



DEPARTMENT OF  
HUMAN SERVICES

# Minnesota's Best Practices for Facility Investigation

May 2019

# 651-431-4670

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# Contents

- Facility Investigation best practices ..... 4
- Intake and screening of facility reports ..... 5
  - Facility reports under local child welfare responsibility .....5
  - Tribally licensed facilities.....5
  - Facility reports under other agency responsibility .....5
- Screened out facility reports .....7
  - Cross-notification of law enforcement ..... 7
  - Cross-notification to licensing agencies..... 7
  - Notification of placing agencies..... 9
- Screened in facility reports.....9
  - Cross-notification of law enforcement ..... 9
  - Cross-notification to licensing agencies..... 9
  - Cross-notification to tribes ..... 10
  - Cross-notification to ombudsman ..... 10
- Investigation..... 10
  - Facility Investigation overview .....10
  - Child protection response time frames .....11
  - Coordination with other agencies .....11
    - Coordination with law enforcement..... 11
    - Coordination with licensing agencies ..... 12
    - Coordination with tribal agencies..... 12
  - Notice to parents, guardians, or legal custodians.....12
  - Conducting criminal history checks.....13
  - Entering facilities .....13
  - Child interviews .....13
  - Adult interviews .....15
  - Interview format for Facility Investigations .....16
  - Assessing safety.....16
  - No basis for full investigation .....17
  - Releasing data to mandated reporters .....17
  - Medical evaluations .....17

Referral to early intervention services .....	18
Final determinations .....	19
Serious and recurring determinations .....	20
Providing final summary disposition to reporters .....	23
Providing final determination letters to alleged offenders .....	23
Providing final determination letters to parents .....	24
Providing final disposition letters to licensing agencies .....	24
Providing final disposition notice to private licensing agency .....	25
Providing final disposition notices to the ombudsman .....	25
For all cases in which the ombudsman received initial notice, local child welfare agencies must provide a written report to the ombudsman within one week after completing an investigation. [Minn. Rule 9560.022, subp. 11 (D)] .....	25
Maltreatment determination reconsiderations and appeals .....	25
Resources .....	26
Rapid Consultation system .....	27
Appendix A – Definitions .....	28
Appendix B – Facility Investigation responsibility .....	30
Appendix C – Entering facilities .....	32
Appendix D – Facility Investigation flowchart .....	33
Appendix E – Checklist for local agency Facility Investigation .....	34
Appendix F – Severity of Maltreatment.....	39
Appendix G – Notices.....	40
Appendix H – Memorandum example.....	44
Appendix I – County/AICWI tribal attorney consultation on Facility Investigation .....	45

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# Introduction

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## Facility Investigation best practices

Minnesota policy is protection of children whose health or welfare may be jeopardized through child maltreatment. “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, the health and safety of children must be of paramount concern. Intervention and prevention efforts must address immediate concerns for child safety and the ongoing risk of abuse or neglect and should engage the protective capacities of families.” [Minn. Stat. 626.556, subd. 1]

The purpose of the Best Practices for Facility Investigation guide is to provide direction as to protocols mandated by state statute and recommended as best practice for local child welfare agencies, and to promote statewide standards for child protection practice related to facility investigations.

The following provides protocols for the front-end of the child protection response continuum regarding facility investigations. Except where noted, these protocols relate to activities that occur after intake, screening, and response path assignment has occurred. All protocols required by law include a statutory reference.

[The Minnesota Child Maltreatment Intake, Screening and Response Path Guidelines](#) provides guidance on screening facility reports.

## Intake and screening of facility reports

### Facility reports under local child welfare responsibility

Local child welfare agencies are required to screen and, if a report meets criteria, respond to reports alleging child maltreatment in family, and some licensed or required to be licensed, settings under Minn. Stat. 626.556, subd. 3c, which include:

- Child foster care, either current or past (when an allegation involves a foster child)
- Child foster care in the process of being licensed, if a child is in placement
- Family child care
- Legally unlicensed child care
- Unlicensed personal care service organizations under Minn. Stat. 256B.0659.

Other alleged child maltreatment reports may need to be investigated by a different agency because of licensing status. Child protection intake and/or screeners at the local child welfare agency will direct a reporter to the correct agency and provide contact information.

See the Minnesota Child Maltreatment Intake, Screening and Response Path Guidelines for additional guidance.

### Tribally licensed facilities

All tribes located in Minnesota license tribal foster care homes within and outside of their reservations. The American Indian Child Welfare Initiative (AICWI) tribes, Leech Lake Band of Ojibwe and White Earth Nation, license and respond to facility licensing violations and child maltreatment reports occurring within or near their reservations. These tribes have their own respective licensing requirements. Facilities licensed by either of these two tribes beyond reservation borders are investigated by the county social service agency where a licensed facility is located. If and when a county agency conducts a facility maltreatment investigation of a tribally licensed home within all tribes, except Red Lake Nation and Bois Forte Band of Chippewa, are strongly encouraged to include tribal social services as an active participant, and accompany them to tribal homes.

Red Lake Nation and Bois Forte Band of Chippewa have exclusive jurisdiction over licensing and facility child maltreatment reports occurring within their geographic reservations. County agencies do not have jurisdiction on these reservations. Reports regarding licensed facilities should be directed to these reservations.

With the exceptions outlined above, county agencies are responsible for maltreatment facility investigations located in their county boundaries. Licensing violations are handled by the licensing tribe. County agency staff are strongly encouraged to include tribal social services as an active participant and accompany them to tribal homes.

### Facility reports under other agency responsibility

Reports alleging child maltreatment in licensed facilities such as schools, daycare centers, group homes, residential treatment facilities, and hospitals are reported to the agency responsible for licensing the facility. This includes state agencies such as the Minnesota Departments of Education, Health, and Human Services. Some agencies, such as therapeutic support services, are not required to be licensed

and reports go directly to law enforcement. Knowing where to report maltreatment in these situations may be difficult to determine, however, reporters can call their local child welfare agency for assistance and direction. The child protection intake and/or screener at the local child welfare agency will help to sort out where a report should be filed, and provide contact information. A directory of all local child welfare agencies and the intake telephone numbers are on the Minnesota Department of Human Services (department) [website](#).

Child protection reporting contacts, other than the local child welfare agency, include:

The Minnesota **Department of Human Services**, Licensing Division, 651-431-6600, for reporting alleged maltreatment by staff occurring at the following licensed or required to be licensed facilities, or occurring with individuals receiving the following services:

- Child daycare centers (not family child care)
- Children’s residential facilities, including the following services:
  - Group residential care
  - Mental health services
  - Substance use treatment
  - Shelter care
  - Transition services.
- Substance use treatment programs for adolescents
- Home- and community-based services (245D) including residential, in-home services and crisis respite programs
- Child foster care when an alleged victim is in extended foster care (age 18-21)
- Facilities licensed under the Minnesota Department of Corrections.

[Licensed or required to be licensed under Minn. Stat. 626.556, subd. 3c]

The above includes facilities required to be licensed by the department, but are lapsed or were never licensed.

The Minnesota **Department of Health**, Office of Health Facility Complaints, 651-201-4200, for reports occurring in:

- Home health care settings
- Hospitals
- Regional treatment centers
- Nursing homes
- Intermediate care facilities for children with developmental disabilities
- Reports involving licensed and unlicensed home health care attendants.

[Licensed or required to be licensed under Minn. Stat. 626.556, subd. 3c (c)]

The Minnesota **Department of Education** (MDE), 651-582-8546, for reporting alleged maltreatment by staff when a child is a student in:

- Public pre-school
- Public elementary school
- Public middle school

- Public secondary school
- Charter school

[Licensed or required to be licensed under Minn. Stat. 626.556, subd. 3b]

Reports regarding staff working in private or parochial schools are sent directly to law enforcement. The Minnesota Departments of Education and Human Services do not have legal authority.

## Screened out facility reports

### Cross-notification of law enforcement

Law enforcement and local child welfare agencies are required to cross-notify immediately, or within 24 hours, both orally and in writing, when reports of child maltreatment are received. [Minn. Stat. 626.556, subd. 7(c)] This includes both screened in and screened out reports. The timing of cross-notification of law enforcement should correspond with a screening decision.

### Cross-notification to licensing agencies

A report that does not meet criteria for a Facility Investigation must be reported by the local child welfare agency as a possible licensing violation to the responsible licensing agency, including tribally licensed facilities, within 48 hours after a report is received, excluding weekends and holidays. This does not include unlicensed or required to be licensed programs.

Local child welfare agencies must notify the delegated licensing authority in the following situations, reports involving:

- Family daycare
- Child foster care licensed by the local child welfare agency
- Child foster care licensed by private agencies
- Child foster care in the process of being licensed, if a child is in placement.

Tribes must be notified when a report involves a tribally licensed facility.

The Minnesota Department of Human Services, Licensing Division – Family Systems, must be notified in the following situations, reports involving:

- Family child care
- Child foster care licensed by the local child welfare agency
- Child foster care licensed by private agencies
- Child foster care in the process of being licensed if a child is in placement

Reports can be made orally or in writing (secure email or fax) and can include reporter information. Reports should be directed to:

Minnesota Department of Human Services, Family Systems Licensing  
 Phone: 651-431-6500, press 3, 4 and 1 for family child care, or 2 for child foster care  
 Fax: 651-431-7673  
 Email: [dhs.familyystemstechassistance@state.mn.us](mailto:dhs.familyystemstechassistance@state.mn.us)

Facilities licensed by a private agency must be notified in the following situations:

- Reports involving child foster care licensed by a private agency (licensed under Minn. Admin. R. 9545.0755 to 9545.0845)

Reports can be made orally or in writing (secure email or fax) and should not include reporter information.

