

1 Department of Human Services

2

3 Adopted Permanent Rules Relating to Child Protective Services

4

5 Rules as Adopted

6 9543.0100 RECOMMENDING NEGATIVE LICENSING ACTIONS.

7 Subpart 1. Basis for recommendation. When recommending a
8 negative licensing action, the agency shall:

9 A. submit to the commissioner the following
10 information:

11 [For text of subitems (1) to (4), see M.R.]

12 (5) an evaluation of the risk of harm to persons
13 served;

14 [For text of subitems (6) to (9), see M.R.]

15 [For text of item B, see M.R.]

16 [For text of subps 2 to 8, see M.R.]

17 9560.0214 DEFINITIONS.

18 [For text of subps 1 to 4, see M.R.]

19 Subp. 5. Child protection worker. "Child protection
20 worker" means an employee of a local agency who is responsible
21 for providing child protective services.

22 [For text of subp 6, see M.R.]

23 Subp. 6a. Commissioner. "Commissioner" means the
24 commissioner of the Department of Human Services or the
25 commissioner's designee.

26 [For text of subps 7 and 8, see M.R.]

27 Subp. 9. [See repealer.]

28 [For text of subp 10, see M.R.]

29 Subp. 11. Family unit. "Family unit" means:

30 A. the child; and

31 B. all persons related to the child by blood,
32 marriage, or adoption; and

33 C. persons living within the same household as the
34 child; or

35 D. the child's guardian.



1 [For text of subp 12, see M.R.]

2 Subp. 12a. **Indian child.** "Indian child" means an
3 unmarried person under the age of 18 who is either a member of
4 or eligible for membership in an American Indian tribe.

5 Subp. 13. **Infant medical neglect.** "Infant medical neglect"
6 includes, but is not limited to, the withholding of medically
7 indicated treatment from a disabled infant with a life
8 threatening condition. For the purposes of this subpart,
9 "infant" means a child less than one year of age, or a child one
10 year of age or older who has been continuously hospitalized
11 since birth as specified in Code of Federal Regulations, title
12 45, part 1340, section 15(b)(3)(i). The term "withholding of
13 medically indicated treatment" means the failure to respond to
14 the infant's life threatening condition by providing treatment
15 including appropriate nutrition, hydration, and medication
16 which, in the treating physician's or physicians' reasonable
17 medical judgment, will be most likely to be effective in
18 ameliorating or correcting all conditions, except that the term
19 does not include the failure to provide treatment other than
20 appropriate nutrition, hydration, or medication to an infant
21 when, in the treating physician's or physicians' reasonable
22 medical judgment:

23 [For text of items A to C, see M.R.]

24 [For text of subps 14 to 17, see M.R.]

25 Subp. 18. **Maltreatment.** "Maltreatment" means physical or
26 sexual abuse or neglect under Minnesota Statutes, section
27 626.556, subdivision 10e. "Neglect" includes prenatal exposure
28 to a controlled substance as listed in Minnesota Statutes,
29 section 253B.02, subdivision 2, and infant medical neglect.

30 [For text of subps 19 to 21, see M.R.]

31 9560.0216 BASIC REQUIREMENTS.

32 [For text of subpart 1, see M.R.]

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

1 maltreated.

2 A. In a any situation of no imminent danger,
3 including a situation where a report of maltreatment involves a
4 member of the family unit who is an employee or board member of
5 the local agency, the local agency ~~shall~~ may request another
6 local agency to provide child protective services ~~if a report of~~
7 ~~maltreatment involves a member of the family unit who is an~~
8 ~~employee or board member of the local agency.~~

9 B. ~~In other situations of no imminent danger, the~~
10 ~~local agency may request another local agency to assist in an~~
11 ~~assessment.~~

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

16 [For text of items A and B, see M.R.]

17 Subp. 3. Screening reports. The local agency shall screen
18 reports of maltreatment to determine the need for assessment.
19 The local agency shall conduct an assessment if a report meets
20 the criteria in items A to C:

21 [For text of item A, see M.R.]

