parent, guardian, family child care provider, family foster care provider, an unlicensed personal care provider.
- The **Minnesota Department of Human Services, Licensing Division**, 651-431-6500, if alleged maltreatment was committed by a staff person at a child care center, residential treatment center (children's mental health), group home for children, minor parent program, shelter for children, chemical dependency treatment program for adolescents, waived services program for children, crisis respite program for children, or residential program for children with developmental disabilities.

- The **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 the developmentally disabled, or licensed and unlicensed care attendants.
- The **Minnesota Department of Education**, 651-582-8546, or fax, 651-634-2277, if an alleged perpetrator is employed by a public pre-school, elementary school, middle school, secondary school, or charter school when a child is a student 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.

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

When a report is made

When receiving a report of child maltreatment, the local 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:

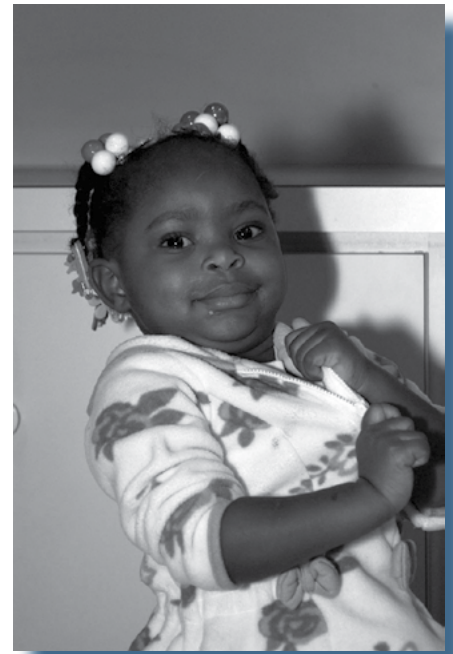
- The allegation meets the statutory definition of child maltreatment according to [Minn. Stat. 626.556](#)
- There is sufficient identifying information to attempt to locate the child, or at least one member of the family
- The report contains maltreatment allegations that have not been previously assessed 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 people with knowledge of the child and/or family for additional information. Past reports and history of social services involvement are considered.

For more 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. In these cases an offer of services may be made to the family. Law enforcement and child protection agencies, and other responsible agencies, cooperatively assess and investigate accepted reports that meet the statutory criteria of child maltreatment.

These agencies are best prepared to help a child and family in need of support, and will assess or investigate reports of maltreatment. The local child welfare agency will offer services to safeguard the welfare of an abused or neglected child. Whether initially reported to local law enforcement, child welfare, or other responsible agency, it is possible that other agencies may contact you as they coordinate investigation or assessment activities.



If you are unsure whether to make a report call your local child welfare agency and they will consult with you about the concern.



While it is recognized that most parents want to keep their children safe, sometimes circumstances or conditions interfere with their ability to do so.

What will be asked?

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

- Your name, phone number, relationship to family or child, and source of information (witnessed, heard, etc.)
- Name, address, age, and other identifying information regarding alleged victim, siblings, alleged offender, other household members, or any additional witnesses.
- Specific description of allegations. When and where alleged incident occurred and if a child is in immediate danger.
- Description of a child's injuries or present conditions, and reporter's understanding of the impact of alleged maltreatment to the child.
- Presence of domestic violence, 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 the 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 the family.
- Reporter's awareness of a child's lineage to Indian tribes, and if so, which tribes, if known.
- Additional information regarding a child and/or family which may be helpful.
- Whether reporter would like to be notified of the initial disposition.

Although you may not have knowledge or answers to all questions asked, respond to the best of your ability.

Collateral contacts

A child protection screener may contact other persons regarding a child. Contacting an individual or professional other than a reporter to assist in making a screening decision is permissible by law. A collateral contact is not required to provide the requested information. A collateral contact 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
- 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 may only be released by consent or a court order.

Use of past history in screening reports

When determining whether a report will be screened in or screened out, prior accepted and screened out reports of child maltreatment are considered in screening a current child 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, every effort is made to obtain relevant information to screen a current report.

Non-discrimination in screening

A child'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 a screening decision on a report of alleged child maltreatment. Child safety issues alone guide this decision.

Local child welfare agency workers will remain aware of the impact that historical trauma and current war-trauma has for families of color and American Indian families who become involved with the child protection system.