The **Minnesota Department of Corrections** (DOC) must be notified when reports are received about facilities licensed under DOC. These reports are also forwarded to the Minnesota Department of Human Services, Licensing Division, as it is responsible for investigating allegations of maltreatment in juvenile correctional facilities. [Minn. Stat. 626.556, subd. 3c]

Reports can be made orally or in writing (secure email or fax) and can include reporter information. Reports should be directed to:

Minnesota Department of Corrections  
Phone: 507-344-5282 or 507-357-6933  
Fax: 651-642-0314  
Mailing address: Minnesota Department of Corrections  
Inspection and Enforcement Unit  
1450 Energy Park Drive, Suite 200  
St. Paul, MN 55104

The Minnesota Department of Health must be notified when reports are received about facilities licensed by that department.

Reports can be made orally or in writing (secure email or fax) and can include reporter information. Reports should be directed to:

Minnesota Dept. of Health, Office of Health Facility Complaints  
Phone: 651-201-4200  
Fax: 651-281-9796  
Email: [health.fpc-web@state.mn.us](mailto:health.fpc-web@state.mn.us)

The Minnesota Department of Education must be notified when reports are received about maltreatment by staff when a child is a student in:

- Public pre-school
- Public elementary school
- Public middle school
- Public secondary school
- Charter school

Reports can be made orally or in writing (secure email or fax) and can include reporter information. Reports should be directed to:

Minnesota Department of Education  
Phone: 651-582-8546  
Fax: 651-797-1601  
Email: mde.student-maltreatment@state.mn.us

[Minn. Admin. R 9560.0222, subp. 1a]

See Appendix B – Facility Investigation responsibility grid for quick reference.

### **Notification of placing agencies**

It is unclear whether statute currently allows notification of a placing agency of a screened out report. Consultation with the county attorney is recommended.

## **Screened in facility reports**

### **Cross-notification of law enforcement**

Law enforcement and local child welfare agencies are required to cross-notify immediately, or within 24 hours, both orally and in writing, when reports of child maltreatment are received. [Minn. Stat. 626.556, subd. 7(c)] This includes both screened in and screened out reports. The timing of cross-notification of law enforcement should correspond with screening decisions (see Investigation section for details).

### **Cross-notification to licensing agencies**

The local child welfare agency shall notify the responsible local licensing agency or private agency immediately, but no longer than 48 hours, excluding weekends and holidays, of receiving a child maltreatment report.

The Minnesota Department of Human Services, Licensing Division – Family Systems, must be notified in the following situations, reports involving:

- Family child care
- Child foster care licensed by the local child welfare agency
- Child foster care licensed by private agencies
- Child foster care in the process of being licensed if a child is in placement

Notifications must include:

- The date and time a local agency received a report
- Identification of facility, child(ren) alleged to have been maltreated, and alleged offender
- The nature of maltreatment and extent of injuries to children
- Immediate treatment and protection measures being provided by the local child welfare agency, and
- Name of the child protection worker responsible for investigating a report.

[Minn. Admin. R. 9560.0222, subp. 3]

This includes facilities licensed by private agencies. Reporter information should be redacted.

Reports can be made orally or in writing (secure email or fax) and can include reporter information. Reports should be directed to:

Minnesota Department of Human Services, Family Systems Licensing  
Phone: 651-431-6500, press 3, 4 and 1 for family child care, or 2 for child foster care  
Fax: 651-431-7673  
Email: [dhs.familyssystemstechassistance@state.mn.us](mailto:dhs.familyssystemstechassistance@state.mn.us)

### **Cross-notification to tribes**

The local child welfare agency shall provide immediate notice to an Indian child's tribe, including tribes located outside of Minnesota, when an agency has reason to believe an investigation may involve an Indian child as an alleged victim. Immediate notice means within 24 hours. The notice must be by telephone and email or facsimile, and must request participation in evaluating a child's circumstances, identifying family and tribal community resources, and if case planning is necessary, help in developing a case plan. This immediate notice is required by the Minnesota Indian Family Preservation Act (MIFPA). [Minn. Stat. 260.761, subd. 2]

### **Cross-notification to ombudsman**

The local child welfare agency shall report alleged child maltreatment of a client as defined in 245.91, at an agency, facility, or program as defined in section 245.91, immediately, but no longer than 24 hours, to the ombudsman for mental health and developmental disabilities, established under sections 245.91 to 245.97. Facility or program means a nonresidential or residential program as defined in section 245A.02, subsd. 10 and 14, required to be licensed by the commissioner of human services, and an acute care inpatient facility that provides services or treatment for mental illness, developmental disabilities, chemical dependency, or emotional disturbance.

Minnesota Statute 245.91 defines a client as a person served by an agency, facility, or program, who is receiving services for mental illness, developmental disabilities, chemical dependency or emotional disturbance. A client also includes a now deceased person who had been served by an agency, facility, or program. [Minn. Stat. 626.556, subd. 10(c)]

Reports that should be sent to the ombudsman for mental health and developmental disabilities for cross-notification include maltreatment involving a child who is receiving residential treatment services for mental health, developmental disability, chemical dependency, or emotional disturbance. [Minn. Rule 9560.0222]

[Minnesota Office of Ombudsman](#), 800-757-1800.

## **Investigation**

### **Facility Investigation overview**

Facility Investigations are completed when allegations of maltreatment involve child foster care, either current or past (when an allegation involves a foster child); in the process of being licensed if a child is in placement, family child care, legally unlicensed child care, juvenile correctional facilities licensed under section 241.021; and reports involving children served by an unlicensed personal care provider organization under Minn. Stat. 256B.0659. [Minn. Stat. 626.556, subd. 3c]

Other types of facilities are investigated by other entities, including the Minnesota Departments of Human Services, Education and Health. **Facilities are held to a higher standard**, as they are responsible for the care of children who are not their own. A provider's behavior impacts the lives of other children, and is relevant to licensure.

Decisions made at the conclusion of a Facility Investigation include whether:

- A determination of child maltreatment occurred
- An individual was responsible
- A facility was responsible
- Child protective services are needed.

## **Child protection response time frames**

Minnesota Statutes require that accepted Facility Investigation reports alleging substantial child endangerment and/or sexual abuse have an immediate (within 24 hours) face-to-face contact with child and their caretaker. [Minn. Stat. 626.556, subd. 10(j)] Other Facility Investigation reports not alleging substantial child endangerment or sexual abuse require face-to-face contact within five calendar days. Immediate response is best practice in facility cases in which an alleged offender(s) continues to have ongoing responsibility for a child's care. Evaluation of safety threats in a maltreatment report assists in determining the time frame in which a response should be made.

Once an agency investigates, it is an investigation, and reports should not be reverted back to intake, even when initial information reveals that a referral is not as it was reported.

Facility Investigations must be concluded within 45 days. The conclusion of an investigation may be extended to permit completion of a criminal investigation or receipt of expert information requested within 45 days of receipt of a report. [Minn. Stat. 626.556, subd. 10e(a)]

## **Coordination with other agencies**

### **Coordination with law enforcement**

An investigating agency shall ask a representative from a law enforcement agency to accompany an investigator to interview a child when a report of maltreatment has been made which:

- Indicates there is imminent danger to a child or danger to caseworker, or
- Alleges a crime.

[Minn. Admin. R. 9560.0222, subp. 2]

It is best practice to request assistance from law enforcement beyond a child interview, to include interviews with an alleged offender, facility staff, collaterals, and other investigative functions.

Coordination with law enforcement avoids duplication of fact finding efforts and multiple interviews. The local child welfare agency and law enforcement shall prepare independent reports of its investigation. [Minn. Stat. 626.556, subd. 10 (b) (5); Minn. Admin. R. 9560.0222, subp. 2]

## **Coordination with licensing agencies**

The local child welfare agency shall coordinate an investigation of maltreatment within a facility with the agency responsible for licensing the facility, including private licensing agencies.

The local child welfare agency shall provide the responsible licensing agency with ongoing information as an investigation proceeds. [Minn. Admin. R. 9560.0222, subp. 3] The local child welfare agency is encouraged to coordinate maltreatment and licensing investigations.

## **Coordination with tribal agencies**

When reports involve tribally licensed facilities, with the exception of Red Lake and White Earth Nations, Leech Lake Band of Ojibwe and Bois Forte Band of Chippewa, county agencies are responsible for investigations. The county child welfare agency should coordinate its investigative response with tribal child welfares and, if a crime is alleged on a reservation, with tribal law enforcement.

## **Notice to parents, guardians, or legal custodians**

### **Parents, guardians, or legal custodians of alleged victims**

The local child welfare agency shall notify the parents, guardians, or legal custodians, including agencies responsible for placement, of any child who is reported to be maltreated by a person within a facility responsible for their care. The notice shall include:

- Name of the facility
- That a report of maltreatment of their child was received
- Nature of alleged maltreatment
- That an investigation is being conducted
- Protective or corrective measures currently being provided, and
- A written report furnished when an investigation is completed.

[Minn. Stat. 626.556, subd. 10d(a); Minn. Admin. R. 9560.0222, subp. 5(A)]

Notice is required before an alleged victim is interviewed, unless an interview is necessary to protect children in a facility, and an investigating agency is unable, after reasonable effort, to locate the parents. [Minn. Stat. 626.556, subd. 10b (b); Minn. Admin. R. 9560.0222, subp. 5(B)].

When a child is in placement, the local child welfares agency should notify the placing agency to assist in determining which agency should contact an alleged victim's parents or guardian. Investigating and placing agencies should determine what is in a child's best interest, while assuring their safety and for other children in a facility.

When a child is a state ward, notification of the placing agency meets the notification requirement. It is best practice to provide ongoing updates to placing agencies to ensure child safety and permanency planning.

### **Parents, guardians, or legal custodians of non-alleged victims**

The local child welfare agency may notify parents, guardians, or legal custodians of children who are in the care of a facility but are not alleged victims. In deciding whether to notify, local child welfare agencies shall consider the following:

- Whether reasonable grounds exist to believe maltreatment occurred
- The seriousness of maltreatment
- Number of children reported to be maltreated
- Number of alleged offenders, and
- Length of time it may take to complete an investigation.

Facilities shall be notified whenever this discretion is exercised. [Minn. Stat. 626.556, subd. 10d(b); Minn. Admin. R. 9560.0222, subp. 5(C)]

See Appendix G – Notice grids for quick reference.