22 B. sufficient identifying information to locate the
23 child or at least one member of the family unit exists to permit
24 an assessment; and

25 C. the report contains information that has not
26 previously been received and assessed by the local agency.

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

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

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

7 [For text of subps 4 and 5, see M.R.]

8 Subp. 6. In person observation. In the initial stages of
9 an assessment, the local agency shall conduct an in person
10 observation of the child reported to be maltreated.

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

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

16 [For text of subitems (1) to (4), see M.R.]

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

19 B. shall provide in writing:

20 [For text of subitems (1) and (2), see M.R.]

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

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

27 9560.0218 RESPONSE TO REPORTS OF INFANT MEDICAL NEGLECT.

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

31 A. the child is an infant as defined in part
32 9560.0214, subpart 13;

33 [For text of items B to E, see M.R.]

34 Reports meeting the criteria in items A to E must be
35 assessed as soon as the report is received according to the

1 procedures in subparts 2 to 6.

2 [For text of subps 2 to 8, see M.R.]

3 9560.0220 RESPONSE TO REPORTS OF MALTREATMENT WITHIN THE FAMILY
4 UNIT.

5 [For text of subpart 1, see M.R.]

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

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

11 [For text of subitem (1), see M.R.]

12 (2) alleges occurrence of sexual abuse, physical
13 abuse, or malicious punishment of a child, ~~or-neglect-or~~
14 ~~endangerment-of-a-child-under-Minnesota-Statutes, chapter-609;~~

15 [For text of items B and C, see M.R.]

16 Subp. 3. Child interviews. ~~The~~ When a local agency shall
17 and a law enforcement agency that coordinates assessments and
18 investigations, jointly determines that an interview ~~the~~ by one
19 person with the child who is reported to be maltreated is in the
20 best interests of the child, and the interview is conducted by
21 the law enforcement agency, the interview can be substituted for
22 the procedures in items A to F.

23 When necessary to make the determinations in subpart 6, the
24 local agency shall interview any other minors within the family
25 unit. When interviewing children, the local agency shall follow
26 the procedures in items A to F.

27 [For text of items A to F, see M.R.]

28 [For text of subps 4 and 5, see M.R.]

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

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

34 (1) ~~the-information-obtained-through-the~~
35 ~~assessment-leads-the-child-protection-worker-to-conclude-that-it~~

1 ~~is-more-likely-than-not~~ there is a preponderance of evidence
2 that a child is a victim of maltreatment ~~as-defined-in-part~~
3 9560-02147-subpart-18; and

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

7 [For text of item B, see M.R.]

8 Subp. 7. **Determining the need for protective**
9 **intervention.** The local agency shall determine the need for
10 protective intervention according to items A to C.

11 A. If there is a determination that child protective
12 services are needed, regardless of whether there is a
13 determination that maltreatment occurred, the local agency shall
14 provide protective intervention under subpart 8.

15 B. If there is a determination that maltreatment
16 occurred and a determination that no child is in need of child
17 protective services, the local agency shall offer any needed
18 alternative services.

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

22 Subp. 8. **Protective intervention procedure.** When the
23 local agency provides protective intervention, the local agency
24 shall:

25 A. evaluate the risks to all children in the home;

26 B. provide for the protection of the child under
27 subitems (1) to (3), which are listed in order of preferred
28 action:

29 [For text of subitems (1) and (2), see M.R.]

30 (3) seek removal of the child from the home
31 according to subpart 9 if the child is found in surroundings or
32 conditions which endanger the child's health or welfare and the
33 child cannot be protected from harm while remaining in the home;

34 [For text of item C, see M.R.]

35 D. if the family accepts or a court authorizes
36 services, formulate a written protective services plan and

1 provide protective services under part 9560.0228.

2 Subp. 9. **Removal procedures.** The local agency shall
3 follow the procedures in items A to E when a child is removed
4 from the home.

5 A. The local agency shall place the child pursuant to
6 part 9560.0223.

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

10 C. If the child is not placed voluntarily and the
11 child is in imminent danger, the local agency:

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

14 [For text of units (a) and (b), see M.R.]

15 (2) shall, if the child is placed with a relative
16 or in a shelter care facility, advise the person taking the
17 child into custody or the court whether disclosure of the
18 child's location would endanger the child.