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

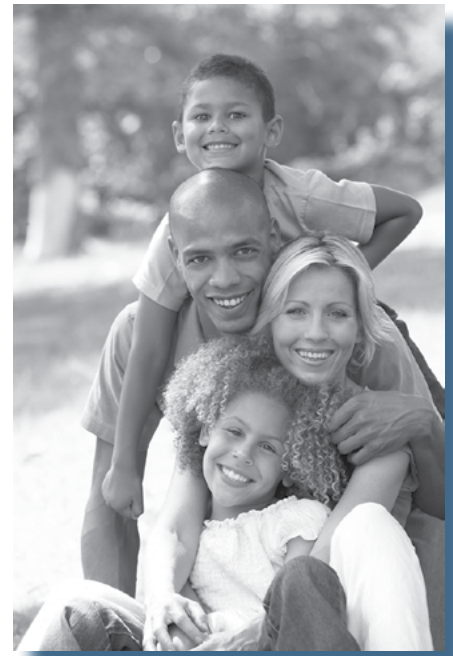
Child protection's responsibility

Local child welfare agency programs perform three essential functions:

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

Local child welfare agency staff do not have the authority to assess or investigate every complaint or concern expressed. Authority only exists for local child welfare agency services to respond to reports that meet the statutory definition 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 first screened to determine whether a report meets criteria to be assigned for a child protection response. This screening decision is reviewed and confirmed by a screening team, or in the absence of a team, the child protection supervisor or designee. The screening team 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 response or a Family Assessment response. All reports of sex trafficking receive an Investigation response, and an 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.



Children belong with their families unless they are not safe.



It is not child protection's role to investigate every complaint or concern expressed.

Screened in reports and response paths

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

- Family Investigation
- Family Assessment
- Facility Investigation

All three child protection responses are required under Minnesota Statute. All three focus on child safety as the priority. A Family Investigation, Family Assessment or Facility Investigation must be completed within 45 days of the date of receipt of a report.

[\[Minn. Stat. 626.556, subd. 10e\]](#)

The 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 the safety of a child initially and ongoing during involvement
- Gather facts to help decide if a child has experienced harm and provide needed services
- Identify family strengths to help address risks and ensure child safety
- Affirm a family's cultural beliefs
- Coordinate and monitor services to families, including the 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 a child and family. Child protection's responsibilities are to:

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

Family Investigation response overview

Family Investigations respond to the most serious reports of maltreatment to children, including those situations in which there is not a serious report of harm or neglect, but there are additional considerations or vulnerabilities that indicate a need for an Investigation response. Reports of child maltreatment that allege substantial child endangerment or sexual abuse must receive an Investigation. Reports involving sex trafficking also must have an Investigation response. Minnesota Statutes define substantial child endangerment to include categories of egregious harm, physical and sexual abuse, and reports of high risk neglect.

[\[Minn. Stat. 626.556, subd. 2 \(c\) \(1\) – \(13\)\]](#)

Investigations are sometimes conducted with law enforcement as part of a police investigation. Depending on the circumstances of a report, a local child welfare agency may decide to assign a report not involving substantial child endangerment for an Investigation. When this occurs, it is called 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 the 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 related to child safety.

In situations where serious harm has occurred, or where there is risk of serious and imminent harm, the local police or sheriff's department has authority to immediately remove a child from the family home for 72 hours. The child welfare agency may seek emergency protective care of a child by petitioning the local juvenile court. Emergency protective care grants authority to the child welfare agency to continue a child 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 child and their caretaker. All reports assigned for Investigation must be concluded within 45 days.

Two decisions are made at the conclusion of a Family Investigation:

- 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. Reports that provide 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 Assessment involves gathering facts to thoroughly evaluate child safety, the risk for subsequent child maltreatment, and a family's strengths that demonstrate protection of a child 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 a child. Family Assessment uses strength-based interventions and involves families in planning for and selecting services. If a family does not complete a Family Assessment, does not follow through with recommended services, or when an agency has not been successful in engaging a family in discussion around child safety, the response track may be changed to an Investigation response.



Investigations are designed to respond to the most serious reports of harm to children.



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

In Family Assessment response, child protection agency staff must have face-to-face contact with child and their primary caretaker within five calendar days. A Family Assessment must be completed within 45 days of an agency accepting a report.

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

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

Facility Investigation overview

Facility Investigations are completed when allegations of maltreatment involve children being 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 non-relative, caring for a child as part of an ongoing arrangement, whether paid or unpaid, regardless of location. Other types of facilities are investigated 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 that are not their own.