## **Conducting criminal history checks**

It is best practice to conduct criminal history checks during the early stages of an investigation, often prior to first contact, of persons relevant to an investigation. Consult with the county or tribal attorney when a more in-depth criminal background check may be warranted.

## **Entering facilities**

The local child welfare agency responsible for investigating reports and local law enforcement agencies have the right to enter facilities to inspect and copy its records, including medical records, as part of an investigation. They also have the right to inform a facility under investigation that they are conducting an investigation, disclose to the facility the names of individuals under investigation for abusing or neglecting a child, and provide the facility with a copy of the report and investigative findings. [Minn. Stat. 626.556, subd. 10(h)]

If a facility does not allow access under this section, contact the licensing agency for assistance. See Appendix C for sample letter.

## **Child interviews**

Interviews of alleged child victims should be conducted in a method most likely to achieve a full understanding of a child's physical and psychological safety, and to gather facts regarding alleged child maltreatment.

When observing children who are preverbal, it is important to gather information on their development, including abilities. A child who is preverbal and is experiencing maltreatment often demonstrates behavioral and developmental indicators that are important to assess.

A multi-disciplinary team plays a critical role when forensic interviews are necessary. Attention to trauma for a child victim should be at the forefront in the interview process. It is best practice to coordinate with law enforcement and use a child advocacy center for an interview, or a professional specifically trained on how to conduct effective forensic interviews. A decision to use a child advocacy center is made by the child protection caseworker or law enforcement officer upon learning a child may be a victim of sexual abuse, or witness to a violent crime. When a forensic interview is indicated, fact gathering from initial contact with a child victim should be kept to a minimum prior to proceeding with a

forensic interview. This is particularly important because it can impact a criminal investigation. If a child undergoes detailed questioning prior to a forensic interview, it may be compromised due to repetitive interviews.

When a forensic interview is required, or indicated, it is important to use a multi-disciplinary team that includes child protection, law enforcement, county or tribal attorney, and other stakeholders such as children's mental health professionals and tribal representatives. Multi-disciplinary teams involved with forensic interviews should have a written protocol that includes clearly defined roles of team members. For an example of a protocol from Mayo Child and Family Advocacy Center see: [Mayo Clinic Child and Family Advocacy Center](#).

### **Alleged child victims**

When necessary to make a determination, the local child welfare agency shall interview any alleged victims and may interview any other child who is or has been in the care of the facility, or any child related by blood, marriage, or adoption to an alleged offender, or any child who resides or has resided with an alleged offender. [Minn. Admin. R. 9560.0222, subp. 6] Parents, guardians, and/or legal custodians of a child must receive notice before an alleged victim is interviewed, unless an interview is necessary to protect children in a facility, and an investigating agency is unable, after reasonable effort, to locate the parents (see Notice to parents, guardians, legal custodian section). [Minn. Admin. R. 9560.0222, subp. 5(B)] When interviews are done prior to parental notification, document the reason.

Upon receipt of a report, the local child welfare agency shall conduct face-to-face contact with a child reported to be maltreated sufficient to complete a safety assessment and ensure their immediate safety, and for other children in the facility. Face-to-face contact with a child shall occur immediately (within 24 hours) if sexual abuse or substantial child endangerment is alleged, and within five calendar days (120 hours) for all other reports. [Minn. Stat. 626.556, subd. 10(j)] Best practice is always to make contact as soon as possible.

It is the local child welfare agency's responsibility to assess, face-to-face, the safety of children involved in an accepted child maltreatment report. This responsibility may not be assumed by law enforcement. If a report alleges a violation of criminal statute, local law enforcement and the local child welfare agency shall coordinate planning and execution of investigations and assessment efforts to avoid duplication of fact-finding efforts and multiple interviews. [Minn. Stat. 626.556, subd. 10(b)(5)] When a local child welfare agency and law enforcement jointly determine that an interview by one person with a child who is reported to be maltreated is in their best interest, and the interview is conducted by law enforcement, it can be substituted in place of a local child welfare agency interview. [Minn. Admin. R. 9560.0220, subp. 3]

If an agency is unable to make contact with either a child or adult caregiver within the required time frames, it should attempt to contact each child subject of a report, the primary caregiver, or a collateral source who may have new and relevant information, at a minimum every day for substantial child endangerment or sexual abuse cases, and minimally every five calendar days for non-substantial danger or sexual abuse cases until face-to-face contact is made, or:

- Request law enforcement to conduct a health and safety check.
- In consultation with the county/tribal attorney, request a court order making a child available for a safety assessment.

- Determine that the whereabouts of a family cannot be ascertained. The agency should continue to make attempts to contact a family for the 45-day assessment period, and document all such efforts in SSIS.

Full forensic interviews of child victims may be delayed for the following reasons:

- Therapeutic reasons – further disclosure may be detrimental to a child’s emotional or mental health, as documented by treating mental health practitioner
- Upon law enforcement request due to an ongoing criminal investigation, after assuring child safety
- Child no longer resides in the county or on Indian reservation, and requests were made to another child protection agency to conduct a child interview.

Face-to-face contact with an alleged victim is still required within given time frames. This is done to assure child safety. The fact-finding process can occur when determined to be most appropriate given presenting circumstances.

### **Non-alleged victim children**

Other minors who are or have been in the care of a facility, or any child related by blood, marriage, or adoption to an alleged offender, or any child who resides or has resided with an alleged offender, may also be interviewed. Parental notification is required unless an interview is necessary to protect children in a facility, and an investigating agency is unable, after reasonable effort, to locate the parents (see Notice to parents, guardians, legal custodian section). [Minn. Admin. R. 9560.0222, subp. 5(B)] When interviews are done prior to parental notification, document the reason why.

### **Court-ordered child interviews**

When a parent, guardian, or legal custodian prevents access to an alleged victim or other minor by the local child welfare agency, juvenile court may order them parents, legal custodian, or guardian to produce an alleged victim or other minor for questioning by the local child welfare agency or local law enforcement outside the presence of an alleged offender or any person responsible for a child’s care at reasonable places and times, as specified by court order. [Minn. Stat. 626.556, subd. 10(f)] In a Facility Investigation where a parent refuses access, consult with the county/tribal attorney for guidance.

## **Adult interviews**

When conducting interviews with adults, whether facility staff or others outside of an agency, it is important to be aware of specific factors that may require accommodations for them to participate in the interview process, such as cognitive delays, mental health concerns, or trauma exposure. Each of these factors should influence the interview approach a caseworker takes.

### **Facility staff interviews**

The local child welfare agency shall begin to interview the following facility staff within 24 hours after interviewing children:

- An alleged offender, in a face-to-face interview
- Other staff members who may have knowledge of the maltreatment

- Supervisors of an alleged offender, and
- Director of the facility.

Staff interviews may be postponed beyond 24 hours to prevent interference with an investigation by law enforcement. [Minn. Admin. R. 9560.0222, subp. 7]

#### **Person outside a facility interviews**

The local child welfare agency shall interview the parents, guardians, or legal custodians of children who are in the care of a facility, and those no longer in the facility, if there is reason to believe they may have knowledge of maltreatment. [Minn. Admin. R. 9560.0222, subp. 8]

#### **Other interviews**

When necessary to make determinations, the local child welfare agency shall interview other persons who an agency believes may have knowledge of alleged maltreatment. [Minn. Admin. R. 9560.0222, subp. 8a]

## **Interview format for Facility Investigations**

When conducting an investigation, the local child welfare agency shall use a question and answer interview format with questions as nondirective as possible to elicit spontaneous responses.

For investigations only, the following interview methods and procedures must be used whenever possible while collecting information:

- Audio recordings of all interviews with witnesses and collateral sources, and
- In cases of alleged sexual abuse, audio-video recordings of each interview with an alleged victim and child witnesses.

[Minn. Stat. 626.556, subd. 10(k)]

## **Assessing safety**

Assessing safety is necessary in all child protective responses and may look different at various stages of an investigation. However, development of a [safety plan](#) should be limited in Facility Investigations. During family child care investigations, no safety plan is acceptable. When dealing with critical safety issues of children, coordination with the local child welfare agency's licensing unit is required immediately to determine next steps. Safety plans should not be done in lieu of a licensing sanction.

In family foster care, workers should seek consultation with licensing and child protection supervisors, law enforcement, county/tribal attorneys, and Minnesota Department of Human Services Licensing Division, when dealing with critical safety issues of child(ren). Safety plans should be used with caution, and require monitoring, which is not a licensing role, and not done in lieu of a Facility Investigation.

When a child is in foster care or under state guardianship, the local child welfare agency should coordinate with the placement authority to immediately address safety-related concerns in a facility.

Structured Decision Making<sup>®</sup> tools are not required in Facility Investigations.

## No basis for full investigation

The local welfare agency, or agency responsible for investigating a report, may make a determination of no maltreatment early in an assessment or investigation, close a case and retain immunity, if collected information shows no basis for a full investigation.

[Minn. Stat. 626.556, subd. 10(i); Minn. Admin. R. 9560.0220, subp. 6a]

The following reasons are listed in SSIS as Unable to Conclude:

- Not in county jurisdiction – the facility is not located in county jurisdiction.
- No legal authority to continue: Information initially gathered does not meet statutory criteria to continue with an investigation.
- Not enough identifying information: There is insufficient identifying information to continue with an investigation.
- Referred to another agency – conflict of interest: Information gathered indicates there is a conflict of interest in a case and the matter was referred to another agency.
- Unable to locate: Alleged victim or facility staff could not be located after multiple attempts, which should include face-to-face contact, phone, mail, text, etc.

## Releasing data to mandated reporters

A local child welfare or child protection agency, or agency responsible for assessing or investigating a report of maltreatment, shall provide relevant private data on individuals obtained under this section to a mandated reporter who made a report, and who has an ongoing responsibility for the health, education, or welfare of a child affected by the data, unless an agency determines that providing the data would not be in the best interests of a child. An agency may provide the data to other mandated reporters with ongoing responsibility for the health, education, or welfare of a child.