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

23 E. Under Minnesota Statutes, section 256F.07,
24 subdivision 1, when a child is placed on an emergency basis for
25 alleged maltreatment, the local agency shall review the
26 placement to determine the services necessary to allow the child
27 to return home.

28 9560.0222 INVESTIGATION OF REPORTS OF MALTREATMENT IN A FACILITY.

29 Subpart 1. **Screening.** The local agency shall screen
30 reports of maltreatment to determine the need for
31 investigation. If a report of maltreatment alleges maltreatment
32 of a child in a facility and if the child is related by blood,
33 marriage, or adoption to the license holder, facility staff, or
34 volunteer of the facility, the local agency shall follow the
35 basic requirements in part 9560.0216. Reports meeting the

1 criteria in items A to C must be investigated by the local
2 agency:

3 [For text of items A and B, see M.R.]

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

6 Subp. 1a. Report to licensing agency. A report that does
7 not meet the criteria in subpart 1, items A to C, must be
8 reported as a possible licensing violation to the responsible
9 licensing agency listed in items A to E within 48 hours,
10 excluding weekends and holidays.

11 A. The local agency shall receive reports concerning
12 family day care.

13 B. If the local agency licenses the child foster care
14 provider, the local agency shall receive reports concerning
15 child foster care. Otherwise, the private licensing agency
16 shall receive the report.

17 C. The department shall receive reports concerning
18 facilities it directly licenses.

19 D. The Department of Corrections shall receive
20 reports concerning facilities it licenses.

21 E. The Department of Health shall receive reports
22 concerning facilities it licenses.

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

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

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

30 (2) alleges occurrence of sexual abuse, physical
31 abuse, or malicious punishment of a child~~7-or-neglect-or~~
32 ~~endangerment-of-a-child-under-Minnesota-Statutes7-chapter-609;~~

33 [For text of items B and C, see M.R.]

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

1 facility listed in subpart 1a.

2 A. The local agency shall notify the responsible
3 licensing agencies listed in subpart 1a within 48 hours,
4 excluding weekends and holidays, of receiving a report of
5 maltreatment. This notification must include:

6 [For text of subitems (1) to (5), see M.R.]

7 B. The local agency shall provide the responsible
8 licensing agencies listed in subpart 1a with ongoing information
9 as the investigation proceeds.

10 [For text of subp 4, see M.R.]

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

15 [For text of items A and B, see M.R.]

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

21 [For text of subitems (1) to (4), see M.R.]

22 Subp. 6. **Interviewing children.** When necessary to make
23 the determination in subpart 10, the local agency in the course
24 of the investigation shall interview any child alleged to be
25 maltreated who is in the care of the facility and may interview
26 any other child who is or has been in the care of the facility,
27 or any child related by blood, marriage, or adoption to the
28 alleged offender, or any child who resides or has resided with
29 the alleged offender. Interviews shall be conducted and
30 recorded according to part 9560.0220, subpart 3.

31 [For text of subp 7, see M.R.]

32 Subp. 8. **Interviewing persons outside the facility.** The
33 local agency shall interview the parents, guardians, or legal
34 custodians of children who are in the care of the facility and
35 children no longer in the care of the facility if there is
36 reason to believe they may have knowledge of maltreatment.

1 Subp. 8a. Other interviews. When necessary to make the
 2 determinations in subpart 10, the local agency shall interview
 3 other persons who the agency believes may have knowledge of the
 4 alleged maltreatment.

5 Subp. 9. [See repealer.]

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

10 A. ~~the information obtained through the assessment~~
 11 ~~leads the child protection worker to conclude that it is more~~
 12 ~~likely than not~~ there is a preponderance of evidence that a
 13 child is a victim of maltreatment ~~as defined in part 9560.0214,~~
 14 ~~subpart 10;~~ and

15 B. the maltreatment is caused by the act or failure
 16 to act of a license holder, facility staff, or a volunteer.

17 Subp. 11. Protective intervention. If there is a
 18 determination that maltreatment has occurred or that child
 19 protective services are needed, the local agency shall intervene
 20 to provide for the safety of the children within the facility.

