

1 Department of Public Welfare

2 Social Services Division

3

4 Adopted Rules of the State Department of Public Welfare

5 Governing the Administration and Provision of Protective

6 Services to Children through Local Social Service Agencies

7

8 Rule as Adopted

9 12 MCAR S 2.207 Protective services to children -- adopted.

10 A.-B. [Unchanged.]

11 C. Administration and organization of protective service  
12 program.

13 1. Local social service agency responsibility in the  
14 delivery of child protective services.

15 a. Any child in Minnesota who is in need of protection  
16 is to receive such service in the county in which the child  
17 lives or is found, irrespective of family income and legal or  
18 poor relief settlement of the child or family.

19 b. The local social service agency must accept all  
20 complaints alleging that a child has been physically or sexually  
21 abused or neglected. Neglect includes conditions or actions  
22 which threaten either the child's physical health or the child's  
23 mental health. Upon receiving such complaints, the local social  
24 service agency shall immediately notify the local police or  
25 sheriff's department.

26 (1)-(6) [Unchanged.]

27 (7) The local social service agency shall file a  
28 petition in juvenile court for an extension of time to hold a  
29 child in a shelter care facility longer than 72 hours excluding  
30 weekends or holidays when the agency determines that it is  
31 necessary to detain a child for his or her own protection.

32 (8) When placing a child in a shelter care facility,  
33 the local social service agency shall determine whether  
34 disclosure of the location of the facility to the child's  
35 parent, guardian, or custodian may place the child in danger.  
36 The decision of whether or not to disclose the location shall

9-6-83

1 then be contained in the written report to the court, and to the  
2 facility supervisor.

3 c. Where the need for protective intervention has been  
4 established, the local social service agency shall, whenever  
5 possible, provide services that preserve the child within the  
6 family unit while at the same time assuring the child a safe  
7 environment. Such services may include, but are not limited to:

- 8 (1) family counseling,  
9 (2) homemaking services or in-home services,  
10 (3) referral to parent support organizations to  
11 courses in parenting or child care such as may be available in  
12 the community.

13 d. If services necessary to provide the child a safe  
14 environment are rejected, the child protection worker shall  
15 petition the court for authorization to intervene.

16 e. Following the assessment of a child abuse or  
17 neglect report, the local social service agency shall, when  
18 requested, provide the reporting party a summary of the agency's  
19 findings. The summary shall be limited to:

- 20 (1) the agency's determination that the report was  
21 either substantiated, unsubstantiated or presently inconclusive;  
22 (2) the agency's intention to provide, or not  
23 provide, or refer to, remedial services; and  
24 (3) the local social service agency may deny the  
25 request of the reporting party if it determines that disclosure  
26 of the information is detrimental to the child's best interests.

27 e.-f. [See relettering instruction.]

28 h. When child maltreatment is reported in a state  
29 supervised or licensed facility, including a foster home, the  
30 local social service agency shall:

- 31 (1) immediately contact the facility to determine  
32 the validity of the report;  
33 (2) where such reports are valid, the local social  
34 service agency shall:  
35 (a) assess present risk to the child and assure  
36 steps are taken to protect the child;

1 (b) as soon as possible, inform the child's  
2 parents or guardians of the incident;

3 (c) when an incident involves a child placed out  
4 of his/her home county, inform the agency responsible for the  
5 child's placement;

6 (d) notify the state agency responsible for  
7 licensing within 48 hours excluding holidays and weekends. The  
8 notification shall include:

9 (i) the identity of facility in which the  
10 incident occurred, the name, age and sex of the victim and the  
11 name and status of the alleged perpetrator if known;

12 (ii) the nature and extent of the child's  
13 injuries, measures taken to assure necessary treatment and  
14 protection, and the name of the protective services worker  
15 responsible for investigating the incident.

16 h. [See relettering instruction.]

17 j. The local social service agency shall assess and  
18 classify and record all reports as either substantiated,  
19 unsubstantiated, or unable to substantiate within 90 days of  
20 receiving the initial report. At the conclusion of the  
21 assessment the subjects of the report shall be notified in  
22 writing of the agency's determination of the classification of  
23 the report. The subjects of the report shall also be informed  
24 of their right to review the report subject to applicable  
25 Minnesota law. If a report is substantiated and a child  
26 protection case is opened, the subject's copy of the social  
27 service application shall constitute sufficient written  
28 notification of the classification.

29 k. Records relating to reports made pursuant to  
30 Minnesota Statutes, section 626.556.

31 (1) The name of the person making a child abuse or  
32 neglect report shall not be disclosed to the subject of the  
33 report while the report is under assessment. Upon completion of  
34 the assessment, the name of the reporting party shall be  
35 confidential and shall be disclosed only upon court order.

36 (2) Records relating to reports which are supported

1 by evidence and information obtained during the assessment, and  
2 are determined by the agency to be substantiated, shall be  
3 destroyed seven years following the date of the final entry in  
4 the case record.

5 (3) If upon initial assessment, a report is  
6 determined to be unsubstantiated, the subject of the report  
7 shall be notified in writing of the report's classification, the  
8 agency's intent to destroy the records relating to the report,  
9 and the subject's right to review have the records maintained as  
10 private data, except that the name of the reporting party shall  
11 remain confidential and shall be disclosed only upon court  
12 order. If no request for access to maintain the records is made  
13 by the subject within 30 days of the mailing of the  
14 notification, the records shall be destroyed.

15 (4) If upon assessment a report is classified as  
16 unable to substantiate by the local social service agency, the  
17 records relating to the report may be kept for one year. If,  
18 after one year, neither the local social service agency nor the  
19 law enforcement agency is able to substantiate the report, the  
20 subject shall be notified in writing of the report's  
21 classification, the agency's intent to destroy the records, and  
22 the subject's right to review have the records maintained as  
23 private data, except that the name of the reporting party shall  
24 be disclosed only upon court order. If no request for access to  
25 maintain the records is made by the subject within 30 days of  
26 the mailing of the notification, the records shall be destroyed.

27 2. [Unchanged.]

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29 Relettering. Reletter 12 MCAR S 2.207 C.1.e. as C.1.f.; C.1.f.  
30 as C.1.g.; and C.1.h. as C.1.i.