

MALTREATMENT OF MINORS MANDATED REPORTING POLICY

I. Policy

It is the policy of Heartland PCA to protect the children served by this program whose health or welfare may be jeopardized through physical abuse, neglect, or sexual abuse. Thus, Heartland PCA staff shall report any and all cases of abuse and neglect as defined in Minnesota Statute 626.556 Reporting of Maltreatment of Minors.

II. Procedures

A. Who Should Report Child Abuse and Neglect

1. If you provide care to children served by Heartland PCA, you are legally required or mandated to report and cannot shift the responsibility of reporting to your supervisor or to anyone else at the company.
2. If you know or have reason to believe a child is being or has been neglected or physically or sexually abused within the preceding three years you must immediately make a report to the initial intervention unit in that County. Immediately means as soon as possible but in no event longer than 24 hours. An oral report of suspected abuse or must be followed by a written report to the same agency as well as the company within 72 hours, exclusive of weekends and holidays.

B. Where to Report

1. If you know or suspect that a child is in immediate danger, you must call 911.
2. All reports concerning suspected abuse or neglect of children occurring in a licensed facility should be made to the Department of Human Services, Licensing Division's Maltreatment Intake line at (651) 431-6600.
3. Reports regarding incidents of suspected abuse or neglect of children occurring within a family or in the community should be made to the local county social services agency at (see corresponding list at end of document) or local law enforcement at 911.
4. If your report does not involve possible abuse or neglect, but does involve possible violations of Minnesota Statutes or Rules that govern the facility, you should call the Department of Human Services, Licensing Division at (651) 431-6500.
5. If you are not sure if the incident you observed or have knowledge about is abuse or neglect, you may contact your supervisor at Heartland PCA. You may discuss the episode with your supervisor and the supervisor can give you support on your decision to report. **UNDER NO CIRCUMSTANCES SHALL A SUPERVISOR DISSUADE OR ATTEMPT TO DISSUADE A PERSON REQUIRED TO MAKE A REPORT FROM DOING SO.**

NOTE: If after the abovementioned consultation, the supervisee believes that abuse/neglect has not occurred, but the supervisor believes abuse has occurred, the supervisor would then be responsible for making a report to child protection.

6. If the employee and supervisor disagree on whether or not to report an event, either may make a report to Initial Intervention Unit without the other without fear of reprisal by the company.
7. The employee making the report will notify the supervisor and provide a copy of the written report to the supervisor. The copy provided to the supervisor will be placed in a general administrative file in the administrative office.
8. All reports concerning suspected abuse or neglect of children committed by Heartland PCA must be made to the Department of Human Services, Licensing Division's Maltreatment Intake line at (651) 431-6600.

C. What to Report

1. Definitions of maltreatment are contained in the Reporting of Maltreatment of Minors Act (Minnesota Statutes, section 626.556)
2. A report to initial intervention unit should contain enough information to identify the child involved, any persons responsible for the abuse or neglect (if known), and the nature and extent of the maltreatment. For reports concerning suspected abuse or neglect occurring within this program, the report should include any actions taken by this program in response to the incident.
3. An oral report of suspected abuse or neglect made to one of the above agencies by a mandated reporter must be followed by a written report of the same agency within 72 hours, exclusive of weekends and holidays.

D. Failure to Report

- A mandated reporter who knows or has reason to believe a child is or has been neglected or physically or sexually abused and fails to report is guilty of a misdemeanor. In addition, a mandated reporter who fails to report maltreatment that is found to be serious or recurring maltreatment may be disqualified from employment in positions allowing direct contact with persons receiving services from programs licensed by the Department of Human Services and by the Minnesota Department of Health, and unlicensed Personal Care Provider Organizations.

E. Retaliation Prohibited

- Heartland PCA shall not retaliate against the mandated reporter for reports made in good faith or against a child with respect to whom the report is made. The Reporting of Maltreatment of Minors Act contains specific provisions regarding civil actions that can be initiated by mandated reporters who believe that retaliation has occurred.

