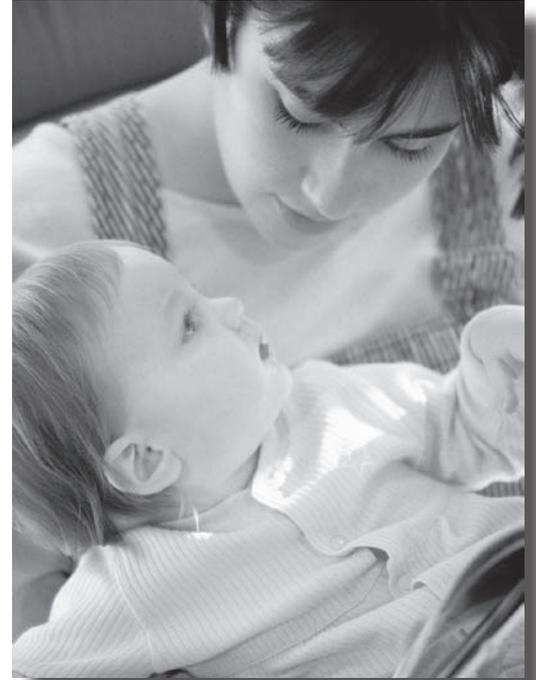


Reporting Child Abuse and Neglect



A Resource Guide for Mandated Reporters

Child Safety and Permanency Division
Minnesota Department of Human Services, August 2012

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LB3-0003 (10-09)



ADA4 (3-12)

This information is available in alternative formats to individuals with disabilities by calling 651-431-4671. TTY users can call through Minnesota Relay at 800-627-3529. For Speech-to-Speech, call 877-627-3848. For additional assistance with legal rights and protections for equal access to human services programs, contact your agency’s ADA coordinator.

Introduction

All children need and deserve nurturing from their families and communities. Yet, a safe community where children can live and grow among caring adults does not just happen. It is created by individuals who are committed and determined to help shape that safe community. Abused or neglected children are especially in need of a caring community. *Anyone* may voluntarily report suspected child abuse or neglect to the local child protection or law enforcement agency. If you work with children or families, you are *legally required* to report suspected child abuse or neglect. This guide is designed to help you better understand the mandated reporter statute and to outline appropriate actions you should take if you know or suspect a child is being abused or neglected.

This guide includes information on:

- The process for reporting suspected child maltreatment
- The partnership with law enforcement, child protection and licensing agencies
- Conditions of neglect and abuse that should be reported
- Some behaviors and characteristics of children and families who may need help
- Relevant state statutes.

Who should report suspected child abuse or neglect?

If you are a professional who works with children and families, you are in a key position to help protect children from harm. Minnesota law requires professionals and their delegates who work with children to make a child protection report if they know of or have reason to believe:

- A child is being neglected or abused, or
- A child has been neglected or abused within the preceding three years.

Mandated reporters include professionals and their delegates in the following fields:

Health care

- Hospital administrators
- Medical personnel and professionals
- Dental professionals.

Social services

- Social workers
- Group home staff
- Foster parents.

Mental health professionals

- Psychologists
- Therapists
- Psychiatrists.

Child care

- Family child care providers
- Child care center staff.

Education

- Teachers and assistants
- School administrators
- School support staff.

Law enforcement

Guardians ad litem

Clergy*

Probation and correctional services



*Members of the clergy are required to report suspected child abuse or neglect unless that information is received under certain privileged circumstances. See Minnesota Statutes, section 626.556, subd. 3(a)(2), and Minnesota Statutes, section 595.02, subd. 1(c).



Minnesota laws obligate mandated reporters to take action.

If you suspect a child is being abused or neglected, you cannot shift the responsibility of reporting to a supervisor, or to someone else in the office, school, clinic or licensed facility. You alone are required to make the report to the responsible agency.

Anyone who reports child abuse or neglect in good faith is immune from civil liability. The reporter's name is confidential. It is accessible only if the reporter consents, by court order, or by court procedure.

