

**Reporting Policy For
BENTON COUNTY
Licensed Family Child Care Program**

Who should report child abuse and neglect

- ✘ Any person may voluntarily report abuse or neglect.
- ✘ If you work with children in a licensed facility, you are legally required or mandated to report and cannot shift the responsibility of reporting to anyone else. If you know or have reason to believe a child is being or has been neglected or physically or sexually abused within the preceding three years you must immediately (within 24 hours) make a report to an outside agency.

Where to report

- ✘ If you know or suspect that a child is in immediate danger, call 911.
- ✘ Reports regarding incidents of suspected abuse or neglect of children occurring at a family child care program, within a family or in the community should be made to the local county social service agency at (320) 968-5087. Or you may contact your local law enforcement at (320) 968-7201.
- ✘ If your report does not involve possible abuse or neglect, but does involve possible violations of Minnesota Statutes or Rules that govern the facility, you should call your local county social service agency at (320) 968-5087.

What to report

- ✘ Definitions of maltreatment are contained in the Reporting of Maltreatment of Minor Act, Minnesota Statutes, section 626.556 (see attached).
- ✘ A report to any of the above agencies should contain enough information to identify the child involved, any persons responsible for the abuse or neglect (if known), and the nature and extent of the maltreatment and/or possible licensing violations. For reports concerning suspected abuse or neglect occurring within a licensed facility, the report should include any actions taken by the facility in response to the incident.
- ✘ An oral report of suspected abuse or neglect made to one of the above agencies by a mandated reporter must be followed by a written report to the same agency within 72 hours, exclusive of weekends and holidays.

Retaliation Prohibited

Minnesota Statutes, section 626.556, subd. 4a. states that an employer of any mandated reporter shall not retaliate against the mandated reporter for reports made in good faith or against a child with respect to whom the report is made. The Reporting of Maltreatment of Minors Act contains specific provisions regarding civil actions that can be initiated by mandated reporters who believe that retaliation has occurred.

Failure to Report

Pursuant of Minnesota Statutes, section 626.556, subd. 6, a mandated reporter who knows or has reason to believe a child is or has been neglected or physically or sexually abused and fails to report is guilty of a misdemeanor. In addition, a mandated reporter who fails to report maltreatment that is found to be serious or recurring maltreatment may be disqualified from employment in positions allowing direct contact with persons receiving services from programs licensed by the Department of Human Services and by the Minnesota Department of Health, and unlicensed Personal Care Provider Organizations.

THIS REPORTING POLICY MUST BE PROVIDED TO THE PARENTS OF ALL CHILDREN AT THE TIME OF ENROLLMENT IN THE CHILD CARE PROGRAM AND MUST BE MADE AVAILABLE UPON REQUEST.

Minnesota Statutes, section 626.566, subd. 2. **Definitions.** As used in this section, the following terms have the meaning given them unless specific content indicates otherwise:

(A) "Sexual Abuse" means the subjection of a child by a person responsible for the child's care, by a person who has a significant relationship to the child, as defined in section 609.341, or by a person in a position of authority, as defined in section 609.341, subdivision 10, to any act which constitutes a violation of section 609.342 (criminal sexual conduct in the first degree), 609.343 (criminal sexual conduct in the second degree), 609.344 (criminal sexual conduct in the third degree), 609.345 (criminal sexual conduct in the fourth degree) (609.3451 (criminal sexual conduct in the fifth degree). Sexual abuse also includes any act which involves a minor which constitutes a violation of prostitution offenses under sections 609.321 to 609.324 or 617.246. Sexual abuse includes threatened sexual abuse.

(B) "Person responsible for the child's care" means (1) an individual functioning within the family unit and having responsibilities for the care of the child such as a parent, guardian, or other person having similar care responsibilities, or (2) an individual functioning outside the family unit and having responsibilities for the care of the child such as a teacher, school administrator, other school employees or agents, or other lawful custodian of a child having either full time or short term care responsibilities including, but not limited to, day care, babysitting whether paid or unpaid, counseling, teaching, and coaching.

C) "Neglect" means:

- (1) failure by a person responsible for a child's care to supply a child with necessary food, clothing, shelter, health, medical, or other care required for the child's physical or mental health when reasonably able to do so;
- (2) failure to protect a child from conditions or actions that seriously endanger the child's physical or mental health when reasonably able to do so;
- (3) failure to provide for necessary supervision or child care arrangements appropriate for a child after considering factors as the child's age, mental ability, physical condition, length of absence, or environment, when the child is unable to care for the child's own basic needs or safety, or the basic needs or safety of another child in their care;
- (4) failure to ensure that the child is educated as defined in sections 120A.22 and 260C.163, subdivision 11, which does not include a parent's child with sympathomimetic medications, consistent with section 125A.09, subdivision 3;
- (5) nothing in this section shall be construed to mean that a child is neglected solely because the child's parents, guardian, or other person responsible for the child's care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child in lieu of medical care; except that a parent, guardian, or caretaker, or a person mandated to report pursuant to subdivision 3, has a duty to report if a lack of medical care may cause serious danger to the child's health. This section does not impose upon persons, not otherwise legally responsible for providing a child with necessary food, clothing, shelter, education, or medical care, a duty to provide that care;
- (6) prenatal exposure to a controlled substance, as defined in section 253B.02, subdivision 2, used by the mother for a non-medical purpose, as evidence by withdrawal symptoms in the child at birth, results of a toxicology test performed on the mother at delivery or the child at birth, or medical effects or developmental delays during the child's first year of life that medically indicate prenatal exposure to a controlled substance;
- (7) "medical neglect" as defined in section 260C.007, subdivision 6, clause (5);
- (8) chronic and severe use of alcohol or a controlled substance by a parent or person responsible for the care of the child that adversely affects the child's basic needs and safety; or
- (9) emotional harm from a pattern of behavior which contributes to impaired emotional functioning of the child which may be demonstrated by a substantial and observable effect in the child's behavior, emotional response, or cognition that is not within the normal range for the child's age and stage of development, with due regard to the child's culture.

(D) "Physical abuse" means any physical injury, mental injury, or threatening injury, inflicted by a person responsible for the child's care on a child other

than by accidental means, or any physical or mental injury that cannot reasonably be explained by the child's history of injuries, or any aversive or deprivation procedures, or regulated interventions, that have not been authorized under section 121A.67 or 245.825.

Abuse does not include reasonable and moderate physical discipline of a child administered by a parent or legal guardian which does not result in an injury. Abuse does not include the use of reasonable force by a teacher, principal, or school employee as allowed by section 121A.582. Actions which are not reasonable and moderate include, but are not limited to, any of the following that are done in anger or without regard to the safety of the child:

1. Throwing, kicking, burning, biting, or cutting a child;
2. Striking a child with a closed fist;
3. Shaking a child under age three;
4. Striking or other actions which result in any non-accidental injury to a child under 18 months of age;
5. Unreasonable interference with a child's breathing;
6. Threatening a child with a weapon, as defined in section 609.02, subdivision 6;
7. Striking a child under age one on the face or head;
8. Purposely giving a child poison, alcohol, or dangerous, harmful, or controlled substances which were not prescribed for the child by a practitioner, in order to control or punish the child; or other substances that substantially affect the child's behavior, motor coordination, or judgement or that results in sickness or internal injury, or subject the child to medical procedures that would be unnecessary if the child were not exposed to the substances;
9. Unreasonable physical confinement or restraint not permitted under section 609.379, including but not limited to tying, caging, or chaining; or
10. In a school facility or school zone, an act by a person responsible for the child's care that is a violation under section 121A.58.