F. Internal Review

1. When this program has reason to know that an internal or external report of alleged or suspected maltreatment has been made, the program must complete an internal review within 30 days and take corrective action, if necessary, to protect the health and safety of children in care.
2. The internal review must include an evaluation of whether:
 - a) related policies and procedures were followed;
 - b) the policies and procedures were adequate;
 - c) there is a need for additional staff training;
 - d) the reported event is similar to past events with the children or the services involved; and
 - e) there is a need for corrective action by the license holder to protect the health and safety of children in care.

G. Primary and Secondary Person or Position to Ensure Internal Reviews are Completed

- The internal review will be completed by Renee Graves, Administrator. If this individual is involved in the alleged or suspected maltreatment, Pro Resources HR will be responsible for completing the internal review.

H. Documentation of the Internal Review

- The program must document completion of the internal review and provide documentation of the review to the commissioner upon the commissioner's request.

I. Corrective Action Plan

- Based on the results of the internal review, the program must develop, document, and implement a corrective action plan designed to correct current lapses and prevent future lapses in performance by individuals or the license holder, if any.

J. Staff Training

- Upon hire all staff will receive information in the employee handbook on Minnesota Statute 626.556 Reporting of Maltreatment of Minors and their obligations as a mandatory reporter of abuse and neglect. A copy of this policy will be given to all staff upon hire as part of their employee handbook. Documentation of this training will be kept in the individual personnel file. This program will ensure that the policy is readily accessible to staff as specified under Minnesota Statutes, section 245A.04, subdivision 14.

REPORTING OF MALTREATMENT OF MINORS

Minnesota Statutes 626.556 definitions:

As used in this section, the following terms have the meanings given them unless the specific content indicates otherwise:

"Family assessment" means:

- A comprehensive assessment of child safety, risk of subsequent child maltreatment, and family strengths and needs that is applied to a child maltreatment report that does not allege substantial child endangerment. Family assessment does not include a determination as to whether child maltreatment occurred but does determine the need for services to address the safety of family members and the risk of subsequent maltreatment.

"Investigation" means:

- Fact gathering related to the current safety of a child and the risk of subsequent maltreatment that determines whether child maltreatment occurred and whether child protective services are needed. An investigation must be used when reports involve substantial child endangerment, and for reports of maltreatment in facilities required to be licensed under chapter 245A or 245D; under sections 144.50 to 144.58 and 241.021; in a school as defined in sections 120A.05, subdivisions 9, 11, and 13, and 124D.10; or in a nonlicensed personal care provider association as defined in section 256B.0625, subdivision 19a.

"Substantial child endangerment" means:

- A person responsible for a child's care, and in the case of sexual abuse includes a person who has a significant relationship to the child as defined in section 609.341, or a person in a position of authority as defined in section 609.341, who by act or omission commits or attempts to commit an act against a child under their care that constitutes any of the following:
 - (1) egregious harm as defined in section 260C.007, subdivision 14
 - (2) sexual abuse as defined in paragraph (d)
 - (3) abandonment under section 260C.301, subdivision 2
 - (4) neglect as defined in paragraph (f), 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
 - (5) murder in the first, second, or third degree under section 609.185, 609.19, or 609.195;
 - (6) manslaughter in the first or second degree under section 609.20 or 609.205
 - (7) assault in the first, second, or third degree under section 609.221, 609.222, or 609.223
 - (8) solicitation, inducement, and promotion of prostitution under section 609.322
 - (9) criminal sexual conduct under sections 609.342 to 609.3451
 - (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](#); or
- (13) parental behavior, status, or condition which mandates that the county attorney file a termination of parental rights petition under section [260C.503, subdivision 2](#).

"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, as defined in section [609.341](#), or by a person in a position of authority, as defined in section [609.341](#), subdivision 10, to any act which 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), or [609.3451](#) (criminal sexual conduct in the fifth degree). Sexual abuse also includes any act which involves a minor which constitutes a violation of prostitution offenses under sections [609.321](#) to [609.324](#) or [617.246](#). Sexual abuse includes threatened sexual abuse which includes the status of a parent or household member who has committed a violation which 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).

"Person responsible for the child's care" means:

- 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
- an individual functioning outside the family unit and having responsibilities for the care of the child such as a teacher, school administrator, other school employees or agents, 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.