If you are required to report known or suspected abuse or neglect and fail to do so, you are guilty of a misdemeanor.

Reporting suspected abuse or neglect is a serious matter that must not be taken lightly. The child protection worker, law enforcement agent, or licensing agency worker to whom you report may ask you to provide as many facts as possible so they can assess the child's situation and determine the need for intervention. If the child protection report results in a court hearing, you may be asked to testify. Any inconvenience of reporting is offset by a simple fact: the action you take may very well save the life and spirit of a child and provide a family with needed support.

When to report suspected abuse or neglect

The law requires mandated reporters to make a report if they know of or have reason to believe a child is being neglected or abused, or has been neglected or abused within the preceding three years. Verbal report must be made immediately (no longer than 24 hours). A written report must be submitted within 72 hours (weekends and holidays are excluded).

Where to report suspected abuse or neglect

Immediate danger - If you know or suspect that a child is in immediate danger (such as a recent sexual assault or a serious physical assault) or the child is abandoned, contact your local law enforcement agency right away. Law enforcement officers can remove a child from a threatening environment to protect them.

No immediate danger - If the child is not in immediate danger, as soon as you have reason to believe a child has been maltreated you should contact:

- The **child protection unit of your county social service agency** if the alleged perpetrator is a parent, guardian, family child care provider, family foster care provider, an unlicensed personal care provider organization, or juvenile correctional facility staff person.
- The **Minnesota Department of Human Services, Division of Licensing**, 651-431-6600, if the alleged maltreatment was committed by a staff person at a child care center, residential treatment center (children's mental health), group home for children, minor parent program, shelter for children, chemical dependency treatment program for adolescents, waived services program for children, crisis respite service program for children, or residential service program for children with developmental disabilities.
- The **Minnesota Department of Health, Office of Health Facility Complaints**, 651-215-8702 or 800-369-7994, or by TTY/TDD 651-215-8980, if the alleged maltreatment occurred in a home health care setting, hospital, regional treatment center, nursing home, or intermediate care facility for the developmentally disabled.

- The **Minnesota Department of Education**, 651-582-8546, or by fax, 651-634-2277, if the alleged perpetrator is employed by a public pre-school, elementary school, middle school, secondary school, or charter school when the child is a student in the school.
- Your **local law enforcement agency** if the alleged perpetrator is someone outside the family and not a staff person at a regulated facility. Examples of non-family, non-facility caretakers include athletic club staff and babysitters.

If you are unsure whether you should make a report, call your county social service agency's child protection unit. The child protection staff will help you decide if a report should be made based on the information you provide.

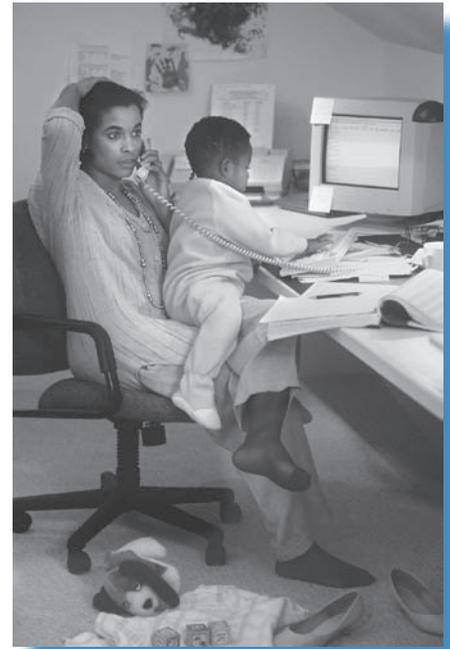
When a report is made

When receiving a report of child maltreatment, county or tribal child protection staff must first determine whether the report meets the legal definition of child maltreatment. At times, there may be inadequate information to begin an assessment or investigation. Law enforcement agencies, child protection agencies, and other responsible agencies cooperatively assess and investigate accepted reports of those that meet the statutory criteria of child maltreatment. These agencies are best prepared to help a child and family in need of support. They will assess or investigate the report of maltreatment. The child protection agency will offer services to safeguard the welfare of an abused or neglected child. Whether you initially report to your local law enforcement agency, county social service agency, or other responsible agency, it is possible that other agencies may contact you as they coordinate the investigation or assessment activities.