Decisions made at the conclusion of a Facility Investigation 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 the report and determine whether it will be investigated, and if so, what priority an investigation will receive. After an investigation, the investigating agency determines whether maltreatment occurred, and what corrective or protective actions are needed. When maltreatment is determined in an investigation involving a facility, the investigating agency also determines whether the facility, or individual, was responsible for the maltreatment, or whether both were responsible.

Facility operators are required to inform mandated reporters employed by a facility of the mandated reporter requirements, and of the prohibition against retaliation for reports made in good faith. [Minn. Stat., section 626.556, subd. 10d. \(a\), \(b\), \(c\)](#), include additional requirements concerning facility and school investigations and notification of parents.

Learning the outcome

Privacy laws limit the information that child protection and licensing agencies can discuss. A mandated reporter can find out if a report has been accepted for investigation. If accepted, the reporter will receive a summary of a disposition of the report, unless such a release of information would be detrimental to the best interests of a child. The summary that a mandated reporter receives includes the following information:

- The agency's assigned response path under [Minn. Administrative Rules, part 9560.0230, subp. 5](#)
- The name of the child protection worker or investigator who conducted the Family Assessment or Family Investigation
- The nature of the maltreatment, if an agency determined that maltreatment occurred
- If a case has been opened for child protection or other services
- If a referral has been made to a community organization.

A voluntary reporter will receive a summary, if requested.

The summary is limited to the following information:

- The agency's assigned response path under [Minn. Administrative Rules, part 9560.0230](#), and
- A statement regarding whether child protective services are being provided.

Under [Minn. Stat., section 626.556, subd. 10\(j\)](#), local child welfare agencies are required to provide data to a mandated reporter making a report who has ongoing responsibility for the health, education or welfare of a child affected by the data, unless providing the data would not be in a child's best interest; data may be provided to other mandated reporters with ongoing responsibility for the health, education or welfare of a child. Data provided under this section must be limited to data pertinent to the individual's responsibility of caring for a child.

Maltreatment determinations

In Family Investigations, a determination of whether maltreatment occurred is made, and if child protective services are needed.

Determinations are made based on a preponderance of evidence of the facts, which may include information from interviews, physical evidence, records and other documentation.

In Family Assessment, no determinations of maltreatment are made. Two decisions are made at the conclusion of a Family Assessment, including whether:

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

In both Family Investigations and Family Assessments, a determination of whether child protective services are needed is made. According to [Minn. Stat. 626.556, subd. 10e \(g\)](#): "a determination that child protective services are needed means that 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 that 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."



Historical trauma may have an impact for families of color and American Indian families.



Child protection responses are focused on child safety as the priority.

Reconsideration of maltreatment determinations

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

Maltreatment types

The following explanations of maltreatment types, pages 9-13, are offered to help better understand what law enforcement, child protection, and other responsible agencies are required to assess. Further details are included in relevant statutes and in the [Minnesota Child Maltreatment Intake, Screening and Response Path Guidelines](#).

- Neglect
- Physical abuse
- Threatened injury
- Sexual abuse
- Threatened sexual abuse
- Domestic violence
- Predatory offenders
- Sexually exploited youth

Neglect

Neglect, according to [Minn. Stat. 626.556, subd. 2\(g\)](#), is the failure by parents or caretakers to provide a child with necessary food, shelter, clothing or medical care. Neglect also includes failure to ensure that a child is educated, although this does not include parents' refusal to provide a child with nervous system stimulant medications. Neglect also may occur when a person responsible for a child's care fails to protect them from conditions or actions that seriously endanger their physical or mental health when reasonably able to do so. In addition, neglect includes failure to provide for appropriate supervision or child care arrangements after considering a child's age, mental ability, and physical condition, length of absence or environment.

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

- Inadequate food, clothing, shelter or medical care
- Abandonment
- Exposure to threatening or endangering conditions
- Failure to ensure 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 a child and not corrected by the parent or guardian
- Failure to provide for a child's special needs
- Exposure to, or involvement in, criminal activities
- Failure to protect a child from conditions or actions that present serious endangerment
- Chronic and severe use of alcohol or a controlled substance by a parent or person responsible for a child's care that adversely affects the child's basic needs and safety.

There are times when poverty generates circumstances that may be perceived as neglect and parents are unable to provide care for their child due to lack of adequate financial resources. Under these circumstances, the local child welfare agency will work to assist the parent(s) in providing the necessary care for a child, and not define the parental behavior as neglectful.

Physical abuse

Physical abuse, according to [Minn. Stat. 626.556, subd. 2k](#), is defined as any:

- Physical injury, mental injury or threatened injury, inflicted by a person responsible for a child's care, to a child 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, that have not been authorized under law for use in facilities serving persons who have developmental disabilities or related conditions.