21 A. The local agency shall provide a written report to
 22 the parents, guardians, or legal custodians, including agencies
 23 responsible for placement, of every child who is in the care of
 24 the facility or was in the care of the facility from the time of
 25 the maltreatment until the investigation is completed or the
 26 alleged offender is no longer present in the facility, whichever
 27 comes first. The report must not disclose the names of the
 28 children who were maltreated, the reporter, the offender, or the
 29 persons interviewed during the investigation. The report must
 30 include:

31 [For text of subitems (1) to (6), see M.R.]

32 [For text of item B, see M.R.]

33 C. The local agency shall provide the responsible
 34 licensing agencies listed in subpart 1a with an oral report
 35 immediately after the investigation is completed. A written
 36 report must be provided within one week after the investigation

1 is completed to the responsible licensing agencies listed in
2 subpart 1a and to the ombudsman notified under subpart 4.

3 Subp. 12. No determination of maltreatment or a need for
4 child protective services. If there is no determination of
5 either maltreatment or a need for child protective services, the
6 local agency shall provide the notice in subpart 11, item A,
7 subitems (1) and (3) to (5), to:

8 A. parents, guardians, or legal custodians notified
9 under subpart 5;

10 B. the responsible licensing agencies notified under
11 subpart 1a; and

12 C. the ombudsman notified under subpart 4.

13 Subp. 13. Removal procedures. Child placement by the
14 local agency shall be made according to part 9560.0223.

15 9560.0223 PLACEMENT PREFERENCE.

16 Items A to E must be followed when a local agency
17 temporarily removes a child from the home in accordance with
18 part 9560.0220, subpart 9, or from a facility in accordance with
19 part 9560.0222, subpart 13:

20 A. The child shall be placed in the least restrictive
21 setting consistent with the child's health and welfare and in
22 closest proximity to the child's family as possible.

23 B. If a child ~~is-in-imminent-danger~~ has been taken
24 into immediate custody, placement may be with a child's relative
25 or in a shelter care facility ~~according-to-Minnesota-Statutes,~~
26 ~~section-260.1737-subdivision-2.~~

27 C. An Indian child shall be placed according to the
28 Indian Child Welfare Act of 1978, United States Code, title 25,
29 section 1915, and the Minnesota Indian Family Preservation Act,
30 Minnesota Statutes, sections 257.35 to 257.356. If an extended
31 family member as defined in United States Code, title 25,
32 section 1903(2), is not available, temporary placement must be
33 made in the following order of preference, absent good cause to
34 the contrary:

35 (1) with a foster home licensed or approved by

1 the tribe;

2 (2) with an Indian foster home licensed by an
3 authorized non-Indian authority; or

4 (3) with an institution approved by the tribe or
5 operated by an Indian organization.

6 If an Indian child's tribe establishes a different order of
7 placement preference by resolution, the local agency shall
8 follow that order.

9 D. Under Minnesota Statutes, section 257.071,
10 subdivision 1a:

11 (1) due consideration must be given to a child's
12 race or ethnic heritage in making family foster care placement;
13 and

14 (2) the placement preferences of Minnesota
15 Statutes, section 260.181, subdivision 3, must be followed.

16 E. If a child is placed outside the home in a family
17 foster home of a different racial or ethnic background, the
18 local agency shall review the placement after 30 days and each
19 30 days thereafter for the first six months to determine whether
20 there is another available placement that would best meet the
21 requirements in Minnesota Statutes, section 257.071, subdivision
22 1a.

23 9560.0226 INFORMATION PROVIDED REPORTERS.

24 Subpart 1. **Voluntary reporters.** Upon request, the local
25 agency shall provide a voluntary reporter a concise summary
26 after the assessment or investigation of a report of
27 maltreatment has been completed. A concise summary is limited
28 to:

29 [For text of items A and B, see M.R.]

30 Subp. 2. **Mandated reporters.** Upon request, the local
31 agency shall provide a mandated reporter a summary consisting of:

32 [For text of items A to D, see M.R.]

33 [For text of subp 3, see M.R.]

