MALTREATMENT OF MINORS MANDATED REPORTING

What to report

Maltreatment includes egregious harm, neglect, physical abuse, sexual abuse, substantial child endangerment, threatened injury, and mental injury. For definitions refer to Minnesota Statutes, section 260E.03. Maltreatment must be reported if you have witnessed or have reason to believe that a child is being or has been maltreated within the last three years.

Who must report

If you work in a licensed facility, you are a "mandated reporter" and are legally required (mandated) to report maltreatment. You cannot shift the responsibility of reporting to your supervisor or to anyone else at your licensed facility.

In addition, people who are not mandated reporters may voluntarily report maltreatment.

Where to report

If you know or suspect that a child is in immediate danger, call 9-1-1.

Reports concerning suspected abuse or neglect of children occurring in a licensed child foster care or family child care facility should be made to county child protection services.

Reports concerning suspected maltreatment of children in all other facilities licensed by the Minnesota Department of Human Services, should be made to the Licensing Division's Central Intake line at (651) 431-6600.

Incidents of suspected maltreatment of children occurring within a family or in the community, should be reported to the local county social services agency at 218-726-2012 or local law enforcement at 218-730-5400.

When to report

Mandated reporters must make a report to one of the agencies listed above immediately (as soon as possible but no longer than 24 hours), and followed by a written report to the same agency within 72 hours, exclusive of weekends and holidays.

Information to report

A report to any of the above 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 licensing violations. For reports concerning suspected maltreatment occurring within a licensed facility, the report should include any actions taken by the facility in response to the incident.

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 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.

Retaliation prohibited

An employer of any mandated reporter is prohibited from retaliating against (getting back at):

- an employee for making a report in good faith; or
- a child who is the subject of the report.

If an employer retaliates against an employee, the employer may be liable for damages and/or penalties.

Staff training

The license holder must train all mandated reporters on their reporting responsibilities, according to the training requirements in the statutes and rules governing the licensed program. The license holder must document the provision of this training in individual personnel records, monitor implementation by staff, and ensure that the policy is readily accessible to staff, as specified under Minnesota Statutes, section 245A.04, subdivision 14.

Provide policy to parents

For licensed child care centers, the mandated reporting policy must be provided to parents of all children at the time of enrollment and must be available upon request. The definitions as referenced in Minnesota Statutes, section 260E.03 is optional to provide to parents.

The following sections only apply to license holders that serve children. This does not include family child foster care per Minnesota Statutes 245A.66, subd. 1.

Internal review

When the facility has reason to know that an internal or external report of alleged or suspected maltreatment has been made, the facility must complete an internal review within 30 calendar days and take corrective action, if necessary, to protect the health and safety of children in care.

The internal review must include an evaluation of whether:

- related policies and procedures were followed;
- the policies and procedures were adequate;
- there is a need for additional staff training;
- the reported event is similar to past events with the children or the services involved; and
- there is a need for corrective action by the license holder to protect the health and safety of children in care.

Primary and secondary person or position to ensure reviews completed

The internal review will be completed by ___Program Director_____. If this individual is involved in the alleged or suspected maltreatment, ___Treatment Director_____will be responsible for completing the internal review.

Documentation of internal review

The facility must document completion of the internal review and make internal reviews accessible to the commissioner immediately upon the commissioner's request.

Corrective action plan

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