CHAPTER 260E

REPORTING OF MALTREATMENT OF MINORS

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260E.01 POLICY.

The legislature hereby declares that the public policy of this state is to protect children whose health or welfare may be jeopardized through maltreatment. While it is recognized that most parents want to keep their children safe, sometimes circumstances or conditions interfere with their ability to do so. When this occurs, the health and safety of the children must be of paramount concern. Intervention and prevention efforts must address immediate concerns for child safety and the ongoing risk of maltreatment and should engage the protective capacities of families. In furtherance of this public policy, it is the intent of the legislature under this chapter to:

(1) protect children and promote child safety;

(2) strengthen the family;

(3) make the home, school, and community safe for children by promoting responsible child care in all settings, including through the reporting of child maltreatment;

(4) provide protective, family support, and family preservation services when appropriate; and

(5) provide, when necessary, a safe temporary or permanent home environment for maltreated children.

History: *1Sp2020 c 2 art 7 s 1; 2023 c 70 art 14 s 13*

260E.015 COMPLIANCE WITH FEDERAL INDIAN CHILD WELFARE ACT AND MINNESOTA INDIAN FAMILY PRESERVATION ACT.

Proceedings under this chapter concerning an Indian child are child custody proceedings governed by the Indian Child Welfare Act, United States Code, title 25, sections 1901 to 1963; by the Minnesota Indian Family Preservation Act, sections 260.751 to 260.835; and by this chapter when not inconsistent with the federal Indian Child Welfare Act or the Minnesota Indian Family Preservation Act.

History: *2024 c 115 art 17 s 54*

260E.02 MULTIDISCIPLINARY CHILD PROTECTION TEAM.

Subdivision 1. **Establishment of team.** A county shall establish a multidisciplinary child protection team that may include but is not limited to the director of the local welfare agency or designees, the county attorney or designees, the county sheriff or designees, representatives of health and education, representatives of mental health, representatives of agencies providing specialized services or responding to youth who experience or are at risk of experiencing sex or labor trafficking or sexual exploitation, or other appropriate human services, children's services, or community-based agencies, and parent groups. As used in this section, a "community-based agency" may include, but is not limited to, schools, social services agencies, family service and mental health collaboratives, children's advocacy centers, early childhood and family education programs, Head Start, or other agencies serving children and families. A member of the team must be designated as the lead person of the team responsible for the planning process to develop standards for the team's activities with domestic abuse programs and services.

Subd. 2. **Duties of team.** A multidisciplinary child protection team may provide public and professional education, develop resources for prevention, intervention, and treatment, and provide case consultation to the local welfare agency or other interested community-based agencies. The community-based agencies may request case consultation from the multidisciplinary child protection team regarding a child or family for whom the community-based agency is providing services. As used in this section, "case consultation" means a case review process in which recommendations are made concerning services to be provided to the identified children and family. Case consultation may be performed by a committee or subcommittee of members representing human services or children's services, including mental health and substance use disorder providers; law enforcement, including probation and parole; the county attorney; a children's advocacy center; health care; education; community-based agencies and other necessary agencies; and persons directly involved in an individual case as designated by other members performing case consultation.

Subd. 3. **Sexually exploited youth outreach program.** A multidisciplinary child protection team may assist the local welfare agency, local law enforcement agency, or an appropriate private organization in developing a program of outreach services for sexually exploited youth, including homeless, runaway, and truant youth who are at risk of sexual exploitation. For the purposes of this subdivision, at least one representative of a youth intervention program or, where this type of program is unavailable, one representative of a nonprofit agency serving youth in crisis shall be appointed to and serve on the multidisciplinary child protection team in addition to the standing members of the team. These services may include counseling, medical care, short-term shelter, alternative living arrangements, and drop-in centers. A juvenile's receipt

of intervention services under this subdivision may not be conditioned upon the juvenile providing any evidence or testimony.

Subd. 4. **Information sharing.** (a) The local welfare agency may make available to the case consultation committee or subcommittee all records collected and maintained by the agency under this chapter and in connection with case consultation. A case consultation committee or subcommittee member may share information acquired in the member's professional capacity with the committee or subcommittee to assist in case consultation.

(b) Case consultation committee or subcommittee members must annually sign a data sharing agreement, approved by the commissioner of children, youth, and families, assuring compliance with chapter 13. Not public data, as defined in section 13.02, subdivision 8a, may be shared with members appointed to the committee or subcommittee in connection with an individual case when the members have signed the data sharing agreement.

(c) All data acquired by the case consultation committee or subcommittee in exercising case consultation duties are confidential as defined in section 13.02, subdivision 3, and shall not be disclosed except to the extent necessary to perform case consultation, and shall not be subject to subpoena or discovery.

(d) No members of a case consultation committee or subcommittee meeting shall disclose what transpired at a case consultation meeting, except to the extent necessary to carry out the case consultation plan. The proceedings and records of the case consultation meeting are not subject to discovery, and may not be introduced into evidence in any civil or criminal action against a professional or local welfare agency arising out of the matter or matters which are the subject of consideration of the case consultation meeting. Information, documents, or records otherwise available from original sources are not immune from discovery or use in any civil or criminal action merely because they were presented during a case consultation meeting. Any person who presented information before the consultation committee or subcommittee or who is a member shall not be prevented from testifying as to matters within the person's knowledge. However, in a civil or criminal proceeding a person shall not be questioned about the person's presentation of information before the case consultation committee or subcommittee or about opinions formed as a result of the case consultation meetings.

(e) A person who violates this subdivision is subject to the civil remedies and penalties provided under chapter 13.

Subd. 5. **Children's advocacy center; definition.** (a) For purposes of this section, "children's advocacy center" means an organization using a multidisciplinary team approach whose primary purpose is to provide children who have been the victims of abuse and their nonoffending family members with:

(1) support and advocacy;

(2) specialized medical evaluation;

(3) trauma-focused mental health services; and

(4) forensic interviews.

(b) Children's advocacy centers provide multidisciplinary case review and the tracking and monitoring of case progress.

History: *1Sp2020 c 2 art 7 s 2; 2022 c 98 art 4 s 51; 2023 c 70 art 14 s 14; 2024 c 80 art 8 s 31,32,70; 2024 c 115 art 12 s 12; 2026 c 97 art 1 s 17*

260E.03 DEFINITIONS.

Subdivision 1. **Scope.** As used in this chapter, the following terms have the meanings given them unless the specific content indicates otherwise.

Subd. 2. **Accidental.** "Accidental" means a sudden, not reasonably foreseeable, and unexpected occurrence or event that:

(1) is not likely to occur and could not have been prevented by exercise of due care; and

(2) if occurring while a child is receiving services from a facility, happens when the facility and the employee or person providing services in the facility are in compliance with the laws and rules relevant to the occurrence or event.

Subd. 3. **Child fatality.** "Child fatality" means the death of a child from maltreatment.

Subd. 4. **Commissioner.** "Commissioner" means the commissioner of children, youth, and families unless otherwise indicated in this chapter.

Subd. 5. **Egregious harm.** "Egregious harm" means harm under section 260C.007, subdivision 14, or a similar law of another jurisdiction.

Subd. 6. **Facility.** "Facility" means:

(1) a licensed or unlicensed day care facility, certified license-exempt child care center, residential facility, agency, psychiatric residential treatment facility, hospital, sanitarium, or other facility or institution required to be licensed under sections 144.50 to 144.58, 241.021, or 245A.01 to 245A.16, or chapter 142B, 142C, 144H, or 245D;

(2) a school as defined in section 120A.05, subdivisions 9, 11, and 13; and chapter 124E; or

(3) a nonlicensed personal care provider organization as defined in section 256B.0625, subdivision 19a.

Subd. 7. **Family assessment.** "Family assessment" means a comprehensive assessment of child safety, risk of subsequent maltreatment, and family strengths and needs that is applied to a maltreatment report that does not allege sexual abuse or substantial child endangerment. Family assessment does not include a determination as to whether maltreatment occurred but does determine the need for services to address the safety of family members and the risk of subsequent maltreatment.

Subd. 8. **Findings and information.** "Findings and information" means a written summary described in section 260E.35, subdivision 7, paragraph (b), of actions taken or services rendered by a local welfare agency following receipt of a report.

Subd. 9. **Immediately.** "Immediately" means as soon as possible but in no event longer than 24 hours.

Subd. 10. **Interested person acting on behalf of the child.** "Interested person acting on behalf of the child" means a parent or legal guardian; stepparent; grandparent; guardian ad litem; adult stepbrother, stepsister, or sibling; or adult aunt or uncle; unless the person has been determined to be the offender who committed the maltreatment.

Subd. 11. **Investigation.** "Investigation" means fact gathering conducted during:

(1) a family investigation related to the current safety of a child and the risk of subsequent maltreatment that determines whether maltreatment occurred and whether child protective services are needed; or

(2) a facility investigation related to duties under section 260E.28.

Subd. 11a. **Labor trafficking.** "Labor trafficking" means the subjection of a child to the acts listed in section 609.281, subdivision 5, limited to the purposes of forced or coerced labor or services as defined by section 609.281, subdivision 4, and debt bondage as defined by section 609.281, subdivision 3, regardless of whether the alleged offender is a noncaregiver human trafficker as defined in subdivision 17a.

Subd. 12. **Maltreatment.** "Maltreatment" means any of the following acts or omissions:

(1) egregious harm under subdivision 5;

(2) neglect under subdivision 15;

(3) physical abuse under subdivision 18;

(4) sexual abuse under subdivision 20;

(5) substantial child endangerment under subdivision 22;

(6) threatened injury under subdivision 23;

(7) mental injury under subdivision 13; and

(8) maltreatment of a child in a facility.

Subd. 13. **Mental injury.** "Mental injury" means an injury to the psychological capacity or emotional stability of a child as evidenced by an observable or substantial impairment in the child's ability to function within a normal range of performance and behavior with due regard to the child's culture.

Subd. 14. **Near fatality.** "Near fatality" means a case in which a physician, advanced practice registered nurse, or physician assistant determines that a child is in serious or critical condition as the result of sickness or injury caused by maltreatment.

Subd. 15. **Neglect.** (a) "Neglect" means the commission or omission of any of the acts specified under clauses (1) to (8), other than by accidental means:

(1) failure by a person responsible for a child's care to supply a child with necessary food, clothing, shelter, health, medical, or other care required for the child's physical or mental health when reasonably able to do so;

(2) failure to protect a child from conditions or actions that seriously endanger the child's physical or mental health when reasonably able to do so, including a growth delay, which may be referred to as a failure to thrive, that has been diagnosed by a physician and is due to parental neglect;

(3) failure to provide for necessary supervision or child care arrangements appropriate for a child after considering factors as the child's age, mental ability, physical condition, length of absence, or environment, when the child is unable to care for the child's own basic needs or safety, or the basic needs or safety of another child in their care;

(4) failure to ensure that the child is educated as defined in sections 120A.22 and 260C.163, subdivision 11, which does not include a parent's refusal to provide the parent's child with sympathomimetic medications, consistent with section 125A.091, subdivision 5;

(5) prenatal exposure to a controlled substance, as defined in section 253B.02, subdivision 2, used by the mother for a nonmedical purpose, as evidenced by withdrawal symptoms in the child at birth, results of

a toxicology test performed on the mother at delivery or the child at birth, medical effects or developmental delays during the child's first year of life that medically indicate prenatal exposure to a controlled substance, or the presence of a fetal alcohol spectrum disorder;

(6) medical neglect, as defined in section 260C.007, subdivision 6, clause (5);

(7) chronic and severe use of alcohol or a controlled substance by a person responsible for the child's care that adversely affects the child's basic needs and safety; or

(8) emotional harm from a pattern of behavior that contributes to impaired emotional functioning of the child which may be demonstrated by a substantial and observable effect in the child's behavior, emotional response, or cognition that is not within the normal range for the child's age and stage of development, with due regard to the child's culture.

(b) Nothing in this chapter shall be construed to mean that a child is neglected solely because the child's parent, guardian, or other person responsible for the child's care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child in lieu of medical care.

(c) This chapter does not impose upon persons not otherwise legally responsible for providing a child with necessary food, clothing, shelter, education, or medical care a duty to provide that care.

(d) Nothing in this chapter shall be construed to mean that a child who has a mental, physical, or emotional condition is neglected solely because the child remains in an emergency department or hospital setting because services, including residential treatment, that are deemed necessary by the child's medical or mental health care professional or county case manager are not available to the child's parent, guardian, or other person responsible for the child's care, and the child cannot be safely discharged to the child's family.

Subd. 15a. **Noncaregiver human trafficker.** "Noncaregiver human trafficker" means an individual who is alleged to have engaged in the act of sex or labor trafficking a child and who is not a person responsible for the child's care, who does not have a significant relationship with the child as defined in section 609.341.

Subd. 15b. **Noncaregiver human trafficking assessment.** "Noncaregiver human trafficking assessment" is a comprehensive assessment of child safety, the risk of subsequent child maltreatment, and strengths and needs of the child and family. The local welfare agency shall only perform a noncaregiver human trafficking assessment when a maltreatment report alleges sex or labor trafficking of a child by someone other than the child's caregiver. A noncaregiver human trafficking assessment does not include a determination of whether child maltreatment occurred. A noncaregiver human trafficking assessment includes a determination of a family's need for services to address the safety of the child or children, the safety of family members, and the risk of subsequent child maltreatment.

Subd. 16. **Person in a current or recent position of authority.** "Person in a current or recent position of authority" means an individual in a position of authority over a child and includes but is not limited to any person who is a parent or acting in the place of a parent and charged with any of a parent's rights, duties, or responsibilities to a child, or a person who is charged with any duty or responsibility for the health, welfare, or supervision of a child, either independently or through another, no matter how brief, within 120 days immediately preceding the act. Person in a position of authority includes a psychotherapist.

Subd. 17. **Person responsible for the child's care.** "Person responsible for the child's care" means (1) an individual functioning within the family unit and having responsibilities for the care of the child such as a parent, guardian, or other person having similar care responsibilities, or (2) an individual functioning outside the family unit and having responsibilities for the care of the child such as a teacher, school

administrator, other school employee or agent, or other lawful custodian of a child having either full-time or short-term care responsibilities including, but not limited to, day care, babysitting whether paid or unpaid, counseling, teaching, and coaching.

Subd. 18. **Physical abuse.** (a) "Physical abuse" means any physical injury, mental injury under subdivision 13, or threatened injury under subdivision 23, inflicted by a person responsible for the child's care on a child other than by accidental means, or any physical or mental injury that cannot reasonably be explained by the child's history of injuries, or any aversive or deprivation procedures, or regulated interventions, that have not been authorized under section 125A.0942 or 245.825.

(b) Abuse does not include reasonable and moderate physical discipline of a child administered by a parent or legal guardian that does not result in an injury. Abuse does not include the use of reasonable force by a teacher, principal, or school employee as allowed by section 121A.582.

(c) For the purposes of this subdivision, actions that are not reasonable and moderate include, but are not limited to, any of the following:

(1) throwing, kicking, burning, biting, or cutting a child;

(2) striking a child with a closed fist;

(3) shaking a child under age three;

(4) striking or other actions that result in any nonaccidental injury to a child under 18 months of age;

(5) unreasonable interference with a child's breathing;

(6) threatening a child with a weapon, as defined in section 609.02, subdivision 6;

(7) striking a child under age one on the face or head;

(8) striking a child who is at least age one but under age four on the face or head, which results in an injury;

(9) purposely giving a child:

(i) poison, alcohol, or dangerous, harmful, or controlled substances that were not prescribed for the child by a practitioner in order to control or punish the child; or

(ii) other substances that substantially affect the child's behavior, motor coordination, or judgment; that result in sickness or internal injury; or that subject the child to medical procedures that would be unnecessary if the child were not exposed to the substances;

(10) unreasonable physical confinement or restraint not permitted under section 609.379, including but not limited to tying, caging, or chaining; or

(11) in a school facility or school zone, an act by a person responsible for the child's care that is a violation under section 121A.58.