Mandated reporters with ongoing responsibility for the health, education, or welfare of a child affected by the data include their teachers or other appropriate school personnel, foster parents, health care providers, respite care workers, therapists, caseworkers, child care providers, residential care staff, crisis nursery staff, probation officers and court services personnel. Under this section, a mandated reporter need not have made the report to be considered a person with ongoing responsibility for the health, education, or welfare of a child affected by the data. Data provided under this section must be limited to data pertinent to an individual's responsibility for caring for a child.

A mandated reporter who receives private data on individuals under this subdivision must treat the data according to that classification, regardless of whether a reporter is an employee of a government entity. The remedies and penalties under sections 13.08 and 13.09 apply if a mandated reporter releases data in violation of this section or other law. [Minn. Stat. 626.556, subd. 10j]

If data is shared, workers should document in SSIS that it was shared and why sharing the information was pertinent and necessary.

## Medical evaluations

In some circumstances, parents may be advised of the need for a medical evaluation of a child. If a parent refuses a medical evaluation of their child, and it is necessary to ensure child safety, consultation

with the county or tribal attorney should occur. A new child maltreatment report may need to be screened if a parent fails to provide medical care and a child is at risk of serious harm.

Children should be seen immediately (no later than within 24 hours) in some situations, which include:

- Substantial injuries such as fractures, significant bruising, burns
- Trauma/injuries to child's face or head
- Suspected injuries to abdomen or back due to suspected kicking, punching, or other trauma to the back or abdomen
- Witnessed shaking injury to child/infant
- Bruising or burns that have patterned lesions or appearance
- Bruising to a non-mobile child
- Infants under 9 months of age with unexplained injury (fracture, bruise, lethargy or burns)
- Significant malnutrition or forced starvation concerns
- Child is exposed to dangerous substances (medication, household or yard products)
- Sexual abuse concerns, including:
  - Disclosure of sexual abuse occurring within last 72 hours for prepubertal and 120 hours for post pubertal victim
  - Sexual abuse concern of infections or pregnancy
  - Disclosed abuse (old or new) with current complaints of pain, bleeding or discharge of the genital or anal areas
  - Unexplained vaginal bleeding
  - Injury to anal or genital area without adequate history of injury.

The following are situations in which children should have non-urgent medical exams:

- Sexual abuse occurring beyond 96 hours and no symptoms
- Non-verbal child (including delayed older child) who was in environment where abuse is being evaluated on another child
- Disclosure of other sexual abuse (photos, touching)
- Failure of indicated medical care for a medical need (medical neglect)
- Suspected excessive and unnecessary medical care (medical child abuse)
- Unexplained vaginal discharge and concern of sexual abuse
- Concerning behaviors (sexualized or other).

## **Referral to early intervention services**

Children under age 3 involved in a substantiated case of maltreatment in Facility Investigations do not require a referral for early intervention services. However, if there are developmental concerns, these children may be referred to Help Me Grow, with parental permission.

## Final determinations

### Maltreatment determinations

In Facility Investigations, a determination of whether maltreatment occurred or not is made. When maltreatment is determined in an investigation involving a facility, the investigating agency shall also determine whether a facility or individual was responsible, or whether both a facility and an individual were responsible for maltreatment. [Minn. Stat. 626.556, subd. 10e(e)] The following mitigating factors should be used when determining whether a facility or individual is the responsible party, or whether both are responsible:

- Whether the actions of a facility or caregivers were according to, and followed the terms of, an erroneous physician order, prescription, individual care plan, or directive; however, this is not a mitigating factor when a facility or caregiver was responsible for issuance of an erroneous order, prescription, individual care plan, or directive, or knew or should have known of errors and took no reasonable measures to correct the defect before administering care
- Comparative responsibility between a facility, other caregivers, and requirements placed upon an employee, including a facility's compliance with related regulatory standards and the adequacy of facility policies, procedures and training, an individual's participation in training, caregiver's supervision, and facility staffing levels, and the scope of individual employee's authority and discretion, and
- Whether a facility or individual followed professional standards in exercising professional judgment.

When maltreatment is determined on an individual who is also the facility license holder, both the individual and the facility must be determined responsible for maltreatment, and both the background study disqualification standards under section 245C.15, subd. 4, and the licensing actions under sections 245A.06 or 245A.07 apply.

Determinations are made based on a preponderance of evidence of the facts. This is defined as evidence in support of fact that is more convincing and has a greater probability of truth than evidence opposing the fact (51% or more).

Facts are gathered from the following sources (not an exhaustive list):

- Interviews (child, adult and collateral sources)
- Physical evidence (photographs of injuries, weapons, other items collected by law enforcement)
- Records (medical, school, psychological)
- Other documentation.

Supervisory or team consultation is strongly encouraged when making maltreatment determinations. Maltreatment determinations are difficult to make and errors in decision making can be detrimental and have other far reaching impacts. Decisions can be impacted by the following:

- Limitations of worker time
- Availability of information
- Individual values or attitudes of worker
- Personal and professional experience of worker
- The timing of information obtained (information collected later tends to be weighed more heavily)
- Known patterns about a family or type of maltreatment
- Confirmation bias (a worker seeks information that confirms their thoughts or information known about a family/situation)
- External factors (such as policies, public opinion, media influences)
- Agency or organizational factors.

Understanding these factors and how they influence decision making are important not only when making a maltreatment determination, but is important throughout the life of a case. Ongoing supervision and team consultation can assist in working through these influences.

When maltreatment is determined, the level of severity is entered in SSIS. A table listing the definitions of severity of maltreatment is in Appendix F.

#### **Maltreatment determinations with no known offender**

There may be circumstances in which it is determined that a child was a victim of maltreatment by an unknown offender. In these cases, it is acceptable to make a determination of maltreatment. In SSIS, *unknown offender* is typed in the description field.

#### **Child protection services determinations**

In Facility Investigations, a determination is made of whether child protective services are needed. According to Minn. Stat. 626.556, subd. 10e(g): "...a determination that child protective services are needed means that the local welfare agency has documented conditions during the assessment or investigation sufficient to cause a child protection worker...to conclude that a child is at significant risk of maltreatment if protective intervention is not provided and that the individuals responsible for the child's care have not taken or are not likely to take actions to protect the child from maltreatment or risk of maltreatment." This determination is also made based on a preponderance of evidence.

When an investigation is closed and open for services, the local child welfare agency shall document the outcome of an investigation, including a description of services provided and the removal or reduction of risk to a child, if it existed. [Minn. Stat. 626.556, subd. 10I]

### **Serious and recurring determinations**

When maltreatment is determined in child foster care and family child care licensed by local child welfare agencies, a decision must be made about whether the maltreatment is serious and/or recurring. This decision is now made by the commissioner of human services through the Background Studies (BGS) Division, for all child foster care applicants, license holders and affiliated individuals. Previously,

these determinations (serious and/or recurring) were only completed by BGS for unlicensed or not yet licensed programs, and for privately licensed child foster care homes.

### **Maltreatment determinations in family foster care**

Once a maltreatment determination is made and entered into the Social Service Information System, the BGS receives an alert or *hit* overnight in its system. Background Studies staff completes a review of the information and identifies maltreatment determinations connected to a licensed program or individual who is *in application* status. This means an application for licensing has been submitted to a licensing agency, however, the licensing process has not been completed. This includes relatives in the process of being licensed.

### **Special circumstances for family child care**

Effective Jan. 1, 2019, background studies for family child care are to be completed by the BGS Division. Because background studies for family child care have been completed by local child welfare agencies prior to this change, therefore, previous background records do not exist in the BGS system. As a result, matches cannot be made in the system when a maltreatment finding is made in SSIS. In these circumstances, BGS must be notified of a maltreatment determination in order for it to complete a maltreatment review. Child protection caseworkers must communicate to local welfare agency's licensing units about a determination. The local welfare agency's licensing unit forwards the information to the department's Licensing Family Systems triage via secure email to [dhs.familyystemstechassistance@state.mn.us](mailto:dhs.familyystemstechassistance@state.mn.us), or calling 651-431-6500. This information should include the license holder's name and license number, the name of the subject identified as the offender, and the SSIS case number. The Family Systems unit is responsible for forwarding the information to BGS.

Process of notifications for family child care (as outlined above):

1. Maltreatment determination by local welfare agency child protection
2. Local welfare agency child protection forwards to its licensing unit
3. Local licensing unit forwards to the department's Family Systems unit
4. The Family Systems unit forwards to the department's BGS Division

### **Background study review**

Once BGS staff reviews the information received via email or the alert system, they will determine whether maltreatment was serious and/or recurring. If determined to be serious and/or recurring, BGS will issue a disqualification notice. If maltreatment is determined to be simple and non-disqualifying, no notice will be sent. In either case, the local child welfare licensing staff will be notified via disqualification notice or email.

### **Issuing Notice of Determination**

Since local child welfare agencies will not be making serious/recurring decisions of maltreatment moving forward, dual notices are no longer required. Local child welfare agencies must provide a basic Notice of Determination (NOD) letter to required individuals. To do this in the SSIS system, child protection workers create the CPS Notice of Determination, and in the **Setup** screen, select **no** to *Is there a determination that the maltreatment is serious and/or recurring and the individual is disqualified?* An example is below. The department is in the process of modifying fields in SSIS to adapt to these changes.

Workgroup: Provider Daycare CP Assessment 9/5/2017

Display the language block?

Who will receive this notice?

Is there a determination that the maltreatment is serious and/or recurring and the individual is disqualified?

Is the facility licensed by corrections?

Is this notice based on findings for a specific offender?

### Unlicensed providers

When a child protection facility investigation involves a legally non-licensed provider who is receiving Child Care Assistance Program (CCAP) funding, notify the CCAP worker at the local child welfare agency. Federal law prohibits states from continuing to pay for care when a provider is disqualified, or there is a serious/recurring maltreatment determination.

