

## Policy Title: Maltreatment of Minor Reporting

<b>Policy Owner:</b> COO <b>Policy Originated by:</b> Program	<b>Date Written:</b> 10/1/13
<b>Applicable Programs:</b> All	<b>Date Reviewed and Approved by PLT:</b> 3/11/14, 02/17/15, 07/07/15, 02/23/16, 06/15/16, 09/20/16, 07/22/20, 04/28/21, 6/8/22, 5/23/23, 11/20/23, 4/28/25
<b>Statutory or Regulatory Citation:</b> Minnesota Statute § 245I.03 Subd.6 Minnesota Statute §9503.0130 Minnesota Statute § 260E Source Document: DHS-763A-ENG	<b>Signature if needed:</b>

## Policy

St. David's expressly prohibits abuse and neglect of children in their care and purview. All employees, agents, consultants, volunteers, and others who provide services to St. David's clients (collectively, "St. David's personnel") are mandatory reporters and must report any apparent or suspected abuse and neglect that comes to their attention.

## Emergency or Remedial Action to Address Maltreatment

St. David's personnel observing the act of maltreatment of a minor will immediately intervene, securing the safety of the child.

## I. What to report

**Maltreatment** includes egregious harm, neglect, physical abuse, sexual abuse, substantial child endangerment, threatened injury, and mental injury. For definitions refer to Minnesota Statutes, section 260E.03, and the definitions section in DHS 763A-ENG. Maltreatment must be reported if you have witnessed or have reason to believe that a child is being or has been maltreated within the last three years.

## II. Who must report

- A. All employees of St. David's (a licensed facility) are considered "mandated reporters" and are legally required (mandated) to report maltreatment.

- B. You cannot shift the responsibility of reporting to your supervisor or to anyone else at St. David's.

### **III. Where to report**

- A. If you know or suspect that a child is in immediate danger, call 911
- B. Reports concerning suspected maltreatment of children, or other violations of Minnesota Statutes or Rules, in facilities licensed by the Minnesota Department of Human Services, should be made to the Licensing Division's Central Intake line at 651-431-6600.
- C. Reports concerning suspected maltreatment of children, or other violations of Minnesota Statutes or Rules, in facilities licensed by the Minnesota Department of Children, Youth, and Families, should be made to the DCYF Central Intake line at 651-539-8222.
- D. Incidents of suspected maltreatment of children occurring within a family, in the community, at a family childcare program, or in a child foster care home, should be reported to the local county social services agency at:
  - i. Hennepin County Child Protection 612-348-3552
  - ii. Anoka County Child Protection 763-324-1440
  - iii. Dakota County Child Protection 952-891-7459
  - iv. Ramsey County Child Protection 651-266-4500
  - v. Carver County-Child and Family Department 952-361-1600
  - vi. Wright County Human Services Agency Child 763-682-7449
  - vii. or local law enforcement at: 911

### **IV. When to report**

Mandated reporters must make a report to one of the agencies listed above immediately (as soon as possible but no longer than 24 hours).

### **V. Information to report**

A report to any of the above agencies should contain enough information to identify the child involved, any persons responsible for the maltreatment (if known), and the nature and extent of the maltreatment and/or possible licensing violations. For reports concerning suspected maltreatment occurring within a licensed facility, the report should include any actions taken by the facility in response to the incident.

### **VI. Documentation of report**

Staff in Pediatric Therapies, Center Based and School-Linked Mental Health, and Children's Mental Health Case Management will complete entry in Electronic Health Record in compliance with Right to Accounting of Disclosures of Ones Protected Health Information.

## **VII. Failure to report**

- A. A mandated reporter who knows or has reason to believe a child is or has been maltreated and fails to report is guilty of a misdemeanor.
- B. In addition, a mandated reporter who fails to report serious or recurring maltreatment may be disqualified from a position allowing direct contact with, or access to, persons receiving services from programs, organizations, and/or agencies that are required to have individuals complete a background study by the Department of Human Services as listed in Minnesota Statutes, section 245C.03.

## **VIII. Retaliation prohibited**

- A. An employer of any mandated reporter is prohibited from retaliating against (getting back at):
  - i. an employee for making a report in good faith; or
  - ii. a child who is the subject of the report.
- B. If an employer retaliates against an employee, the employer may be liable for damages and/or penalties.

## **IX. Staff training**

St. David's will train all mandated reporters on their reporting responsibilities, according to the training requirements in the statutes and rules governing the licensed program. St. David's will document the provision of this training in individual personnel records, monitor implementation by staff, and ensure that the policy is readily accessible to staff, as specified under Minnesota Statutes, section [245A.04](#), subdivision 14.

## **X. Provide policy to parents/guardians**

As a licensed childcare center, St. David's will provide the mandated reporting policy to parents of all children in our Early Childhood Education Program at the time of enrollment and upon request.

## **XI. Internal Review when St. David's Staff are Involved in Alleged or Suspected Maltreatment**

- A. When St. David's has reason to know that an internal or external report of alleged or suspected maltreatment has been made, an internal review must be completed within 30 calendar days and take corrective action, if necessary to protect the health and safety of children in care.
- B. The internal review must include an evaluation of whether:
  - i. related policies and procedures were followed;
  - ii. the policies and procedures were adequate;
  - iii. there is a need for additional staff training
  - iv. the reported event is similar to past events with the children or the services involved:  
and
  - v. there is a need for corrective action by the license holder to protect the health and safety of children in care.
- C. Primary and Secondary positions to ensure reviews are completed
  - i. The internal review will be completed by the Program Director
  - ii. If the Program Director is involved in the alleged or suspected maltreatment, the Executive Director of the site will be responsible for completing the internal review
- D. Documentation of the internal review
  - i. St. David's will document completion of the review and make internal reviews accessible to the commissioner immediately upon the commissioner's request
- E. Corrective Action Plan
  - i. Based on the results of the internal review, the license holder must develop, document, and implement a corrective action plan to correct any current lapses and prevent future lapses in performance by individuals or the license holder.

## **XII. Definitions**

Comprehensive Definitions can be Found in Minnesota Statutes, section [260E.03](#) and [657.5572](#) for the following:

- i. Egregious Harm
- ii. Maltreatment
- iii. Mental Injury
- iv. Neglect
- v. Physical and Sexual Abuse
- vi. Substantial Child Endangerment
- vii. Threatened Injury
- viii. Prenatal Exposure

### **Violation of this Policy or Procedure**

No or only partial adherence to this policy or procedure may result in noncompliance with current regulatory requirements and subsequent penalties to St. David's. Remediation for violators will include,

but not be limited to, disciplinary action up to and including termination depending on the circumstances of the situation at the time.

**Reference or Attachment:**

DHS Maltreatment of Minors Mandated Reporting

Internal Review of Alleged or Suspected Maltreatment

Resource Guide for Mandated Reports of Child Maltreatment Concerns

Right to Accounting of Disclosure of One's PHI

Department of Children, Youth, and Families (DCFY) Maltreatment of Minors Mandated Reporting Form