Subd. 19. **Report.** "Report" means any communication received by the local welfare agency, police department, county sheriff, or agency responsible for child protection pursuant to this section that describes maltreatment of a child and contains sufficient content to identify the child and any person believed to be responsible for the maltreatment, if known.

Subd. 20. **Sexual abuse.** "Sexual abuse" means the subjection of a child by a person responsible for the child's care, by a person who has a significant relationship to the child, or by a person in a current or recent position of authority, to any act that constitutes a violation of section 609.342 (criminal sexual conduct in the first degree), 609.343 (criminal sexual conduct in the second degree), 609.344 (criminal sexual conduct in the third degree), 609.345 (criminal sexual conduct in the fourth degree), 609.3451 (criminal sexual conduct in the fifth degree), 609.3458 (sexual extortion), or 609.352 (solicitation of children to engage in sexual conduct; communication of sexually explicit materials to children). Sexual abuse also includes any act involving a child that constitutes a violation of prostitution offenses under sections 609.321 to 609.324 or 617.246. Sexual abuse includes all reports of known or suspected child sex trafficking involving a child who is identified as a victim of sex trafficking. Sexual abuse includes child sex trafficking as defined in section 609.321, subdivisions 7a and 7b. Sexual abuse includes threatened sexual abuse, which includes the status of a parent or household member who has committed a violation that requires registration as an offender under section 243.166, subdivision 1b, paragraph (a) or (b), or required registration under section 243.166, subdivision 1b, paragraph (a) or (b).

Subd. 21. **Significant relationship.** "Significant relationship" means a situation in which the alleged offender is:

(1) the child's parent, stepparent, or guardian;

(2) any of the following persons related to the child by blood, marriage, or adoption: brother, sister, stepbrother, stepsister, first cousin, aunt, uncle, nephew, niece, grandparent, great-grandparent, great-uncle, great-aunt; or

(3) an adult who jointly resides intermittently or regularly in the same dwelling as the child and who is not the child's spouse.

Subd. 22. **Substantial child endangerment.** "Substantial child endangerment" means that a person responsible for a child's care, by act or omission, commits or attempts to commit an act against a child in the person's care that constitutes any of the following:

(1) egregious harm under subdivision 5;

(2) abandonment under section 260C.301, subdivision 2;

(3) neglect under subdivision 15, paragraph (a), clause (2), that substantially endangers the child's physical or mental health, including a growth delay, which may be referred to as failure to thrive, that has been diagnosed by a physician and is due to parental neglect;

(4) murder in the first, second, or third degree under section 609.185, 609.19, or 609.195;

(5) manslaughter in the first or second degree under section 609.20 or 609.205;

(6) assault in the first, second, or third degree under section 609.221, 609.222, or 609.223;

(7) sex trafficking, solicitation, inducement, or promotion of prostitution under section 609.322;

(8) criminal sexual conduct under sections 609.342 to 609.3451;

(9) sexual extortion under section 609.3458;

(10) solicitation of children to engage in sexual conduct under section 609.352;

(11) malicious punishment or neglect or endangerment of a child under section 609.377 or 609.378;

(12) use of a minor in sexual performance under section 617.246;

(13) labor trafficking under sections 609.281 and 609.282; or

(14) parental behavior, status, or condition requiring the county attorney to file a termination of parental rights petition under section 260C.503, subdivision 2.

Subd. 23. **Threatened injury.** (a) "Threatened injury" means a statement, overt act, condition, or status that represents a substantial risk of physical or sexual abuse or mental injury.

(b) Threatened injury includes, but is not limited to, exposing a child to a person responsible for the child's care, as defined in subdivision 17, who has:

(1) subjected a child to, or failed to protect a child from, an overt act or condition that constitutes egregious harm under subdivision 5 or a similar law of another jurisdiction;

(2) been found to be palpably unfit under section 260C.301, subdivision 1, paragraph (b), clause (3), or a similar law of another jurisdiction;

(3) committed an act that resulted in an involuntary termination of parental rights under section 260C.301, or a similar law of another jurisdiction; or

(4) committed an act that resulted in the involuntary transfer of permanent legal and physical custody of a child to a relative or parent under section 260C.515, subdivision 4, or a similar law of another jurisdiction.

(c) A child is the subject of a report of threatened injury when the local welfare agency receives birth match data under section 260E.14, subdivision 4, from the Department of Children, Youth, and Families.

History: *1Sp2020 c 2 art 7 s 3; 1Sp2021 c 11 art 4 s 31; 2023 c 70 art 14 s 15-17; 2024 c 80 art 2 s 74; art 8 s 33,70; 2024 c 115 art 12 s 13-16; art 18 s 45; 2025 c 20 s 220; 2025 c 21 s 63; 1Sp2025 c 3 art 10 s 31; 2026 c 121 art 4 s 32*

260E.04 EVIDENCE.

No evidence relating to the maltreatment of a child or to any prior incident of maltreatment involving any of the same persons accused of maltreatment shall be excluded in any proceeding arising out of the alleged maltreatment on the grounds of privilege set forth in section 595.02, subdivision 1, paragraph (a), (d), or (g).

History: *1Sp2020 c 2 art 7 s 4*

260E.05 CULTURAL PRACTICES.

A person who conducts an assessment or investigation under this chapter shall take into account accepted child-rearing practices of the culture in which a child participates and accepted teacher discipline practices that are not injurious to the child's health, welfare, and safety.

History: *1Sp2020 c 2 art 7 s 5*

260E.055 DUTY TO REPORT; PRIVATE OR PUBLIC YOUTH RECREATION PROGRAM.

Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have the meanings given.

(b) "Abuse" means egregious harm, physical abuse, sexual abuse, substantial child endangerment, or threatened injury as these terms are defined under section 260E.03.

(c) "Adverse action" includes but is not limited to:

(1) discharge, suspension, termination, or transfer from the private or public youth recreation program;

(2) discharge from or termination of employment;

(3) demotion or reduction in remuneration for services; or

(4) restriction or prohibition of access to the private or public youth recreation program or persons affiliated with it.

(d) "Employee" means a person who is 18 years of age or older who performs services for hire for an employer and has full-time, part-time, or short-term responsibilities for the care of the child including but not limited to day care, counseling, teaching, and coaching. An employee does not include an independent contractor or volunteer.

(e) "Municipality" has the meaning given in section 466.01, subdivision 1.

(f) "Private or public youth recreation program" includes but is not limited to day camps or programs involving athletics, theater, arts, religious education, outdoor education, youth empowerment, or socialization.

Subd. 2. **Duty to report.** (a) An employee or supervisor of a private or public youth recreation program shall immediately report information to the local welfare agency, agency responsible for assessing or investigating the report, police department, county sheriff, Tribal social services agency, or Tribal police department if:

(1) the employee or supervisor knows or has reason to believe that another employee or supervisor is abusing or has abused a child within the preceding three years; or

(2) a child discloses to the employee or supervisor that the child is being abused or has been abused within the preceding three years.

(b) An oral report shall be made immediately by telephone or otherwise. An oral report shall be followed within 72 hours, exclusive of weekends and holidays, by a report in writing. Any report shall be of sufficient content to identify the child, any person believed to be responsible for the abuse of the child, the nature and extent of the abuse, and the name and address of the reporter. The agency receiving the report shall accept a report notwithstanding refusal by a reporter to provide the reporter's name or address if the report is otherwise sufficient under this paragraph.

Subd. 3. **Retaliation prohibited.** (a) An employer of any person required to make a report under this section shall not retaliate against the person for reporting in good faith, or against a child with respect to whom a report is made, because of the report.

(b) The employer of any person required to report under this section who retaliates against the person because of a report under this section is liable to that person for actual damages and, in addition, a penalty of up to $10,000.

(c) There shall be a rebuttable presumption that any adverse action taken within 90 days of a report is retaliatory.

Subd. 4. **Immunity.** (a) The following persons are immune from civil or criminal liability if the person is acting in good faith:

(1) an employee or supervisor who reports pursuant to this section or, following the submission of a report, cooperates with an assessment or investigation under this chapter; and

(2) a municipality or private entity providing a private or public youth recreation program that provides training on making a report under this section, assists in making a report under this section, or following the submission of a report, cooperates with an investigation or assessment under this chapter.

(b) This subdivision does not provide immunity to any person for failure to make a required report or for committing abuse.

Subd. 5. **Penalties for failure to report; false reports.** (a) A person who is required to report under this section but fails to report is guilty of a petty misdemeanor.

(b) Section 260E.08, paragraph (d), applies to reports made under this section.

Subd. 6. **Construction with other law.** As used in this section, "reports" does not include mandated or voluntary reports under section 260E.06 and nothing in this section shall govern reports made pursuant to section 260E.06.

History: *1Sp2021 c 7 art 10 s 1*

260E.06 MALTREATMENT REPORTING.

Subdivision 1. **Mandatory reporters.** (a) A person who knows or has reason to believe a child is being maltreated, as defined in section 260E.03, or has been maltreated within the preceding three years shall immediately report the information to the local welfare agency, agency responsible for assessing or investigating the report, police department, county sheriff, Tribal social services agency, or Tribal police department if the person is:

(1) a professional or professional's delegate who is engaged in the practice of the healing arts, social services, hospital administration, psychological or psychiatric treatment, child care, education, correctional supervision, probation and correctional services, or law enforcement; or

(2) employed as a member of the clergy and received the information while engaged in ministerial duties, provided that a member of the clergy is not required by this subdivision to report information that is otherwise privileged under section 595.02, subdivision 1, paragraph (c).

(b) "Practice of social services" for the purposes of this subdivision includes but is not limited to employee assistance counseling and the provision of guardian ad litem and parenting time expeditor services.

(c) A corporation, school, nonprofit organization, religious organization, facility as defined in section 260E.03, subdivision 6, or similar entity must not have any policies, written or otherwise, that prevent or discourage a mandatory or voluntary reporter from reporting suspected or alleged maltreatment of a child in accordance with this section.

Subd. 2. **Voluntary reporters.** Any person may voluntarily report to the local welfare agency, agency responsible for assessing or investigating the report, police department, county sheriff, Tribal social services agency, or Tribal police department if the person knows, has reason to believe, or suspects a child is being or has been maltreated.

Subd. 3. **Reporting in cases where selection of spiritual means or prayer for treatment or care may cause serious danger to child's health.** If the child's parent, guardian, or other person responsible for the child's care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child in lieu of medical care, the parent, guardian, or caretaker or a person mandated to report pursuant to subdivision 1, has a duty to report if a lack of medical care may cause serious danger to the child's health.

Subd. 4. **Licensing board duty to report.** A board or other entity whose licensees perform work within a school facility, upon receiving a complaint of alleged maltreatment, shall report the alleged maltreatment to the commissioner of education.

History: *1Sp2020 c 2 art 7 s 6; 2024 c 123 art 4 s 6*

260E.065 TRAINING FOR REPORTERS.

Subdivision 1. **Required training.** The local welfare agency must offer training to a person required to make a report under section 260E.055 or 260E.06. The training may be offered online or in person and must provide an explanation of the legal obligations of a reporter, consequences for failure to report, and instruction on how to detect and report suspected maltreatment. A local welfare agency may fulfill the requirement under this section by directing reporters to trainings offered by the commissioner.

Subd. 2. **Training content.** For a training under this section, at least half of the training time must be spent on how to identify signs of suspected maltreatment or abuse, as defined in section 260E.055, subdivision 1, paragraph (b). The training must cover the definition of each maltreatment type as defined in section 260E.03, subdivision 12.

Subd. 3. **Expert input.** The commissioner must create trainings with input from professionals with specialized knowledge related to maltreatment, including but not limited to medical professionals, attorneys, mental health professionals, and social workers.

Subd. 4. **Commissioner of children, youth, and families; education-related mandated reporter training module on grooming.** (a) By August 1, 2027, the commissioner of children, youth, and families must update the existing mandated reporter training to include but not be limited to:

(1) the requirement to report allegations of maltreatment of students, including students receiving special education services; and

(2) addressing grooming and threatened sexual abuse, including the duty to report grooming as maltreatment under section 260E.06, how to identify the signs of grooming, and recognizing environments and circumstances that present an increased risk of grooming.

(b) The commissioner must consult with the Minnesota Department of Education while updating the training.

History: *1Sp2021 c 7 art 10 s 2; 2025 c 13 s 1; 2026 c 108 s 3*

260E.07 RETALIATION PROHIBITED.

(a) An employer of any person required to make reports under section 260E.06, subdivision 1, or 260E.11, subdivision 1, shall not retaliate against the person for reporting in good faith maltreatment pursuant to this chapter or against a child with respect to whom a report is made, because of the report.

(b) The employer of any person required to report under section 260E.06, subdivision 1, or 260E.11, subdivision 1, who retaliates against the person because of a report of maltreatment is liable to that person for actual damages and, in addition, a penalty of up to $10,000.

(c) There shall be a rebuttable presumption that any adverse action within 90 days of a report is retaliatory. For purposes of this paragraph, the term "adverse action" refers to action taken by an employer of a person required to report under section 260E.06, subdivision 1, or 260E.11, subdivision 1, which is involved in a report against the person making the report or the child with respect to whom the report was made because of the report, and includes, but is not limited to:

(1) discharge, suspension, termination, or transfer from the facility, institution, school, or agency;

(2) discharge from or termination of employment;

(3) demotion or reduction in remuneration for services; or

(4) restriction or prohibition of access to the facility, institution, school, agency, or persons affiliated with it.

History: *1Sp2020 c 2 art 7 s 7*

260E.08 CRIMINAL PENALTIES FOR FAILURE TO REPORT; CIVIL PENALTY FOR MAKING FALSE REPORT.

(a) A person mandated by section 260E.06, subdivision 1, to report who knows or has reason to believe that a child is maltreated, as defined in section 260E.03, or has been maltreated within the preceding three years, and fails to report is guilty of a misdemeanor.

(b) A person mandated by section 260E.06, subdivision 1, to report who knows or has reason to believe that two or more children not related to the offender have been maltreated, as defined in section 260E.03, by the same offender within the preceding ten years, and fails to report is guilty of a gross misdemeanor.

(c) A parent, guardian, or caretaker who knows or reasonably should know that the child's health is in serious danger and who fails to report as required by section 260E.06, subdivision 3, is guilty of a gross misdemeanor if the child suffers substantial or great bodily harm because of the lack of medical care. If the child dies because of the lack of medical care, the person is guilty of a felony and may be sentenced to imprisonment for not more than two years or to payment of a fine of not more than $4,000, or both. The provision in section 609.378, subdivision 1, paragraph (a), clause (1), providing that a parent, guardian, or caretaker may, in good faith, select and depend on spiritual means or prayer for treatment or care of a child, does not exempt a parent, guardian, or caretaker from the duty to report under this chapter.

(d) Any person who knowingly or recklessly makes a false report under the provisions of this chapter shall be liable in a civil suit for any actual damages suffered by the person or persons so reported and for any punitive damages set by the court or jury, plus costs and reasonable attorney fees.

(e) A person who intentionally prevents or attempts to prevent a person mandated by section 260E.06, subdivision 1, to report under this chapter is guilty of a misdemeanor.

History: *1Sp2020 c 2 art 7 s 8; 2024 c 123 art 4 s 7*

260E.09 REPORTING REQUIREMENTS.

(a) An oral report shall be made immediately by telephone or otherwise. An oral report made by a person required under section 260E.06, subdivision 1, to report shall be followed within 72 hours, exclusive of weekends and holidays, by a report in writing to the appropriate police department, the county sheriff, the agency responsible for assessing or investigating the report, or the local welfare agency.