Children who are physically abused 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 injuries and untreated injuries.

Other indicators of physical abuse that should be reported include:

- An injury that appears to be non-accidental in nature
- Physical injury resulting from hazardous conditions not corrected by a parent or guardian
- Significant threats indicating there is substantial risk of physical abuse or mental injury
- A visible injury at the time of making a report is not necessary to report physical abuse.

Physical abuse does not include reasonable and moderate physical discipline of a child administered by a parent or guardian that does not result in injury. [Minn. Stat. section 626.556, subd. 2\(k\), 1-11](#), lists actions that are not reasonable and moderate and should be reported as physical abuse.

Threatened injury

Threatened injury, according to [Minn. Stat. 626.556, subd. 2 \(p\)](#), is a statement, overt act, condition, or status that represents a substantial risk of physical or sexual abuse or mental injury to a child by someone who is 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 a child to, or failed to protect a child 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
- Been 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 the involuntary transfer of permanent physical and legal custody of a child to a relative.



Child protection staff must make reasonable efforts and active efforts for an Indian child to prevent a child being placed out of the home.



The health and safety of children is the paramount concern for child protection intervention.

Mental injury

Mental injury, according to [Minn. Stat. 626.556, subd. 2\(f\)](#), 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 a 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 presence of the behaviors described above are often evaluated by a mental health practitioner to determine the cause of the behaviors, since there may be factors other than mental injury that contribute to development of a particular disorder.

Sexual abuse

Sexual abuse, according to [Minn. Stat. 626.556, subd. 2\(n\)](#), means the subjection of a child to sexual contact by a person responsible for a child's care, person with a significant relationship to the child, or in a position of authority. In a report of sex trafficking, an alleged offender does not have to be in a caregiving role. Sexual abuse also includes any act which involves a minor which constitutes a violation of prostitution offenses under [Minn. Stat. 609.321 to 609.234](#) or [617.247](#).

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

Broadly defined, sexual contact includes:

- Touching of a child's intimate parts
- Having a 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.

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

Threatened sexual abuse

Threatened sexual abuse, according to [Minn. Stat. 626.556, subd. 2 \(n\)](#), goes beyond the 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). An adult does not have to be in a caregiving role.
- Parent or other person residing in a household found to be 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 a child or having unsupervised contact with a child.
- 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

There are times when domestic violence and child maltreatment co-occur. In these situations, a report must meet the statutory threshold for physical abuse, mental injury, threatened injury, sexual abuse, or neglect to a child. In most cases, a child must be involved in, a witness to, or otherwise situated in a location that puts them at risk during incidents of domestic violence.

There are other conditions of domestic violence that may meet the definition of threatened injury or mental harm and are included in the [Minnesota Child Maltreatment Intake, Screening and Response Path Guidelines](#) under Domestic Violence.

Conditions of domestic violence may meet the definition of maltreatment and include but not limited to, any of the following:

- Injuries to a parent, caretaker, or offender are potentially life threatening or permanent, or an injured person receives internal injuries or other serious injuries, such as broken bones, broken teeth, burns or injuries requiring sutures
- Objects are used as weapons in the course of domestic violence
- Sexual assault occurs in the course of domestic violence
- A child intervenes in the course of domestic violence, such as making a 911 call



There are times when poverty generates circumstances that may be perceived as neglect.



Maintaining a child's connection to family and their culture is a priority.

- A child inserts themselves as a shield to protect the parent, is physically restrained from leaving, or is used as a shield in an incidence of violence
- An alleged offender does not allow the protective parent and child access to basic needs, impacting their health and safety
- A child is exhibiting observable behavioral, emotional or psychological effects due to violence
- An alleged offender is making believable threats to anyone in the family, including extended family members and pets
- A child is in fear for their life, or the life of a parent, or the life of a person responsible for their care, or for the life of someone else in relation to the incident
- Violence is increasing in frequency and severity
- When kidnapping, threats of kidnapping, suicide or homicide occur
- When an offender has killed, substantially harmed, or is making believable threats to do so to anyone in the family, including extended family members and pets.

Predatory offenders

A parent or household member who is registered or required to register as a predatory offender needs to be reported. This includes parents who do not reside in a child's primary household. The local county child welfare agency must assess the situation to assure safety of children residing in the home.

