

## The Definition of Child Maltreatment, Safety and Harm Minnesota Statute §626.556

Hennepin County Child  
Protection Intake



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## Poverty, Neglect and Racial Disparities

There is a strong correlation between poverty and neglect, but CPS does not accept cases based on poverty issues alone.

There are a disproportional numbers of reports received regarding families of color.

Child Protection does not report to Immigration

## Minnesota Child Protection System

Counties administer Child  
Protection Services, but are  
supervised by the state

Recommended State-wide  
Guidelines  
([www.mn.dhs.state.mn.us](http://www.mn.dhs.state.mn.us))

## Who Should Report Child Abuse?

- Any person may voluntarily report to the police or child protection.
- Mandated reporters MUST report and are required to provide their name and address. Mandated Reporters include "professionals or their delegates who are engaged in the practice of the healing arts, social services, hospital administration, psychological or psychiatric treatment, child care, education, correctional supervision, probation and correctional services, or law enforcement". The reporter's identity cannot be revealed to the family



## Reporting Requirements

- Mandated reporters are required to make an oral report within 24 hours, followed by a written report within 72 hours unless the reporter was informed that the oral report does not constitute a report.
- Reporters have immunity from liability provided they are acting in good faith (MN Statutes Section 626.5561 Subd. 4)
- CPS and Police Cross Report
- MN Statutes  
<http://www.revisor.leg.state.mn.us/stats/626/556.html>

## Two types of Assessments for accepted reports

- **Investigative Response**
- (39% statewide in 2007)
- **Family Assessment**
- (61% statewide in 2007)



## Investigative Response

- Substantial Child endangerment including all sex abuse cases.
- Parents opt into Investigative response
- Licensed facility Investigations

### DISPOSITION OF INVESTIGATIVE RESPONSE INCLUDES:

1. Finding of Maltreatment
2. No finding of Maltreatment
3. Services Needed (rare)
4. Services Not needed



## Family Assessment Response

- Preferred response to reports not alleging substantial harm
- No determination of maltreatment finding
- Focus is strength based
- Services offered, but not mandatory



## What are the four major types of child maltreatment?

- Physical Abuse Neglect 64.7%
- Neglect – 65 %
- Sexual Abuse 10 %
- Mental Injury .05%

## Physical Abuse

- “Physical abuse” is defined as any physical injury, or threatened injury, inflicted by a person responsible for the child’s care to a child other than by accidental means, or any physical injury that can not be reasonably explained by the child’s history of injuries.

## Examples of Physical Abuse

- Actions which are done in anger or without regard to the safety of the child:
  - Throwing, kicking, burning, biting, or cutting.
  - Striking a child with a closed fist (in vital organs)
  - Shaking a child under age three
  - Actions which result in any non-accidental injury to a child.

## Physical Abuse (cont.)

- Unreasonable interference with a child’s breathing
- Threatening a child with a weapon
- Striking a child under age 1 on the face or head
- 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

## Physical Abuse (cont)

- Unreasonable physical confinement or restraint, including but not limited to tying, caging, or chaining.
- Examples would include - denied access to bathroom, or deprived of food or water; or excessive time; or no lights; or other aversive element imposed

## Threatened Injuries

- A statement, overt act, condition, or status that represents a substantial risk of physical or sexual abuse or mental injury, including but not limited to:
  - Adult holding a weapon to a child
  - Driving while intoxicated

## Hennepin County exceptions

- Reports are assessed if the abuse occurred within the past three months.
- If a child is 13 years or older, verification of the injuries is required.
- If a child is 12 or under, the child's statement indicating past injuries, or a party who observed the injury can report.
- Reports of alleged abuse to adolescents are screened out if there is no current injury or if the injury occurred during restraint or a mutual altercation.

