

CHAPTER 9560

DEPARTMENT OF HUMAN SERVICES

SOCIAL SERVICES FOR CHILDREN

PROTECTIVE SERVICES FOR CHILDREN
 9560 0210 PURPOSE
 9560 0212 SCOPE
 9560 0214 DEFINITIONS
 9560 0216 BASIC REQUIREMENTS
 9560 0218 RESPONSE TO REPORTS OF INFANT
 MEDICAL NEGLECT
 9560 0220 RESPONSE TO REPORTS OF
 MALTREATMENT WITHIN THE
 FAMILY UNIT

9560 0222 INVESTIGATION OF REPORTS OF
 MALTREATMENT IN A FACILITY
 9560 0224 REPORTS NOT REQUIRING
 ASSESSMENT OR INVESTIGATION
 BY LOCAL AGENCY
 9560 0226 INFORMATION PROVIDED
 REPORTERS
 9560 0228 PROTECTIVE SERVICES
 9560 0230 OFFICIAL RECORDS
 9560 0232 ADMINISTRATIVE REQUIREMENTS
 9560 0234 TRAINING REQUIREMENTS

PROTECTIVE SERVICES FOR CHILDREN

9560.0210 PURPOSE.

The purpose of child protective services is to protect children from maltreatment.

Statutory Authority: *MS s 256.01 subd 2 cl (2); 256E.05; 257.175; 393.07; 626.556*

History: *13 SR 303*

9560.0212 SCOPE.

Parts 9560.0210 to 9560.0234 govern the administration and provision of child protective services by local social service agencies.

Statutory Authority: *MS s 256.01 subd 2 cl (2); 256E.05; 257.175; 393.07; 626.556*

History: *13 SR 303*

9560.0214 DEFINITIONS.

Subpart 1. **Scope.** As used in parts 9560.0210 to 9560.0234, the following terms have the meanings given them.

Subp. 2. **Alleged offender.** "Alleged offender" means a person who is reported to have committed maltreatment.

Subp. 3. **Assessment.** "Assessment" means a process for determining whether a child has been maltreated and whether child protective services are needed and that:

A. is conducted by a child protection worker;

B. includes gathering facts, assessing the risk to the child, and formulating a plan of services; and

C. includes authority to interview the child, any person responsible for the child's care, the alleged offender, and any other person with knowledge of the maltreatment.

Subp. 4. **Child.** "Child" means a person under the age of 18.

Subp. 5. **Child protection worker.** "Child protection worker" means a social worker employed by a local agency who is responsible for providing child protective services or who is responsible for supervising social workers responsible for providing child protective services.

Subp. 6. **Child protective services.** "Child protective services" means services provided by the local agency to protect a child who has reportedly been maltreated by a person within the family unit or within a facility who is responsible for the child's care. Child protective services include assessment or investigation;

protective intervention under parts 9560.0218, subpart 8, 9560.0220, subpart 8, and 9560.0222, subpart 11; and the planning and provision of services under part 9560.0228.

Subp. 7. County board. "County board" means the county board of commissioners in each county. A human services board established under Minnesota Statutes, chapter 402, or a welfare board established under Minnesota Statutes, chapter 393, shall be considered the county board for purposes of parts 9560.0210 to 9560.0234.

Subp. 8. Department. "Department" means the Minnesota Department of Human Services.

Subp. 9. Emotional maltreatment. "Emotional maltreatment" means the consistent or deliberate infliction of mental harm on a child by a person responsible for the child's care, that has an observable, sustained, adverse effect on the child's physical, mental, or emotional development.

Subp. 10. Facility. "Facility" means a facility or program for the care of children required to be licensed by the Department of Health under Minnesota Statutes, sections 144.50 to 144.58, the Department of Corrections under Minnesota Statutes, section 241.021, or the Department of Human Services under Minnesota Statutes, chapter 245A.

Subp. 11. Family unit. "Family unit" means all persons related to a child by blood, marriage, or adoption or persons living within the same household as the child or a child's guardian.

Subp. 12. Imminent danger. "Imminent danger" means that a child is threatened with immediate and present maltreatment that is life threatening or likely to result in abandonment, sexual abuse, or serious physical injury.