What will be asked?

When you contact law enforcement, child protection or another responsible agency, the agency worker will need the following information:

- Your name and phone number, and your relationship to the family or child
- Where the child is now and whether s/he are in immediate danger
- A description of when and where the incident occurred and what happened to the child
- A description of any injuries and the present condition of the child
- The names and addresses of the child, parents or caregivers
- A report of any witnesses to the incident and their names
- Any additional information you have about the child, family or caregivers that may be helpful
- A description of what action the facility or school has taken in response to the incident, if the incident occurred in a licensed facility or a school
- Whether you know of any immediate family, relative or community resources that would offer protection or support
- Your capacity and willingness to offer help to the family.





While it is recognized that most parents want to keep their children safe, sometimes circumstances or conditions interfere with their ability to do so.

Investigations are designed to respond to the most serious reports of harm to children.

Child protection's responsibility

County child protection programs perform three essential functions:

- Receiving and screening reports of child maltreatment
- Assessing or investigating accepted reports of child maltreatment where the alleged perpetrator is a parent, guardian, family child care provider, family foster care provider, or juvenile correctional facility staff person
- Providing child protective and family support services as needed.

As a mandated reporter, if you receive new information after making the initial report to child protection, you should notify the child protection agency immediately and provide the agency with the new information.

It is the "Public policy of the state of Minnesota to protect children whose health or welfare may be jeopardized through physical abuse, neglect or sexual abuse. 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, families are best served by interventions that engage their protective capacities and address immediate safety concerns and ongoing risks of child maltreatment." [Minnesota Statutes, section 626.556, subdivision 1]

Child protection staff do not have the authority to investigate every complaint or concern expressed. Authority only exists for county child protective services to respond to reports that meet the statutory definition of child maltreatment. Minnesota has criteria for determining how to evaluate and appropriately respond to child protection reports.

Reports made to child welfare agencies are first screened to determine whether the report meets the criteria to be assigned for a child protection response. Once a report is accepted, it is assigned to one of two response types:

- **Investigative Response.** Accepted reports of child maltreatment alleging substantial child endangerment must receive an investigation. Depending on the circumstances of a report, the local child protection agency may also decide to assign a report not involving substantial child endangerment for an investigation. Investigations must also be conducted for reports alleging maltreatment of a child in a licensed facility. Examples of licensed facilities include settings such as hospitals, treatment centers, foster homes and daycare.
- **Family Assessment Response.** Accepted reports that do not allege substantial child endangerment may receive a Family Assessment. This is the preferred response to reports not alleging substantial child endangerment.

Investigations are designed to respond to the most serious reports of harm to children. The statutory definition of substantial child endangerment includes categories of egregious harm, reports of high-risk neglect and sexual abuse. They are sometimes conducted with law enforcement as part of a police investigation. The focus of an investigative response centers on gathering facts related to the safety of the child which leads to a determination of whether child maltreatment occurred, and whether child protective services are needed. Reports alleging substantial child endangerment, or other reports assigned for an investigation, must begin immediately and include face-to-face contact with the child and the child's caretaker. All reports assigned for investigation must be concluded within 45 days.

In situations where serious harm has occurred, or where there is risk of serious and imminent harm, the local police department or sheriff's department has the authority to immediately remove the child from the family home for a period of 72 hours. The child welfare agency may seek Emergency Protective Care of the child by petitioning the local juvenile court. Emergency Protective Care grants authority to the child welfare agency to continue the child in placement, providing for their safety while a thorough investigation is completed.

Family Assessment does not make the maltreatment determinations. Instead, a finding regarding the need for protective services is made. Reports not involving substantial child endangerment may be assigned for a Family Assessment. A Family Assessment involves an assessment of child safety, risk for subsequent child maltreatment, and the family's strengths and needs.

