

POLICY AND PROCEDURE PERTAINING TO REPORTING AND REVIEW OF MALTREATMENT OF MINORS

PURPOSE

The purpose of this policy is to establish guidelines for the reporting and internal review of maltreatment of minors (children) in care.

POLICY

Maltreatment includes egregious harm, neglect, physical abuse, sexual abuse, substantial child endangerment, threatened injury, and mental injury. It is the policy of EON, Inc. to protect minors from maltreatment and to fully comply with the Reporting of Maltreatment of Minors, Minnesota Statutes, chapter 260E [Ch. 260E MN Statutes](#) and definitions located in this policy or the most current version of definitions can be located on the Minnesota Revisor website [Sec. 260E.03 MN Statutes](#) and pages 4-8 of this document.

Staff are to treat the person served with dignity and respect and abide by the person served rights, which protects the person served to be free from abuse, neglect, or financial exploitation by EON, Inc., or staff.

Staff who are mandated reporters must report externally all the information they know regarding an incident of known or suspected maltreatment of a child, in order to meet their reporting requirements under law. All staff of EON, Inc. who encounter maltreatment of a minor will take immediate action to ensure the safety of the child.

Any person may voluntarily report to the local welfare agency, agency responsible for assessing or investigating the report, police department, or the county sheriff if the person knows, has reason to believe, or suspects a child is being maltreated. Staff of the company cannot shift the responsibility of reporting maltreatment to an internal staff person. In addition, if a staff knows or has reason to believe a child is being or has been neglected or physically or sexually abused within the preceding three years, the staff must immediately (within 24 hours) make a report to the local welfare agency, agency responsible for assessing or investigating the report, police department, or the county sheriff.

Staff will refer to the Policy and Procedure on Reporting and Review of Maltreatment of Vulnerable Adults regarding suspected or alleged maltreatment of individuals 18 years of age or older.

PROCEDURE

I. Mandated Reporter

Any employee or other person of EON, when providing services meets the definition of a mandated reporter. In addition, people who are not mandated reporters may voluntarily report maltreatment. However, EON, Inc. expects all positions (clerical, maintenance etc.) to report maltreatment.

II. Reporting Maltreatment Externally

- A. EON, Inc. staff will take immediate action to ensure the safety of a child. If a staff knows or suspects that a child is in immediate danger, call 911.
- B. A mandated reporter who has reason to believe that a child has been maltreated within a licensed facility will immediately report the information to the agency responsible for licensing or certifying the facility.
 1. The Department of Human Services (DHS) is the agency responsible for assessing or 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, 245D, and 245G, except for child foster care and family childcare. DHS Licensing Division's Maltreatment telephone number is (651) 431-6600.
 2. MDH is the agency responsible for assessing or investigating allegations of child maltreatment in facilities licensed under sections 144.50 to 144.58 and 144A.43 to 144A.482.

3. The local welfare agency is the agency responsible for assessing or investigating allegations of maltreatment in child foster care, family childcare, legally non-licensed childcare, and reports involving children served by an unlicensed personal care provider organization under section 256B.065.
4. Reports regarding incidents of suspected maltreatment of children occurring within a family, in the community, at a family childcare program, or in a child foster care home, should be made to the local county social services agency or local law enforcement.
5. If the report does not involve possible abuse or neglect but does involve possible violations of Minnesota Statutes or Rules that govern the facility, the reporter should call the DHS Licensing Division at (651) 431-6500.
6. If the reporter is unsure who to contact, they will contact the local county office and follow their direction.
7. A report of maltreatment by the mandated reporter to any of the above external agencies should contain enough information to identify the child involved, any persons responsible for the maltreatment (if known), and the nature and extent of the maltreatment and/or possible violations, and the name and address of the reporter.
8. If the report of suspected abuse or neglect occurred within the company, the report should also include any actions taken by the company in response to the incident.
9. If a staff attempts to report the suspected maltreatment internally, the person receiving the report will remind the staff of the requirement to report externally.
10. A verbal report of suspected abuse or neglect made to one of the listed agencies by a mandated reporter must be followed by a written report to the same agency within 72 hours, exclusive of weekends and holidays.

III. Reporting of School Attendance Concerns

- A. A mandated reporter will immediately make a verbal report by telephone or otherwise to the local welfare agency if the person knows or has reason to believe that a child required to be enrolled in school has at least seven unexcused absences in the current school year, and is at risk of educational neglect.
- B. A verbal report made by a mandated report must be followed by a written report to the local welfare agency within 72 hours, exclusive of weekends and holidays. The 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 mandated reporter.

IV. Malicious and Reckless Reports

Any person who knowingly or recklessly makes a false report under the provisions of this section 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.