### Licensing actions

Once results of a BGS serious/recurring maltreatment review are provided to local child welfare agencies, county licensors are responsible for recommending a licensing action to Family Systems Licensing. Licensors can refer to the licensing actions samples in their licensor packet for information regarding recommending licensing actions. Contact triage at [dhs.familyssystemstechassistance@state.mn](mailto:dhs.familyssystemstechassistance@state.mn) or 651-431-6500, with questions or consultation on decisions.

If a child protection worker is aware of a licensing action when making final maltreatment determinations, answer **yes** to *Is licensing action recommended?* in the **Conclusions tab** of the **Child Maltreatment Report (CMR)** in SSIS. If there is no licensing action, or it is unknown at the time of final maltreatment determinations, answer **no**. Below is an example of how this is entered in SSIS. Child protection workers may choose to include additional information in **case notes** or the **closing assessment summary**.

Child Maltreatment Report	Description of Incident	Allegations	Reporter(s)	Collateral Contacts	Warning/Comments	Track History	Initial Notifications	Family Conditions	Recommended Services
Victim Information		Facility Information			Appeals		Conclusions		
Maltreatment determined?	<input checked="" type="radio"/> Yes <input type="radio"/> No								
Maltreatment determined after reconsiderations/appeals?	<input checked="" type="radio"/> Yes <input type="radio"/> No								
<a href="#">Are on-going CP services needed?</a>	<input type="radio"/> Yes <input checked="" type="radio"/> No	Is facility responsible?	<input type="radio"/> Yes <input checked="" type="radio"/> No						
<a href="#">Family support services requested?</a>	<input type="radio"/> Yes <input checked="" type="radio"/> No	Is individual responsible?	<input checked="" type="radio"/> Yes <input type="radio"/> No						
		Is licensing action recommended?	<input type="radio"/> Yes <input checked="" type="radio"/> No						
Conclusion Comments:									

### Local agency reconsideration of maltreatment

Local child welfare agencies will continue to process requests for reconsideration of maltreatment determinations. When a reconsideration decision is made in a child protection Facility Investigation, the department must be notified, as follows:

For foster care and family child care cases, send a copy of decisions to the Office of Inspector General (OIG) – Family Systems Licensing at: [dhs.familyssystemstechassistance@state.mn.us](mailto:dhs.familyssystemstechassistance@state.mn.us)

## Department contact Information

For questions regarding:

- Child protection, Child Safety and Prevention unit, email: [dhs.csp.safety@state.mn.us](mailto:dhs.csp.safety@state.mn.us).
- Licensing, OIG Family Systems, email: [dhs.familysystemstechassistance@state.mn.us](mailto:dhs.familysystemstechassistance@state.mn.us)
- Background studies, OIG Background Studies, email: [dhs.backgroundcc@state.mn.us](mailto:dhs.backgroundcc@state.mn.us)

## Providing final summary disposition to reporters

### Mandated reporters

Mandated reporters receive a summary of dispositions of any reports made by them. The summary includes the following:

- The name of the child protection worker or investigator who conducted an assessment or investigation
- The nature of maltreatment and if the agency determined that maltreatment occurred
- Whether a case has been opened for child protection or other services, or if a referral was made to a community organization.

[Minn. Stat. subd. 7 (d)]

### Voluntary reporters

Voluntary reporters may request a concise summary of dispositions of any report made by them. Upon receiving a request, agencies shall provide a concise summary. A concise summary is limited to the following, whether:

- Maltreatment occurred
- Child protective services are being provided.

### Refusal to provide final summary disposition if in child's best interest

Local child welfare agencies shall refuse to provide a summary to both voluntary and mandated reporters if it determines disclosure would be detrimental to the best interest of a child.

## Providing final determination letters to alleged offenders

Within 10 working days of the conclusion of an investigation, the local child welfare agency shall notify alleged offender of whether maltreatment and/or child protective services was determined. The notice shall include the name of the facility investigated, investigator's name, and a summary of specific reasons for the determination. When a determination of maltreatment is made, the dual notice shall include their appeal or review rights and must also state that a finding of maltreatment may result in denial of a license application or background study disqualification. [Minn. Stat. 626.556, subd. 10f; Minn. Admin. R. 9560.0222, subp. 12]

## Providing final determination letters to parents

### Parents, guardians, or legal custodians previously notified

Within 10 days of the conclusion of an investigation, every parent, guardian, or legal custodian previously notified of an investigation shall be provided with the following information in a written memo:

- Name of facility investigated
- Nature of maltreatment
- Investigator's name
- Summary of investigation findings
- Statement of whether maltreatment was found, and
- Protective or corrective measures that are being or will be taken.

Memos shall be written in a manner that protects the identity of a reporter and child, and not include the name, or to the extent possible, reveal the identity of alleged perpetrator or those interviewed during an investigation. [Minn. Stat. 626.556, subd. 10d(c); Minn. Admin. R. 9560.0222, subp. 12]

### Other parents

When maltreatment is determined in a facility or by its staff person, the local child welfare agency shall also provide a written memo to the parent, guardian, or legal custodian of each child who received services in the population of a facility where maltreatment occurred, or had contact with that facility staff person. This notification must be provided to the parent, guardian, or legal custodian of each child receiving services from the time maltreatment occurred until either the individual responsible for maltreatment is no longer in contact with child(ren), or conclusion of an investigation.

See Appendix G – Notice grids for quick reference, and Appendix H for a template example of a memo.

## Providing final disposition letters to licensing agencies

### Maltreatment and/or child protective services determined

Local child welfare agencies shall provide applicable licensing agencies with an oral report immediately after an investigation is completed, followed with a written report within one week.

[Minn. Admin. R. 9560.0222, subp. 11(C)]

### Maltreatment and child protective services not determined

Within 10 days of the conclusion of an investigation, applicable licensing agencies shall be provided the following information in a notice:

- Name of facility investigated
- Investigator's name
- Statement of whether maltreatment was found.

[Minn. Admin. R. 9560.0222, subp. 12]

Applicable licensing agencies include:

- Minnesota Department of Human Services
- Minnesota Department of Corrections

- Minnesota Department of Health
- Tribally licensed facilities.

## **Providing final disposition notice to private licensing agency**

When an investigation involves a child foster care setting that is monitored by a private licensing agency, the local child welfare agency responsible for investigating a report shall notify the private licensing agency of a determination, and provide a summary of specific reasons for the determination. The notice to a private licensing agency must include identifying private data, but not the identity of reporters of maltreatment. The notice must also include certification that the information collection procedures under Minn. Stat. 626.556, subd. 10, paras. (h), (i) and (j) were followed, and a notice of the right of a data subject to obtain access to other private data on the subject collected, created, or maintained under this section. In addition, the notice shall include the length of time that the records will be kept. [Minn. Stat. 626.556, subd. 10f]

## **Providing final disposition notices to the ombudsman**

For all cases in which the ombudsman received initial notice, local child welfare agencies must provide a written report to the ombudsman within one week after completing an investigation. [Minn. Rule 9560.022, subp. 11 (D)]

## **Maltreatment determination reconsiderations and appeals**

When maltreatment is determined, an alleged offender and interested parties on behalf of an alleged victim can ask for agency reconsideration of this finding at the local level. Instructions for the reconsideration process are connected to the Notice of Determination letters sent to alleged offenders, and possibly others. Alleged offenders can also appeal a maltreatment determination at the commissioner of the Minnesota Department of Human Services level. If a maltreatment determination is reversed as part of an appeal process, there is an Appeals screen in SSIS under the **Allegation** screen where this information is documented.

Requests for reconsideration to local child welfare agencies must be submitted by alleged offenders and/or interested parties within 15 calendar days from the date the Notice of Determination letter was received. Local child welfare agencies must reply to a request for reconsideration within 15 work days of receiving a request.

If an alleged offender disagrees with the local child welfare agency's determination after a reconsideration, or if an agency does not respond within 15 work days of receiving a request, alleged offenders have the right to ask the commissioner of Human Services for a hearing.

To request an appeal, alleged offenders must send a letter to the commissioner of Human Services stating why they disagree with the local child protection determination. The request for a hearing must be sent within 30 days after the local child welfare agency's response is received.

Local child welfare agencies and alleged offenders may also seek a commissioner of Human Services reconsideration of a decision if they disagree with the commissioner's final decision. The appeal, or

request for reconsideration by the commissioner, must be made within 30 days after the date the commissioner issues an order. The commissioner may reconsider an order upon request of any party or on the commissioner's own motion. A request for reconsideration does not stay implementation of the commissioner's order. A person seeking reconsideration has the burden to demonstrate why the matter should be reconsidered. A request for reconsideration may include legal arguments and proposed additional evidence supporting a request. If proposed additional evidence is submitted, the person must explain why the proposed additional evidence was not provided at the time of the hearing. If reconsideration is granted, the other participants must be sent a copy of all materials submitted in support of a request for reconsideration and must be given 10 days to respond. Upon reconsideration, the commissioner may issue an amended order or an order affirming the original order. [Minn. Stat. 256.045, subd. 5] Reconsiderations are sent to: Minnesota Department of Human Services, Appeals Division, P.O. Box 64941, St. Paul, MN 55164-0941. Fax to 651-431-7523, or online: <https://edocs.dhs.state.mn.us/lfservlet/Public/DHS-0033-ENG>.

If a local child welfare agency or alleged offender disagrees with the final order of the commissioner, either party has the right to appeal an order to district court of the county where maltreatment occurred. The local child welfare agency must submit the request to district court within 30 days after the date the commission issued the order. [Minn. Stat. 256.045, subd. 7]

## Resources

Refer to Appendix D for Facility Investigation flowchart.

Refer to Appendix E for Checklist for local child welfare agency and tribal licensed Facility Investigation.

Refer to Appendix I for recommended county attorney consults.