Subp. 13. Infant medical neglect. "Infant medical neglect" includes, but is not limited to, the withholding of medically indicated treatment from a disabled infant with a life threatening condition. The term "withholding of medically indicated treatment" means the failure to respond to the infant's life threatening condition by providing treatment including appropriate nutrition, hydration, and medication which, in the treating physician's or physicians' reasonable medical judgment, will be most likely to be effective in ameliorating or correcting all conditions, except that the term does not include the failure to provide treatment other than appropriate nutrition, hydration, or medication to an infant when, in the treating physician's or physicians' reasonable medical judgment:

A. the infant is chronically and irreversibly comatose;

B. the provision of the treatment would merely prolong dying, not be effective in ameliorating or correcting all of the infant's life threatening conditions, or otherwise be futile in terms of the survival of the infant; or

C. the provision of the treatment would be virtually futile in terms of the survival of the infant and the treatment itself under the circumstances would be inhumane.

Subp. 14. Investigation. "Investigation" means a process for determining whether maltreatment has occurred:

A. that is conducted by a law enforcement agency; or

B. that is conducted by the department or a local agency when a report alleges maltreatment by a person within a facility who is responsible for the child's care.

Subp. 15. Law enforcement agency. "Law enforcement agency" means the Department of Public Safety, the local police or sheriff's department, or the state highway patrol.

Subp. 16. Legal custody. "Legal custody" means the right to care, custody, and control of a child as defined in Minnesota Statutes, section 260.015, subdivision 8.

Subp. 17. **Local agency.** "Local agency" means the social services agency authorized by the county board to provide social services and financial assistance under Minnesota Statutes, section 393.07.

Subp. 18. **Maltreatment.** "Maltreatment" means physical or sexual abuse or neglect under Minnesota Statutes, section 626.556, subdivision 10e. "Neglect" includes emotional maltreatment and infant medical neglect.

Subp. 19. **Report or report of maltreatment.** "Report" or "report of maltreatment" means an oral or written report received by a local agency that alleges a child is being or has been maltreated.

Subp. 20. **Shelter care facility.** "Shelter care facility" means a physically unrestricting facility, such as a hospital, group home, or licensed facility for foster care, used for the temporary care of a child.

Subp. 21. **Subject.** "Subject" means any person on whom the local agency retains private or confidential information obtained from reports of maltreatment or during assessments or investigations of reports of maltreatment.

Statutory Authority: *MS s 256.01 subd 2 cl (2); 256E.05; 257.175; 393.07; 626.556*

History: *13 SR 303*

9560.0216 BASIC REQUIREMENTS.

Subpart 1. **Response to reports of maltreatment.** The local agency shall accept and screen according to subpart 3 every report of maltreatment received from any source.

Subp. 2. **Emergency assessment and protective intervention.** The local agency shall screen and assess reports of maltreatment of any child living in or found in the county without regard to the legal residence of the child or the child's family.

A. The local agency shall provide child protective services as an emergency social service under parts 9550.0010 to 9550.0092.

B. The local agency shall not seek a determination of the county of financial responsibility for the child and reimbursement for services provided until after providing for the safety of the child.

Subp. 3. **Screening reports.** The local agency shall screen reports of maltreatment to determine the need for assessment. If a report does not meet the criteria in items A to C, the local agency must not conduct an assessment:

A. the allegations in the report constitute maltreatment as defined under part 9560.0214, subpart 18;

B. sufficient identifying information exists to permit an assessment; and

C. the report contains information that has not previously been received by the local agency.

Subp. 4. **Notifying law enforcement.** The local agency shall notify the law enforcement agency orally and in writing within 24 hours of receiving a report of maltreatment.

Subp. 5. **Time frames for initiating an assessment.** The local agency shall respond to reports of maltreatment within the time limits under item A, B, or C.

A. When a report of maltreatment indicates that a child is in imminent danger, the local agency shall take action as soon as the report is received to provide for the safety of the child.

B. When a report of maltreatment alleges infant medical neglect, the local agency shall initiate an assessment as soon as the report is received.

C. When a report of maltreatment does not indicate a child is in imminent danger, the local agency shall initiate an assessment within one working day after receiving the report. The local agency may delay initiating the assessment up to 72 hours if:

(1) the local agency has reasonable grounds to believe the child will not be in imminent danger during that time; and

(2) the need to respond to more serious reports prevents the local agency from acting within one working day.

Subp. 6. In person observation. When the local agency conducts an assessment, an in person observation must be made of the child reported to be maltreated.

