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State of Minnesota

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HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH SESSION

HOUSE FILE No. 3157

February 25, 2010

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The bill was read for the first time and referred to the Committee on K-12 Education Policy and Oversight

March 8, 2010

Committee Recommendation and Adoption of Report:

To Pass as Amended and re-referred to the Committee on Health Care and Human Services Policy and Oversight

March 15, 2010

Committee Recommendation and Adoption of Report:

To Pass

Read Second Time

1.1 A bill for an act
1.2 relating to children; modifying parent notification of child maltreatment in a
1.3 school facility; amending Minnesota Statutes 2008, section 626.556, subdivisions
1.4 7, 10d.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2008, section 626.556, subdivision 7, is amended to read:

1.7 Subd. 7. **Report.** (a) An oral report shall be made immediately by telephone or
1.8 otherwise. An oral report made by a person required under subdivision 3 to report shall be
1.9 followed within 72 hours, exclusive of weekends and holidays, by a report in writing to
1.10 the appropriate police department, the county sheriff, the agency responsible for assessing
1.11 or investigating the report, or the local welfare agency, unless the appropriate agency
1.12 has informed the reporter that the oral information does not constitute a report under
1.13 subdivision 10. The local welfare agency shall determine if the report is accepted for an
1.14 assessment or investigation as soon as possible but in no event longer than 24 hours
1.15 after the report is received. Any report shall be of sufficient content to identify the child,
1.16 any person believed to be responsible for the abuse or neglect of the child if the person
1.17 is known, the nature and extent of the abuse or neglect and the name and address of the
1.18 reporter. If requested, the local welfare agency or the agency responsible for assessing or
1.19 investigating the report shall inform the reporter within ten days after the report is made,
1.20 either orally or in writing, whether the report was accepted for assessment or investigation.
1.21 Written reports received by a police department or the county sheriff shall be forwarded
1.22 immediately to the local welfare agency or the agency responsible for assessing or
1.23 investigating the report. The police department or the county sheriff may keep copies of
1.24 reports received by them. Copies of written reports received by a local welfare department

2.1 or the agency responsible for assessing or investigating the report shall be forwarded
2.2 immediately to the local police department or the county sheriff.

2.3 (b) Notwithstanding paragraph (a), the commissioner of education must inform the
2.4 parent, guardian, or legal custodian of the child who is the subject of a report of alleged
2.5 maltreatment in a school facility within ten days of receiving the report, either orally or
2.6 in writing, whether the commissioner is assessing or investigating the report of alleged
2.7 maltreatment.

2.8 (c) A written copy of a report maintained by personnel of agencies, other than
2.9 welfare or law enforcement agencies, which are subject to chapter 13 shall be confidential.
2.10 An individual subject of the report may obtain access to the original report as provided
2.11 by subdivision 11.

2.12 **EFFECTIVE DATE.** This section is effective August 1, 2011.

2.13 Sec. 2. Minnesota Statutes 2008, section 626.556, subdivision 10d, is amended to read:

2.14 Subd. 10d. **Notification of neglect or abuse in facility.** (a) When a report is
2.15 received that alleges neglect, physical abuse, sexual abuse, or maltreatment of a child
2.16 while in the care of a licensed or unlicensed day care facility, residential facility, agency,
2.17 hospital, sanitarium, or other facility or institution required to be licensed according to
2.18 sections 144.50 to 144.58; 241.021; or 245A.01 to 245A.16; or chapter 245B, or a school
2.19 as defined in sections 120A.05, subdivisions 9, 11, and 13; and 124D.10; or a nonlicensed
2.20 personal care provider organization as defined in section 256B.04, subdivision 16, and
2.21 256B.0625, subdivision 19a, the commissioner of the agency responsible for assessing
2.22 or investigating the report or local welfare agency investigating the report shall provide
2.23 the following information to the parent, guardian, or legal custodian of a child alleged to
2.24 have been neglected, physically abused, sexually abused, or the victim of maltreatment
2.25 of a child in the facility: the name of the facility; the fact that a report alleging neglect,
2.26 physical abuse, sexual abuse, or maltreatment of a child in the facility has been received;
2.27 the nature of the alleged neglect, physical abuse, sexual abuse, or maltreatment of a child
2.28 in the facility; that the agency is conducting an assessment or investigation; any protective
2.29 or corrective measures being taken pending the outcome of the investigation; and that a
2.30 written memorandum will be provided when the investigation is completed.

2.31 (b) The commissioner of the agency responsible for assessing or investigating the
2.32 report or local welfare agency may also provide the information in paragraph (a) to the
2.33 parent, guardian, or legal custodian of any other child in the facility if the investigative
2.34 agency knows or has reason to believe the alleged neglect, physical abuse, sexual
2.35 abuse, or maltreatment of a child in the facility has occurred. In determining whether

3.1 to exercise this authority, the commissioner of the agency responsible for assessing
3.2 or investigating the report or local welfare agency shall consider the seriousness of the
3.3 alleged neglect, physical abuse, sexual abuse, or maltreatment of a child in the facility; the
3.4 number of children allegedly neglected, physically abused, sexually abused, or victims of
3.5 maltreatment of a child in the facility; the number of alleged perpetrators; and the length
3.6 of the investigation. The facility shall be notified whenever this discretion is exercised.

3.7 (c) When the commissioner of the agency responsible for assessing or investigating
3.8 the report or local welfare agency has completed its investigation, every parent, guardian,
3.9 or legal custodian previously notified of the investigation by the commissioner or
3.10 local welfare agency shall be provided with the following information in a written
3.11 memorandum: the name of the facility investigated; the nature of the alleged neglect,
3.12 physical abuse, sexual abuse, or maltreatment of a child in the facility; the investigator's
3.13 name; a summary of the investigation findings; a statement whether maltreatment was
3.14 found; and the protective or corrective measures that are being or will be taken. The
3.15 memorandum shall be written in a manner that protects the identity of the reporter and
3.16 the child and shall not contain the name, or to the extent possible, reveal the identity of
3.17 the alleged perpetrator or of those interviewed during the investigation. If maltreatment
3.18 is determined to exist, the commissioner or local welfare agency shall also provide the
3.19 written memorandum to the parent, guardian, or legal custodian of each child in the facility
3.20 who had contact with the individual responsible for the maltreatment. When the facility is
3.21 the responsible party for maltreatment, the commissioner or local welfare agency shall also
3.22 provide the written memorandum to the parent, guardian, or legal custodian of each child
3.23 who received services in the population of the facility where the maltreatment occurred.
3.24 This notification must be provided to the parent, guardian, or legal custodian of each child
3.25 receiving services from the time the maltreatment occurred until either the individual
3.26 responsible for maltreatment is no longer in contact with a child or children in the facility
3.27 or the conclusion of the investigation. In the case of maltreatment within a school facility,
3.28 as defined in sections 120A.05, subdivisions 9, 11, and 13, and 124D.10, the commissioner
3.29 of education need not provide notification to parents, guardians, or legal custodians of each
3.30 child in the facility, but ~~may~~ shall, within ten days after the investigation is completed,
3.31 provide written notification to the parent, guardian, or legal custodian of any student
3.32 alleged to have been maltreated or. The commissioner of education may notify the parent,
3.33 guardian, or legal custodian of any student involved as a witness to alleged maltreatment.

3.34 **EFFECTIVE DATE.** This section is effective August 1, 2011.