

**9560.0216 BASIC REQUIREMENTS.**

Subpart 1. **Response to reports of maltreatment.** The local agency shall accept and screen or forward according to subpart 3 every report of maltreatment received from any source. Upon request, the local agency shall inform the reporter within ten days after the report is made, either orally or in writing, whether the report was accepted for assessment or investigation.

Subp. 1a. **County of service: no imminent danger.** The local agency shall provide child protective services to any child residing in the county who is alleged to have been maltreated.

In any situation of no imminent danger, including a situation where a report of maltreatment involves a member of the family unit who is an employee or board member of the local agency, the local agency may request another local agency to provide child protective services.

Subp. 2. **County of service: imminent danger.** In a situation of imminent danger, the local agency shall screen and investigate reports of maltreatment of any child found in the county without regard to the legal residence of the child.

A. The local agency shall provide child protective services as an emergency social service.

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.**

A. The local agency shall screen reports of maltreatment to determine the need for assessment or investigation.

Except for those reports described in item B, the local agency shall conduct an assessment or investigation if a report meets the criteria in subitems (1) to (3):

(1) the allegations in the report constitute maltreatment as defined under part 9560.0214, subpart 18;

(2) sufficient identifying information to locate the child or at least one member of the family unit exists to permit an assessment or investigation; and

(3) the report contains information that has not previously been received and assessed or investigated by the local agency.

B. Upon receipt of a report, the local welfare agency shall determine whether to conduct a family assessment or an investigation as appropriate to prevent or provide a remedy for child maltreatment. The local welfare agency:

(1) shall conduct an investigation on reports involving substantial child endangerment;

(2) shall begin an immediate investigation if, at any time when using a family assessment response, the agency determines that there is reason to believe that substantial child endangerment or a serious threat to the child's safety exists;

(3) may conduct a family assessment for reports that do not allege substantial child endangerment. In determining that a family assessment is appropriate, the local welfare agency may consider issues of child safety, parental cooperation, and the need for an immediate response; and

(4) may conduct a family assessment on a report that was initially screened and assigned for an investigation. In determining that a complete investigation is not required, the local welfare agency must document the reason for terminating the investigation and notify the local law enforcement agency if the local law enforcement agency is conducting a joint investigation.

C. If a report alleges maltreatment in a facility licensed by the commissioner, other than a foster care or family day care facility, the local agency shall immediately forward the report to the commissioner for investigation.

**Subp. 3a. Report alleging maltreatment of a child of a facility license holder.**

A. If the report of maltreatment alleges maltreatment of a child related by blood, marriage, or adoption to the license holder in a facility during nonbusiness hours of the facility, the local agency shall follow the procedures under part 9560.0220. The local agency shall notify the responsible licensing agency listed in part 9560.0222, subpart 1, when the local agency receives the report of maltreatment and when the local agency completes an assessment or investigation.

B. If the report of maltreatment alleges maltreatment of a child in a facility during business hours of the facility and if the child is related by blood, marriage, or adoption to the license holder, facility staff, or volunteer of the facility, the investigating agency shall follow the procedures under part 9560.0222.

**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 or investigation.** The local agency shall respond to reports of maltreatment within the time limits under item A or B.

A. When a report alleges substantial child endangerment, the local agency shall initiate an investigation immediately.

B. When the report does not allege substantial child endangerment, the local agency shall initiate an assessment within five calendar days.

Subp. 5a. **Conflict of interest.** A person who conducts an assessment or investigation under this part or under Minnesota Statutes, section 626.5561, may not have:

A. any direct or shared financial interest or referral relationship resulting in a direct or shared financial gain with a provider of treatment for child abuse and neglect; or

B. a personal or family relationship with a party in the assessment or investigation.

If an independent assessor or investigator is not available, the person responsible for making the maltreatment determination may use the services of an assessor or investigator with a financial interest, referral relationship, or personal or family relationship.

Subp. 6. **In-person observation.** A face-to-face contact with the child and primary caretaker sufficient to complete a safety assessment and ensure the immediate safety of the child is required:

A. immediately if substantial child endangerment is alleged; and

B. within five calendar days for all other reports.

Subp. 7. **Notice to persons being interviewed.** The agency conducting an assessment or investigation:

A. shall 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;

and

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

B. shall 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; and

C. may waive the required notice in items A and B when interviewing a child under ten years of age who is reported to be maltreated.

**Statutory Authority:** *MS s 14.388; 256.01; 256E.05; 257.175; 393.07; 626.556*

**History:** *13 SR 303; 17 SR 3412; 25 SR 1772; L 2003 1Sp14 art 11 s 11; 32 SR 565*

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