(b) Any report shall be of sufficient content to identify the child, any person believed to be responsible for the maltreatment of the child if the person is known, the nature and extent of the maltreatment, and the name and address of the reporter. The local welfare agency or agency responsible for assessing or investigating the report shall accept a report made under section 260E.06 notwithstanding refusal by a reporter to provide the reporter's name or address as long as the report is otherwise sufficient under this paragraph. The local welfare agency shall ask the reporter if the reporter is aware of the child's heritage, including the child's Tribal lineage pursuant to section 260.761 and the child's race, culture, and ethnicity pursuant to section 260.63, subdivision 10.

(c) Notwithstanding paragraph (a), upon implementation of the provider licensing and reporting hub, an individual who has an account with the provider licensing and reporting hub and is required to report suspected maltreatment at a licensed program under section 260E.06, subdivision 1, may submit a written report in the hub in a manner prescribed by the commissioner and is not required to make an oral report. A report submitted through the provider licensing and reporting hub must be made immediately.

History: *1Sp2020 c 2 art 7 s 9; 2023 c 70 art 8 s 61; 1Sp2025 c 3 art 10 s 32*

260E.10 NOTIFICATION TO REPORTERS.

Subdivision 1. **Screening notification.** If requested, the agency responsible for assessing or investigating a report shall inform the reporter within ten days after the report was made, either orally or in writing, whether the report was accepted or not. If the responsible agency determines the report does not constitute a report under this chapter, the agency shall advise the reporter that the report was screened out.

Subd. 2. **Final notification.** Any person mandated to report shall receive a summary of the disposition of any report made by that reporter, including whether the case has been opened for child protection or other services, or if a referral has been made to a community organization, unless release would be detrimental to the best interests of the child. Any person who is not mandated to report shall, upon request to the local welfare agency, receive a concise summary of the disposition of any report made by that reporter, unless release would be detrimental to the best interests of the child.

History: *1Sp2020 c 2 art 7 s 10*

260E.11 AGENCY DESIGNATED TO RECEIVE REPORTS.

Subdivision 1. **Reports of maltreatment in facility.** A person mandated to report child maltreatment occurring within a licensed facility must report the information to the agency responsible for licensing or certifying the facility under sections 144.50 to 144.58, 241.021, and 245A.01 to 245A.16 or chapter 142B, 142C, 144H, or 245D or to a nonlicensed personal care provider organization as defined in section 256B.0625, subdivision 19a. A person mandated to report child maltreatment occurring within a federally certified psychiatric residential treatment facility must report the information to the Department of Health.

Subd. 2. **Reporting deprivation of parental rights or kidnapping to law enforcement.** A person mandated to report under section 260E.06, subdivision 1, who knows or has reason to know of a violation of section 609.25 or 609.26 shall report the information to the local police department or the county sheriff.

Subd. 3. **Report to medical examiner or coroner; notification to local agency and law enforcement; report ombudsman.** (a) A person mandated to report maltreatment who knows or has reason to believe a child has died as a result of maltreatment shall report that information to the appropriate medical examiner or coroner instead of the local welfare agency, police department, or county sheriff.

(b) The medical examiner or coroner shall notify the local welfare agency, police department, or county sheriff in instances in which the medical examiner or coroner believes that the child has died as a result of maltreatment. The medical examiner or coroner shall complete an investigation as soon as feasible and report the findings to the police department or county sheriff and the local welfare agency.

(c) If the child was receiving services or treatment for mental illness, developmental disability, or substance use disorder from an agency, facility, or program as defined in section 245.91, the medical examiner or coroner shall also notify and report findings to the ombudsman established under sections 245.91 to 245.97.

History: *1Sp2020 c 2 art 7 s 11; 2022 c 98 art 4 s 51; 2024 c 80 art 2 s 74; 2025 c 21 s 64; 2025 c 38 art 8 s 85; 2026 c 121 art 4 s 33*

260E.12 REQUIRED ACTIONS OF THE RESPONSIBLE AGENCY AND LAW ENFORCEMENT UPON RECEIVING REPORT.

Subdivision 1. **Police department or county sheriff.** (a) The police department or the county sheriff shall immediately notify the local welfare agency or agency responsible for child protection reports under this chapter orally and in writing when a report is received.

(b) Written reports received by a police department or the county sheriff shall be forwarded immediately to the local welfare agency or the agency responsible for assessing or investigating the report. The police department or the county sheriff may keep copies of reports received by them.

(c) The county sheriff and the head of each local welfare agency, agency responsible for child protection reports, and police department shall designate a person within the agency, department, or office who is responsible for ensuring that the notification duties of this section are carried out. If the alleged maltreatment occurs on Tribal land, the local welfare agency or agency responsible for child protection reports and the local police department or county sheriff shall immediately notify the Tribe's social services agency and Tribal law enforcement orally and in writing when a report is received. When a police department or county determines that a child has been the subject of maltreatment by a person licensed by the Professional Educator Licensing and Standards Board or the Board of School Administrators, the department or sheriff shall, in addition to other duties under this section, immediately inform the licensing board.

(d) If a child is the victim of an alleged crime under subdivision 2, paragraph (c), the law enforcement agency shall immediately notify the local welfare agency, which shall offer appropriate social services for the purpose of safeguarding and enhancing the welfare of the maltreated child.

Subd. 2. **Local welfare agency or agency responsible for maltreatment report.** (a) The local welfare agency or agency responsible for child protection reports shall immediately notify the local police department or the county sheriff orally and in writing when a report is received.

(b) Copies of written reports received by a local welfare agency or the agency responsible for assessing or investigating the report shall be forwarded immediately to the local police department or the county sheriff.

(c) Receipt by a local welfare agency of a report or notification of a report of kidnapping under section 609.25 or depriving another of custodial or parental rights under section 609.26 shall not be construed to invoke the duties under this chapter except notification of law enforcement and the offer of services under section 260E.20, subdivision 1, paragraph (a), as appropriate.

Subd. 3. **Penalties for failure to cross notify.** (a) If a local welfare agency receives a report under section 260E.06 and fails to notify the local police department or county sheriff as required by subdivision 2, the person within the agency who is responsible for ensuring that notification is made shall be subject to disciplinary action in keeping with the agency's existing policy or collective bargaining agreement on discipline of employees.

(b) If a local police department or a county sheriff receives a report under section 260E.06 and fails to notify the local welfare agency as required by subdivision 1, the person within the police department or county sheriff's office who is responsible for ensuring that notification is made shall be subject to disciplinary action in keeping with the agency's existing policy or collective bargaining agreement on discipline of employees.

History: *1Sp2020 c 2 art 7 s 12*

260E.13 REPORT TO OMBUDSMAN.

When a local welfare agency receives a report or otherwise has information indicating that a child who is a client, as defined in section 245.91, has been the subject of maltreatment at an agency, facility, or program, as defined in section 245.91, the local welfare agency shall, in addition to its other duties under this chapter, immediately inform the ombudsman established under sections 245.91 to 245.97. The commissioner of education shall inform the ombudsman established under sections 245.91 to 245.97 of reports regarding a child who is a client, as defined in section 245.91, that maltreatment occurred at a school as defined in section 120A.05, subdivisions 9, 11, and 13, and chapter 124E.

History: *1Sp2020 c 2 art 7 s 13*

260E.14 AGENCY RESPONSIBLE FOR SCREENING AND ASSESSMENT OR INVESTIGATION.

Subdivision 1. **Facilities and schools.** (a) The local welfare agency is the agency responsible for investigating allegations of maltreatment in child foster care, family child care, legally nonlicensed child care, and reports involving children served by an unlicensed personal care provider organization under section 256B.0659. Copies of findings related to personal care provider organizations under section 256B.0659 must be forwarded to the Department of Human Services provider enrollment.

(b) The Department of Human Services is the agency responsible for screening and investigating allegations of maltreatment in juvenile correctional facilities listed under section 241.021 located in the local welfare agency's county and in facilities licensed or certified under chapters 245A and 245D, except federally certified psychiatric residential treatment facilities.

(c) The Department of Health is the agency responsible for screening and investigating allegations of maltreatment in facilities licensed under sections 144.50 to 144.58 and 144A.43 to 144A.482, chapter 144H, or federally certified as a psychiatric residential treatment facility.

(d) The Department of Education is the agency responsible for screening and investigating allegations of maltreatment in a school as defined in section 120A.05, subdivisions 9, 11, and 13, and chapter 124E. The Department of Education's responsibility to screen and investigate includes allegations of maltreatment

involving students 18 through 21 years of age, including students receiving special education services, up to and including graduation and the issuance of a secondary or high school diploma.

(e) The Department of Human Services is the agency responsible for screening and investigating allegations of maltreatment of minors in an EIDBI agency operating under sections 245A.142 and 256B.0949.

(f) A health or corrections agency receiving a report may request the local welfare agency to provide assistance pursuant to this section and sections 260E.20 and 260E.22.

(g) The Department of Children, Youth, and Families is the agency responsible for screening and investigating allegations of maltreatment in facilities or programs not listed in paragraph (a) that are licensed or certified under chapters 142B and 142C.

(h) The Department of Human Services is the agency responsible for screening and investigating allegations of maltreatment of minors for mobile crisis response services and children's therapeutic services and supports programs licensed under chapter 245I.

[See Note.]

Subd. 2. **Sexual abuse.** (a) The local welfare agency is the agency responsible for investigating an allegation of sexual abuse, including if the alleged sexual abuse occurred in another state or country but the child's residence is in Minnesota, if the alleged offender is the parent, guardian, sibling, or an individual functioning within the family unit as a person responsible for the child's care, or a person with a significant relationship to the child if that person resides in the child's household.

(b) The local welfare agency is also responsible for assessing or investigating when a child is identified as a victim of sex trafficking.

Subd. 3. **Neglect, physical abuse, or labor trafficking.** (a) The local welfare agency is responsible for conducting a family assessment or investigation if the report alleges neglect or physical abuse by a parent, guardian, or individual functioning within the family unit as a person responsible for the child's care, including if the alleged neglect or physical abuse occurred in another state or country but the child's residence is in Minnesota.

(b) The local welfare agency is also responsible for conducting a family assessment or investigation when a child is identified as a victim of labor trafficking.

Subd. 4. **Birth match.** (a) Upon receiving data under section 144.225, subdivision 2b, contained in a birth record or recognition of parentage identifying a child who is subject to threatened injury under section 260E.03, subdivision 23, the Department of Children, Youth, and Families shall send the data to the responsible local welfare agency. The data is known as "birth match data."

(b) Unless the responsible local welfare agency has already begun an investigation or assessment of the report due to the birth of the child or execution of the recognition of parentage and the parent's previous history with child protection, the agency shall accept the birth match data as a report under section 260E.03, subdivision 23.

Subd. 5. **Law enforcement.** (a) The local law enforcement agency is the agency responsible for investigating a report of maltreatment if a violation of a criminal statute is alleged.

(b) Law enforcement and the responsible agency must coordinate their investigations or assessments as required under this chapter when: (1) a report alleges maltreatment that is a violation of a criminal statute by a person who is a parent, guardian, sibling, person responsible for the child's care within the family unit,

or by a person who lives in the child's household and who has a significant relationship to the child in a setting other than a facility as defined in section 260E.03; or (2) a report alleges sex or labor trafficking of a child.

History: *1Sp2020 c 2 art 7 s 14; 2023 c 70 art 14 s 18,19; 2024 c 80 art 8 s 34,70; 2024 c 109 art 8 s 11; 2024 c 115 art 12 s 17,18; 2025 c 20 s 221; 1Sp2025 c 3 art 10 s 33,34; 1Sp2025 c 9 art 6 s 14; 2026 c 121 art 4 s 34; art 7 s 52*

NOTE: The amendment to subdivision 1 by Laws 2026, chapter 121, article 7, section 52, is effective January 1, 2028. Laws 2026, chapter 121, article 7, section 56.

260E.15 SCREENING GUIDELINES.

(a) Child protection staff, supervisors, and others involved in child protection screening shall follow the guidance provided in the maltreatment screening guidelines issued by the commissioner and, when notified by the commissioner, shall immediately implement updated procedures and protocols.

(b) Any modification to the screening guidelines must be preapproved by the commissioner and must not be less protective of children than is mandated by statute. The county agency must consult with the county attorney before proposing modifications to the commissioner. The guidelines may provide additional protection for children but must not limit reports that are screened in or provide additional limits on consideration of reports that were screened out in making a screening determination.

(c) The screening guidelines issued by the commissioner must not limit an agency's ability to screen in and investigate a report of alleged grooming, as defined in section 609.352, subdivision 2c, that occurred more than three years prior to the date of the report.

History: *1Sp2020 c 2 art 7 s 15; 2026 c 108 s 4*

260E.16 TIMELINE FOR SCREENING.

(a) The local welfare agency shall determine if the report is to be screened in or out as soon as possible but in no event longer than 24 hours after the report is received.

(b) When determining whether a report will be screened in or out, the agency receiving the report must consider, when relevant, all previous history, including reports that were screened out. The agency may communicate with treating professionals and individuals specified under section 260E.35, subdivision 4, paragraph (b).

History: *1Sp2020 c 2 art 7 s 16*

260E.17 RESPONSE PATH ASSIGNMENT.

Subdivision 1. **Local welfare agency.** (a) Upon receipt of a report, the local welfare agency shall determine whether to conduct a family assessment, an investigation, or a noncaregiver human trafficking assessment as appropriate to prevent or provide a remedy for maltreatment.

(b) The local welfare agency shall conduct an investigation when the report involves sexual abuse, except as indicated in paragraph (f), or substantial child endangerment.

(c) The local welfare agency shall begin an immediate investigation at any time when the local welfare agency is responding with a family assessment and the local welfare agency determines that there is reason to believe that sexual abuse, substantial child endangerment, or a serious threat to the child's safety exists.

(d) The local welfare agency may conduct a family assessment for reports that do not allege sexual abuse, except as indicated in paragraph (f), or 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.

(e) The local welfare agency may conduct a family assessment for 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.

(f) The local welfare agency shall conduct a noncaregiver human trafficking assessment when a maltreatment report alleges sex or labor trafficking of a child and the alleged offender is a noncaregiver human trafficker as defined by section 260E.03, subdivision 15a.

(g) During a noncaregiver human trafficking assessment, the local welfare agency shall initiate an immediate investigation if there is reason to believe that a child's parent, caregiver, or household member allegedly engaged in the act of sex or labor trafficking a child or was alleged to have engaged in any conduct requiring the agency to conduct an investigation.

Subd. 2. **Responsible social service agency.** The responsible agency shall conduct an investigation when the report alleges maltreatment in a facility required to be licensed or certified under chapter 142B, 142C, 144H, 245A, or 245D; under sections 144.50 to 144.58 and 241.021; in a school as defined in section 120A.05, subdivisions 9, 11, and 13, and chapter 124E; or in a nonlicensed personal care provider association as defined in section 256B.0625, subdivision 19a.

History: *1Sp2020 c 2 art 7 s 17; 2023 c 70 art 14 s 20; 2024 c 115 art 12 s 19; 2026 c 88 art 1 s 165*

260E.18 NOTICE TO CHILD'S TRIBE.

The local welfare agency shall provide immediate notice, according to section 260.761, subdivision 2, to an Indian child's Tribe when the agency has reason to believe that the family assessment, investigation, or noncaregiver human trafficking assessment may involve an Indian child. For purposes of this section, "immediate notice" means notice provided within 24 hours.

History: *1Sp2020 c 2 art 7 s 18; 2023 c 70 art 14 s 21; 2024 c 115 art 12 s 20*

260E.19 CONFLICT OF INTEREST.