Facility statute and rule:

[Minnesota Statute, section 626.556](#)

[Minnesota Rule 9560.0222](#)

[Licensing Lookup](#)

Minnesota Department of Human Services screening and best practices guides:

[Intake, Screening, Response Path Guidelines](#)

[Minnesota's Best Practices for Family Assessment and Family Investigation](#)

## **Rapid Consultation system**

In September 2014, Governor Mark Dayton directed the Minnesota Department of Human Services to implement the Rapid Consultation system to provide consultation to county and tribal child welfare agency staff when making decisions regarding the safety of children, especially in challenging situations. The Rapid Consultation system line is coordinated by a department child safety consultant. To access the dedicated toll-free number for the Rapid Consultation system, caseworkers, their supervisors and/or screening team can call 888-234-1138 or email [DHS.CSP.RapidConsult@state.mn.us](mailto:DHS.CSP.RapidConsult@state.mn.us) to schedule a consultation time. Once a request for consultation is received, a consultation will be scheduled for the earliest time possible, but no later than within 24 hours of receiving the initial request. Child protection caseworkers and their supervisors are encouraged to access Rapid Consultation, as needed, to help guide decision making in challenging case situations.

## Appendix A – Definitions

**Child(ren)** – A child under age 18, either in the singular or plural.

**Child maltreatment** – Physical abuse, sexual abuse, mental injury or neglect of a child, as defined in Minn. Stat. 626.556, Maltreatment of Minors Act.

**Facility** – A program, setting, or individual that is or required to be licensed under Minn. Statute, or is operating legally unlicensed.

**Final disposition** – The final assessment or investigative decision as to maltreatment determinations and/or the need for child protective services.

**Imminent danger** – A situation in which a child is threatened with immediate and present maltreatment that is life threatening, or likely to result in abandonment, sexual abuse, or serious physical injury.

**Initial disposition** – The final screening decision as to whether a report is screened in or screened out for a child protection response.

**Intake** – The process of receiving a call or communication into a local child welfare agency by a reporter or inquirer.

**Legally unlicensed child care** – Includes a caregiver, relative or non-relative, caring for a child as part of an ongoing arrangement, whether paid or unpaid, outside of a child’s own residence. Child care provided at a child’s residence is considered legally unlicensed child care only when other non-resident children from one single family are also being cared for at the same time.

**Local child welfare agency** – Includes 87 counties and the American Indian Child Welfare Initiative tribes of Leech Lake Band of Ojibwe and White Earth Nation.

**Report** – A call or communication received by an agency from a reporter who intends to inform the agency about a child maltreatment concern on an identified child(ren).

**Risk of harm** – The frequency, recency and severity of contributing factors and underlying conditions responsible for adding to child safety issues that could result in child maltreatment. Underlying conditions are those factors that are part of or within a family, including domestic violence, alcohol or other drug problems, mental illness, physical illness, unrealistic expectations and emotional impulsivity. Contributing factors are those situations that put external pressure on a family such as poverty, language barriers, lack of social supports, or living in a high crime neighborhood.

**Safety** – The condition of being safe from undergoing harm, injury, or loss, including physical and/or psychological.

**Safety plan** – Means any written or oral plan made with a child’s parent or legal custodian or ordered by the court which sets out the conditions necessary to keep a child safe. A safety plan is developed, when required, after a safety assessment. The plan may be part of a child protective services plan, out-of-home placement plan, or reunification plan when a child leaves foster care.

**Secondary trauma exposure** – Emotional effects that proximity to and continued contact with individuals who have experienced trauma can have on family, friends, and human service professionals. Like their clients, staff members who work with victims are at risk of experiencing alterations in their thinking about the world, their feelings, relationships and their lives.

**Significant relationship** – A situation in which an alleged offender is a child victim’s parent, stepparent, or guardian; any of the following persons related to a child victim by blood, marriage, or adoption: Brother, sister, stepbrother, stepsister, first cousin, aunt, uncle, nephew, niece, grandparent, great-grandparent, great-uncle, great-aunt; or an adult who jointly resides intermittently or regularly in the same dwelling as a child victim.

**Vulnerability** – The degree to which a child cannot, on their own, avoid, negate, minimize, or modify the impact of present or impending danger.

## Appendix B – Facility Investigation responsibility

Local child welfare agency	Tribe	Department Licensing	Department of Health	Department of Education
<p>Family child care</p> <p>Unlicensed personal care service organizations under Minn. Stat. 256B.0659</p> <p>Child foster care</p> <p>Legally unlicensed child care</p> <p>Corporate child foster care – residential settings (group homes)</p>	<p>Leech Lake Band of Ojibwe, White Earth Nation, Red Lake Nation, and Bois Forte Band of Chippewa, are responsible for investigating facilities they have respectively licensed located on their reservations.</p> <p>With the exception outlined above, county agencies are responsible for child maltreatment facility investigations when a licensed tribal facility is located in county jurisdiction.</p>	<p>Child daycare centers</p> <p>Adult daycare centers</p> <p>Children’s residential facilities including:</p> <ul style="list-style-type: none"> <li>• Shelter placements</li> <li>• Minor parent programs</li> <li>• Residential chemical dependency treatment programs</li> </ul> <p>Home- and community-based services (245D) including:</p> <ul style="list-style-type: none"> <li>• Respite care services</li> <li>• Crisis respite</li> <li>• Independent living skills</li> <li>• Supported employment</li> <li>• Community residential settings</li> <li>• Day services facilities</li> </ul> <p>Residential service programs for children with developmental disabilities</p> <p>Adult foster care</p> <p>Extended child foster care (18-21)</p> <p>[Minn. Stat. 626.556, subd. 3c, licensed under chapters 245A and 245D, except for child foster care and family child care]</p> <p>Juvenile correctional facilities licensed under 241.021</p>	<p>Home health care settings</p> <p>Hospitals</p> <p>Regional treatment centers</p> <p>Nursing homes</p> <p>Intermediate care facilities for children with developmental disabilities</p> <p>Reports involving licensed and unlicensed home health care attendants</p> <p>[Minn. Stat. 626.556, subd. 3c, licensed under sections 144.50 to 144.58 and 144A.46]</p>	<p>Public pre-school</p> <p>Public elementary school</p> <p>Public middle school</p> <p>Public secondary school</p> <p>Charter school</p> <p>[Minn. Stat. 626.556, subd. 3b, as defined in section 120A.05, subs. 9, 11 and 13; chapter 124E]</p>

## **Appendix B continued**

When questions regarding lead agency responsibility occur, it is strongly recommended to contact and consult with the other potential lead agency. Some reports may be solely referred to law enforcement. This may include, but is not limited to, alleged maltreatment occurring in or by:

- After school programs
- Churches
- Gym daycare programs
- Park and recreation programs
- Autism centers
- Organized sports programs
- Camps (unless covered under 245D)
- Music or theater programs
- Boys and girls clubs
- Non-school employees.

## Appendix C – Entering facilities

### Notification to enter facility

**To:** Licensed facility

**From:** Local county or tribal welfare agency

**Date:**

**Purpose:** Investigation or assessment of alleged physical/sexual/emotional abuse and/or neglect in the facility setting.

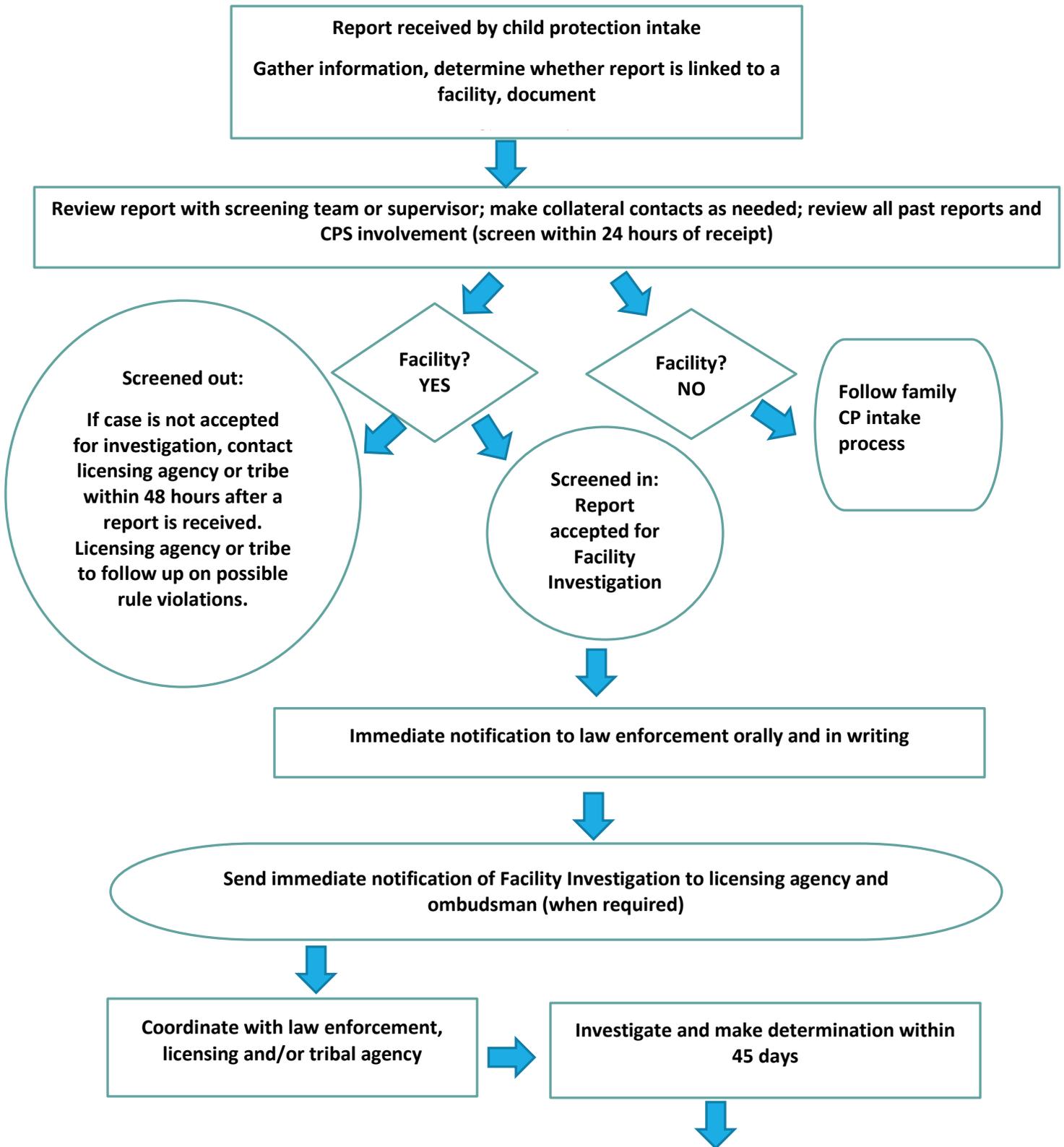
Minnesota Statute, section 626.556, subd. 10(h), states local child welfare agencies responsible for investigating reports, and local law enforcement agency, have the right to enter facilities and to inspect and copy the facilities' records, including medical records, as part of an investigation. Under Minnesota Statute, section 245A.04, subd. 5, this includes access to the physical plant and grounds where the program is provided, documents and records, including records maintained in electronic format, persons served by the program, and staff and personnel records of current and former staff whenever the program is in operation and the information is relevant to an investigation.