Subp. 7. Notice to persons being interviewed. The local agency shall:

A. orally inform a person asked to provide private or confidential data about himself or herself as part of an assessment or investigation:

(1) why the information is being requested;

(2) how the information will be used;

(3) that the person may refuse to answer the questions;

(4) the consequences of either answering or refusing to answer questions;

(5) the other persons or agencies authorized to receive the information being requested; and

B. provide in writing:

(1) the information given orally under item A;

(2) rights to access data provided under Minnesota Statutes, section 13.04, subdivision 3; and

(3) a description of the procedure for contesting the accuracy and completeness of the agency's records provided under Minnesota Statutes, section 13.04, subdivision 4.

Statutory Authority: *MS s 256.01 subd 2 cl (2); 256E.05; 257.175; 393.07; 626.556*

History: 13 SR 303

9560.0218 RESPONSE TO REPORTS OF INFANT MEDICAL NEGLECT.

Subpart 1. Screening. The local agency shall screen reports alleging infant medical neglect to determine whether the report meets the criteria in items A to E:

A. the child is an infant under one year of age;

B. the infant is hospitalized;

C. the allegations constitute infant medical neglect as defined in part 9560.0214, subpart 13;

D. the report contains sufficient identifying information to permit an assessment; and

E. the report contains information that has not previously been received by the local agency.

Reports meeting the criteria in items A to E must be assessed as soon as the report is received according to the procedures in subparts 2 to 6.

Subp. 2. Hospital notice. The local agency shall inform the hospital where the infant is hospitalized that a report of infant medical neglect has been received and contact the liaison designated by the hospital to handle reports of infant medical neglect.

Subp. 3. Department consultation. The local agency shall consult with the department's child protective services staff.

Subp. 4. Consultation with parents and physician. The local agency shall consult with the infant's parents, the attending physician, and other appropriate hospital staff to determine the parents' understanding of the infant's condition, treatment choices, and prognosis.

Subp. 5. Medical consultation. The local agency shall consult with an independent medical consultant who shall determine whether infant medical neglect has occurred.

A. The local agency shall arrange for a review by the medical consultant of the infant's medical records.

B. The local agency shall arrange for an examination of the infant by the medical consultant if necessary to make the determination. The local agency shall:

(1) obtain consent from the infant's parents for the examination; or

(2) if the parents do not consent, ask the county attorney to obtain an expedited court order for the examination.

Subp. 6. Parental authorization. If the medical consultant confirms infant medical neglect and recommends treatment, the local agency shall, with the medical consultant, seek authorization from the infant's parents for the recommended treatment.

Subp. 7. Local agency determinations. The local agency shall make determinations in accordance with item A or B.

A. If the parents authorize the recommended treatment, the local agency shall make a determination that maltreatment has not occurred and that child protective services are not needed.

B. If the parents refuse to authorize the recommended treatment, the local agency shall make a determination that maltreatment occurred and that child protective services are needed.

Subp. 8. Protective intervention. If the local agency makes a determination that maltreatment occurred and that child protective services are needed, the local agency shall:

A. ask the county attorney to obtain a transfer of legal custody of the infant to the local agency in order to provide the recommended treatment; and

B. provide protective services under part 9560.0228.

Statutory Authority: *MS s 256.01 subd 2 cl (2); 256E.05; 257.175; 393.07; 626.556*

History: *13 SR 303*

9560.0220 RESPONSE TO REPORTS OF MALTREATMENT WITHIN THE FAMILY UNIT.

Subpart 1. Basic procedures. The local agency shall follow the basic requirements in part 9560.0216 when a report alleges maltreatment by a person within the family unit who is responsible for the child's care.

Subp. 2. Coordination with law enforcement. The local agency shall:

A. ask a representative from a law enforcement agency to accompany the child protection worker to interview the child when a report of maltreatment:

(1) indicates there is imminent danger to a child or danger to the child protection worker; or

(2) alleges violation of a criminal statute involving sexual abuse or physical abuse;

B. coordinate its assessment with the law enforcement agency's investigation to avoid duplication of fact finding efforts and multiple interviews; and

C. prepare an independent report of its assessment.

Subp. 3. Child interviews. The local agency shall interview the child who is reported to be maltreated. When necessary to make the determinations in subpart 6, the local agency shall interview any other minors within the family unit. When interviewing children, the local agency shall follow the procedures in items A to F.