34 9560.0228 PROTECTIVE SERVICES.

35 Subpart 1. **General requirement.** The local agency shall

1 ensure that protective services are provided according to a
2 written protective services plan meeting the criteria under
3 subpart 2, item B, to every child and family who are residents
4 of the county when:

5 [For text of items A and B, see M.R.]

6 Subp. 2. Written protective services plan. The written
7 protective services plan based on the risk assessment in part
8 9560.0216 must be prepared within 60 days after the assessment
9 is completed. The written protective services plan must meet
10 the criteria in items A to D:

11 A. A child protection worker shall work with the
12 appropriate members of the family unit, and, if applicable,
13 custodians, guardians ad litem, and, if a tribe has intervened,
14 tribal representatives to formulate the protective services plan
15 and shall provide the appropriate members of the family unit
16 with a copy of the protective services plan signed by
17 the appropriate members of the family unit and the child
18 protection worker. If the appropriate members of the family
19 unit does do not sign the plan, the child protection worker
20 shall document the reasons why the appropriate members of the
21 family unit did not sign.

22 B. The written protective services plan must identify:

23 (1) the reasons for provision of protective
24 services;

25 (2) achievable ~~family-unit~~ goals of the
26 appropriate members of the family unit to reduce risk of harm to
27 the child, and observable behaviors and timelines that will
28 demonstrate achievement of these goals;

29 (3) the specific services expected to ameliorate
30 the conditions that present harm to children;

31 (4) specific tasks to be performed by each
32 appropriate ~~family~~ member of the family unit, the child
33 protection worker, and other service providers;

34 (5) consequences of failure to comply with the
35 written protective services plan; and

36 (6) a projected date for the quarterly

1 reassessment under subpart 5.

2 C. For children in out-of-home placement, the local
3 agency may use a substitute care plan under Minnesota Statutes,
4 section 257.071, in lieu of a written protective services plan.

5 D. When a family unit has at least one child residing
6 in the home who requires child protective services and at least
7 one child in out-of-home placement, the local agency shall
8 develop both a protective services plan that meets the criteria
9 in items A and B and a substitute care plan under Minnesota
10 Statutes, section 257.071.

11 [For text of subp 3, see M.R.]

12 Subp. 4. **Monitoring services.** The local agency shall
13 monitor the provision of services in accordance with items A to
14 C to assure compliance with the written protective services plan.

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

17 [For text of subitem (1), see M.R.]

18 (2) contact the family at least monthly and
19 ensure that a service provider meets with the family at least
20 monthly; and

21 (3) consult with other service providers, if any,
22 at least quarterly.

23 B. When a child remains in the home while protective
24 services are being provided, the child protection worker's
25 supervisor shall conduct a review at least semiannually. This
26 review must consist of:

27 (1) a review of the written protective services
28 plan or other records relating to the family;

29 (2) a supervisory conference with the child
30 protection worker; or

31 (3) any equivalent method of determining whether
32 appropriate services are being provided.

33 C. When a child is in out-of-home placement, the
34 local agency shall monitor services in accordance with part
35 9560.0580.

36 Subp. 5. **Quarterly reassessment.** The child protection

1 worker and the appropriate members of the family unit shall meet
 2 at least quarterly to jointly assess the written protective
 3 services plan to:

4 A. assess the family unit's progress in achieving
 5 goals; and

6 B. modify goals, behaviors, tasks, and services that
 7 have been achieved or found to be inappropriate.

8 Subp. 6. Termination of protective services. A risk
 9 assessment tool under part 9560.0220, subpart 6, item B, must be
 10 used when the local agency considers termination of protective
 11 services. Protective services to a the appropriate members of
 12 the family unit must be terminated when the local agency
 13 determines:

14 A. the goals in the written protective services plan
 15 have been accomplished and the appropriate members of the family
 16 unit no longer needs need protective services; or

17 B. the family unit fails to achieve goals and there
 18 are insufficient legal grounds to proceed with court action that
 19 would authorize the local agency to provide involuntary
 20 protective services, unless the appropriate members of the
 21 family unit agrees agree to voluntary protective services.

22 9560.0230 OFFICIAL RECORDS.

