



# Bulletin

**NUMBER**

#15-68-01

**DATE**

February 5, 2015

**OF INTEREST TO**

County Directors

Social Services Supervisors  
and Staff

Tribal Social Service  
Directors and Staff

County Attorneys

Tribal Attorneys

**ACTION/DUE DATE**

Review and implement as  
directed.

**EXPIRATION DATE**

February 5, 2017

## Child Safety Practice Guidance Issued

**TOPIC**

Child safety-focused practice guidance.

**PURPOSE**

Provide interim practice guidance regarding child protection screening, response path assignment, and assessment and investigation protocols until Governor Mark Dayton's Task Force on the Protection of Children provides final March 2015 recommendations to the governor and Minnesota Legislature.

The issuance of this bulletin makes the March 2011 "Family Assessment Response Questions and Answers" document **obsolete**. County and tribal child welfare agencies are to follow the guidance provided in this bulletin for Family Assessment protocols.

**CONTACT**

Carole Wilcox, 651-431-4701, or  
Carole.wilcox@state.mn.us

**SIGNED**

JAMES G. KOPPEL  
Assistant Commissioner  
Children and Family Services Administration

**TERMINOLOGY NOTICE**

The terminology used to describe people we serve has changed over time. The Minnesota Department of Human Services (DHS) supports the use of "People First" language.

The Minnesota Department of Human Services (the department) continues to use child welfare data to provide practice guidance, as needed, to assure child safety is paramount. Minnesota's 2013 "Child Welfare Report" to the Minnesota Legislature, published October 2014, underscored the need to clarify specific child protection practices identified in this bulletin. Follow link to the 2013 report: [Minnesota's Child Welfare Report 2013](#).

## **Use of past history in screening decisions**

The law currently prohibits the use of screened-out reports of alleged child maltreatment for any purpose other than making an offer of social services.

The law now permits the use of past child protection involvement in screening decisions.

The following paragraph from the "Minnesota Child Maltreatment Screening Guidelines," dated September 2012, is now obsolete by issuance of this bulletin: "Each report of maltreatment should be considered independent of any prior child maltreatment referral history. Past referrals that were either accepted or screened out from receiving an investigation or assessment should not determine whether a new allegation is assessed. However, it is appropriate to consider past child maltreatment referral history in determining whether protective services are needed."

It is replaced with the following: "The law permits, and the department encourages, the use of a family's previous child protection and child welfare involvement when making screening decisions regarding new reports of child maltreatment. Past history includes previous Family Assessments, Family Investigations, child protection services and child welfare services."

## **Sexual abuse allegations and Family Investigation**

Family Investigation is required for reports involving substantial child endangerment. Child sexual abuse allegations fall under the definition of substantial child endangerment in Minnesota Statutes, section 626.556, subdivision 2(c), (2) and (d), and must receive a Family Investigation.

Sexual abuse allegations include, but are not limited to, reports of predatory offenders/registered offenders in the home; threatened sexual abuse pertaining to persons residing in the household, or having unsupervised contact with a child who has sexually abused a child; and sexual exploitation and sex trafficking concerns.

Requirements in the very early stages of an investigation include:

- Face-to-face contacts with the alleged child victim and the primary parent/caregiver immediately for investigations, defined as up to 24 hours, and within five days for all other accepted reports

- Completion of a safety assessment prior to allowing a child to remain in the household
- Completion of a written safety assessment instrument in the Social Services Information System as soon as possible, but no later than three working days of making the initial face-to-face contacts to assess child safety.

The law permits transitioning from Family Investigation to Family Assessment if a county child welfare agency decides a complete investigation is not required. In determining that a complete investigation is not required, agencies must document the reason for terminating an investigation and notify the local law enforcement agency, if it is conducting a joint investigation.

Prior to making the decision to transition from one response path to the other, the department recommends documentation in the Social Services Information System include:

- The reason why terminating an investigation addresses a child's safety
- Face-to-face contacts with alleged child victim and primary parent/caregiver
- Completed safety assessment
- Supervisory consultation
- County or tribal attorney consultation
- Law enforcement notification, if a joint investigation is being conducted
- Multi-disciplinary team consultation, as available.

The intent of track switching is to allow for the best matched child protective services response to be applied to allegations of child maltreatment. It exists in statute for those cases where the initial allegation of child maltreatment is not consistent with initial conditions in the child protective services response.

Transitioning from a Family Investigation to a Family Assessment should not occur because there is no preponderance of evidence to support a finding of maltreatment. In such cases, the investigation should be finalized with a "not determined" finding. Transitioning should also not occur to avoid the consequences that a determination of child maltreatment may have on a parent or caregiver.

## **Supervision and consultation**

Department staff encourages supervisory and/or team consultation when making the initial response path assignment decision. At a minimum, decisions should be reviewed by a supervisor. Screeners and/or supervisors should consult with the county attorney's office

when there is ambiguity regarding whether a case should be screened in or out. Input from law enforcement can strengthen decisions and is encouraged.

## **Family Investigations and licensed child care and foster care providers**

Allegations of child maltreatment involving a licensed child care or foster care provider should receive a Family Investigation, whether the alleged child victim is a biological child or a child being served by the provider. This assures the safety of all children that come in contact with the child care or foster care provider. The provider's behavior impacts the lives of other children and is relevant to licensure. A Family Investigation involving a determination as to child maltreatment is appropriate and necessary to consider continued eligibility for licensure.

## **Duplicate reports**

Reports should be screened in as duplicate reports when they include the same allegations that are currently under assessment or investigation.

However, when a new report is received that contains different allegations than what is currently being assessed or investigated, the new report should be screened and assigned based on the new allegation.

## **Child protection responses and mandated involvement**

Family Assessment and Family Investigation are not voluntary. They are both involuntary, serious child protective services responses. If a parent does not cooperate and/or a child is determined to be unsafe, or the risk of future harm is high, the county or tribal child welfare agency should consult with the county or tribal attorney about possible court action to help keep a child safe.

## **Child interviews**

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

## **High risk and child protective services**

A risk assessment is required in Family Assessment and Family Investigation. The risk assessment identifies the level of risk of future maltreatment and guides decisions about the need for child protective services. If a family is rated high risk, the county or tribal child

welfare agency must consult with the county or tribal attorney as to child safety and risk status prior to closure, document pertinent factors considered in the consultation and an agency's decision in a client's case record.

While a family's involvement is encouraged, if a parent refuses to participate in planning, or fails to follow through with what is necessary to keep a child safe, the county or tribal child welfare agency must consult with the county or tribal attorney about legal grounds to proceed with a court petition. This consultation must be documented in a client's case record to include pertinent factors considered in the consultation, and the county or tribal attorney's recommendation. Court involvement can occur in either a Family Assessment or Family Investigation Response.

### **Americans with Disabilities Act (ADA) Advisory**

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