(a) A potential conflict of interest related to assisting in an investigation or assessment under this chapter resulting in a direct or shared financial interest with a child maltreatment treatment provider or resulting from a personal or family relationship with a party in the investigation must be considered by the local welfare agency in an effort to prevent unethical relationships.

(b) A person who conducts an investigation or assessment under this chapter may not have:

(1) any direct or shared financial interest or referral relationship resulting in a direct shared financial gain with a child maltreatment treatment provider; or

(2) a personal or family relationship with a party in the assessment or investigation.

(c) If an independent assessor is not available, the person responsible for making the determination under this chapter may use the services of an assessor with a financial interest, referral, or personal or family relationship.

History: *1Sp2020 c 2 art 7 s 19*

260E.20 AGENCY DUTIES REGARDING INVESTIGATION AND ASSESSMENT.

Subdivision 1. **General duties.** (a) The local welfare agency shall offer services to prevent future maltreatment, safeguarding and enhancing the welfare of the maltreated child, and supporting and preserving family life whenever possible.

(b) If the report alleges a violation of a criminal statute involving maltreatment or child endangerment under section 609.378, the local law enforcement agency and local welfare agency shall coordinate the planning and execution of their respective investigation and assessment efforts to avoid a duplication of fact-finding efforts and multiple interviews. Each agency shall prepare a separate report of the results of the agency's investigation or assessment.

(c) In cases of alleged child maltreatment resulting in death, the local agency may rely on the fact-finding efforts of a law enforcement investigation to make a determination of whether or not maltreatment occurred.

(d) When necessary, the local welfare agency shall seek authority to remove the child from the custody of a parent, guardian, or adult with whom the child is living.

(e) In performing any of these duties, the local welfare agency shall maintain an appropriate record.

(f) In conducting a family assessment, noncaregiver human trafficking assessment, or investigation, the local welfare agency shall gather information on the existence of substance abuse and domestic violence.

(g) If the family assessment, noncaregiver human trafficking assessment, or investigation indicates there is a potential for abuse of alcohol or other drugs by the parent, guardian, or person responsible for the child's care, the local welfare agency must coordinate a comprehensive assessment pursuant to section 245G.05.

(h) The agency may use either a family assessment or investigation to determine whether the child is safe when responding to a report resulting from birth match data under section 260E.03, subdivision 23, paragraph (c). If the child subject of birth match data is determined to be safe, the agency shall consult with the county attorney to determine the appropriateness of filing a petition alleging the child is in need of protection or services under section 260C.007, subdivision 6, clause (16), in order to deliver needed services. If the child is determined not to be safe, the agency and the county attorney shall take appropriate action as required under section 260C.503, subdivision 2.

(i) When conducting any family assessment, noncaregiver human trafficking assessment, or investigation, the agency shall ask the child, if age appropriate; parents; extended family; and reporter about the child's heritage, including the child's Tribal lineage pursuant to section 260.761 and the child's race, culture, and ethnicity pursuant to section 260.63, subdivision 10.

Subd. 2. **Face-to-face contact.** (a) Upon receipt of a screened in report, the local welfare agency shall have face-to-face contact with the child reported to be maltreated and with the child's primary caregiver sufficient to complete a safety assessment and ensure the immediate safety of the child. When it is possible and the report alleges substantial child endangerment or sexual abuse, the local welfare agency is not required to provide notice before conducting the initial face-to-face contact with the child and the child's primary caregiver.

(b) Except in a noncaregiver human trafficking assessment, the local welfare agency shall have face-to-face contact with the child and primary caregiver immediately after the agency screens in a report if sexual abuse or substantial child endangerment is alleged and within five calendar days of a screened in report for all other reports. If the alleged offender was not already interviewed as the primary caregiver, the local welfare agency shall also conduct a face-to-face interview with the alleged offender in the early stages of the assessment or investigation, except in a noncaregiver human trafficking assessment. Face-to-face contact with the child and primary caregiver in response to a report alleging sexual abuse or substantial child endangerment may be postponed for no more than five calendar days if the child is residing in a location that is confirmed to restrict contact with the alleged offender as established in guidelines issued by the commissioner, or if the local welfare agency is pursuing a court order for the child's caregiver to produce the child for questioning under section 260E.22, subdivision 5.

(c) At the initial contact with the alleged offender, the local welfare agency or the agency responsible for assessing or investigating the report must inform the alleged offender of the complaints or allegations made against the individual in a manner consistent with laws protecting the rights of the person who made the report. The interview with the alleged offender may be postponed if it would jeopardize an active law enforcement investigation. In a noncaregiver human trafficking assessment, the local child welfare agency is not required to inform or interview the alleged offender.

(d) The local welfare agency or the agency responsible for assessing or investigating the report must provide the alleged offender with an opportunity to make a statement, except in a noncaregiver human trafficking assessment. The alleged offender may submit supporting documentation relevant to the assessment or investigation.

Subd. 3. **Collection of information.** (a) The local welfare agency responsible for conducting a family assessment, noncaregiver human trafficking assessment, or investigation shall collect available and relevant information to determine child safety, risk of subsequent maltreatment, and family strengths and needs and share not public information with an Indian's Tribal social services agency without violating any law of the state that may otherwise impose a duty of confidentiality on the local welfare agency in order to implement the Tribal state agreement.

(b) The local welfare agency or the agency responsible for investigating the report shall collect available and relevant information to ascertain whether maltreatment occurred and whether protective services are needed.

(c) Information collected includes, when relevant, information regarding the person reporting the alleged maltreatment, including the nature of the reporter's relationship to the child and to the alleged offender, and the basis of the reporter's knowledge for the report; the child allegedly being maltreated; the alleged offender; the child's caretaker; and other collateral sources having relevant information related to the alleged maltreatment.

(d) Information relevant to the assessment or investigation must be requested, and may include:

(1) the child's sex and age; prior reports of maltreatment, including any maltreatment reports that were screened out and not accepted for assessment or investigation; information relating to developmental functioning; credibility of the child's statement; and whether the information provided under this clause is consistent with other information collected during the course of the assessment or investigation;

(2) except in a noncaregiver human trafficking assessment, the alleged offender's age, a record check for prior reports of maltreatment, and criminal charges and convictions;

(3) collateral source information regarding the alleged maltreatment and care of the child. Collateral information includes, when relevant: (i) a medical examination of the child; (ii) prior medical records relating to the alleged maltreatment or the care of the child maintained by any facility, clinic, or health care professional and an interview with the treating professionals; and (iii) interviews with the child's caretakers, including the child's parent, guardian, foster parent, child care provider, teachers, counselors, family members, relatives, and other persons who may have knowledge regarding the alleged maltreatment and the care of the child; and

(4) information on the existence of domestic abuse and violence in the home of the child, and substance abuse.

(e) Nothing in this subdivision precludes the local welfare agency, the local law enforcement agency, or the agency responsible for assessing or investigating the report from collecting other relevant information necessary to conduct the assessment or investigation.

(f) Notwithstanding section 13.384 or 144.291 to 144.298, the local welfare agency has access to medical data and records for purposes of paragraph (d), clause (3).

Subd. 4. **Consultation regarding alleged medical neglect.** If the report alleges medical neglect as defined in section 260C.007, subdivision 6, clause (5), the local welfare agency shall, in addition to its other duties under this section, immediately consult with designated hospital staff and with the parents of the infant to verify that appropriate nutrition, hydration, and medication are being provided; and shall immediately secure an independent medical review of the infant's medical charts and records and, if necessary, seek a court order for an independent medical examination of the infant.

Subd. 5. **Law enforcement fact finding.** If the report alleges maltreatment by a person who is not a parent, guardian, sibling, person responsible for the child's care functioning within the family unit, or a person who lives in the child's household and who has a significant relationship to the child, in a setting other than a facility as defined in section 260E.03, the local welfare agency may rely on the fact-finding efforts of the law enforcement investigation to determine if threatened injury or other maltreatment has occurred under section 260E.03, subdivision 12, if an alleged offender has minor children or lives with minors.

History: *1Sp2020 c 2 art 7 s 20; 2021 c 30 art 10 s 55; 2022 c 98 art 8 s 30; 2023 c 50 art 2 s 60; 2023 c 70 art 14 s 22; 2024 c 80 art 8 s 35,36; 2024 c 115 art 12 s 21; 1Sp2025 c 3 art 10 s 35,36*

260E.21 SCREENED OUT REPORTS.

Subdivision 1. **Records.** A report that is screened out must be maintained according to section 260E.35, subdivision 6, paragraph (b).

Subd. 2. **Offer of social services.** A local welfare agency or agency responsible for investigating or assessing a report may use a screened out report for making an offer of social services to the subjects of the screened out report.

History: *1Sp2020 c 2 art 7 s 21*

260E.22 INTERVIEWS.

Subdivision 1. **Authority to interview.** (a) The agency responsible for assessing or investigating reports of maltreatment has the authority to interview the child, the person or persons responsible for the child's

care, the alleged offender, and any other person with knowledge of the maltreatment for the purpose of gathering facts, assessing safety and risk to the child, and formulating a plan.

(b) Authority of the local welfare agency responsible for assessing or investigating the maltreatment report, the agency responsible for assessing or investigating the report, and the local law enforcement agency responsible for investigating the alleged maltreatment includes but is not limited to authority to interview, without parental consent, the alleged victim and any other children who currently reside with or who have resided with the alleged offender.

Subd. 2. **Child interview procedure.** (a) The interview may take place at school or at any facility or other place where the alleged victim or other children might be found or the child may be transported to, and the interview may be conducted at a place appropriate for the interview of a child designated by the local welfare agency or law enforcement agency.

(b) When it is possible and the report alleges substantial child endangerment or sexual abuse, the interview may take place outside the presence of the alleged offender and may take place prior to any interviews of the alleged offender.

Subd. 3. **Notification after child interview.** (a) Except as provided in this subdivision, the parent, legal custodian, or guardian shall be notified by the responsible agency or local law enforcement agency no later than the conclusion of the investigation or assessment that the interview has occurred.

(b) Notwithstanding notice required under the Minnesota Rules of Juvenile Protection, the juvenile court may, after hearing on an ex parte motion by the local welfare agency, order that, where reasonable cause exists, the agency withhold notification of the interview from the parent, legal custodian, or guardian. If the interview took place or is to take place on school property, the order shall specify that school officials may not disclose to the parent, legal custodian, or guardian the contents of the notification of intent to interview the child on school property, as provided under this subdivision, and any other related information regarding the interview that may be a part of the child's school record. A copy of the order shall be sent by the local welfare or law enforcement agency to the appropriate school official.

Subd. 4. **Tennessen notice not required.** In conducting investigations and assessments pursuant to this chapter, the notice required by section 13.04, subdivision 2, need not be provided to a child under the age of ten who is the alleged victim of maltreatment.

Subd. 5. **Court order for child interview.** (a) Where the alleged offender or a person responsible for the care of the alleged victim or other child prevents access to the victim or other child by the local welfare agency, the juvenile court may order the parent, legal custodian, or guardian to produce the alleged victim or other child for questioning by the local welfare agency or the local law enforcement agency outside the presence of the alleged offender or any person responsible for the child's care at reasonable places and times as specified by court order.

(b) Before making an order under paragraph (a), the court shall issue an order to show cause, either upon its own motion or upon a verified petition, specifying the basis for the requested interview and fixing the time and place of the hearing. The order to show cause shall be served personally and shall be heard in the same manner as provided in other cases in the juvenile court. The court shall consider the need for appointment of a guardian ad litem to protect the best interests of the child. If appointed, the guardian ad litem shall be present at the hearing on the order to show cause.

Subd. 6. **Interview format.** (a) When conducting an investigation, the local welfare agency shall use a question and answer interviewing format with questioning as nondirective as possible to elicit spontaneous responses.

(b) For investigations only, the following interviewing methods and procedures must be used whenever possible when collecting information:

(1) audio recording of all interviews with witnesses and collateral sources; and

(2) in a case of alleged sexual abuse, audio-video recording of each interview with the alleged victim and a child witness.

Subd. 7. **Child interviews on school property.** (a) When the local welfare agency, local law enforcement agency, or the agency responsible for assessing or investigating a report of maltreatment determines that an interview should take place on school property, written notification of intent to interview the child on school property must be received by school officials before the interview. The notification shall include the name of the child to be interviewed, the purpose of the interview, and a reference to the statutory authority to conduct an interview on school property. For an interview conducted by the local welfare agency, the notification shall be signed by the chair of the local welfare agency or the chair's designee. The notification shall be private data on individuals subject to the provisions of this subdivision. School officials may not disclose to the parent, legal custodian, or guardian the contents of the notification or any other related information regarding the interview until notified in writing by the local welfare agency or local law enforcement agency that the investigation or assessment has been concluded, unless a school employee or agent is alleged to have maltreated the child. Until that time, the local welfare agency, local law enforcement agency, or the agency responsible for assessing or investigating a report of maltreatment shall be solely responsible for any disclosure regarding the nature of the assessment or investigation.

(b) Except where the alleged offender is believed to be a school official or employee, the time, place, and manner of the interview on school premises shall be within the discretion of school officials, but the local welfare agency or local law enforcement agency shall have the exclusive authority to determine who may attend the interview. The conditions as to time, place, and manner of the interview set by the school officials shall be reasonable, and the interview shall be conducted not more than 24 hours after the receipt of the notification unless another time is considered necessary by agreement between the school officials and the local welfare agency or local law enforcement agency. Where the school fails to comply with the provisions of this paragraph, the juvenile court may order the school to comply. Every effort must be made to reduce the disruption of the educational program of the child, other students, or school staff when an interview is conducted on school premises.

History: *1Sp2020 c 2 art 7 s 22; 2022 c 98 art 8 s 31*

260E.23 DOCUMENTING INTERVIEWS WITH CHILD MALTREATMENT VICTIMS.

Subdivision 1. **Policy.** It is the policy of this state to encourage adequate and accurate documentation of the number and content of interviews conducted with alleged child maltreatment victims during the course of a child maltreatment assessment or investigation, criminal investigation, or prosecution, and to discourage interviews that are unnecessary, duplicative, or otherwise not in the best interests of the child.

Subd. 2. **Definitions.** As used in this section:

(1) "government employee" means an employee of a state or local agency, and any person acting as an agent of a state or local agency;

(2) "interview" means a statement of an alleged maltreatment victim which is given or made to a government employee during the course of a maltreatment assessment or investigation, criminal investigation, or prosecution; and

(3) "record" means an audio or video recording of an interview, or a written record of an interview.

Subd. 3. **Record required.** Whenever an interview is conducted, the interviewer must make a record of the interview. The record must contain the following information:

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

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

(3) if the record is in writing, a summary of the information obtained during the interview.

Subd. 4. **Records maintained.** The records shall be maintained by the interviewer in accordance with applicable provisions of section 260E.35 and chapter 13.

Subd. 5. **Guidelines on tape recording of interviews.** Every county attorney's office shall be responsible for developing written guidelines on the tape recording of interviews by government employees who conduct child maltreatment assessments or investigations, criminal investigations, or prosecutions. The guidelines are public data as defined in section 13.02, subdivision 14.

History: *1Sp2020 c 2 art 7 s 23*

260E.24 CONCLUSION OF ASSESSMENT OR FAMILY INVESTIGATION BY LOCAL WELFARE AGENCY.

Subdivision 1. **Timing.** The local welfare agency shall conclude the family assessment, the noncaregiver human trafficking assessment, or the investigation within 45 days of the receipt of a report. The conclusion of the assessment or investigation may be extended to permit the completion of a criminal investigation or the receipt of expert information requested within 45 days of the receipt of the report.

Subd. 2. **Determination after family assessment or a noncaregiver human trafficking assessment.** After conducting a family assessment or a noncaregiver human trafficking assessment, the local welfare agency shall determine whether child protective services are needed to address the safety of the child and other family members and the risk of subsequent maltreatment. The local welfare agency must document the information collected under section 260E.20, subdivision 3, related to the completed family assessment or noncaregiver human trafficking assessment in the child's or family's case notes.