A. The local agency shall interview the child in a face to face meeting in a manner appropriate to the child's age, development, and ability to understand and verbalize.

B. The local agency may waive the notice required in part 9560.0216, subpart 7, when interviewing a child under ten years of age who is reported to be maltreated.

C. The local agency may interview a child under this part without parental consent. By the time the assessment is completed, the local agency shall notify the parent, legal custodian, or guardian that the interview has occurred unless ordered by the juvenile court to withhold notification.

D. If a parent, legal custodian, or guardian prevents the local agency from interviewing a child, the local agency shall ask the county attorney to obtain a judicial order to produce the child for an interview.

E. The local agency shall make a record of every interview according to subitems (1) and (2):

(1) interviews must be videotaped, audiotaped, or recorded in writing; and

(2) the record must include:

(a) the date, time, place, and duration of the interview;

(b) the identity of the persons present at the interview; and

(c) a written summary completed within 72 hours if the interview is recorded in writing.

F. When a child is interviewed at the child's school, the local agency shall:

(1) before the interview, give the school a written notice, signed by the chair of the county board or the chair's designee, that includes the following:

(a) the name of the child to be interviewed;

(b) the purpose of the interview; and

(c) the authority of the local agency under Minnesota Statutes, section 626.556, subdivision 10, to interview the child on school premises;

(2) conduct the interview within 24 hours after the school receives the notification in subitem (1);

(3) determine the persons present during the interview; and

(4) cooperate with the school officials' reasonable conditions as to the time, place, and manner of the interview.

Subp. 4. Parent interviews. The local agency shall interview parents and persons responsible for the child's care within the family unit. These interviews must take place within 72 hours of interviewing the child unless postponement is necessary to prevent risk to a child or interference with law enforcement's investigation. If, after reasonable effort, the local agency is unable to locate a parent, this requirement is waived.

Subp. 5. Other interviews. When necessary to make the determinations in subpart 6, the local agency shall interview other persons whom the agency believes may have knowledge of the alleged maltreatment.

Subp. 6. Local agency determinations. When the local agency has completed its assessment under subparts 1 to 5, the local agency shall make determinations.

A. The local agency shall make a determination that maltreatment has occurred if:

(1) there is credible evidence a child has suffered physical, mental, or emotional harm; and

(2) the harm was caused by the act or failure to act of a person within the family unit who is responsible for the child's care.

B. The local agency shall make a determination that child protective services are needed when the agency has documented conditions 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 persons 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. This determination shall be made using a risk assessment tool that has been approved by the department and includes the factors in subitems (1) to (11):

- (1) vulnerability of the child;
- (2) location, severity, frequency, and recentness of abuse;
- (3) severity, frequency, and recentness of neglect, and condition of home;
- (4) physical, intellectual, or emotional capacities and control of the person or persons responsible for the child's care;
- (5) degree of cooperation of the person or persons responsible for the child's care;
- (6) parenting skills and knowledge of the person or persons responsible for the child's care;
- (7) alleged offender's access to the child;
- (8) presence of a parent substitute or other adult in the home;
- (9) previous history of child maltreatment;
- (10) strength of family support systems; and
- (11) stressors on the family.

Subp. 7. Determining the need for protective intervention. The local agency shall determine the need for protective intervention according to items A to D.

A. If there is a determination that maltreatment occurred and a determination that child protective services are needed, the local agency shall provide protective intervention under subpart 8.

B. If there is a determination that child protective services are needed without a determination that maltreatment occurred, the local agency shall provide protective intervention under subpart 8 or other needed services.

C. If there is a determination that maltreatment occurred and a determination that no child is in need of child protective services, the local agency shall offer any needed services.

D. If there is no determination that maltreatment occurred and no determination that child protective services are needed, the local agency shall not provide protective services.

Subp. 8. Protective intervention procedure. When the local agency provides protective intervention, the local agency shall:

- A. evaluate the risks of children remaining in the home;
- B. provide for the protection of the child under subitems (1) to (3), which are listed in order of preferred action:
 - (1) maintain the child within the home and provide protective services on a voluntary basis or through protective supervision;
 - (2) have the alleged offender removed from the home under Minnesota Statutes, section 260.133; or
 - (3) remove the child from the home according to subpart 9;
- C. if the family refuses to accept protective services, request the county attorney to obtain a judicial order authorizing the local agency to provide involuntary protective services; and
- D. if the family accepts or a court authorizes services, formulate a plan and provide protective services under part 9560.0228.