The focus of the Family Assessment is strength-based, and seeks to identify the family's protective capacities to keep the child safe within the family home. The Family Assessment engages the family to identify and use services in the community on a voluntary basis. If a family does not complete the Family Assessment, or does not follow through with recommended services, the response track may be changed to an **Investigative Response**. When reports do not involve substantial child endangerment, the child protection agency must have face-to-face contact with the child and the primary caretaker within five calendar days. A Family Assessment must be completed within 45 days of the agency accepting the report.

Family preservation efforts and out-of-home placement

Child protection staff must work to prevent a child from being placed out of their home, and must provide for safety in the home whenever possible. If it is necessary for the child's safety to separate the child from an abusive or neglectful family member, the child protection agency will try to provide the least restrictive setting possible. Whenever possible, the alleged perpetrator is asked to leave the premises to prevent removal of the child from the home.

Placement of the child with relatives is often considered. If a suitable relative home is not available, however, other responsible adults who have a significant relationship with the child may be considered for placement. If a relative or "kinship" placement is not available or not in the best interest of the child, the child may be placed in foster care.

The goal is to help the family resolve the problems that contributed to the maltreatment so that it is safe for the child to reunite with the family.

By law, child protection has a specialized role in working with the child and family. Child protection's responsibilities are to:

- Respond promptly to reports of alleged abuse, neglect or exploitation of a child
- Assess and assure the safety of a child
- Determine if a child was harmed by their exposure to maltreatment and provide corrective interventions
- Identify the family problems that contributed to child safety concerns, and when possible, assist the family to locate the supports that will help keep the child safe
- Evaluate the family's ability to benefit from services



Reports not involving substantial child endangerment may be assigned for a Family Assessment.

Child protection staff must work to prevent a child from being placed out of their home, and must provide for safety in the home whenever possible.

Placement of the child with relatives is often considered.



It is not child protection's role to investigate every complaint or concern expressed.

- Develop a treatment and service plan with the family to meet their needs
- Implement the treatment plan and involve community resources to meet identified needs
- Seek authority of the juvenile or family court in situations where there is a determined need for protective services and the family refuses services, or continues to pose a threat to the safety of the child.

When maltreatment occurs in a school or facility

The Minnesota Departments of Human Services, Education and Health are responsible for investigating reports of child maltreatment occurring in a school or various licensed facilities. When these agencies receive a maltreatment report, they screen the report and determine whether it will be investigated, and if so, what priority the investigation will receive. After the investigation, the investigating agency determines whether maltreatment occurred and what corrective or protective actions are needed. When maltreatment is determined in an investigation involving a facility, the investigating agency also determines whether the facility, or individual, was responsible for the maltreatment, or whether both were responsible.

Facility operators are required to inform mandated reporters employed by the facility of the mandated reporter requirements, and of the prohibition against retaliation for reports made in good faith. Minnesota Statutes, section 626.556, subdivisions 10b, 10d and 10f, contain additional requirements concerning facility and school investigations and notification of parents.

Reconsideration of maltreatment determinations

An individual or facility acting on behalf of a child may request that the investigating agency reconsider its final decision regarding maltreatment.

Learning the outcome

Privacy laws limit the information that child protection and licensing agencies can discuss. A mandated reporter can find out if a report has been accepted for investigation, and will receive a summary of the disposition of the report, unless such a release of information would be detrimental to the best interests of the child. The summary that the reporter receives includes the agency's determination, the nature of the maltreatment, the services provided, and the name of the assigned worker. A voluntary reporter will receive a summary, if requested.

Under Minnesota Statutes, section 626.556, subdivision 10(j), county social service agencies may provide relevant private data to mandated reporters who have an ongoing responsibility for the health, education, or welfare of the child. Data shared under this statute must be limited to information pertinent to the person's responsibility in caring for the child. If the mandated reporter desires additional information, the family must consent to an exchange of information before the child protection agency can disclose additional information.

Helpful definitions

The following definitions are offered to help better understand what law enforcement, child protection, and other responsible agencies are required to assess. Further details are included in the relevant statutes.