Subd. 3. **Determinations after family investigation.** (a) After conducting an investigation, the local welfare agency shall make two determinations: (1) whether maltreatment occurred; and (2) whether child protective services are needed.

(b) No determination of maltreatment shall be made when the alleged offender is a child under the age of ten.

(c) The local welfare agency or the agency responsible for investigating the report may make a determination of no maltreatment early in an investigation, close the case, and retain immunity, if the collected information shows no basis for a full investigation.

Subd. 4. **Child protective services.** For the purposes of this chapter, except for section 260E.37, a determination that child protective services are needed means that the local welfare agency documented

conditions during the assessment or investigation sufficient to cause a child protection worker, as defined in section 260E.37, to conclude that a child is at significant risk of maltreatment if protective intervention is not provided and that the individual or individuals responsible for the child's care have not taken or are not likely to take action to protect the child from maltreatment or risk of maltreatment.

Subd. 5. **Notifications at conclusion of family investigation.** (a) Within ten working days of the conclusion of an investigation, the local welfare agency or agency responsible for investigating the report shall notify the parent or guardian of the child and the person determined to be maltreating the child, if not the parent or guardian of the child, of the determination and a summary of the specific reasons for the determination.

(b) The notice must include a certification that the information collection procedures under section 260E.20 were followed and a notice of the right of a data subject to obtain access to other private data on the subject collected, created, or maintained under this section.

(c) In addition, the notice shall include the length of time that the records will be kept under section 260E.35, subdivision 6. The investigating agency shall notify the parent or guardian of the child who is the subject of the report and any person determined to have maltreated the child of their appeal or review rights under this chapter.

(d) The notice must also state that a finding of maltreatment may result in denial of a license or certification application or background study disqualification under chapter 245C related to employment or services that are licensed or certified by the Department of Human Services under chapter 245A; the Department of Children, Youth, and Families under chapter 142B or 142C; the Department of Health under chapter 144 or 144A; or the Department of Corrections under section 241.021 and from providing services related to an unlicensed personal care provider organization under chapter 256B.

Subd. 6. **Required referral to early intervention services.** (a) A child under age three who is involved in a substantiated case of maltreatment shall be referred for screening under the Individuals with Disabilities Education Act, part C. Parents must be informed that the evaluation and acceptance of services are voluntary. The commissioner of children, youth, and families shall monitor referral rates by county. Refusal to have a child screened is not a basis for a child in need of protection or services petition under chapter 260C.

(b) The commissioner of children, youth, and families shall include the referral rates by county for screening under the Individuals with Disabilities Education Act, part C in the annual report on child maltreatment under section 257.0725. This paragraph expires January 1, 2032.

Subd. 7. **Notification at conclusion of family assessment or a noncaregiver human trafficking assessment.** Within ten working days of the conclusion of a family assessment or a noncaregiver human trafficking assessment, the local welfare agency shall notify the parent or guardian of the child of the need for services to address child safety concerns or significant risk of subsequent maltreatment. The local welfare agency and the family may also jointly agree that family support and family preservation services are needed.

History: *1Sp2020 c 2 art 7 s 24; 2022 c 98 art 8 s 32; art 14 s 29; 2023 c 70 art 14 s 23,24; 2024 c 80 art 8 s 37,70; 2024 c 115 art 12 s 22,23; 1Sp2025 c 3 art 10 s 37,38*

260E.25 PROVISION OF MEDICAL CARE.

(a) If lack of medical care due to a parent's, guardian's, or caretaker's good faith selection and dependence upon spiritual means or prayer for treatment or care of disease or remedial care for the child in lieu of medical care may result in serious danger to the child's health, the local welfare agency may ensure that necessary medical services are provided to the child.

(b) If the review or examination required under section 260E.20, subdivision 4, leads to a conclusion of medical neglect, the agency shall intervene on behalf of the infant by initiating legal proceedings under section 260C.141 and by filing an expedited motion to prevent the withholding of medically indicated treatment.

History: *1Sp2020 c 2 art 7 s 25*

260E.26 PROVISION OF CHILD PROTECTIVE SERVICES.

The local welfare agency shall create a written plan, in collaboration with the family whenever possible, within 30 days of the determination that child protective services are needed or upon joint agreement of the local welfare agency and the family that family support and preservation services are needed. Child protective services for a family are voluntary unless ordered by the court.

History: *1Sp2020 c 2 art 7 s 26*

260E.27 CONSULTATION WITH THE COUNTY ATTORNEY.

The local welfare agency shall consult with the county attorney to determine the appropriateness of filing a petition alleging the child is in need of protection or services under section 260C.007, subdivision 6, if:

(1) the family does not accept or comply with a plan for child protective services;

(2) voluntary child protective services may not provide sufficient protection for the child; or

(3) the family is not cooperating with an investigation or assessment.

History: *1Sp2020 c 2 art 7 s 27*

260E.28 CONDUCTING INVESTIGATION IN FACILITY OR SCHOOL.

Subdivision 1. **Immediate investigation for alleged maltreatment in a facility.** (a) The commissioner of human services; children, youth, and families; health; or education, whichever is responsible for investigating the report, shall immediately investigate if the report alleges that:

(1) a child who is in the care of a facility as defined in section 260E.03 is the victim of maltreatment in a facility by an individual in that facility or has been the victim of maltreatment in a facility by an individual in that facility within the three years preceding the report; or

(2) a child is the victim of maltreatment in a facility by an individual in a facility defined in section 260E.03, subdivision 6, while in the care of that facility within the three years preceding the report.

(b) The commissioner of the agency responsible for investigating the report shall arrange for the transmittal to the commissioner of reports received by local agencies and may delegate to a local welfare agency the duty to investigate reports. The commissioner of the agency responsible for investigating the report or local welfare agency may interview any children who are or have been in the care of a facility under investigation and the children's parents, guardians, or legal custodians.

(c) In conducting an investigation under this section, the commissioner has the powers and duties specified for a local welfare agency under this chapter.

Subd. 2. **Preinterview notification for facility investigation.** Before any interview related to maltreatment in a facility under the provisions of section 260E.22, the commissioner of the agency responsible

for investigating the report or local welfare agency shall notify the parent, guardian, or legal custodian of a child who will be interviewed in the manner provided for in section 260E.22. If reasonable efforts to reach the parent, guardian, or legal custodian of a child in an out-of-home placement have failed, the child may be interviewed if there is reason to believe the interview is necessary to protect the child or other children in the facility. The commissioner of the agency responsible for assessing or investigating the report or local agency must provide the information required in this subdivision to the parent, guardian, or legal custodian of a child interviewed without parental notification as soon as possible after the interview. When the investigation is completed, any parent, guardian, or legal custodian notified under this subdivision shall receive the written memorandum provided for in section 260E.30, subdivision 5.

Subd. 3. **Facility records.** The commissioner of human services; the commissioner of children, youth, and families; the ombudsman for mental health and developmental disabilities; the local welfare agencies responsible for investigating reports; the commissioner of education; and the local law enforcement agencies have the right to enter a facility as defined in section 260E.03 and to inspect and copy the facility's records, including medical records, as part of the investigation. Notwithstanding the provisions of chapter 13, the commissioner of human services; the commissioner of children, youth, and families; the ombudsman for mental health and developmental disabilities; the local welfare agencies responsible for investigating reports; the commissioner of education; and the local law enforcement agencies also have the right to inform the facility under investigation that an investigation is being conducted, to disclose to the facility the names of the individuals under investigation for maltreating a child, and to provide the facility with a copy of the report and the investigative findings.

Subd. 4. **Access to information.** In conducting investigations under this chapter, the commissioner or local welfare agency shall obtain access to information consistent with section 260E.20, subdivision 3. In conducting investigations under this section, the commissioner of education shall obtain access to reports and investigative data that are relevant to a report of maltreatment and are in the possession of a school facility as defined in section 260E.03, subdivision 6, clause (2), notwithstanding the classification of the data as educational or personnel data under chapter 13. This includes but is not limited to school investigative reports, information concerning the conduct of school personnel alleged to have committed maltreatment of students, information about witnesses, and any protective or corrective action taken by the school facility regarding the school personnel alleged to have committed maltreatment.

Subd. 5. **Investigation involving school facility.** In conducting an investigation involving a school facility as defined in section 260E.03, subdivision 6, clause (2), the commissioner of education shall collect available and relevant information and use the procedures in sections 260E.20, subdivisions 2 and 3, and 260E.22, except that the requirement for face-to-face observation of the child and face-to-face interview of the alleged offender is to occur in the initial stages of the investigation, provided that the commissioner may also base the investigation on investigative reports and data received from the school facility and local law enforcement agency, to the extent those investigations satisfy the requirements of sections 260E.20, subdivisions 2 and 3, and 260E.22.

History: *1Sp2020 c 2 art 7 s 28; 2024 c 80 art 8 s 38,39*

260E.29 NOTIFICATION REQUIREMENTS FOR SCHOOLS AND FACILITIES.

Subdivision 1. **Notification requirements for school facility.** (a) Notwithstanding section 260E.09, the commissioner of education must inform the parent, guardian, or legal custodian of the child who is the subject of a report of alleged maltreatment in a school facility within ten days of receiving the report, either orally or in writing, whether the commissioner is investigating the report of alleged maltreatment.

(b) Regardless of whether a report is made under section 260E.09, as soon as practicable after a school receives information regarding an incident that may constitute maltreatment of a child in a school facility, the school shall inform the parent, legal guardian, or custodian of the child that an incident occurred that may constitute maltreatment of the child, when the incident occurred, and the nature of the conduct that may constitute maltreatment.

Subd. 2. **Notification requirements for other types of facilities.** When a report is received that alleges maltreatment of a child while in the care of a licensed or unlicensed day care facility, residential facility, agency, hospital, or other facility or institution required to be licensed or certified according to sections 144.50 to 144.58; 241.021; or 245A.01 to 245A.16; or chapter 142B, 142C, 144H, or 245D; or a school as defined in section 120A.05, subdivisions 9, 11, and 13; and chapter 124E; or a nonlicensed personal care provider organization as defined in section 256B.0625, subdivision 19a, the commissioner of the agency responsible for investigating the report or local welfare agency investigating the report shall provide the following information to the parent, guardian, or legal custodian of a child alleged to have been the victim of maltreatment in the facility: the name of the facility; the fact that a report alleging maltreatment in the facility has been received; the nature of the alleged maltreatment in the facility; that the agency is conducting an investigation; any protective or corrective measures being taken pending the outcome of the investigation; and that a written memorandum will be provided when the investigation is completed.

Subd. 3. **Discretionary notification.** The commissioner of the agency responsible for investigating the report or local welfare agency may also provide the information in subdivision 2 to the parent, guardian, or legal custodian of any other child in the facility if the investigative agency knows or has reason to believe the alleged maltreatment of a child in the facility occurred. In determining whether to exercise this authority, the commissioner of the agency responsible for investigating the report or local welfare agency shall consider the seriousness of the alleged maltreatment of a child in the facility; the number of alleged victims of maltreatment of a child in the facility; the number of alleged offenders; and the length of the investigation. The facility shall be notified whenever this discretion is exercised.

History: *1Sp2020 c 2 art 7 s 29; 2024 c 80 art 8 s 40*

260E.291 REPORTING OF SCHOOL ATTENDANCE CONCERNS.

Subdivision 1. **Reports required.** (a) A person mandated to report under this chapter must immediately report to the local welfare agency, Tribal social services agency, or designated partner if the person knows or has reason to believe that a child required to be enrolled in school under section 120A.22, has at least seven unexcused absences in the current school year, and is at risk of educational neglect under section 260C.163, subdivision 11.

(b) Any person may voluntarily report to the local welfare agency, Tribal social services agency, or designated partner if the person knows or has reason to believe that a child required to be enrolled in school under section 120A.22 has at least seven unexcused absences in the current school year and is at risk of educational neglect under section 260C.163, subdivision 11.

(c) An oral report must be made immediately by telephone or otherwise. An oral report made by a person required to report under paragraph (a) must be followed within 72 hours, exclusive of weekends and holidays, by a report in writing to the local welfare agency. A report must sufficiently identify the child and the child's parent or guardian, the actual or estimated number of the child's unexcused absences in the current school year, the efforts made by school officials to resolve attendance concerns with the family, and the name and address of the reporter. A voluntary reporter under paragraph (b) may refuse to provide their name or address if the report is otherwise sufficient, and such a report must be accepted by the local welfare agency.

Subd. 2. **Local welfare agency.** (a) The local welfare agency or partner designated to provide child welfare services must provide a child welfare response for a report that alleges a child enrolled in school has seven or more unexcused absences. When providing a child welfare response under this paragraph, the local welfare agency or designated partner must offer services to the child and the child's family to address school attendance concerns or may partner with a county attorney's office, a community-based organization, or other community partner to provide the services. The services must be culturally and linguistically appropriate and tailored to the needs of the child and the child's family. This section is subject to all requirements of the Minnesota Indian Family Preservation Act under sections 260.751 to 260.835, and the Minnesota African American Family Preservation and Child Welfare Disproportionality Act under sections 260.61 to 260.693.

(b) If the child's unexcused absences continue and the family has not engaged with services under paragraph (a) after the local welfare agency, Tribal social services agency, or partner designated to provide child welfare services has made multiple varied attempts to engage the child's family, a report of educational neglect must be made regardless of the number of unexcused absences the child has accrued. The local welfare agency must determine the response path assignment pursuant to section 260E.17 and may proceed with the process outlined in section 260C.141.

History: *1Sp2025 c 3 art 10 s 39*

260E.30 CONCLUSION OF SCHOOL OR FACILITY INVESTIGATION.

Subdivision 1. **Investigation involving a school facility.** If the commissioner of education conducts an investigation, the commissioner shall determine whether maltreatment occurred and what corrective or protective action was taken by the school facility. If a determination is made that maltreatment occurred, the commissioner shall report to the employer, the school board, and any appropriate licensing entity the determination that maltreatment occurred and what corrective or protective action was taken by the school facility. In all other cases, the commissioner shall inform the school board or employer that a report was received; the subject of the report; the date of the initial report; the category of maltreatment alleged as defined in section 260E.03, subdivision 12; the fact that maltreatment was not determined; and a summary of the specific reasons for the determination.

Subd. 2. **Investigation involving a facility.** (a) When maltreatment is determined in an investigation involving a facility, the investigating agency shall also determine whether the facility or individual was responsible, or whether both the facility and the individual were responsible for the maltreatment using the mitigating factors in subdivision 4. Determinations under this subdivision must be made based on a preponderance of the evidence and are private data on individuals or nonpublic data as maintained by the commissioner of education.

(b) Any operator, employee, or volunteer worker at any facility who intentionally maltreats any child in the care of that facility may be charged with a violation of section 609.255, 609.377, or 609.378. Any operator of a facility who knowingly permits conditions to exist that result in maltreatment of a child in a facility while in the care of that facility may be charged with a violation of section 609.378. The facility operator shall inform all mandated reporters employed by or otherwise associated with the facility of the duties required of mandated reporters and shall inform all mandatory reporters of the prohibition against retaliation for reports made in good faith under this section.

Subd. 3. **Nonmaltreatment mistake.** (a) If paragraph (b) applies, rather than making a determination of substantiated maltreatment by the individual, the commissioner of children, youth, and families shall determine that the individual made a nonmaltreatment mistake.

