
CHAPTER 754-H.F.No.1781

[Not Coded]

An act relating to the city of Maplewood; authorizing the payment of lump sum service pensions by the Maplewood firefighters relief association.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. MAPLEWOOD FIREFIGHTERS SERVICE PENSIONS. Notwithstanding the limitation contained in Minnesota Statutes, Section 69.691, Subdivision 4 or any other law, the Maplewood firefighters relief association may pay a lump sum service pension in an amount not exceeding \$600 per year of service to each of its members who shall hereafter retire, upon attaining the age of 50 years or over, after active duty totaling 20 years or more as a member of a volunteer fire department within the city of Maplewood, and upon compliance with such additional conditions as to age, service and membership as may be prescribed by the certificate of incorporation or bylaws of the association.

Sec. 2. This act is effective upon approval by the Maplewood city council and upon compliance with Minnesota Statutes, Section 645.021.

Approved April 5, 1978.

CHAPTER 755-H.F.No.1786

An act relating to children; requiring a welfare agency receiving a report of a maltreated minor to notify the local police department or county sheriff; amending Minnesota Statutes 1976, Section 626.556, Subdivisions 1, 3, 4, 6, 7, 8 and 9; and Minnesota Statutes, 1977 Supplement, Section 626.556, Subdivisions 2 and 11.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1976, Section 626.556, Subdivision 1, is amended to read:

626.556 REPORTING OF MALTREATMENT OF MINORS. Subdivision 1. **PUBLIC POLICY.** The legislature hereby declares that the public policy of this state is to protect children whose health or welfare may be jeopardized through physical abuse, neglect or sexual abuse; to strengthen the family and make the home safe for children through improvement of parental and guardian capacity for responsible child care; and to provide a safe temporary or permanent home environment for physically or sexually abused children.

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In addition, it is the policy of this state to require the reporting of suspected neglect, physical or sexual abuse of children; to provide for the voluntary reporting of abuse or neglect of children; to require the investigation of such reports; and to provide protective and counseling services in appropriate cases.

Sec. 2. Minnesota Statutes, 1977 Supplement, Section 626.556, Subdivision 2, is amended to read:

Subd. 2. **DEFINITIONS.** As used in this section, the following terms have the meanings given them unless the specific content indicates otherwise:

(a) "Sexual abuse" means the subjection by the child's parents, guardian, or person responsible for the child's care, to any act which constitutes a violation of sections 609.342, 609.343, 609.344, or 609.345. Sexual abuse also includes any act which involves a minor which constitutes a violation of section 609.32.

(b) "Neglected child" shall have the meanings defined in section 260.015, ~~subdivision 10.~~ "Neglect" means failure by a parent, guardian or other person responsible for a child's care to supply a child with necessary food, clothing, shelter or medical care when reasonably able to do so. Nothing in this section shall be construed to mean that a child is neglected solely because the child's parent, guardian or other person responsible for his care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child.

(c) "Physical abuse" means:

(i) Any physical injury inflicted by a parent, guardian or other person responsible for the child's care on a child other than by accidental means; or

(ii) Any physical injury ~~or health defect~~ that cannot reasonably be explained by the history of injuries provided by a parent, guardian or other person responsible for the child's care.

(d) "Report" means any report received by the local welfare agency, police department or county sheriff pursuant to this section.

Sec. 3. Minnesota Statutes 1976, Section 626.556, Subdivision 3, is amended to read:

Subd. 3. **PERSONS MANDATED TO REPORT.** A professional or his delegate who is engaged in the practice of the healing arts, social services, hospital administration, psychological or psychiatric treatment, child care, education, or law enforcement who has knowledge of or reasonable cause to believe a child is being neglected or physically or sexually abused shall immediately report the information to the local welfare agency ~~or~~, police department or the county sheriff. The police department or the county sheriff, upon receiving a report, shall immediately notify the local welfare agency. The local welfare agency, upon receiving a report, shall immediately notify the local police department or the county sheriff. Nothing in this subdivision shall be construed to require more than one

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report from any institution, facility, school or agency.

Any person not required to report under the provisions of this subdivision may voluntarily report to the local welfare agency ~~or~~, police department ~~or~~ the county sheriff if he has knowledge of or reasonable cause to believe a child is being neglected or subjected to physical or sexual abuse. The police department ~~or~~ the county sheriff, upon receiving a report, shall immediately notify the local welfare agency.