Neglect is the failure by parents or caretakers to provide a child with necessary food, shelter, clothing or medical care. Neglect also includes failure to ensure that a child is educated, although this does not include a parent's refusal to provide the child with nervous system stimulant medications. Neglect also may occur when the person responsible for the child's care fails to protect the child from conditions or actions that seriously endanger their physical or mental health when reasonably able to do so. In addition, neglect includes failure to provide for appropriate supervision or child care arrangements after considering a child's age, mental ability, physical condition, length of absence or environment.

Child neglect differs from child abuse, though the results of abuse and neglect may be similar. Both can lead to physical injury, emotional harm and even death. Neglect is the failure of a parent or other caretaker to do what they are legally obligated to do rather than what he or she does. The following are conditions of neglect that must be reported:

- Inadequate food, clothing, shelter or medical care
- Abandonment
- Exposure to threatening or endangering conditions
- Educational neglect
- Prenatal exposure to certain controlled substances
- Inadequate supervision
- A physical injury resulting from hazardous conditions not corrected by the parent or guardian
- Failure to provide for a child's special needs
- Exposure to, or involvement in, criminal activities.

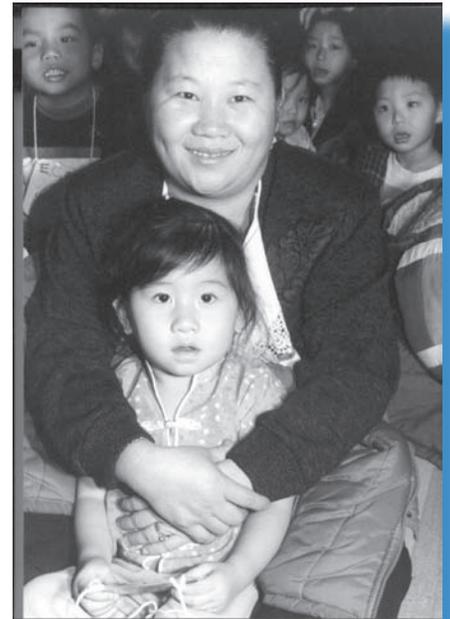
Physical abuse is defined as:

- Any physical injury, mental injury or threatened injury, inflicted by a person responsible for the child's care, to a child other than by accidental means
- Any physical or mental injury that cannot reasonably be explained by the child's history of injuries
- Any aversive or deprivation procedures, or regulated interventions, that have not been authorized under the law for use in facilities serving persons who have developmental disabilities or related conditions.

Physical abuse does not include reasonable and moderate physical discipline of a child administered by a parent or guardian that does not result in injury. Minnesota Statutes, section 626.556, subdivision 2(c), 1-13, lists actions that are not reasonable and moderate when done in anger or without regard to the safety of the child.

Children who are physically abused sometimes have bruises, welts, burns, bite marks, cuts, fractures, swelling or lost teeth. While internal injuries are seldom detectable without a medical exam, anyone in close contact with children should be alert to multiple injuries, a history of repeated injuries, new injuries added to old injuries and untreated injuries. Other indicators of physical abuse that should be reported include:

- An injury that appears to be non-accidental in nature
- A physical injury resulting from hazardous conditions not corrected by a parent or guardian





Physical abuse does not include reasonable and moderate physical discipline of a child administered by a parent or guardian that does not result in injury.

- Significant threats indicating there is substantial risk of physical abuse or mental injury.

Threatened injury is a statement, overt act, condition, or status that represents a substantial risk of physical or sexual abuse or mental injury to a child. Threatened injury includes exposing a child to a person responsible for the child's care who has:

- Subjected a child to, or failed to protect a child from, an overt act or condition that constitutes egregious harm
- Been found to be palpably unfit
- Committed an act that resulted in an involuntary termination of parental rights
- Committed an act that resulted in the involuntary transfer of permanent physical and legal custody of a child to a relative.

