

SENATE
STATE OF MINNESOTA
EIGHTY-EIGHTH SESSION

S.F. No. 704

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DATE	D-PG	OFFICIAL STATUS
02/25/2013	381	Introduction and first reading Referred to Health, Human Services and Housing
03/05/2013	490a	Comm report: To pass as amended and re-refer to State and Local Government
02/27/2014	5901	Withdrawn and re-referred to Judiciary
03/10/2014		Comm report: To pass as amended Second reading

1.1 A bill for an act
 1.2 relating to human services; establishing a child protection screening work
 1.3 group for the purpose of establishing consistency in child protection screening;
 1.4 requiring a report; amending Minnesota Statutes 2012, section 626.556, by
 1.5 adding a subdivision.

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

1.7 Section 1. Minnesota Statutes 2012, section 626.556, is amended by adding a
 1.8 subdivision to read:

1.9 Subd. 7a. **Mandatory guidance for screening reports.** Child protection intake
 1.10 workers, supervisors, and others involved with child protection screening shall follow the
 1.11 guidance provided in the Department of Human Services Minnesota Child Maltreatment
 1.12 Screening Guidelines when screening maltreatment referrals, and, when notified by the
 1.13 commissioner of human services, shall immediately implement updated procedures and
 1.14 protocols.

1.15 Sec. 2. **CHILD PROTECTION SCREENING WORK GROUP.**

1.16 Subdivision 1. **Purpose and goal.** (a) It is the policy of the state of Minnesota to
 1.17 protect children whose health or welfare may be jeopardized through physical abuse,
 1.18 neglect, or sexual abuse. This includes ensuring that children are protected equally
 1.19 regardless of where they live in the state. It also includes ensuring that children are
 1.20 protected according to the same set of standards and definitions for what is considered
 1.21 child maltreatment in Minnesota.

1.22 (b) The child protection screening report completed by the Office of the Legislative
 1.23 Auditor in February 2012 found that practices for screening allegations of child
 1.24 maltreatment vary greatly throughout the state for a variety of reasons. The goal of

2.1 the work group established in this section is to determine the optimal organizational
2.2 structure for ensuring the consistent and thorough protection of children, and provide
2.3 findings, recommendations, and draft legislation to the legislature that if passed into
2.4 law, will achieve that goal. The work group must complete its work in time for the
2.5 recommendations to be considered by the 2014 legislature.

2.6 Subd. 2. **Composition of the work group.** The work group shall be comprised
2.7 of no fewer than 20 and no more than 25 members. The work group may split into
2.8 subgroups to accomplish the tasks under subdivision 3. The work group must strive to
2.9 include balanced representation from rural, suburban, and metro counties. The work
2.10 group shall include the following:

2.11 (1) two members of the Minnesota state legislature, including one member of the
2.12 minority and one member of the majority, a member of the house of representatives, and
2.13 a member of the senate;

2.14 (2) two representatives of the Department of Human Services, including the director
2.15 of the Child Safety and Permanency Division, who will convene the work group, and the
2.16 director of the Children's Mental Health Division, or their designees;

2.17 (3) representatives of local child welfare agencies from rural, suburban, and metro
2.18 counties. These representatives may be a county commissioner, the director of human
2.19 services or the director of social services, children's services, or the child protection
2.20 program or unit. These county members may also represent the interests of the Minnesota
2.21 Association of County Social Services Administrators (MACSSA);

2.22 (4) a representative of a state or county organization that advocates for communities
2.23 of color;

2.24 (5) a nonpublic sector representative that advocates for communities of color,
2.25 particularly in the child welfare arena;

2.26 (6) one representative of a county attorney's office with expertise in child protection,
2.27 domestic violence, or child in need of protection or services (CHIPS) cases;

2.28 (7) one or two representatives of nonprofit advocacy organizations that advocate for
2.29 child protection, out-of-home care, and child welfare services or reform;

2.30 (8) one representative of a county guardian ad litem program;

2.31 (9) two representatives from nonprofit organizations that provide social services to
2.32 counties or the state in the areas of child protection, out-of-home care, and child welfare
2.33 services;

2.34 (10) two representatives from noncounty organizations that regularly report alleged
2.35 child maltreatment to counties such as school social workers, school nurses, crisis
2.36 nurseries, youth shelters, or similar programs;

3.1 (11) one representative from a county children's review panel who has done research
3.2 on or reviews of county child protection cases;

3.3 (12) if available, a member of a national organization with expertise in child
3.4 protection and child welfare standards and screening practices who is willing to participate
3.5 virtually or provide ongoing feedback to the work group;

3.6 (13) a representative of a Minnesota college or university who is an expert on
3.7 the impact of childhood trauma on cognitive, behavioral, mental health, and physical
3.8 development; and

3.9 (14) a member of the Department of Health with expertise in primary prevention
3.10 services to at-risk families and children.