(b) A nonmaltreatment mistake occurs when:

(1) the individual has not been determined responsible for a similar incident that resulted in a finding of maltreatment for at least seven years;

(2) the individual has not been determined to have committed a similar nonmaltreatment mistake under this paragraph for at least four years;

(3) any injury to a child resulting from the incident, if treated, is treated only with remedies that are available over the counter, whether ordered by a medical professional or not;

(4) except for the period when the incident occurred, the facility and the individual providing services were both in compliance with all licensing and certification requirements relevant to the incident; and

(5) at the time of the incident, the individual was performing duties identified in the licensed center's child care program plan required under Minnesota Rules, part 9503.0045. This clause applies only to child care centers licensed under Minnesota Rules, chapter 9503.

(c) This subdivision only applies to child care centers certified under chapter 142C and licensed under Minnesota Rules, chapter 9503.

Subd. 4. **Mitigating factors in investigating facilities.** (a) When determining whether the facility or individual is the responsible party or whether both the facility and the individual are responsible for determined maltreatment in a facility, the investigating agency shall consider at least the following mitigating factors:

(1) whether the actions of the facility or the individual caregivers were according to, and followed the terms of, an erroneous physician order, prescription, individual care plan, or directive; however, this is not a mitigating factor when the facility or caregiver was responsible for the issuance of the erroneous order, prescription, individual care plan, or directive or knew or should have known of the errors and took no reasonable measures to correct the defect before administering care;

(2) comparative responsibility between the facility, other caregivers, and requirements placed upon an employee, including the facility's compliance with related regulatory standards and the adequacy of facility policies and procedures, facility training, an individual's participation in the training, the caregiver's supervision, and facility staffing levels and the scope of the individual employee's authority and discretion; and

(3) whether the facility or individual followed professional standards in exercising professional judgment.

(b) The evaluation of the facility's responsibility under paragraph (a), clause (2), must not be based on the completeness of the risk assessment or risk reduction plan required under section 142B.54, but must be based on the facility's compliance with the regulatory standards for policies and procedures, training, and supervision as cited in Minnesota Statutes and Minnesota Rules.

(c) Notwithstanding paragraphs (a) and (b), when maltreatment is determined to have been committed by an individual who is also the facility license holder, both the individual and the facility must be determined responsible for the maltreatment, and both the background study disqualification standards under section 245C.15, subdivision 4, and the licensing or certification actions under section 142B.16, 142B.18, 142C.06, 142C.07, 245A.06, or 245A.07 apply.

Subd. 5. **Notification when school or facility investigation is completed.** (a) When the commissioner of the agency responsible for investigating the report or local welfare agency has completed its investigation, every parent, guardian, or legal custodian previously notified of the investigation by the commissioner or

local welfare agency shall be provided with the following information in a written memorandum: the name of the facility investigated; the nature of the alleged maltreatment of a child in the facility; the investigator's name; a summary of the investigation findings; a statement of whether maltreatment was found; and the protective or corrective measures that are being or will be taken.

(b) The memorandum shall be written in a manner that protects the identity of the reporter and the child and shall not contain the name or, to the extent possible, reveal the identity of the alleged offender or the identity of individuals interviewed during the investigation.

(c) If maltreatment is determined to exist, the commissioner or local welfare agency shall also provide the written memorandum to the parent, guardian, or legal custodian of each child in the facility who had contact with the individual responsible for the maltreatment.

(d) When the facility is the responsible party for maltreatment, the commissioner or local welfare agency shall also provide the written memorandum to the parent, guardian, or legal custodian of each child who received services in the population of the facility where the maltreatment occurred.

(e) This notification must be provided to the parent, guardian, or legal custodian of each child receiving services from the time the maltreatment occurred until either the individual responsible for maltreatment is no longer in contact with a child or children in the facility or the conclusion of the investigation.

(f) In the case of maltreatment within a school facility, as defined in section 120A.05, subdivisions 9, 11, and 13, and chapter 124E, the commissioner of education need not provide notification to parents, guardians, or legal custodians of each child in the facility, but shall, within ten days after the investigation is completed, provide written notification to the parent, guardian, or legal custodian of any student alleged to have been maltreated.

(g) The commissioner of education may notify the parent, guardian, or legal custodian of any student involved as a witness to alleged maltreatment.

Subd. 6. **Notification to parent, child, or offender following investigation.** (a) Within ten working days of the conclusion of an investigation, the local welfare agency or agency responsible for investigating the report of maltreatment in a facility shall notify the parent or guardian of the child, the person determined to be maltreating the child, and the director of the facility of the determination and a summary of the specific reasons for the determination.

(b) When the investigation involves a child foster care setting that is monitored by a private licensing agency under section 142B.30, the local welfare agency responsible for investigating the report shall notify the private licensing agency of the determination and shall provide a summary of the specific reasons for the determination. The notice to the private licensing agency must include identifying private data, but not the identity of the reporter of maltreatment.

(c) The notice must also include a certification that the information collection procedures under section 260E.20, subdivision 3, were followed and a notice of the right of a data subject to obtain access to other private data on the subject collected, created, or maintained under this section.

(d) In addition, the notice shall include the length of time that the records will be kept under section 260E.35, subdivision 6.

(e) The investigating agency shall notify the parent or guardian of the child who is the subject of the report and any person or facility determined to have maltreated a child of their appeal or review rights under this section.

(f) The notice must also state that a finding of maltreatment may result in denial of a license or certification application or background study disqualification under chapter 245C related to employment or services that are licensed by the Department of Human Services under chapter 245A; the Department of Children, Youth, and Families under chapter 142B or 142C; the Department of Health under chapter 144 or 144A; or the Department of Corrections under section 241.021 and from providing services related to an unlicensed personal care provider organization under chapter 256B.

History: *1Sp2020 c 2 art 7 s 30; 2024 c 80 art 3 s 3; art 8 s 41,42; 2024 c 115 art 19 s 26; 2025 c 20 s 222; 2025 c 21 s 65*

260E.31 REPORTING OF PRENATAL EXPOSURE TO CONTROLLED SUBSTANCES.

Subdivision 1. **Reports required.** (a) Except as provided in paragraph (b), a person mandated to report under this chapter shall immediately report to the local welfare agency if the person knows or has reason to believe that a woman is pregnant and has used a controlled substance for a nonmedical purpose during the pregnancy, including but not limited to tetrahydrocannabinol, or has consumed alcoholic beverages during the pregnancy in any way that is habitual or excessive.

(b) A health care professional or a social service professional who is mandated to report under this chapter is exempt from reporting under paragraph (a) if the professional is providing or collaborating with other professionals to provide the woman with prenatal care, postpartum care, or other health care services, including care of the woman's infant. If the woman does not continue to receive regular prenatal or postpartum care, after the woman's health care professional has made attempts to contact the woman, then the professional is required to report under paragraph (a).

(c) Any person may make a voluntary report if the person knows or has reason to believe that a woman is pregnant and has used a controlled substance for a nonmedical purpose during the pregnancy, including but not limited to tetrahydrocannabinol, or has consumed alcoholic beverages during the pregnancy in any way that is habitual or excessive.

(d) An oral report shall be made immediately by telephone or otherwise. An oral report made by a person required to report shall be followed within 72 hours, exclusive of weekends and holidays, by a report in writing to the local welfare agency. Any report shall be of sufficient content to identify the pregnant woman, the nature and extent of the use, if known, and the name and address of the reporter. The local welfare agency shall accept a report made under paragraph (c) notwithstanding refusal by a voluntary reporter to provide the reporter's name or address as long as the report is otherwise sufficient.

(e) For purposes of this section, "prenatal care" means the comprehensive package of medical and psychological support provided throughout the pregnancy.

Subd. 2. **Local welfare agency.** Upon receipt of a report of prenatal exposure to a controlled substance required under subdivision 1, the local welfare agency shall immediately conduct an appropriate assessment and offer services indicated under the circumstances. Services offered may include but are not limited to a referral for substance use disorder assessment, a referral for substance use disorder treatment if recommended, and a referral for prenatal care. The local welfare agency may also take any appropriate action under chapter 253B, including seeking an emergency admission under section 253B.051. The local welfare agency shall seek an emergency admission under section 253B.051 if the pregnant woman refuses recommended voluntary services or fails recommended treatment.

Subd. 3. **Related provisions.** Reports under this section are governed by sections 260E.05, 260E.06, 260E.34, and 260E.35.

Subd. 4. **Controlled substances.** For purposes of this section and section 260E.32, "controlled substance" means a controlled substance listed in section 253B.02, subdivision 2.

History: *1Sp2020 c 2 art 7 s 31; 2021 c 30 art 10 s 56; 2022 c 98 art 4 s 51*

260E.32 TOXICOLOGY TESTS REQUIRED.

Subdivision 1. **Test; report.** (a) A physician shall administer a toxicology test to a pregnant woman under the physician's care or to a woman under the physician's care within eight hours after delivery to determine whether there is evidence that she has ingested a controlled substance if the woman has obstetrical complications that are a medical indication of possible use of a controlled substance for a nonmedical purpose.

(b) If the test results are positive, the physician shall report the results under section 260E.31. A negative test result does not eliminate the obligation to report under section 260E.31 if other evidence gives the physician reason to believe the patient has used a controlled substance for a nonmedical purpose.

Subd. 2. **Newborns.** (a) A physician shall administer to each newborn infant born under the physician's care a toxicology test to determine whether there is evidence of prenatal exposure to a controlled substance if the physician has reason to believe, based on a medical assessment of the mother or the infant, that the mother used a controlled substance for a nonmedical purpose during pregnancy.

(b) If the test results are positive, the physician shall report the results as neglect under section 260E.03. A negative test result does not eliminate the obligation to report under this chapter if other medical evidence of prenatal exposure to a controlled substance is present.

Subd. 3. **Report to Department of Health.** Physicians shall report to the Department of Health the results of tests performed under subdivisions 1 and 2. A report shall be made on the certificate of live birth medical supplement or the report of fetal death medical supplement. The reports are medical data under section 13.384.

Subd. 4. **Reliability of tests.** A positive test result reported under this section must be obtained from a confirmatory test performed by a drug testing laboratory that meets the requirements of section 181.953 and must be performed according to the requirements for performance of confirmatory tests imposed by the licensing, accreditation, or certification program listed in section 181.953, subdivision 1, in which the laboratory participates.

History: *1Sp2020 c 2 art 7 s 32; 2024 c 80 art 8 s 43*

260E.33 RECONSIDERATION AND APPEAL OF MALTREATMENT DETERMINATION FOLLOWING INVESTIGATION.

Subdivision 1. **Following a family assessment or a noncaregiver human trafficking assessment.** Administrative reconsideration is not applicable to a family assessment or noncaregiver human trafficking assessment since no determination concerning maltreatment is made.

Subd. 2. **Request for reconsideration.** (a) Except as provided under subdivision 5, an individual or facility that the commissioner of human services; commissioner of children, youth, and families; a local welfare agency; or the commissioner of education determines has maltreated a child, an interested person acting on behalf of the child, regardless of the determination, who contests the investigating agency's final determination regarding maltreatment may request the investigating agency to reconsider its final determination regarding maltreatment. The request for reconsideration must be submitted in writing or submitted in the provider licensing and reporting hub to the investigating agency within 15 calendar days

after receipt of notice of the final determination regarding maltreatment or, if the request is made by an interested person who is not entitled to notice, within 15 days after receipt of the notice by the parent or guardian of the child. If mailed, the request for reconsideration must be postmarked and sent to the investigating agency within 15 calendar days of the individual's or facility's receipt of the final determination. If the request for reconsideration is made by personal service, it must be received by the investigating agency within 15 calendar days after the individual's or facility's receipt of the final determination. Upon implementation of the provider licensing and reporting hub, the individual or facility must use the hub to request reconsideration. The reconsideration must be received by the commissioner within 15 calendar days of the individual's receipt of the notice of disqualification.

(b) An individual who was determined to have maltreated a child under this chapter and who was disqualified on the basis of serious or recurring maltreatment under sections 245C.14 and 245C.15 may request reconsideration of the maltreatment determination and the disqualification. The request for reconsideration of the maltreatment determination and the disqualification must be submitted within 30 calendar days of the individual's receipt of the notice of disqualification under sections 245C.16 and 245C.17. If mailed, the request for reconsideration of the maltreatment determination and the disqualification must be postmarked and sent to the investigating agency within 30 calendar days of the individual's receipt of the maltreatment determination and notice of disqualification. If the request for reconsideration is made by personal service, it must be received by the investigating agency within 30 calendar days after the individual's receipt of the notice of disqualification.

Subd. 3. **Request for fair hearing.** (a) Except as provided under subdivisions 5 and 6, if the investigating agency denies the request or fails to act upon the request within 15 working days after receiving the request for reconsideration, the person or facility entitled to a fair hearing under section 142A.20 or 256.045 may submit to the commissioner of human services; the commissioner of children, youth, and families; or the commissioner of education a written request for a hearing under section 142A.20 or 256.045. Section 256.045 also governs hearings requested to contest a final determination of the commissioner of education. Section 142A.20 governs hearings requested to contest a final determination of the commissioner of children, youth, and families. The investigating agency shall notify persons who request reconsideration of their rights under this paragraph. The hearings specified under this section are the only administrative appeal of a decision issued under subdivision 2. Determinations under this section are not subject to accuracy and completeness challenges under section 13.04.

(b) Except as provided under subdivision 6, if an individual or facility contests the investigating agency's final determination regarding maltreatment by requesting a fair hearing under section 142A.20 or 256.045, the commissioner of human services or children, youth, and families shall ensure that the hearing is conducted and a decision is reached within 90 days of receipt of the request for a hearing. The time for action on the decision may be extended for as many days as the hearing is postponed or the record is held open for the benefit of either party.

Subd. 4. **Change of maltreatment determination.** If, as a result of a reconsideration or fair hearing, the investigating agency changes the determination of maltreatment, that agency shall notify every parent, guardian, or legal custodian previously notified of the investigation, the commissioner of the agency responsible for assessing or investigating the report, the local welfare agency, and, if applicable, the director of the facility and the private licensing agency.

Subd. 5. **Consolidation.** If an individual was disqualified under sections 245C.14 and 245C.15 on the basis of a determination of maltreatment which was serious or recurring, and the individual requested reconsideration of the maltreatment determination under subdivision 2 and requested reconsideration of the disqualification under sections 245C.21 to 245C.27, reconsideration of the maltreatment determination and

reconsideration of the disqualification shall be consolidated into a single fair hearing. If reconsideration of the maltreatment determination is denied and the individual remains disqualified following a reconsideration decision, the individual may request a fair hearing under section 142A.20 or 256.045. If an individual requests a fair hearing on the maltreatment determination and the disqualification, the scope of the fair hearing shall include both the maltreatment determination and the disqualification.

Subd. 6. **Contested case hearing.** If a maltreatment determination or a disqualification based on serious or recurring maltreatment is the basis for a denial of a license under section 142B.15 or 245A.05 or a licensing sanction under section 142B.18 or 245A.07, the license holder has the right to a contested case hearing under chapter 14 and Minnesota Rules, parts 1400.8505 to 1400.8612. As provided for under section 142B.20, subdivision 3, or 245A.08, subdivision 2a, the scope of the contested case hearing shall include the maltreatment determination, disqualification, and licensing sanction or denial of a license. In such cases, a fair hearing regarding the maltreatment determination and disqualification shall not be conducted under section 256.045. Except for family child care and child foster care, reconsideration of a maltreatment determination as provided under this subdivision and reconsideration of a disqualification as provided under section 245C.22 shall also not be conducted when:

(1) a denial of a license under section 142B.15 or 245A.05 or a licensing sanction under section 142B.18 or 245A.07 is based on a determination that the license holder is responsible for maltreatment or the disqualification of a license holder based on serious or recurring maltreatment;

(2) the denial of a license or licensing sanction is issued at the same time as the maltreatment determination or disqualification; and

(3) the license holder appeals the maltreatment determination or disqualification and denial of a license or licensing sanction.