"Neglect" means:

- the commission or omission of any of the acts specified under clauses (1) to (9), 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) nothing in this section 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; except that a parent, guardian, or caretaker, or a person mandated to report pursuant to subdivision 3, has a duty to report if a lack of medical care may cause serious danger to the child's health. This section 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
- (6) 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
- (7) "medical neglect" as defined in section [260C.007, subdivision 6](#), clause (5)
- (8) chronic and severe use of alcohol or a controlled substance by a parent or person responsible for the care of the child that adversely affects the child's basic needs and safety
- (9) emotional harm from a pattern of behavior which 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.

"Physical abuse" means:

- any physical injury, mental injury, or threatened injury, 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](#).

Abuse does not include reasonable and moderate physical discipline of a child administered by a parent or legal guardian which 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](#). Actions which are not reasonable and moderate include, but are not limited to, any of the following that are done in anger or without regard to the safety of the child:

- (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 which 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) purposely giving a child poison, alcohol, or dangerous, harmful, or controlled substances which were not prescribed for the child by a practitioner, in order to control or punish the child; or other substances that substantially affect the child's behavior, motor coordination, or judgment or that results in sickness or internal injury, or subjects the child to medical procedures that would be unnecessary if the child were not exposed to the substances
- (9) unreasonable physical confinement or restraint not permitted under section 609.379, including but not limited to tying, caging, or chaining
- (10) 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.

"Report" means:

- any report received by the local welfare agency, police department, county sheriff, or agency responsible for assessing or investigating maltreatment pursuant to this section.

"Facility" means:

- a licensed or unlicensed day care facility, residential facility, agency, 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 245D;
- a school as defined in sections 120A.05, subdivisions 9, 11, and 13; and 124D.10; or
- a nonlicensed personal care provider organization as defined in section 256B.0625, subdivision 19a. "Operator" means an operator or agency as defined in section 245A.02.

"Commissioner" means:

- the commissioner of human services.

"Practice of social services,"

- for the purposes of subdivision 3, includes but is not limited to employee assistance counseling and the provision of guardian ad litem and parenting time expeditor services.

"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.

"Threatened injury" means:

- a statement, overt act, condition, or status that represents a substantial risk of physical or sexual abuse or mental injury. Threatened injury includes, but is not limited to, exposing

a child to a person responsible for the child's care, as defined in paragraph (e), clause (1), who has:

- (1) subjected a child to, or failed to protect a child from, an overt act or condition that constitutes egregious harm, as defined in section 260C.007, subdivision 14, or a similar law of another jurisdiction;
- (2) been found to be palpably unfit under section 260C.301, subdivision 1, paragraph (b), clause (4), or a similar law of another jurisdiction;
- (3) committed an act that has 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 has resulted in the involuntary transfer of permanent legal and physical custody of a child to a relative under Minnesota Statutes 2010, section 260C.201, subdivision 11, paragraph (d), clause (1), section 260C.515, subdivision 4, or a similar law of another jurisdiction.

A child is the subject of a report of threatened injury when the responsible social services agency receives birth match data under paragraph (o) from the Department of Human Services.

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 paragraph (n), the Department of Human Services shall send the data to the responsible social services agency. The data is known as "birth match" data. Unless the responsible social services 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 this section. The agency may use either a family assessment or investigation to determine whether the child is safe. All of the provisions of this section apply. If the child 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.

Persons who conduct assessments or investigations under this section shall take into account accepted child-rearing practices of the culture in which a child participates and accepted teacher discipline practices, which are not injurious to the child's health, welfare, and safety.

"Accidental" means:

- a sudden, not reasonably foreseeable, and unexpected occurrence or event which:
 - (1) is not likely to occur and could not have been prevented by exercise of due care
 - (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.

Minnesota's child protection agencies

To report concerns about child abuse, neglect, or sexual abuse during business hours, contact the county or reservation where the child resides. If the child is in immediate risk of harm, please contact your local law enforcement agency or dial 911.