## What is NOT Physical Abuse?

- Reasonable and moderate physical discipline by a parent or guardian, which does not result in an injury
- Reasonable restraint causing an accidental injury
- Accidental injuries
  - However, unintentional injuries resulting from physical discipline are considered physical abuse

## Mental Injury and Emotional Harm

- An inflicted injury to the psychological capacity or emotional stability of a child
  - Evidenced by an observable and substantial impairment in the child's ability to function as normal
- Usually diagnosed by a professional
  - Less than 1% of all accepted referrals are due to mental injury

## Neglect

- The failure by parents or caretakers to provide a child with necessary food, clothing, shelter, medical care, education, or supervision
- Neglect is also a failure to protect the child from conditions or actions which imminently and seriously endanger the child's physical or mental health.
- Focus is on the harm to the child and the actions of the parents.

## Neglect: Food

- No food available for children
- Chronic inadequate food with a negative impact on the child.
- Failure to Thrive, a condition that has been diagnosed by a physician and is due to parental neglect Medical neglect requires: **Diagnosis, Prognosis, Interventions attempted and the failure of the parents to obtain proper care.**

## Neglect: Clothing & Hygiene

- Clothing is not appropriate for the weather or other environmental conditions, which endangers the child's health. \*
- Child is has an illness or condition due to inadequate hygiene, and the parent is not taking action to correct the problem. Persistent conditions of personal hygiene so extreme that the child is unable to participate in the community or school \*

\* PARENT SHOULD HAVE THE OPPORTUNITY TO CORRECT THE PROBLEM PRIOR TO ASSESSMENT

## Neglect: Shelter

Dangerous living conditions which fail to provide protection from weather conditions, or from environmental hazards in the dwelling, or on the property, that has the potential for injury, illness, and/or disease, which are under the control of the parent or guardian

## Neglect: Examples of Inadequate Shelter

Heat or Utilities shut off and there is a negative impact on the children  
Broken glass or windows, open or unsafe windows  
Gas leaks, exposed electrical wiring  
Discarded refrigerators with doors  
Blocked exits due to extreme clutter  
Spoiled food  
Feces, urine, infestation of rodents or insects  
Guns or ammunition not safely stored

## Neglect: More examples of Inadequate Shelter

Family is without shelter due to parental failure or refusal to make use of available resources.

We do not take reports of overcrowding unless there are other factors of abuse or neglect.

## Neglect: Medical Care

Report from a health care professional  
Identification of a medical problem and recommended interventions  
Identification of serious risk to the child's physical or mental health if not treated  
Documentation of attempts to secure parental cooperation and their failure to cooperate.

## Failure to Provide Health or Other Care

- The parent's failure to provide necessary care that is required for a child's physical or mental health when reasonably able to do so.
- Failure to obtain treatment for a minor sex offender

## Neglect: Education

- Educational neglect reports are received for children under the age of 12
- There have to have been 8 unexcused absences and the school has to make appropriate efforts to resolve attendance problems
- Children must be enrolled by age 7 and if enrolled before, must attend as above.
- Children 12-16 who are not enrolled.
- (there is an April 15<sup>th</sup> cut-off date)

## Neglect: Controlled substances

Dangerous drugs, controlled substances, (or paraphernalia) or household poisons are accessible to children, or children present during a drug raid.

Drugs are given to children which cause injury or illness

Controlled substances include Heroin, Cocaine, phencyclidine, methamphetamine, amphetamine or derivatives and THC.

In cases of THC, our current practice is that the reporter must describe the negative impact on children.

What is not mentioned in the law.

## Neglect: Chronic and Severe use of Alcohol

- Chronic and severe use of alcohol
- The demonstration of adverse affects to the child's basic needs and safety
- This is usually demonstrated by a parent who is passed out or incapacitated and this is often documented by police
- DWI arrest

## Neglect: Prenatal exposure

- Prenatal exposure to controlled substances (Heroin, Cocaine, phencyclidine, methamphetamine, amphetamine or derivatives and THC)
- Mandated reporters must also report a pregnant woman's use of these controlled substances prior to birth, and must report alcohol use that is habitual or excessive.