Sec. 4. Minnesota Statutes 1976, Section 626.556, Subdivision 4, is amended to read:

Subd. 4. **IMMUNITY FROM LIABILITY.** Any person, including those voluntarily making reports and those required to make reports under subdivision 3, participating in good faith and exercising due care in the making of a report pursuant to this section shall have immunity from any liability, civil or criminal, that otherwise might result by reason of his action.

Sec. 5. Minnesota Statutes 1976, Section 626.556, Subdivision 6, is amended to read:

Subd. 6. **FAILURE TO REPORT.** Any person required by this section to report suspected physical or sexual child abuse ~~or~~ neglect who willfully fails to do so shall be guilty of a misdemeanor.

Sec. 6. Minnesota Statutes 1976, Section 626.556, Subdivision 7, is amended to read:

Subd. 7. **REPORT.** An oral report shall be made immediately by telephone or otherwise. An oral report made by a person required under subdivision 3 to report shall be followed as soon as possible by a report in writing to the appropriate police department, the county sheriff or local welfare agency. Any report shall be of sufficient content to identify the child, the parent, guardian, or other person responsible for his care, the nature and extent of the child's injuries and the name and address of the reporter. Written reports received by a police department ~~or~~ the county sheriff shall be forwarded immediately to the local welfare agency. The police department or the county sheriff may keep copies of reports received by them. Copies of written reports received by a local welfare department shall be forwarded immediately to the local police department or the county sheriff.

Sec. 7. Minnesota Statutes 1976, Section 626.556, Subdivision 8, is amended to read:

Subd. 8. **EVIDENCE NOT PRIVILEGED.** No evidence regarding the child's injuries shall be excluded in any proceeding arising out of the alleged neglect or physical or sexual abuse on the grounds of either a physician-patient or husband-wife privilege.

Sec. 8. Minnesota Statutes 1976, Section 626.556, Subdivision 9, is amended to read:

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Subd. 9. **MANDATORY REPORTING TO A MEDICAL EXAMINER OR CORONER.** When a person required to report under the provisions of subdivision 3 has reasonable cause to believe a child has died as a result of neglect or physical or sexual abuse, he shall report that information to the appropriate medical examiner or coroner instead of the local welfare agency ~~or~~, police department or county sheriff. Medical examiners or coroners shall notify the local welfare agency or police department or county sheriff in instances in which they believe that the child has died as a result of neglect or physical or sexual abuse. The medical examiner or coroner shall complete an investigation as soon as feasible and report the findings to the ~~appropriate law enforcement authorities~~ police department or county sheriff and the local welfare agency.

Sec. 9. Minnesota Statutes, 1977 Supplement, Section 626.556, Subdivision 11, is amended to read:

Subd. 11. **RECORDS.** All records maintained by a local welfare agency under this section, including any written reports filed under subdivision 7, shall be private data on individuals, except insofar as copies of reports are required by subdivision 7 to be sent to the local police department or the county sheriff. Report records maintained by any police department or the county sheriff shall be private data on individuals except such reports shall be made available to the prosecuting authority. The welfare board shall make available to the prosecuting authority only those records which contain information relating to a specific incident of neglect or abuse which is under litigation. The records shall be collected and maintained in accordance with the provisions of sections 15.162 to 15.168, and an individual subject of a record shall have access to the record in accordance with those sections, except that the name of the reporter shall be disclosed only (a) by the local welfare agency if the report is found to be unsubstantiated or (b) by the local welfare agency upon court order if the report is found to be substantiated.

Records maintained by local welfare agencies, the police department or county sheriff under this section must be destroyed as follows:

(a) All records relating to reports which, upon investigation, are found to be false shall be destroyed immediately;

(b) All records relating to reports which, upon investigation, are found to be substantiated shall be destroyed seven years after the date of the final entry in the case record; and

(c) All records of reports which, upon initial investigation, cannot be substantiated or disproved to the satisfaction of the local welfare agency, local police department or county sheriff may be kept for a period of one year. If ~~neither~~ the local welfare agency ~~nor~~, local police department is able or county sheriff is unable to substantiate the report within that period, all each agency unable to substantiate the report shall destroy its records relating to the report shall be destroyed immediately.

Approved April 5, 1978.

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