Notwithstanding clauses (1) to (3), if the license holder appeals the maltreatment determination or disqualification but does not appeal the denial of a license or a licensing sanction, reconsideration of the maltreatment determination shall be conducted under subdivision 2 and section 626.557, subdivision 9d, and reconsideration of the disqualification shall be conducted under section 245C.22. In such cases, a fair hearing shall also be conducted as provided under subdivision 2 and sections 245C.27 and 626.557, subdivision 9d.

If the disqualified subject is an individual other than the license holder and upon whom a background study must be conducted under chapter 245C, the hearings of all parties may be consolidated into a single contested case hearing upon consent of all parties and the administrative law judge.

Subd. 6a. **Notification of contested case hearing.** When an appeal of a lead investigative agency determination results in a contested case hearing under chapter 142B, 245A, or 245C, the administrative law judge shall notify the parent, legal custodian, or guardian of the child who is the subject of the maltreatment determination. The notice must be sent by certified mail and inform the parent, legal custodian, or guardian of the child of the right to file a signed written statement in the proceedings and the right to attend and participate in the hearing. The parent, legal custodian, or guardian of the child may file a written statement with the administrative law judge hearing the case no later than five business days before commencement of the hearing. The administrative law judge shall include the written statement in the hearing record and consider the statement in deciding the appeal. The lead investigative agency shall provide to the administrative law judge the address of the parent, legal custodian, or guardian of the child. If the lead investigative agency is not reasonably able to determine the address of the parent, legal custodian, or guardian of the child, the administrative law judge is not required to send a hearing notice under this subdivision.

Subd. 7. **Process for correction order or decertification.** If a maltreatment determination is the basis for a correction order under section 142C.06 or decertification under section 142C.07, the certification holder has the right to request reconsideration under sections 142C.06 and 142C.07. If the certification holder appeals the maltreatment determination or disqualification, but does not appeal the correction order or decertification, reconsideration of the maltreatment determination shall be conducted under subdivision 2 and reconsideration of the disqualification shall be conducted under section 245C.22.

History: *1Sp2020 c 2 art 7 s 33; 2021 c 30 art 10 s 57; 2023 c 70 art 14 s 25; 2024 c 80 art 3 s 3; art 8 s 44-46; 2024 c 115 art 12 s 24; 2024 c 127 art 62 s 47; 2025 c 21 s 66; 2026 c 88 art 1 s 166*

260E.34 IMMUNITY.

(a) The following persons are immune from any civil or criminal liability that otherwise might result from the person's actions if the person is acting in good faith:

(1) a person making a voluntary or mandated report under this chapter or assisting in an assessment under this chapter;

(2) a person with responsibility for performing duties under this section or supervisor employed by a local welfare agency, the commissioner of an agency responsible for operating or supervising a licensed or unlicensed day care facility, residential facility, agency, hospital, sanitarium, or other facility or institution required to be licensed or certified under sections 144.50 to 144.58; 241.021; 245A.01 to 245A.16; or chapter 142B or 142C; or a school as defined in section 120A.05, subdivisions 9, 11, and 13; and chapter 124E; or a nonlicensed personal care provider organization as defined in section 256B.0625, subdivision 19a, complying with sections 260E.23, subdivisions 2 and 3, and 260E.30; and

(3) a public or private school, facility as defined in section 260E.03, or the employee of any public or private school or facility who permits access by a local welfare agency, the Department of Education, or a local law enforcement agency and assists in an investigation or assessment pursuant to this chapter.

(b) A person who is a supervisor or person with responsibility for performing duties under this chapter employed by a local welfare agency; the commissioner of human services; the commissioner of children, youth, and families; or the commissioner of education complying with this chapter or any related rule or provision of law is immune from any civil or criminal liability that might otherwise result from the person's actions if the person is (1) acting in good faith and exercising due care, or (2) acting in good faith and following the information collection procedures established under section 260E.20, subdivision 3.

(c) Any physician or other medical personnel administering a toxicology test under section 260E.32 to determine the presence of a controlled substance in a pregnant woman, in a woman within eight hours after delivery, or in a child at birth or during the first month of life is immune from civil or criminal liability arising from administration of the test if the physician ordering the test believes in good faith that the test is required under this section and the test is administered in accordance with an established protocol and reasonable medical practice.

(d) This section does not provide immunity to any person for failure to make a required report or for committing maltreatment.

(e) If a person who makes a voluntary or mandatory report under section 260E.06 prevails in a civil action from which the person has been granted immunity under this section, the court may award the person attorney fees and costs.

History: *1Sp2020 c 2 art 7 s 34; 2024 c 80 art 8 s 47*

260E.35 DATA PRACTICES.

Subdivision 1. **Maintaining data.** Notwithstanding the data's classification in the possession of any other agency, data acquired by the local welfare agency or the agency responsible for assessing or investigating the report during the course of the assessment or investigation are private data on individuals and must be maintained according to this section.

Subd. 2. **Data collected during investigation of maltreatment in school.** (a) Data of the commissioner of education collected or maintained during and for the purpose of an investigation of alleged maltreatment in a school are governed by this chapter, notwithstanding the data's classification as educational, licensing, or personnel data under chapter 13.

(b) In conducting an investigation involving a school facility as defined in section 260E.03, subdivision 6, clause (2), the commissioner of education shall collect investigative reports and data that are relevant to a report of maltreatment from local law enforcement and the school facility.

Subd. 3. **Classification and release of data.** (a) A written copy of a report maintained by personnel of agencies, other than welfare or law enforcement agencies, which are subject to chapter 13 shall be confidential. An individual subject of the report may obtain access to the original report as provided by paragraphs (g) to (o).

(b) All reports and records created, collected, or maintained under this chapter by a local welfare agency or law enforcement agency may be disclosed to a local welfare or other child welfare agency of another state when the agency certifies that:

(1) the reports and records are necessary to conduct an investigation of actions that would qualify as maltreatment under this chapter; and

(2) the reports and records will be used only for purposes of a child protection assessment or investigation and will not be further disclosed to any other person or agency.

(c) The local welfare agency or law enforcement agency in this state shall keep a record of all records or reports disclosed pursuant to this subdivision and of any agency to which the records or reports are disclosed. If, in any case, records or reports are disclosed before a determination is made under section 260E.24, subdivision 3, paragraph (a), or a disposition of a criminal proceeding is reached, the local welfare agency or law enforcement agency in this state shall forward the determination or disposition to any agency that has received a report or record under this subdivision.

(d) The responsible authority of a local welfare agency or the responsible authority's designee may release private or confidential data on an active case involving assessment or investigation of actions that are defined as maltreatment under this chapter to a court services agency if:

(1) the court services agency has an active case involving a common client who is the subject of the data; and

(2) the data are necessary for the court services agency to effectively process the court services agency's case, including investigating or performing other duties relating to the case required by law.

(e) The data disclosed under paragraph (d) may be used only for purposes of the active court services case described in paragraph (d), clause (1), and may not be further disclosed to any other person or agency, except as authorized by law.

(f) Records maintained under subdivision 6, paragraph (b), may be shared with another local welfare agency that requests the information because it is conducting an assessment or investigation under this section of the subject of the records.

(g) Except as provided in paragraphs (b), (h), (i), (o), and (p); subdivision 1; and sections 260E.22, subdivision 2; and 260E.23, all records concerning individuals maintained by a local welfare agency or agency responsible for assessing or investigating the report under this chapter, including any written reports filed under sections 260E.06 and 260E.09, shall be private data on individuals, except insofar as copies of reports are required by section 260E.12, subdivision 1 or 2, to be sent to the local police department or the county sheriff.

(h) All records concerning determinations of maltreatment by a facility are nonpublic data as maintained by the Department of Education, except insofar as copies of reports are required by section 260E.12, subdivision 1 or 2, to be sent to the local police department or the county sheriff.

(i) Reports maintained by any police department or the county sheriff shall be private data on individuals, except the reports shall be made available to the investigating, petitioning, or prosecuting authority, including a county medical examiner or county coroner.

(j) Section 13.82, subdivisions 8, 9, and 14, apply to law enforcement data other than the reports.

(k) The local welfare agency or agency responsible for assessing or investigating the report shall make available to the investigating, petitioning, or prosecuting authority, including a county medical examiner or county coroner or a professional delegate, any records that contain information relating to a specific incident of maltreatment that is under investigation, petition, or prosecution and information relating to any prior incident of maltreatment involving any of the same persons. The records shall be collected and maintained according to chapter 13.

(l) An individual subject of a record shall have access to the record according to those sections, except that the name of the reporter shall be confidential while the report is under assessment or investigation except as otherwise permitted by this section.

(m) Any person conducting an investigation or assessment under this section who intentionally discloses the identity of a reporter before the completion of the investigation or assessment is guilty of a misdemeanor. After the assessment or investigation is completed, the name of the reporter shall be confidential. The subject of the report may compel disclosure of the name of the reporter only with the consent of the reporter or upon a written finding by the court that the report was false and that there is evidence that the report was made in bad faith. This subdivision does not alter disclosure responsibilities or obligations under the Rules of Criminal Procedure.

(n) Upon request of the legislative auditor, data on individuals maintained under this chapter must be released to the legislative auditor in order for the auditor to fulfill the auditor's duties under section 3.971. The auditor shall maintain the data according to chapter 13.

(o) Active law enforcement investigative data received by a local welfare agency or agency responsible for assessing or investigating the report under this chapter are confidential data on individuals. When this data become inactive in the law enforcement agency, the data are private data on individuals.

(p) Section 13.03, subdivision 4, applies to data received by the commissioner of education from a licensing entity.

Subd. 4. **Data disclosed to reporter.** (a) A local welfare or child protection agency or the agency responsible for assessing or investigating the report of maltreatment shall provide relevant private data on individuals obtained under this chapter to a mandated reporter who made the report and who has an ongoing responsibility for the health, education, or welfare of a child affected by the data, unless the agency determines that providing the data would not be in the best interests of the child.

(b) The agency may provide the data to other mandated reporters with ongoing responsibility for the health, education, or welfare of the child. Mandated reporters with ongoing responsibility for the health, education, or welfare of a child affected by the data include the child's teachers or other appropriate school personnel, foster parents, health care providers, respite care workers, therapists, social workers, child care providers, residential care staff, crisis nursery staff, probation officers, and court services personnel. Under this chapter, a mandated reporter need not have made the report to be considered a person with ongoing responsibility for the health, education, or welfare of a child affected by the data. Data provided under this chapter must be limited to data pertinent to the individual's responsibility for caring for the child.

(c) A reporter who receives private data on individuals under this subdivision must treat the data according to that classification, regardless of whether the reporter is an employee of a government entity. The remedies and penalties under sections 13.08 and 13.09 apply if a reporter releases data in violation of this chapter or other law.

Subd. 5. **Data provided to commissioner of education.** The commissioner of education must be provided with all requested data that are relevant to a report of maltreatment and are in possession of a school facility as defined in section 260E.03, subdivision 6, clause (2), when the data are requested pursuant to an assessment or investigation of a maltreatment report of a student in a school. If the commissioner of education makes a determination of maltreatment involving an individual performing work within a school facility who is licensed by a board or other agency, the commissioner shall provide a copy of its offender maltreatment determination report to the licensing entity with all student-identifying information removed. The offender maltreatment determination report shall include but is not limited to the following sections: report of alleged maltreatment; legal standard; investigation; summary of findings; determination; corrective action by a school; reconsideration process; and a listing of records related to the investigation. Notwithstanding section 13.03, subdivision 4, data received by a licensing entity under this paragraph are governed by section 13.41 or other applicable law governing data of the receiving entity, except that this section applies to the classification of and access to data on the reporter of the maltreatment.

Subd. 6. **Data retention.** (a) Notwithstanding sections 138.163 and 138.17, a record maintained or a record derived from a report of maltreatment by a local welfare agency, agency responsible for assessing or investigating the report, court services agency, or school under this chapter shall be destroyed as provided in paragraphs (b) to (e) by the responsible authority.

(b) For a report alleging maltreatment that was not accepted for an assessment or an investigation, a family assessment case, a noncaregiver human trafficking assessment case, and a case where an investigation results in no determination of maltreatment or the need for child protective services, the record must be maintained for a period of five years after the date that the report was not accepted for assessment or investigation or the date of the final entry in the case record. A record of a report that was not accepted must contain sufficient information to identify the subjects of the report, the nature of the alleged maltreatment, and the reasons why the report was not accepted. Records under this paragraph may not be used for employment, background checks, or purposes other than to assist in future screening decisions and risk and safety assessments.

(c) All records relating to reports that, upon investigation, indicate maltreatment or a need for child protective services shall be maintained for ten years after the date of the final entry in the case record.

(d) All records regarding a report of maltreatment, including a notification of intent to interview that was received by a school under section 260E.22, subdivision 7, shall be destroyed by the school when ordered to do so by the agency conducting the assessment or investigation. The agency shall order the destruction of the notification when other records relating to the report under investigation or assessment are destroyed under this subdivision.

(e) Private or confidential data released to a court services agency under subdivision 3, paragraph (d), must be destroyed by the court services agency when ordered to do so by the local welfare agency that released the data. The local welfare agency or agency responsible for assessing or investigating the report shall order destruction of the data when other records relating to the assessment or investigation are destroyed under this subdivision.

Subd. 7. **Disclosure to public.** (a) Notwithstanding any other provision of law and subject to this subdivision, a public agency shall disclose to the public, upon request, the findings and information related to a child fatality or near fatality if:

(1) a person is criminally charged with having caused the child fatality or near fatality;

(2) a county attorney certifies that a person would have been charged with having caused the child fatality or near fatality but for that person's death; or

(3) a child protection investigation resulted in a determination of maltreatment.

(b) Findings and information disclosed under this subdivision consist of a written summary that includes any of the following information the agency is able to provide:

(1) the cause and circumstances regarding the child fatality or near fatality;

(2) the age and gender of the child;

(3) information on any previous reports of maltreatment that are pertinent to the maltreatment that led to the child fatality or near fatality;

(4) information on any previous investigations that are pertinent to the maltreatment that led to the child fatality or near fatality;

(5) the result of any investigations described in clause (4);

(6) actions of and services provided by the local welfare agency on behalf of a child that are pertinent to the maltreatment that led to the child fatality or near fatality; and

(7) the result of any review of the state child mortality review panel, a local child mortality review panel, a local community child protection team, or any public agency.

(c) Nothing in this subdivision authorizes access to the private data in the custody of a local welfare agency or the disclosure to the public of the records or content of any psychiatric, psychological, or therapeutic evaluation or the disclosure of information that would reveal the identities of persons who provided information related to maltreatment of the child.

(d) A person whose request is denied may apply to the appropriate court for an order compelling disclosure of all or part of the findings and information of the public agency. The application must set forth, with

reasonable particularity, factors supporting the application. The court has jurisdiction to issue these orders. Actions under this chapter must be set down for immediate hearing and subsequent proceedings in those actions must be given priority by the appellate courts.

(e) A public agency or its employees acting in good faith in disclosing or declining to disclose information under this chapter are immune from criminal or civil liability that might otherwise be incurred or imposed for that action.

Subd. 8. **Disclosure not required.** When interviewing a child under this chapter, an individual does not include the parent or guardian of the child for purposes of section 13.04, subdivision 2, when the parent or guardian is the alleged offender.

History: *1Sp2020 c 2 art 7 s 35; 2023 c 70 art 14 s 26; 2024 c 80 art 8 s 48; 2024 c 115 art 12 s 25; 2026 c 88 art 1 s 167*

260E.36 SPECIALIZED TRAINING AND EDUCATION REQUIRED.