Subp. 9. Removal procedures. The local agency shall follow the procedures in items A to D when a child is removed from the home.

A. The local agency shall determine whether a voluntary placement provides for the child's health, safety, and welfare.

B. If a child is not placed voluntarily and the child is in imminent danger, the local agency:

(1) shall obtain the emergency removal of the child from the home by:

(a) seeking the assistance of the law enforcement agency to take the child into immediate custody; or

(b) petitioning the juvenile court for immediate legal custody of the child; and

(2) if a child is placed in a shelter care facility, advise the person taking the child into custody or the court whether disclosure of the facility location would endanger the child.

C. If a child is not placed voluntarily and the child is not in imminent danger, the local agency shall ask the county attorney to petition the juvenile court for placement of the child under parts 9560.0500 to 9560.0670.

Statutory Authority: *MS s 256.01 subd 2 cl (2); 256E.05; 257.175; 393.07; 626.556*

History: *13 SR 303*

9560.0222 INVESTIGATION OF REPORTS OF MALTREATMENT IN A FACILITY.

Subpart 1. Screening. The local agency shall screen reports of maltreatment to determine the need for investigation. Reports meeting the criteria in items A to C must be investigated by the local agency:

A. the allegations in the report constitute maltreatment as defined in part 9560.0214, subpart 18;

B. the report contains sufficient identifying information to permit an investigation; and

C. the report contains information that has not previously been investigated by the local agency.

A report that does not meet the criteria in items A to C must be reported as a possible licensing violation to the county and state agencies that license the facility.

Subp. 2. Coordination with law enforcement. The local agency shall:

A. ask a representative from a law enforcement agency to accompany the child protection worker to interview the child when a report of maltreatment indicates:

(1) imminent danger to a child or danger to the child protection worker; or

(2) an alleged violation of a criminal statute involving sexual abuse or physical abuse;

B. coordinate its investigation with the law enforcement agency investigation to avoid duplication of fact finding efforts and multiple interviews; and

C. prepare an independent report of its investigation.

Subp. 3. Coordination with state licensing agencies. The local agency shall coordinate the investigation of maltreatment within a facility with the state agencies responsible for licensing the facility.

A. The local agency shall notify the responsible state licensing agencies within 48 hours, excluding weekends and holidays, of receiving a report of maltreatment. This notification must include:

- (1) the date and time the local agency received the report;
- (2) identification of the facility, the child or children alleged to be maltreated, and the alleged offender;
- (3) the nature of the maltreatment and extent of any injuries to children;
- (4) immediate treatment and protection measures being provided by the local agency; and
- (5) the name of the child protection worker responsible for investigating the report.

B. The local agency shall provide the responsible state licensing agencies with ongoing information as the investigation proceeds.

Subp. 4. Notice to ombudsman for mental health and mental retardation. The local agency shall provide the notice in subpart 3, item A, to the ombudsman for mental health and mental retardation when a report of maltreatment involves a child receiving residential treatment services for mental health, mental retardation, chemical dependency, or emotional disturbance.

Subp. 5. Notice to parents, guardians, or legal custodians. The local agency shall provide the following notice when reports of maltreatment within a facility have been received.

A. The local agency shall provide the following information to the parents, guardians, or legal custodians, including agencies responsible for placement, of any child who is reported to be maltreated by a person within a facility who is responsible for the child's care:

- (1) the name of the facility;
 - (2) that a report of maltreatment of their child has been received;
 - (3) the nature of the alleged maltreatment;
 - (4) that an investigation is being conducted;
 - (5) the protective or corrective measures currently being provided;
- and
- (6) that a written report will be furnished when the investigation is completed.

B. The notice required in item A must be provided before the local agency interviews any child who is reported to be maltreated unless:

- (1) the interview is necessary to protect children within the facility;
- and
- (2) the local agency is unable, after reasonable effort, to locate the parents.

C. The local agency may provide the notice required in item A to the parents, guardians, or custodians of children within the facility who are not the subjects of the report. In making the decision to provide this notice, the local agency shall consider:

- (1) whether there are reasonable grounds to believe maltreatment has occurred;
- (2) the seriousness of the maltreatment;
- (3) the number of children reported to be maltreated; and
- (4) the length of time it may take to complete the investigation.