Mental injury is 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. Possible behavioral indicators of mental injury may include:

- Excessive sucking or rocking
- Destructive or antisocial behavior
- Sleep disorders
- Inhibition of play
- Behavioral extremes (passive or aggressive)
- Some types of developmental delays
- Substance abuse
- Obsessive and/or compulsive behaviors and phobias.

The presence of the behaviors described above should be evaluated by a mental health practitioner to determine the cause of the behaviors, since there may be factors other than mental injury that contribute to the development of a particular disorder.

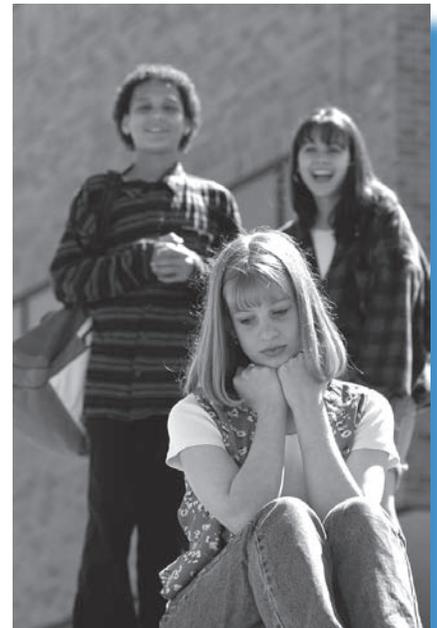
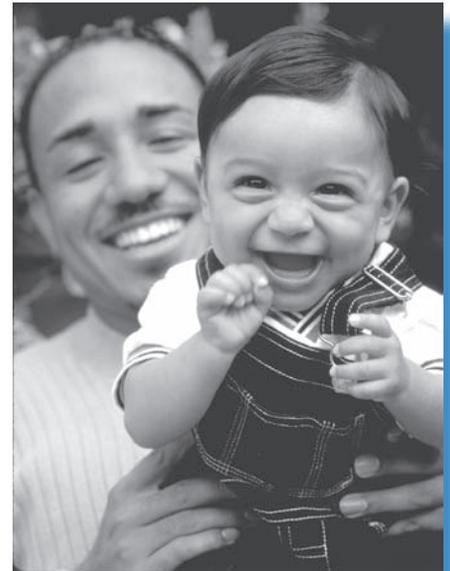
Sexual abuse means the subjection of a child to sexual contact by a person responsible for the child's care, a person with a significant relationship to the child, or a person in a position of authority. Sexual contact includes fondling, touching intimate parts and sexual intercourse. Sexual abuse also includes the use of a child in prostitution or in the production of sexually explicit works, or knowingly allowing a child to engage in the activities described in this paragraph. Sexual abuse also includes threatened sexual abuse. Since the sexually abused child may lack the outward symptoms of physical abuse, sexual abuse can be difficult to identify. A child often does not know how to express or explain what has happened to them and may be afraid, confused or ashamed. A child may not be developmentally capable of understanding or resisting the contact. Possible indicators of sexual abuse include a sudden change in behavior and signs of emotional disturbance.

Warning signs may include:

- Fear of, or unwillingness to be near a particular place or person
- Nightmares
- Regressive behaviors such as crying excessively, sucking, rocking, bed- or pants-wetting
- Withdrawal from social relationships
- Ongoing anger
- Sexually acting out with other children
- Playing out what happened to them with dolls or another person
- Unusual interest in the private body parts of other children
- Inappropriate sexual knowledge for the child's developmental or chronological age.

Relevant statutes

- The Reporting of Maltreatment of Minors Act [Minnesota Statutes 2012, section 626.556] <http://www.revisor.leg.state.mn.us>
- The statute governing the reporting of prenatal exposure to controlled substances [Minnesota Statutes 2010, section 626.5561] <http://www.revisor.leg.state.mn.us>
- The statute containing the definition of Child in Need of Protection or Services (CHIPS), [Minnesota Statutes 2012, section 260C.007, subd. 6]. <http://www.revisor.leg.state.mn.us>.





Minnesota Department of **Human Services**

Children and Family Services

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