Sexually exploited youth

Sexually exploited youth are individuals who are alleged to have engaged in conduct which would, if committed by an adult, constitute a violation of prostitution offenses and/or the use of a minor in a sexual performance. Youth being sexually exploited occurs when anything of value (e.g., money, drugs, food, shelter, rent or higher status in a gang or group, or the promise of anything of value is given by any means in exchange for any type of sexual activity. A third party may or may not be involved. Some circumstances of sexually exploited youth include, but are not limited to:

- A minor solicited to engage in sexual conduct by any means
- Children who have unexplained injuries to their genitals that are suspicious for sexual abuse
- A child intentionally exposed to sexual activity for the purpose of sexual arousal or sexual gratification
- Children who have sexually transmitted diseases.

Youth who are being sexually exploited need to be reported to the local child welfare agency when a parent or person with a significant relationship is involved. When in doubt make a report. The local agency will determine if a report meets criteria for physical abuse, neglect, sexual abuse or threatened sexual abuse. All sexually exploited youth are crime victims and will receive an offer of services.

Sex trafficking

All reports of known or suspected sex trafficking involving a child should be reported to child protection. Sex trafficking is a type of commercial sexual exploitation that involves the prostitution of an individual in which a third person, not the buyer or the victim, facilitates or receives profits. Sex trafficking victims are engaged in commercial sexual activity through the use of force, fraud or coercion by a third person, not the buyer or the victim.

A child who is identified as a victim of sex trafficking is considered a victim of sexual abuse.

When a child is placed in out-of-home care

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

Placement of an Indian child

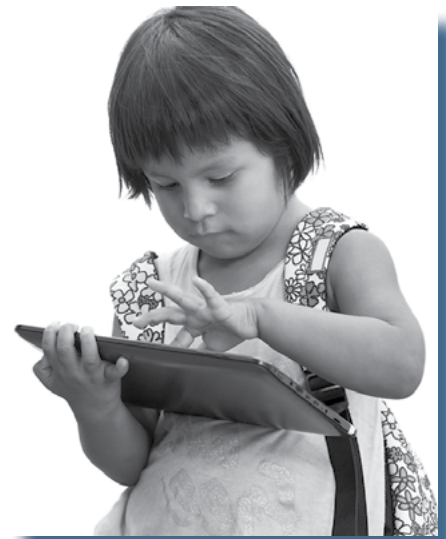
There are specific state and federal laws that govern placement of an Indian child. The best interests of an Indian child means compliance with the [Indian Child Welfare Act](#) and the [Minnesota Indian Family Preservation Act](#) to preserve and maintain an Indian child's family, extended family, and a child's tribe. Active efforts must be made to prevent placement of an Indian child. Active efforts include acknowledging traditional helping and healing systems of an Indian child's tribe, and using these systems as the core to help and heal an Indian child and their family. Active efforts set a higher standard than reasonable efforts to preserve a family, prevent breakup of a family, and reunify families.

Relevant statutes and guidelines

- The Reporting of Maltreatment of Minors Act: [Minn. Stat. section 626.556](#)
- The statute governing reporting of prenatal exposure to controlled substances: [Minn. Stat. section 626.5561](#)
- The statute regarding the definition of Child in Need of Protection or Services (CHIPS): [Minn. Stat. section 260C.007, subd. 6](#)
- The administrative rule governing disclosure of records: [Minnesota Administrative Rule 9560.0230](#)
- The federal statute governing Indian children in the child welfare system: [Indian Child Welfare Act, \(ICWA\) 25 USC 1901 ET SEQ](#)
- The state statute governing Indian children in the child welfare system: [Minn. Stat. 260.762](#)
- The state statute governing prostitution and sex trafficking: [Minn. Stat. 609.321 to 609.324](#)

For more information on all child maltreatment guidelines see:

- [Minnesota Child Maltreatment Intake, Screening Response Path and Assessment Guidelines](#)



The best interests of an Indian child support the child's sense of belonging to family, extended family and tribe.

Intake

Gather information; document

Screening

Review report with screening team or supervisor; make collateral contacts as needed; review all past reports and CPS involvement; decide to screen in or screen out

Cross-notify with law enforcement and tribe (when required)

Within 24 hours of receipt

Screen in

- Family Investigation
- Family Assessment
- Facility Investigation

Records retained minimally for five years.

Screen out

Mandated child welfare response:

- Sexually exploited youth
- Child crime victim
- Prenatal exposure to substances

Voluntary services offer:

- Parent Support Outreach Program
- Child welfare
- Mental health
- Chemical dependency

No further action required; all screened out reports retained for five years.



Children and Family Services
P.O. Box 64943
St. Paul, MN 55164-0943
www.mn.gov/dhs