Minnesota Statute, section 626.556, subd. 10(d), states local child welfare agencies have the authority to interview, without parental consent, alleged victims and any other minors who currently reside with or who have resided with an alleged offender. Interviews may take place at school or at any facility or other place where an alleged victim or other minors might be found, or child may be transported to and interviews conducted at, places appropriate for interviewing a child designated by a local child welfare or law enforcement agency. Interviews may take place outside the presence of alleged offenders or parent, legal custodian, guardian, or school official.

Failure or refusal of a license holder to fully comply is reasonable cause for immediate suspension or revocation of a license under Minnesota Statute, section 245A.04, subd. 5(b).

A facility, or any of its staff members who permits access by the local child welfare or law enforcement agency and assists in an investigation of reports of alleged child abuse or neglect, are immune from civil or criminal liability that otherwise might result from their action, if acting in good faith.

## Appendix D – Facility Investigation flowchart



**Conclude if:**

- **Facility is responsible**
- **A facility staff person is responsible**
- **Ongoing services are needed**



**Notice to licensing agency for determination of appropriate licensing action follow up**



**Send maltreatment determination and appeal rights (when required) letter to alleged offender within 10 days of a maltreatment finding, and send letters to others required to be notified.**

# Appendix E – Checklist for local agency Facility Investigation

## Getting started

- Review report, contact reporter for more information, if needed
- Immediately cross-report to law enforcement verbally and follow up with written report
- Determine if child is Native American and immediately notify appropriate tribal office, if required
- Immediately cross-report to licensing agency(s)
- Immediately cross-report to ombudsman (when required)
- Contact law enforcement and licensing agency to determine initial investigation plan
- Determine the population of children in the facility
- Determine if parent(s) are to be notified prior to interview(s)
- Determine if placing agency is to be notified prior to interview(s)
- Determine where interview of a child will take place
- Review agency records to determine history of facility, including previous intakes/investigations
- Check out criminal background of alleged offender
- Determine if parents, guardians, or legal custodians of non-alleged victims should be notified
- Determine if facility administrative personnel was notified of the situation, if appropriate, coordinate the investigation process with facility administration.

## Safety of a child

- Determine what is necessary to ensure safety of children; licensing may need to be involved.
- Will alleged offender leave the facility during the investigation?
- Will non-offending parent be able/willing to keep this person out of home during investigation?
- If child needs to be removed from home, are there available, responsible relatives or family friends to care for them?
- Determine if removal of child is imperative. Consult with law enforcement and/or county attorney if removal is being considered.

## Medical exam (if injuries are present/suspected or with suspected sexual abuse)

- Determine if medical exam is appropriate. If so, make arrangements within required timelines. When possible, use medical personnel who have training and experience in child abuse identification and protocol.
- Determine location of exam and coordinate with medical personnel.
- Clarify with medical personnel expectations of what they need to document.
- If an exam has already been done:
  - Determine when, by whom, what evidence was obtained.
  - Request complete medical exam and report.
  - Interview the examining physician and other medical personnel.

## Obtain records/evidence

- Obtain necessary forms to take with during an investigation
  - Privacy Rights form
  - Releases of Information form
  - School Notification form
- Obtain any evidence of an event, including interviews, transcripts, photos
- Bring necessary equipment, such as:

- Audio recorder
- Camera for photos of injuries
- Measuring device

- \_\_\_\_\_ Arrange audio-video recording in sex abuse cases
- \_\_\_\_\_ Review staff actions in the facility and treatment plan for child
- \_\_\_\_\_ Licensing records.

### **Adult interview**

- \_\_\_\_\_ Interview person to whom child made initial statement.
- \_\_\_\_\_ Interview reporters to clarify report, when needed, (determine the circumstances of child's disclosure).
  - When and where statements were made.
  - Who else was present.
  - Words used by child.
  - Details provided by child.
  - Incidents surrounding the disclosure.
  - Child's demeanor/emotional state.
  - Child's attitude toward alleged offender.
  - Child's expressed concerns/fears.
  - Witness's reaction to child.
  - Exact marks/bruises witness observed.
  - Any instruments used in the abuse.
  - What caused the reporter to report.
  - Assess the validity of a report.
  - What is reporter's emotional state?

### **Interview collateral contacts/witnesses and facility staff**

- \_\_\_\_\_ Determine all people with relevant information about a child and family, details of abuse, and/or alleged offender.
- \_\_\_\_\_ Note witness's demeanor/attitude toward child and/or alleged offender, and their reactions to allegations.
- \_\_\_\_\_ Begin each interview with open-ended questions and move to more specific information at the end of the interview, including:
  - What is the witness's degree of familiarity with the child, family, or alleged offender?
  - Can they verify/refute facts supplied by child or alleged offender?
  - Do they know of any other potential witnesses?
  - Are they aware of any motives of child or others to make false allegations?
  - Are they aware of any behavior or behavior changes in child before or after disclosure?
  - Do they know if any other children may have been victimized?
- \_\_\_\_\_ Listen for what information each witness has or wants to share.

### **Interview child's parent(s)/caretakers(s)**

- \_\_\_\_\_ Interview the parent(s) unless it would cause greater risk to a child or interfere with a law enforcement investigation.
- \_\_\_\_\_ Give data privacy notices.
- \_\_\_\_\_ Audio-record interview.

- \_\_\_ Determine child’s medical and mental health history, which includes obtaining:
  - Names of doctor/therapist.
  - Consent for medical records, if needed.
- \_\_\_ Get chronological details of activities prior to and after incident (develop timeline).
- \_\_\_ Get names of persons with access to child during critical time period, including:
  - Who else was present?
  - What activities took place?
  - When was the access?
  - Where was contact(s)?
- \_\_\_ Verify the timing and events related by child.
- \_\_\_ Determine alleged offender’s access to child.
- \_\_\_ Identify ongoing difficulties and stresses in facility.
- \_\_\_ Ask if there have been prior disclosures by the child, or any traumatic experiences.
- \_\_\_ Ask about the relationship between parent/caretaker and alleged offender.
- \_\_\_ Ask about the relationship between child and alleged offender.
- \_\_\_ Ask about knowledge of any history of domestic violence towards others, chemical use, or other behaviors or experiences of alleged offender that may be of concern.
- \_\_\_ Alleged offender’s history of drug or alcohol use.
- \_\_\_ Assess capability/willingness to provide protection to child.

**Interview alleged offender**

- \_\_\_ Review information on alleged offender, including:
  - Name and home address.
  - Hours of work.
  - Does alleged offender have children?
  - Is there a need for notification of alleged offender’s partner?
- \_\_\_ Coordinate interview with law enforcement.
- \_\_\_ Audio-record interview.
- \_\_\_ Give data privacy notice.
- \_\_\_ Description of time spent alone with child during critical time period.
- \_\_\_ Determine the relationship and attitude toward child.
- \_\_\_ Review normal schedule and routine, and any changes at time of incident.
- \_\_\_ Have alleged offender explain the *incident* detail by detail (develop timeline).
- \_\_\_ Review training and experience of alleged offender and pertinent knowledge.
- \_\_\_ Ask alleged offender to clarify their job/role and responsibilities in the facility and for the child.

**Child interviews**

- \_\_\_ Review appropriate age and developmental skills of child.
- \_\_\_ Conduct face-to-face observation of alleged child(ren) in initial stages of investigation according to timelines.
- \_\_\_ Give child the data privacy notice, in writing, if they are 10 or older, and get signature.
- \_\_\_ If interview is to be in a school:
  - Contact school to arrange time and location.
  - Bring Notice of Intent to Interview Child when going to the school and get it signed by the principal/administrator.

- \_\_\_\_\_ At a minimum, audio-record all interviews. Audio-video record child interviews if sexual abuse is alleged.
- \_\_\_\_\_ When forensic interviews are required, multi-disciplinary teams should be utilized, and use established written protocol for conducting interviews. Multi-disciplinary teams should include child protection, law enforcement, county or tribal attorney, and other stakeholders such as children’s mental health professionals and tribal representatives, if appropriate.
- \_\_\_\_\_ When an interview is to be at a child advocacy center, make arrangements for child to be brought to the center by a supportive person.
- \_\_\_\_\_ Document the date, time, and duration of interviews, and the identity of persons at the interview in SSIS.
- \_\_\_\_\_ Document injuries with photographs and measuring tools and maintain in case file.
- \_\_\_\_\_ Complete a written summary within 72 hours for interviews that are not recorded.

**Assessing the evidence and making a determination**

- \_\_\_\_\_ Ensure photographs are taken of injuries.
- \_\_\_\_\_ Are possible defense or restraint injuries present?
- \_\_\_\_\_ Can the cause of an injury be determined?
- \_\_\_\_\_ Does the above match child’s statement?
- \_\_\_\_\_ If objects were used, can they be located?
- \_\_\_\_\_ Consider items which might corroborate details of child’s account.
- \_\_\_\_\_ Coordinate with law enforcement evidence collection and preservation.
- \_\_\_\_\_ Determine what evidence was collected, about whom, what is missing or unknown, and collect any additional evidence, as possible.
- \_\_\_\_\_ Make a determination, such as:
  - Did maltreatment occur?
  - Are services necessary?
  - Is a facility responsible?
  - Is an individual responsible?