23 [For text of subps 1 and 2, see M.R.]

24 Subp. 3. Disclosure of report records. The local agency
 25 may disclose report records to:

26 A. members of the case consultation committee of a
 27 multidisciplinary child protection team established under
 28 Minnesota Statutes, section 626.558; and

29 B. a family court services agency in accordance with
 30 Minnesota Statutes, section 626.556, subdivision 10h.

31 Subp. 4. Nondisclosure of reporter's identity. The local
 32 agency shall not disclose the identity of the person making the
 33 report of maltreatment while the assessment or investigation is
 34 being conducted. After the assessment or investigation is
 35 completed, the local agency shall not disclose the identity of

1 the person reporting the maltreatment without:

2 A. the reporter's written consent to disclosure; or

3 [For text of item B, see M.R.]

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

10 [For text of items A and B, see M.R.]

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

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

20 [For text of items B and C, see M.R.]

21 [For text of subp 7, see M.R.]

22 9560.0232 ADMINISTRATIVE REQUIREMENTS.

23 [For text of subps 1 to 3, see M.R.]

24 Subp. 4. **Child protection team.** The county shall
25 establish a multidisciplinary child protection team under
26 Minnesota Statutes, section 626.558, subdivision 1, and the
27 local agency:

28 [For text of items A to C, see M.R.]

29 Subp. 5. **Child mortality review panel.**

30 A. For purposes of this subpart, "local review panel"
31 means a local multidisciplinary child mortality review panel.

32 B. Under the commissioner's authority in Minnesota
33 Statutes, section 256.01, subdivision 12, paragraph (b), each
34 county shall establish a local review panel and shall
35 participate on the local review panel. The local agency's child

1 protection team may serve as the local review panel. The local
2 review panel shall require participation by professional
3 representatives, including professionals with knowledge of the
4 child mortality case being reviewed.

5 C. The local review panel shall:

6 (1) have access to not public data under
7 Minnesota Statutes, section 256.01, subdivision 12, paragraph
8 (c), maintained by state agencies, statewide systems, or
9 political subdivisions that are related to a child's death or
10 circumstances surrounding the care of the child;

11 (2) conduct a local review of the case within 60
12 days of the death of a child if:

13 (a) the death was caused by maltreatment;

14 (b) the manner of death was due to sudden
15 infant death syndrome or was other than by natural causes, and
16 the child was a member of a family receiving social services
17 from a local agency, a member of a family that received social
18 services during the year before the child's death, or a member
19 of a family that was the subject of a child protection
20 assessment; or

21 (c) the death occurred in a facility
22 licensed by the department if the manner of death was by other
23 than natural causes; and

24 (3) submit a report of the review to the
25 department within 30 days of completing subitem (2).

26 A review may be delayed if there is pending litigation or
27 an active assessment or investigation.

28 D. Under Minnesota Statutes, section 256.01,
29 subdivision 12, paragraph (d):

30 (1) data acquired by the local review panel in
31 the exercise of its duty is protected nonpublic or confidential
32 data as defined in Minnesota Statutes, section 13.02, but may be
33 disclosed as necessary to carry out the purposes of the local
34 review panel. The data is not subject to subpoena or discovery;
35 and

36 (2) the commissioner may disclose conclusions of

1 the local review panel, but shall not disclose data classified
2 as confidential or private on decedents under Minnesota
3 Statutes, section 13.10, or data classified as private,
4 confidential, or protected nonpublic in the disseminating agency.

5 E. Persons attending the local review panel meeting,
6 members of the local review panel, persons who presented
7 information to the local review panel, and all data,
8 information, documents, and records pertaining to the local
9 review panel must comply with the requirements under Minnesota
10 Statutes, section 256.01, subdivision 12, paragraph (e).

11 F. When the department notifies the local agency that
12 a state review will be conducted under Minnesota Statutes,
13 section 256.01, subdivision 12, paragraph (a), the local agency
14 shall submit a copy of the social service file within five
15 working days.

16 REPEALER. Minnesota Rules, parts 9560.0214, subpart 9; and
17 9560.0222, subpart 9, are repealed.