County	Phone	County	Phone
Aitkin County	(218) 927-7200	Martin County Human Services	(507) 238-4757
Anoka County	(763) 422-7125	Meeker County Social Services	(320) 693-5300
Becker County	(218) 847-5628	Mille Lacs County Family Services	(320) 983-8208
Beltrami County Human Services	(218) 333-4140	Morrison County Social Services	(320) 632-2951
Benton County Human Services	(320) 968-5087	Mower County Human Services	(507) 437-9700
Big Stone County Family Services	(320) 839-2555	Murray County	(507) 836-6144
Blue Earth County Human Services	(507) 389-8444	Nicollet County Social Services	(507) 934-8559
Brown County Family Services	(507) 354-8246	Nobles County Family Services	(507) 372-2157
Carlton County Human Services	(218) 879-4583	Norman County Social Services	(218) 784-5400
Carver County Social Services	(952) 361-1600	Olmsted Community Services	(507) 285-7009
Cass County Human Services	(218) 547-1340	Otter Tail County Human Services	(218) 739-4491
Chippewa County Family Services	(320) 269-6401	Pennington Human Services	(218) 681-2880
Chisago County Human Services	(651) 213-0324	Pine County Human Services	(800)-450-7463
Clay County Social Services	(218) 299-5200	<i>(Intake Worker)</i>	(320) 629-5728

County	Phone	County	Phone
Clearwater County Human Services	(218) 694-6164	Pipestone County Family Services	(507) 825-6720
Cook County Social Services	(218) 387-3620	Polk County Social Services	(218) 281-3127
Cottonwood County Family Center	(507) 831-1891	Pope County Family Services	(320) 634-5750
Crow Wing County Social Services	(218) 824-1140	Ramsey County Human Services	(651) 266-4500
Dakota County Social Services	(952) 891-7480	Red Lake County Social Services	(218) 253-4131
Dodge County Human Services	(507) 635-6170	Redwood County Human Services	(507) 637-4050
Douglas County Human Services	(320) 762-2302	Renville County Human Services	(320) 523-2202
Faribault County Human Services	(507) 526-3265	Rice County Social Services	(507) 332-6115
Fillmore County Social Services	(507) 765-2175	Rock County Family Services	(507) 283-5070
Freeborn County Human Services	(507) 377-5480	Roseau County Social Services	(218) 463-2411
Goodhue County Social Services	(651) 385-3232	St. Louis County Social Services	(218) 726-2012
Grant County Social Services	(218) 685-4417	Scott County Human Services	(952) 445-7751
Hennepin County Family Services	(612) 348-3552	Sherburne County Social Services	(763) 241-2600
Houston County Human Services	(507) 725-5811	Sibley County Human Services	(507) 237-4000
Hubbard County Social Services	(218) 732-1451	Stearns County Social Services	(320) 656-6000
Isanti County Family Services	(763) 689-1711	Steele County Human Services	(507) 444-7500

County	Phone	County	Phone
Itasca County Human Services	(218) 327-2941	Stevens County Human Services	(320) 589-7400
Jackson County Human Services	(507) 847-4000	Swift County Human Services	(320) 843-3160
Kanabec County Family Services	(320) 679-6250	Todd County Social Services	(320) 732-4500
Kandiyohi County Family Services	(320) 231-6232	Traverse County Social Services	(320) 563-8255
Kittson County Welfare Department	(218) 843-2689	Wabasha County Social Services	(651) 565-3351
Koochiching Community Services	(218) 283-7000	Wadena County Social Services	(218) 631-7605
Lac qui Parle Family Services	(320) 598-7594	Waseca County Human Services	(507) 835-0560
Lake County Human Services	(218) 834-8400	Washington Community Services	(651) 430-6457
Lake of the Woods Social Services	(218) 634-2642	<i>(after hours and on weekends)</i>	(651) 291-6795
Leech Lake Child Welfare Department	(218) 335-8270	Watonwan County Human Services	(507) 375-3294
LeSueur County Human Services	(507) 357-2251	White Earth Indian Child Welfare	(218) 983-4647
Lincoln County	(507) 694-1452	Wilken County Family Services	(218) 643-8013
Lyon County	(507) 537-6747	Winona County Human Services	(507) 457-6200
McLeod County Social Services	(320) 864-3144	Wright County Human Services	(763) 682-7400
Mahnomen County Human Services	(218) 935-2568	Yellow Medicine County	(320) 564-2211
Marshall County Social Services	(218) 745-5124		