**Wrapping up**

- \_\_\_\_\_ Complete all child maltreatment report folders in SSIS workgroup.
- \_\_\_\_\_ Coordinate with law enforcement regarding charges.
- \_\_\_\_\_ Coordinate with licensing agency the actions to be taken.  
(Is there a need for permanent or temporary suspension of license? Revocation of license? Recommended corrective actions to maintain license?)
- \_\_\_\_\_ Send a Notice of Determination letter to the parent(s) of alleged victim(s), facility, licensing agency, and to the parents of all children in the facility if maltreatment is determined, ombudsman (when initially notified), etc.
- \_\_\_\_\_ Send a Summary of Disposition letter to mandated reporter.
- \_\_\_\_\_ Complete a closing assessment summary.
- \_\_\_\_\_ Close case, transfer to case management services (for family-related concerns), or refer to other resources, when needed.

## Appendix F – Severity of Maltreatment

**Death** – A child died as a direct result of maltreatment or contributing factors directly linked to their death.

**Near fatality** – Hospital admission and a high level of medical intervention was required such as emergency surgery to alleviate a life-threatening injury, cardio-pulmonary resuscitation (CPR), administration of Narcan, intubation, or admission to the pediatric intensive care unit. See [DHS Near Fatality Tip Sheet](#).

**Serious injury** – Broken bones or an injury that may result in long-term disability or deformity, injury which results in TBI (unless classified as near fatal), internal injuries which are not categorized as life threatening, striking the head or face of a child under age 1, striking the head or face of a child under age 4 which results in injury, injury to the abdomen of a child under age 6, genital injury, burns, sexual abuse, or serious mental or emotional impairment.

**Moderate injury** – A child has/had cuts, bruises or mental or emotional impairment due to maltreatment.

**Apparent health impairment** – A child appears to have a physical, mental or emotional impairment which might reasonably be attributed to maltreatment.

**Exposed to dangerous or threatening conditions** – Purposeful exposure or failure to protect a child from dangerous or threatening conditions.

**Possible Injury** – Symptoms of injury without clear, direct connection to alleged maltreatment.

**No discernable injury or impairment** – No visible injury, physical or mental impairment.

**Other** – Severity not indicated by other codes. Make every effort to include this severity in other listed codes when appropriate.

## Appendix G – Notices

Screened out facility report
Notification
<ul style="list-style-type: none"> <li>• Law Enforcement</li> <li>• Local, private or tribal licensing agencies*</li> <li>• Minnesota Department of Human Services, Licensing Division</li> <li>• Minnesota Departments of Corrections, Health and Education (when applicable).</li> <li>• Placing agencies**</li> </ul>

\*Reporter information should be redacted in reports forwarded to privately licensed agencies.

\*\* Consultation with the county attorney is recommended when sharing with a placing agency.

Minn. Admin. Rule 9560.0222

Screened in facility report	
Initial notification	Information that can be provided
<ul style="list-style-type: none"> <li>• Law enforcement</li> <li>• Tribe</li> <li>• Local, private or tribal licensing agencies*</li> <li>• Minnesota Department of Human Services, Licensing Division</li> <li>• Ombudsman, if applicable</li> <li>• Placing agencies</li> </ul>	<ul style="list-style-type: none"> <li>• Date and time local welfare agency received report</li> <li>• Identification of facility, child(ren) alleged to have been maltreated, and alleged offender</li> <li>• The nature of the maltreatment and extent of injuries to children</li> <li>• Immediate treatment and protection measures being provided by local welfare agency</li> <li>• Name of child protection worker responsible for investigating a report</li> <li>• Reporter information should be redacted in all but law enforcement notifications.</li> </ul>

\*Reporter information should be redacted in reports forwarded to privately licensed agencies.

Screened in facility reports Initial parent notification of alleged victims	
Who to notify (shall)	Information that can be provided
<ul style="list-style-type: none"> <li>• Parent, legal guardian or custodian of a child alleged to have been maltreated, or the victim of maltreatment</li> </ul>	<ul style="list-style-type: none"> <li>• The name of the facility</li> <li>• That a report has been received</li> <li>• The nature of allegation(s)</li> <li>• That the local child welfare agency is conducting an investigation</li> <li>• Any protective or corrective measures being taken pending the outcome of an investigation</li> <li>• A written memorandum will be provided when an investigation is completed.</li> </ul>

Screened in facility report Initial parent notification of other children in facility	
Who to notify (may)	Information that can be provided
<ul style="list-style-type: none"> <li>• Parent, legal guardian or custodian of any other child in the facility if an investigative agency knows, or has reason to believe the alleged maltreatment of a child in the facility has occurred.</li> </ul>	<ul style="list-style-type: none"> <li>• The name of the facility</li> <li>• A report was received</li> <li>• Nature of the allegation(s)</li> <li>• Local child welfare agency is conducting an investigation</li> <li>• Protective or corrective measures being taken pending the outcome of an investigation</li> <li>• A written memorandum will be provided when an investigation is completed</li> <li>• The facility will be notified whenever this discretion is exercised.</li> </ul>

Upon completion of a Facility Investigation parent notification	
Who to notify (shall)	What to include (memorandum)
<ul style="list-style-type: none"> <li>• Every parent, legal guardian or custodian previously notified (whether or not maltreatment was determined)</li> <li>• Parent, legal guardian or custodian of each child in the facility who had contact with the individual responsible for maltreatment (if maltreatment was determined).</li> </ul>	<ul style="list-style-type: none"> <li>• The name of the facility</li> <li>• Nature of the allegation(s)</li> <li>• The investigator's name</li> <li>• A summary of investigative findings</li> <li>• A statement of whether maltreatment was found</li> <li>• Protective or corrective measures that are or will be taken</li> <li>• Memorandums shall be written in a manner that protects the identity of the reporter and child</li> <li>• Memorandums shall not include the name, or to the extent possible, reveal the identity of an alleged perpetrator, or those interviewed during an investigation.</li> </ul>

Upon completion of a Facility Investigation If a facility is the responsible party for maltreatment	
Who to notify (shall)	What to include (memorandum)
<ul style="list-style-type: none"> <li>• Parent, legal guardian or custodian of each child who received services in the population of a facility where maltreatment occurred.</li> </ul> <p>This includes contact from the time maltreatment occurred until either the individual responsible for maltreatment is no longer in contact with a child(ren) in the facility, or conclusion of an investigation.</p>	<ul style="list-style-type: none"> <li>• The name of the facility</li> <li>• Nature of the allegation(s)</li> <li>• The investigator's name</li> <li>• A summary of investigative findings</li> <li>• A statement of whether maltreatment was found</li> <li>• Protective or corrective measures that are or will be taken</li> <li>• Memorandums shall be written in a manner that protects the identity of reporter and child.</li> <li>• Memorandums shall not include the name, or to the extent possible, reveal the identity of an alleged perpetrator, or those interviewed during an investigation.</li> </ul>

<b>Notice of Determination (NOD)</b>	
<b>Who to notify (shall)</b>	<b>What to include (NOD letters in SSIS)</b>
<ul style="list-style-type: none"> <li>• Parent, legal guardian or custodian of alleged victim(s)</li> <li>• The person determined to be maltreating a child</li> <li>• The director of the facility (if applicable)</li> <li>• Private licensing agency (if applicable).</li> </ul>	<ul style="list-style-type: none"> <li>• The determination</li> <li>• Summary of the specific reasons for a determination</li> <li>• Information collection procedures</li> <li>• Appeal or review rights</li> <li>• Potential denial of license application or background study disqualification.</li> </ul>

## Appendix H – Memorandum example

Below is a template memo for Facility Investigations based on Minn. Stat. 626.556, subd. 10d (c). The language in the statute does not indicate these recipients would be given a Notice of Determination letter. This memo is sent to the parent, guardian or legal custodian of non-victims, including if the parents, guardians or legal custodian:

- Was previously notified of a facility investigation (whether or not maltreatment occurred)
- Of each child in a facility who had contact with an individual responsible for maltreatment **ONLY** if maltreatment occurred.
- Of each child who received services in the population of a facility **ONLY** if it was responsible for maltreatment.

### Example

Date

Name(s) of non-victim parent/guardian/legal custodian

Address

Dear: (Name(s) of non-victim parent/guardian/legal custodian)

You are receiving this notice as required by Minnesota Statute 626.556, subd. 10d (c). {insert name of county} has conducted a child protection investigation regarding {insert name of facility}. There was an allegation that **child(ren)** receiving care in this setting **was/were** {list allegation}. As required by law, a facility investigation was conducted to determine whether **child(ren) was/were** {list allegation}. Information was gathered according to the process required by Minnesota Statutes, section 626.556, subd. 10, paras. (h), (i) and (j).

### Results of investigation

It was determined that {list allegation} **did/did not** occur. The following **corrective/remedial** measures **have been/will be** taken {list measures}. If you have questions about the child protection investigation or other information discussed in this letter, contact me at {insert phone, email}.

Sincerely,

Name of caseworker

Title

Agency

## Appendix I – County/AICWI tribal attorney consultation on Facility Investigation

Suggested county/AICWI attorney consults	
Gain access to complete a child observation/interview	If an agency is unable to make contact with either child or adult caregiver within the required time frames, it should consult with the county/tribal attorney to request a court order making a child available for observation/interview. [Minn. Stat. 626.556, subd. 10 (f)]
Criminal background checks	Consult with county or tribal attorney when a more in-depth criminal background check may be warranted.
Contacting a non-custodial parent	Practice concerning noncustodial parent (NCP) contact varies among agencies. Consult with county/tribal attorney for specific direction.
No basis for full investigation	Before closing a case without a full investigation.
Medical evaluations	If a parent refuses to permit a medical evaluation and it is necessary to ensure child safety, consultation with county or tribal attorney should occur.
Providing determination letters to non-resident, non-offending parents	Consult with county or tribal attorney for specific guidance.