Subp. 6. Interviewing children. When necessary to make the determination in subpart 10, the local agency shall interview any child within the facility in the course of the investigation. Interviews shall be conducted and recorded according to part 9560.0220, subpart 3.

Subp. 7. Interviewing facility staff. The local agency shall begin to interview the following facility staff within 24 hours after interviewing children: the alleged

offender; other staff members who may have knowledge of the maltreatment; supervisors of the alleged offender; and the director of the facility.

Staff interviews may be postponed beyond 24 hours to prevent interference with an investigation by law enforcement authorities.

Subp. 8. Interviewing persons outside the facility. The local agency shall interview the parents, guardians, or legal custodians of children within the facility and children no longer within the facility if there is reason to believe they may have knowledge of maltreatment.

Subp. 9. Risk assessment. The local agency shall evaluate the information obtained during the investigation according to items A and B:

A. assess the risk to children using a risk assessment tool under part 9560.0220, subpart 6, item B; and

B. consult with the state agencies that issued the facility license to assess factors within the facility that contribute to risk of maltreatment.

Subp. 10. Local agency determination. The local agency shall determine that maltreatment has occurred within the facility on the basis of the criteria in items A and B:

A. there is credible evidence of physical, mental, or emotional harm to a child; and

B. the harm is caused by the action or failure to act of facility staff or a volunteer.

Subp. 11. Protective intervention. If there is a determination that maltreatment has occurred, the local agency shall intervene to provide for the safety of the children within the facility.

A. The local agency shall provide a written report to the parents, guardians, or legal custodians, including agencies responsible for placement, of every child within the facility. The report shall not disclose the names of the children who were maltreated, the reporter, the offender, or the persons interviewed during the investigation. The report shall include:

- (1) the name of the facility;
- (2) the nature of the maltreatment;
- (3) the names of the investigators and agencies represented;
- (4) a summary of the results of the investigation;
- (5) the local agency's determination; and
- (6) remedial measures being provided.

B. The local agency shall inform parents, guardians, and legal custodians of alternative facilities.

C. The local agency shall provide the responsible state licensing agencies with an oral report immediately after the investigation is completed. A written report must be provided within one week after the investigation is completed to the responsible state licensing agencies and to the ombudsman notified under subpart 4.

Subp. 12. Determination that maltreatment has not occurred. If there is no determination that maltreatment occurred, the local agency:

A. shall provide the notice in subpart 11 to parents, guardians, or legal custodians notified under subpart 5; and

B. shall provide the notice in subpart 11 to the responsible state licensing agencies and the ombudsman notified under subpart 4.

Statutory Authority: *MS s 256.01 subd 2 cl (2); 256E.05; 257.175; 393.07; 626.556*

History: *13 SR 303*

9560.0224 REPORTS NOT REQUIRING ASSESSMENT OR INVESTIGATION BY LOCAL AGENCY.

When the local agency receives a report of maltreatment that does not involve an alleged offender from within the family unit or from within a facility, the local agency shall notify the law enforcement agency orally as soon as the report is received. Written notice must be sent within 24 hours.

The local agency shall make appropriate social services available to the child and family.

Statutory Authority: *MS s 256.01 subd 2 cl (2); 256E.05; 257.175; 393.07; 626.556*

History: *13 SR 303*

9560.0226 INFORMATION PROVIDED REPORTERS.

Subpart 1. Voluntary reporters. The local agency shall provide a voluntary reporter, upon request, a concise summary after the assessment or investigation of a report of maltreatment has been completed. A concise summary is limited to:

A. the local agency's classification of the report under part 9560.0230; and

B. a statement whether child protective services are being provided.

Subp. 2. Mandated reporters. The local agency shall provide a mandated reporter, upon request, a summary consisting of:

A. a concise summary under subpart 1;

B. the name of the child protection worker conducting the assessment or investigation;

C. the nature of the maltreatment, if the local agency determined maltreatment occurred; and

D. a description of services being provided.

Subp. 3. Refusal to disclose information. The local agency shall refuse to provide a concise summary to voluntary reporters and a summary to mandated reporters if the local agency determines disclosure would be detrimental to the best interests of the child.