3.11 Subd. 3. **Responsibilities of the work group.** (a) The work group shall analyze
3.12 the development and implementation of a state centralized unit to screen reports of
3.13 alleged abuse and neglect in a detailed feasibility study. The work group shall consult
3.14 with practitioners in other states and national experts to identify best practices, potential
3.15 barriers, and initial and ongoing costs related to a centralized system. The work group
3.16 shall also determine curriculum, training, and uniform policy and procedures for child
3.17 protection staff.

3.18 (b) If the work group, after thorough analysis, determines an alternative structure
3.19 to the centralized system is a more effective way to achieve the goal of this legislation,
3.20 the work group shall analyze and make recommendations for an alternative structure or a
3.21 hybrid of the existing child protection screening process.

3.22 (c) In addition, the work group shall review each of the recommendations in the
3.23 February 2012 Office of the Legislative Auditor child protection screening report and
3.24 include a final version of the recommendations the legislature should consider in the report
3.25 to the legislature under subdivision 4, and also, more specifically, shall:

3.26 (1) establish policies and procedures to ensure the uniform application of child
3.27 protection screening protocol by staff, which includes exploring a standardized screening
3.28 or validated assessment tool that is appropriate for a variety of circumstances, cultures,
3.29 and communities; guidance as to what elements to consider in determining if cases will be
3.30 screened in or screened out; timeliness of screening decisions; and necessary clarifications
3.31 in statute related to screening;

3.32 (2) establish consistent reporting requirements regarding the number of screened-out
3.33 cases, and data collection recorded in the social service information system (SSIS) that is
3.34 adequate to identify a possible pattern of abuse or neglect, and sufficient record retention
3.35 timelines to determine if there is a pattern of abuse or neglect;

4.1 (3) clarify when it is appropriate for agencies to use a family's history of child
4.2 protection referrals;

4.3 (4) clarify vague statutory terms, including "risk of harm" and provide guidance
4.4 on what constitutes "necessary care," and make recommendations to amend statutory
4.5 definitions to clarify vague terms in Minnesota Statutes, section 626.556, including, but
4.6 not limited to, the following terms:

4.7 (i) child abuse;

4.8 (ii) physical abuse;

4.9 (iii) sexual abuse;

4.10 (iv) neglect; and

4.11 (v) report;

4.12 (5) modify and update, as necessary, the Department of Human Services Minnesota
4.13 Child Maltreatment Screening Guidelines, and determine if the guidelines should be
4.14 updated on a regular basis and if so, what stakeholders must be involved with and approve
4.15 the modifications, and how the revised guidelines will be disseminated to child protection
4.16 staff under Minnesota Statutes, section 626.556, subdivision 7a; advocates; and other
4.17 interested parties;

4.18 (6) establish initial and ongoing training for child protection workers regarding
4.19 all aspects of the child protection screening process; explore regional, online, and
4.20 other training venues to ensure accessible and affordable training; and determine if the
4.21 commissioner should be allowed to impose sanctions for training violations; and

4.22 (7) establish initial and ongoing training for mandated reporters related to the role
4.23 they play in the child protection process, including curriculum, multiple delivery methods
4.24 to ensure training is accessible and affordable, and possible reporting requirements from
4.25 the Department of Human Services as to the number of mandated reporters participating
4.26 in the training and the effectiveness of the training.

4.27 Subd. 4. **Report.** The work group shall provide a report to the chairs and ranking
4.28 minority members of the legislative committees having jurisdiction over child protection
4.29 issues by November 15, 2013, containing the feasibility study and any other relevant
4.30 information, recommendations, and draft legislation resulting from the work group's
4.31 efforts under subdivision 3.

4.32 **Sec. 3. EFFECTIVE DATE.**

4.33 This act is effective the day following final enactment.