## Neglect: Domestic Assault

- Domestic Abuse where the children are present and at least on of these conditions are present:
- Injuries to parent or offender are potentially life threatening, permanent or require medical care
- Objects are used as weapons
- A sexual assault is involved
- A child intervenes, e.g., makes a 911 call, inserts themselves as a shield or is used as a shield
- Kidnapping, threats of kidnapping, suicide or homicide
- Child is in fear for their life or that of the parents.
- Strangulation



## Neglect: Endangerment

- A child is present with the parent while committing a criminal act that endangers safety.
- Parents do not protect a child from a person who poses a serious threat to the child's safety, or a person who presents a sexual threat
- A child under 16 is involved in a sexual relationship and living with their sexual partner with their parent's knowledge and consent

## Neglect: Endangerment

- Ongoing abuse between siblings that results in a physical injury and the parents do not act to protect a child
- Caregiver washes a child's mouth out with liquid soap, hot sauce, etc, and the practice results in physical harm.

## Neglect: Other Endangerment

- A parent has had a Termination of Parental Rights or Transfer of Legal Custody, and gives birth to or fathers a new child
- When a TPR or TLC is voluntary and the child returns to a parent, we assess IF there are other allegations of abuse/neglect.

## Neglect: Supervision

- Failure to provide supervision of children in bathtubs, near water, machinery, busy streets and alleys
- Selecting an unreliable person to provide child care

## Supervision – Children Alone

Modifying factors affecting screening decisions include age, mental ability, maturity levels, accessibility of parent by phone, or in person, intellectual deficits, psychological, mental health or physical problems, whether a child can use a stove, iron, etc if need, presence of unusual hazards in the home, ability to stay away from dangerous activities, and a child feeling confident and safe when left alone.

## Supervision: Ages and Times

- **Ages and allowable length of time for a child to be left alone:**
- • Children 7 and under should not be left alone for any period of time
- • 8-10 up to 3 hours
- • 11-13 up to 12 hours
- • 14-15 up to 24 hours
- • 16-17 over 24 hours with a plan in place concerning how to respond to an emergency

## Supervision: Children babysitting

- Children under age 11 should not provide child care
- Children ages 11-17 placed in a child care role are subject to the same time restrictions of being left alone as listed above

## Neglect: Abandonment

Child abandonment meets the statutory definition of substantial endangerment when:

The parent has had no contact on a regular basis and has not demonstrated interest in the child's well-being for six months.

- When a child is abandoned under 2 years of age, and has been deserted by the parent under circumstances that show intent not to return to care for the child.
- If there is a caregiver willing to care for the child, CPS does not get involved.

## Neglect: Abandonment

- It would not be considered abandonment if the parent can establish that they were prevented from making contact with the child due to extreme financial or physical hardship; treatment for a mental disability or chemical dependency; or other good cause.
- Reports are assessed if there is no living parent or legal custodian identified & available to plan for the child.  
Or
- There is an allegation that the child would be unsafe to return to the parent's home because of abuse/neglect that occurred when the child was in parent's custody.

## Sexual Abuse

- **Sexual abuse is defined as a household member responsible for the child's care or a person in a position of authority, having sexual contact with a child under the age of 18, that violates the criminal sexual conduct code, engages a child in prostitution, or engages a child in sexual performance.**
- **Requires a disclosure of abuse by victim or physician's report or a witness**

## Sexual Abuse (cont.)

- **Sexual contact also includes the following:**
  - **Fondling, touching intimate parts, and sexual intercourse**
  - **Child used in pornography or forced to observe or participate any form of sexual acts**
  - **Threatened sexual abuse, Non treated sex offenders**

## When there are cultural concerns ...

- Please call Child Protection Screening at 612-348-3552 to consult.
- If you believe that the screener does not understand the concern, please ask to speak to a supervisor.
- We will make every attempt to be respectful of cultural issues.