Statutory Authority: *MS s 256.01 subd 2 cl (2); 256E.05; 257.175; 393.07; 626.556*

History: *13 SR 303*

9560.0228 PROTECTIVE SERVICES.

Subpart 1. General requirement. The local agency shall ensure that protective services are provided according to a written plan to every child and family who are residents of the county when:

A. a determination of infant medical neglect is made under part 9560.0218, subpart 7, item B; or

B. protective intervention is required or protective services are accepted or authorized under part 9560.0220, subpart 7.

Subp. 2. Written plan. The plan of protective services must meet the criteria in items A and B:

A. A child protection worker shall work with the family to formulate the plan and shall provide the family a copy of the plan.

B. The plan must identify:

(1) family needs and family strengths;

(2) the reasons why protective services are being provided;

(3) the specific services expected to ameliorate the conditions that present harm to children; examples include individual or family counseling,

home management services, family based or in home services, parent support organizations, and parenting courses;

- (4) the service provider or providers;
- (5) the amount, frequency, and duration of services;
- (6) goals for reducing risk of harm to children that are achievable by the family, or alternative permanency planning goals for children and the basis for determining that the family lacks capacity to reduce the risk of harm to children;
- (7) specific behaviors that evidence achievement of goals;
- (8) specific tasks to be performed by each family member, the child protection worker, and other service providers;
- (9) the purpose and frequency of scheduled contacts between the family, the child protection worker, and other service providers;
- (10) estimated time required to achieve goals;
- (11) consequences of failure to comply with the plan; and
- (12) a timetable for the quarterly reassessment under subpart 5.

The local agency may use a substitute care plan under Minnesota Statutes, section 257.071, or a court ordered plan that meets the criteria in items A and B.

Subp. 3. Service delivery. Protective services shall be provided directly or arranged by the local agency. The local agency shall retain case management responsibility including responsibility for planning, coordinating, authorizing, monitoring, and evaluating services.

Subp. 4. Monitoring services. The local agency shall monitor the provision of services to assure compliance with the plan.

A. When the child remains in the home while protective services are being provided, the child protection worker shall:

- (1) meet with the family at least monthly; or
- (2) ensure that a service provider meets with the family at least monthly; and
- (3) contact the family at least monthly.

B. The child protection worker shall consult with other service providers at least quarterly.

C. The child protection worker's supervisor shall conduct a review at least semiannually. This review shall consist of:

- (1) a review of the plan of protective services or other records relating to the family;
- (2) a supervisory conference with the child protection worker;
- (3) attendance at the administrative or court review required for a child in substitute care; or
- (4) any equivalent method of determining whether appropriate services are being provided.

Subp. 5. Quarterly reassessment. The child protection worker and the family shall jointly assess the plan of protective services at least quarterly to:

- A. assess family progress in achieving goals and objectives;
- B. delete goals that have been achieved or found to be inappropriate; and
- C. add behaviors or tasks necessary to achieve goals.

Subp. 6. Termination of protective services. Protective services to a family must be terminated when the local agency determines:

- A. the goals in the plan of protective services have been accomplished and the family no longer needs protective services; or

B. the family fails to achieve goals and there are insufficient legal grounds to proceed with court action that would authorize the local agency to provide involuntary protective services.

Statutory Authority: *MS s 256.01 subd 2 cl (2); 256E.05; 257.175; 393.07; 626.556*

History: *13 SR 303*

9560.0230 OFFICIAL RECORDS.

Subpart 1. Report records. The local agency shall maintain a record of every report of maltreatment under parts 9560.0218 to 9560.0222.

Subp. 2. Classification of reports. The local agency shall make the determination required under parts 9560.0218, subpart 7; 9560.0220, subpart 6; and 9560.0222, subparts 10 and 12 within 90 days of receiving the report.

Subp. 3. Disclosure of report records. The local agency may disclose report records to members of the case consultation committee of a multidisciplinary child protection team established under Minnesota Statutes, section 626.558.

Subp. 4. Nondisclosure of reporter's identity. The local agency shall not disclose the identity of the person making the report of maltreatment while the assessment or investigation is being conducted. After the assessment or investigation is completed, the local agency shall not disclose the identity of the person reporting the maltreatment without:

A. the reporter's consent, in writing, to disclosure; or

B. a written court finding that the report is false and that there is evidence the report was made in bad faith.

Subp. 5. Notice of determinations. Within ten working days after the assessment or investigation is completed, the local agency shall notify the parent or guardian of the child reported to be maltreated and the alleged offender in writing of the following:

A. the agency's determinations; and

B. the period of time report records will be maintained before being destroyed under subpart 6 including any right of the alleged offender to have the records destroyed.