V. Failure to Report

A mandated reporter who knows or has reason to believe a child is or has been maltreated 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 a position allowing direct contact with, or access to persons receiving services from programs, organizations, and/or agencies that are required to have individuals complete a background study by the Department of Human Services as listed in [Sec. 245C.03 MN Statutes](#).

VI. Retaliation Prohibited

EON, Inc. will not retaliate against the mandated reporter for reports made in good faith or against a child with respect to whom the report is made. If EON retaliates against an employee, the employer may be liable for damages or penalties.

VII. Internal Review

- A. When EON, Inc. has reason been notified that an external report of alleged or suspected maltreatment has been made, a General Event Report (GER) an internal review will be completed. The supervisor is the primary person responsible for ensuring the internal reviews are completed. If the supervisor is involved in the alleged or suspected to be involved, the manager or community service director is the secondary person responsible for ensuring the internal reviews are completed. The manager and director of operations will be designated as the review and investigation team.
- B. The Internal Review will be completed within 30 calendar days. The person completing the review will:
 1. Coordinate any investigative efforts with the lead investigative agency, ensuring that staff cooperate, and that all records are available.
 2. Complete the Maltreatment Internal Review Form, which will include the following evaluations 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.
 3. Forward the final report to DHS.
- C. Based upon the results of the internal review, EON, Inc. will develop, document, and implement a corrective action plan designed to correct current lapses and prevent future lapses in performance by staff or the company, if any.
- D. Compile together all documents regarding the report and file confidentially.
- E. EON, Inc. will make internal reviews accessible to the commissioner immediately upon the commissioner's request.

VIII. Training

- A. EON, Inc. will provide an orientation to reporting procedures to all persons served and/or legal representatives. This orientation for each new person to be served will occur within 24 hours of admission, or for persons who would benefit more from a later orientation, the orientation may take place within 72 hours.
- B. Staff will receive training on this policy, MN Statutes, section 245A.66 and Minnesota Statutes, chapter 260E and their responsibilities related to protecting children in care from maltreatment and reporting maltreatment. This training must be provided within 72 hours of first providing direct contact services and annually thereafter.
- C. EON, Inc. will document this training, monitor implementation by staff, and ensure that the policy is readily accessible to staff, as specified under Minnesota Statutes, section 245A.04, subdivision 14. [Sec. 245A.04 MN Statutes](#)

REFERENCED POLICIES

Reporting and Review of Maltreatment of Vulnerable Adults

REFERENCED FORMS

General Event Report (GER)

Maltreatment Internal Review Form

REFERENCED WEBSITES

[Ch. 260E MN Statutes](#)

[Sec. 260E.03 MN Statutes](#)

[Sec. 245C.03 MN Statutes](#)

MALTREATMENT OF MINORS DEFINITIONS

Found in Minnesota Statutes, [Sec. 260E.03 MN Statutes](#)

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.

Egregious harm.

"Egregious harm" means harm under section [260C.007](#), subdivision 14, or a similar law of another jurisdiction

"Egregious harm" means the infliction of bodily harm to a child or neglect of a child which demonstrates a grossly inadequate ability to provide minimally adequate parental care. The egregious harm need not have occurred in the state or in the county where a termination of parental rights action has proper venue. Egregious harm includes, but is not limited to:

1. conduct towards a child that constitutes a violation of sections [609.185](#) to [609.2114](#), [609.222](#), [subdivision 2](#), [609.223](#), or any other similar law of any other state;
2. the infliction of "substantial bodily harm" to a child, as defined in section [609.02](#), [subdivision 7a](#);
3. conduct towards a child that constitutes felony malicious punishment of a child under section [609.377](#);
4. conduct towards a child that constitutes felony unreasonable restraint of a child under section [609.255](#), [subdivision 3](#);
5. conduct towards a child that constitutes felony neglect or endangerment of a child under section [609.378](#);
6. conduct towards a child that constitutes assault under section [609.221](#), [609.222](#), or [609.223](#);
7. conduct towards a child that constitutes sex trafficking, solicitation, inducement, or promotion of, or receiving profit derived from prostitution under section [609.322](#);
8. conduct towards a child that constitutes murder or voluntary manslaughter as defined by United States Code, title 18, section 1111(a) or 1112(a);
9. conduct towards a child that constitutes aiding or abetting, attempting, conspiring, or soliciting to commit a murder or voluntary manslaughter that constitutes a violation of United States Code, title 18, section 1111(a) or 1112(a); or
10. conduct toward a child that constitutes criminal sexual conduct under sections [609.342](#) to [609.345](#).

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 childcare 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.

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](#).

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), 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).

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 under their 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, and 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 that mandates that the county attorney file a termination of parental rights petition under section [260C.503, subdivision 2](#).

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 Minnesota Statutes 2010, section [260C.201](#), subdivision 11, paragraph (d), clause (1), 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.

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.