Subdivision 1. **Job classification; continuing education.** (a) The commissioner of human services, for employees subject to the Minnesota Merit System, and directors of county personnel systems, for counties not subject to the Minnesota Merit System, shall establish a job classification consisting exclusively of persons with the specialized knowledge, skills, and experience required to satisfactorily perform child protection duties pursuant to this chapter.

(b) All child protection workers or social services staff having responsibility for child protection duties under this chapter shall receive 15 hours of continuing education or in-service training each year relevant to providing child protective services. The local welfare agency shall maintain a record of training completed by each employee having responsibility for performing child protection duties.

Subd. 1a. **Human trafficking, sexual exploitation, and youth missing from care training requirement.** As required by the Child Abuse Prevention and Treatment Act amendments through Public Law 114-22 and to implement Public Laws 113-183 and 115-123, all child protection social workers and social services staff who have responsibility for child protective duties under this chapter or chapter 260C shall complete training implemented by the commissioner of children, youth, and families regarding identification, prevention, and response to human trafficking and sexual exploitation of children and youth, including prevention for youth missing from care.

Subd. 2. **Child protection worker foundation education.** An individual who seeks employment as a child protection worker after the commissioner of children, youth, and families has implemented the foundation training program developed under section 260E.37 must complete competency-based foundation training during their first six months of employment as a child protection worker.

Subd. 3. **Background studies.** (a) County employees hired on or after July 1, 2015, who have responsibility for child protection duties or current county employees who are assigned new child protection duties on or after July 1, 2015, are required to undergo a background study. A county may complete these background studies by either:

(1) use of the Department of Human Services NETStudy 2.0 system according to sections 245C.03 and 245C.10; or

(2) an alternative process defined by the county.

(b) County social services agencies and local welfare agencies must initiate background studies before an individual begins a position allowing direct contact with persons served by the agency.

Subd. 4. **Joint training.** The commissioners of children, youth, and families and public safety shall cooperate in developing and maintaining a joint program for training child maltreatment services professionals in the appropriate techniques for child maltreatment assessment and investigation. The program shall include but need not be limited to the following areas:

(1) the public policy goals of the state as set forth in section 260C.001 and the role of the assessment or investigation in meeting these goals;

(2) the special duties of child protection workers and law enforcement officers under this chapter;

(3) the appropriate methods for directing and managing affiliated professionals who may be utilized in providing protective services and strengthening family ties;

(4) the appropriate methods for interviewing alleged victims of child maltreatment and other children in the course of performing an assessment or an investigation;

(5) the dynamics of child maltreatment within family systems and the appropriate methods for interviewing parents in the course of the assessment or investigation, including training in recognizing cases in which one of the parents is a victim of domestic abuse and in need of special legal or medical services;

(6) the legal, evidentiary considerations that may be relevant to the conduct of an assessment or an investigation;

(7) the circumstances under which it is appropriate to remove the alleged offender or the alleged victim from the home;

(8) the protective social services that are available to protect alleged victims from further maltreatment, to prevent child maltreatment and domestic abuse, and to preserve the family unit; and training in the preparation of case plans to coordinate services for the alleged child victim with services for any parents who are victims of domestic abuse;

(9) the methods by which child protection workers and law enforcement workers cooperate in conducting assessments and investigations in order to avoid duplication of efforts; and

(10) appropriate methods for interviewing alleged victims and conducting investigations in cases where the alleged victim is developmentally, physically, or mentally disabled.

Subd. 5. **Priority training.** The commissioners of children, youth, and families and public safety shall provide the program courses described in subdivision 2 at convenient times and locations in the state. The commissioners shall give training priority in the program areas cited in subdivision 2 to persons currently performing assessments and investigations pursuant to this chapter.

Subd. 6. **Revenue.** (a) The commissioner of children, youth, and families shall add the following funds to the funds appropriated under section 260E.37, subdivision 2, to develop and support training.

(b) The commissioner of children, youth, and families shall submit claims for federal reimbursement earned through the activities and services supported through Department of Children, Youth, and Families child protection or child welfare training funds. Federal revenue earned must be used to improve and expand training services by the department. The department expenditures eligible for federal reimbursement under this section must not be made from federal funds or funds used to match other federal funds.

(c) Each year, the commissioner of children, youth, and families shall withhold from funds distributed to each county under Minnesota Rules, parts 9550.0300 to 9550.0370, an amount equivalent to 1.5 percent of each county's annual title XX allocation under section 256M.50. The commissioner must use these funds to ensure decentralization of training.

(d) The federal revenue under this subdivision is available for these purposes until the funds are expended.

History: *1Sp2020 c 2 art 7 s 36; 2021 c 30 art 10 s 58; 2024 c 80 art 8 s 49,70; 2024 c 115 art 12 s 26; 2025 c 20 s 223*

260E.37 CHILD PROTECTION WORKERS; TRAINING.

Subdivision 1. **Definitions.** (a) As used in this section, the following terms have the meanings given unless the specific context indicates otherwise.

(b) "Advanced training" means training provided to a local child protection worker after the person has performed an initial six months of employment as a child protection worker.

(c) "Child protection agency" means an agency authorized to receive reports, conduct assessments and investigations, and make determinations pursuant to this chapter.

(d) "Child protection services" means the receipt and assessment of reports of maltreatment and the provision of services to families and children when maltreatment has occurred or when there is risk of maltreatment. These services include:

(1) the assessment of risk to a child alleged to have been maltreated;

(2) interviews of any person alleged to have maltreated a child and the child or children involved in the report, and interviews with persons having facts or knowledge necessary to assess the level of risk to a child and the need for protective intervention;

(3) the gathering of written or evidentiary materials;

(4) the recording of case findings and determinations; and

(5) other actions required by this chapter, administrative rule, or agency policy.

(e) "Competency-based training" means a course of instruction that provides both information and skills practice which is based upon clearly stated and measurable instructional objectives and which requires demonstration of the achievement of a particular standard of skills and knowledge for satisfactory completion.

(f) "Foundation training" means training provided to a local child protection worker after the person has begun to perform child protection duties but before the expiration of six months of employment as a child protection worker. This foundation training must occur during the performance of job duties and must include an evaluation of the employee's application of skills and knowledge.

Subd. 2. **Training program; development.** The commissioner of children, youth, and families shall develop a program of competency-based foundation and advanced training for child protection workers if funds are appropriated to the commissioner for this purpose.

History: *1Sp2020 c 2 art 7 s 37; 2024 c 80 art 8 s 70*

260E.38 AUDIT.

Subdivision 1. **Audit required.** The commissioner shall regularly audit for accuracy the data reported by counties on maltreatment of children.

Subd. 2. **Audit procedure.** The commissioner shall develop a plan to perform quality assurance reviews of local welfare agency screening practices and decisions. The commissioner shall provide oversight and guidance to counties to ensure consistent application of screening guidelines, thorough and appropriate screening decisions, and correct documentation and maintenance of reports.

Subd. 3. **Report required.** (a) The commissioner shall produce an annual report of the summary results of the reviews. The report must only contain aggregate data and may not include any data that could be used to personally identify any subject whose data is included in the report. The report is public information and must be provided to the chairs and ranking minority members of the legislative committees having jurisdiction over child protection issues. The commissioner shall include the information required under this paragraph in the annual report on child maltreatment and on children in out-of-home placement under section 257.0725.

(b) This subdivision expires January 1, 2032.

History: *1Sp2020 c 2 art 7 s 38; 2022 c 98 art 14 s 30*

260E.39 CHILD FATALITY AND NEAR FATALITY REVIEW.

Subdivision 1. **Definitions.** For purposes of this section, the following terms have the meanings given:

(1) "critical incident" means a child fatality or near fatality in which maltreatment was a known or suspected contributing cause;

(2) "joint review" means the critical incident review conducted by the child mortality review panel jointly with the local review team under subdivision 4, paragraph (b);

(3) "local review" means the local critical incident review conducted by the local review team under subdivision 4, paragraph (c);

(4) "local review team" means a local child mortality review team established under subdivision 2; and

(5) "panel" means the child mortality review panel established under subdivision 3.

Subd. 2. **Local child mortality review teams.** (a) Each county shall establish a multidisciplinary local child mortality review team and shall participate in local critical incident reviews that are based on safety science principles to support a culture of learning. The local welfare agency's child protection team may serve as the local review team. The local review team shall include but not be limited to professionals with knowledge of the critical incident being reviewed and, if the critical incident being reviewed involved an Indian child as defined in section 260.755, subdivision 8, at least one representative from the child's Tribe.

(b) The local review team shall conduct reviews of critical incidents jointly with the child mortality review panel or as otherwise required under subdivision 4, paragraph (c).

Subd. 3. **Child mortality review panel; establishment and membership.** (a) The commissioner shall establish a child mortality review panel to review critical incidents attributed to child maltreatment. The purpose of the panel is to identify systemic changes to improve child safety and well-being and recommend modifications in statute, rule, policy, and procedure.

(b) The panel shall consist of:

(1) the commissioner of children, youth, and families, or a designee;

(2) the commissioner of human services, or a designee;

(3) the commissioner of health, or a designee;

(4) the commissioner of education, or a designee;

(5) the superintendent of the Bureau of Criminal Apprehension, or a designee;

(6) a judge, appointed by the Minnesota judicial branch; and

(7) other members appointed by the governor, including but not limited to:

(i) a physician who is a medical examiner;

(ii) a physician who is a child abuse specialist pediatrician;

(iii) a county attorney who works on child protection cases;

(iv) two current child protection supervisors for local welfare agencies, each of whom has previous experience as a frontline child protection worker;

(v) a current local welfare agency director who has previous experience as a frontline child protection worker or supervisor;

(vi) two current child protection supervisors or directors for Tribal child welfare agencies, each of whom has previous experience as a frontline child protection worker or supervisor;

(vii) a county or Tribal public health worker; and

(viii) a member representing law enforcement.

(c) The governor shall designate one member as chair of the panel from the members listed in paragraph (b), clauses (6) and (7).

(d) Members of the panel shall serve terms of four years for an unlimited number of terms. A member of the panel may be removed by the appointing authority for the member.

(e) The commissioner shall employ an executive director for the panel to:

(1) provide administrative support to the panel and the chair, including providing the panel with critical incident notices submitted by local welfare agencies;

(2) compile and synthesize information for the panel;

(3) draft recommendations and reports for the panel's final approval; and

(4) conduct or otherwise direct training and consultation under subdivision 7.

Subd. 4. **Critical incident review process.** (a) A local welfare agency that has determined that maltreatment was the cause of or a contributing factor in a critical incident must notify the commissioner and the executive director of the panel within three business days of making the determination.

(b) The panel shall conduct a joint review with the local review team for:

(1) any critical incident relating to a family, child, or caregiver involved in a local welfare agency family assessment or investigation within the 12 months preceding the critical incident;

(2) a critical incident the governor or commissioner directs the panel to review; and

(3) any other critical incident the panel chooses for review.

(c) The local review team must review all critical incident cases not subject to joint review under paragraph (b).

(d) Within 120 days of initiating a joint review or local review of a critical incident, except as provided under paragraph (h), the panel or local review team shall complete the joint review or local review and compile a report. The report must include any systemic learnings that may increase child safety and well-being, and may include policy or practice considerations for systems changes that may improve child well-being and safety.

(e) A local review team must provide its report following a local review to the panel within three business days after the report is complete. After receiving the local review team report, the panel may conduct a further joint review.

(f) Following the panel's joint review or after receiving a local review team report, the panel may make recommendations to any state or local agency, branch of government, or system partner to improve child safety and well-being.

(g) The commissioner shall conduct additional information gathering as requested by the panel or the local review team. The commissioner must conduct information gathering for all cases for which the panel requests assistance. The commissioner shall compile a summary report for each critical incident for which information gathering is conducted and provide the report to the panel and the local welfare agency that reported the critical incident.

(h) If the panel or local review team requests information gathering from the commissioner, the panel or local review team may conduct the joint review or local review and compile its report under paragraph (d) after receiving the commissioner's summary information-gathering report. The timeline for a local or joint review under paragraph (d) may be extended if the panel or local review team requests additional information gathering to complete their review. If the local review team extends the timeline for its review and report, the local welfare agency must notify the executive director of the panel of the extension and the expected completion date.

(i) The review of any critical incident shall proceed as specified in this section, regardless of the status of any pending litigation or other active investigation.

Subd. 5. **Critical incident reviews; data practices and immunity.** (a) In conducting reviews, the panel, the local review team, and the commissioner shall have access to not public data under chapter 13 maintained by state agencies, statewide systems, or political subdivisions that are related to the child's critical incident or circumstances surrounding the care of the child. The panel, the local review team, and the commissioner shall also have access to records of private hospitals as necessary to carry out the duties prescribed by this section. A state agency, statewide system, or political subdivision shall provide the data upon request from the commissioner. Not public data may be shared with members of the panel, a local review team, or the commissioner in connection with an individual case.

(b) Notwithstanding the data's classification in the possession of any other agency, data acquired by a local review team, the panel, or the commissioner in the exercise of their duties are protected nonpublic or

confidential data as defined in section 13.02 but may be disclosed as necessary to carry out the duties of the review team, panel, or commissioner. The data are not subject to subpoena or discovery.

(c) The commissioner shall disclose information regarding a critical incident upon request but shall not disclose data that was classified as confidential or private data on decedents under section 13.10 or private, confidential, or protected nonpublic data in the disseminating agency, except that the commissioner may disclose local social service agency data as provided in section 260E.35 on individual cases involving a critical incident with a person served by the local social service agency prior to the date of the critical incident.

(d) A person attending a local review team or child mortality review panel meeting shall not disclose what transpired at the meeting except to carry out the purposes of the local review team or panel. The commissioner shall not disclose what transpired during its information-gathering process except to carry out the duties of the commissioner. The proceedings and records of the local review team, the panel, and the commissioner are protected nonpublic data as defined in section 13.02, subdivision 13, and are not subject to discovery or introduction into evidence in a civil or criminal action. Information, documents, and records otherwise available from other sources are not immune from discovery or use in a civil or criminal action solely because they were presented during proceedings of the local review team, the panel, or the commissioner.

(e) A person who presented information before the local review team, the panel, or the commissioner or who is a member of the local review team or the panel, or an employee conducting information gathering as designated by the commissioner, shall not be prevented from testifying about matters within the person's knowledge. However, in a civil or criminal proceeding, a person may not be questioned about the person's presentation of information to the local review team, the panel, or the commissioner, or about the information reviewed or discussed during a critical incident review or the information-gathering process, any conclusions drawn or recommendations made related to information gathering or a critical incident review, or opinions formed by the person as a result of the panel or review team meetings.

(f) A person who presented information before the local review team, the panel, or the commissioner, or who is a member of the local review team or the panel, or an employee conducting information gathering as designated by the commissioner, is immune from any civil or criminal liability that might otherwise result from the person's presentation or statements if the person was acting in good faith and assisting with information gathering or in a critical incident review under this section.

Subd. 6. **Child mortality review panel; annual report.** Beginning December 15, 2026, and on or before December 15 annually thereafter, the commissioner shall publish a report of the child mortality review panel. The report shall include but not be limited to de-identified summary data on the number of critical incidents reported to the panel, the number of critical incidents reviewed by the panel and local review teams, and systemic learnings identified by the panel or local review teams during the period covered by the report. The report shall also include recommendations on improving the child protection system, including modifications to statutes, rules, policies, and procedures. The panel may make recommendations to the legislature or any state or local agency at any time, outside of its annual report.

Subd. 7. **Local welfare agency critical incident review training.** The commissioner shall provide training and support to local review teams and the panel to assist with local or joint review processes and procedures. The commissioner shall also provide consultation to local review teams and the panel conducting local or joint reviews pursuant to this section.

Subd. 8. **Culture of learning and improvement.** The local review teams and panel shall advance and support a culture of learning and improvement within Minnesota's child welfare system.

History: *2024 c 115 art 12 s 27*