Subp. 6. Retention of report records. The local agency's records relating to reports of maltreatment must be retained or destroyed according to items A to C.

A. If the local agency has made determinations that maltreatment has not occurred and that child protective services are not needed, the local agency may retain the records of the report up to four years. If the alleged offender requests the destruction of the records, the local agency must destroy the records within 30 days of the request.

B. If the local agency has made a determination either that maltreatment has occurred or that child protective services are needed, the local agency shall destroy the records of the report seven years after the date of the final entry in the case record.

C. The local agency shall notify a school that received a notice of intent to interview under part 9560.0220, subpart 3, to destroy all records relating to the report when records are destroyed under item A or B.

Subp. 7. Data collection by the department. Within ten days after completing the assessment or investigation, the local agency shall send the department data on every report of maltreatment. Data must be submitted in a manner approved by the department.

Statutory Authority: *MS s 256.01 subd 2 cl (2); 256E.05; 257.175; 393.07; 626.556*

History: *13 SR 303*

9560.0232 ADMINISTRATIVE REQUIREMENTS.

Subpart 1. Service availability. The local agency shall ensure that child protective services are available on a 24 hour basis to respond to reports alleging imminent danger.

Subp. 2. Emergency facility. The local agency shall ensure that a shelter care facility is available on a 24 hour basis for children needing emergency placement.

Subp. 3. Staffing. The local agency shall have sufficient staff to perform its duties under parts 9560.0216 to 9560.0234 and shall assign individual responsibility for:

- A. notifying law enforcement under part 9560.0216; and
- B. emergency placement of children.

Subp. 4. Child protection team. Where the county has established a multidisciplinary child protection team, the local agency:

- A. shall participate on the team;
- B. may provide records collected and maintained under part 9560.0230 to the case consultation committee; and
- C. may accept recommendations of the case consultation committee about protective services to be provided under part 9560.0228.

Statutory Authority: *MS s 256.01 subd 2 cl (2); 256E.05; 257.175; 393.07; 626.556*

History: *13 SR 303*

9560.0234 TRAINING REQUIREMENTS.

Subpart 1. Agency training plan. The local agency shall have an annual training plan for child protection workers. The plan must include:

- A. the subject areas to be covered;
- B. the methods of providing training, such as in service programs, workshops, or college courses; and
- C. the number of hours of training to be provided.

Subp. 2. Department approval. The local agency shall submit the annual training plan to the department for approval by November 1 of the previous calendar year. A plan meeting the criteria in items A and B will be approved.

A. Training subjects must be relevant to the provision of child protective services. Relevant subject areas include:

- (1) the training areas listed in Minnesota Statutes, section 626.559, subdivision 2;
- (2) permanency planning for children; and
- (3) other subject areas relevant to protecting children from maltreatment and providing child protective services.

B. The plan includes a summary of individual training plans, approved by the local agency, for each child protection worker.

Subp. 3. Individual training plan. The local agency shall develop and approve an individual training plan for each child protection worker that meets the criteria in items A to C:

- A. the training is relevant to providing child protective services;
- B. the plan is developed in consultation with the individual child protection worker and based on identified areas of knowledge and skills to be developed; and
- C. the plan provides for at least 15 credit hours of training per year.

Subp. 4. Credit hours. A credit hour of training is based on a clock hour of instruction. Up to one-half of required training hours may be earned by teaching a course approved by the department. One hour of teaching earns two credit hours.

Subp. 5. Training record. The local agency shall maintain a record of training completed by each child protection worker, including:

- A. the course titles;
- B. the instructors' names;
- C. the dates and times of the training;
- D. the number of credit hours earned; and
- E. local agency documentation of successful completion of the training.

Statutory Authority: *MS s 256.01 subd 2 cl (2); 256E.05; 257.175; 393.07; 626.556*

History: *13 SR 303*

9560.0250 [Repealed, 13 SR 303]

9560.0260 [Repealed, 13 SR 303]

9560.0270 [Repealed, 13 SR 303]

9560.0280 [Repealed, 13 SR 303]

9560.0290 [Repealed, 13 SR 303]

9560.0300 [Repealed, 13 SR 303]