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TO: Senator Kathy Sheran

FROM: Joan White, Senate Counsel (651/296-3814)

DATE: January 23, 2015

RE: Location of Recommendations in A-4 Delete-Everything Amendment to S.F. No. 4

A new column has been added to the Governor's Task Force Recommendations to reflect the location of each recommendations in the A-4 delete-everything amendment.

Please let me know if you have any questions.

JW
Attachment

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All recommendation implications will be updated when final recommendations are issued in March 2015.

Screening

A-2 AMENDMENT LOCATION		Recommendation	The recommendation has implications for:					
			Statute	Practice	Training	SSIS	DHS Fiscal	County Fiscal
§5, 11, 13	1.	In January 2015, DHS should seek legislative repeal of the statutory provision barring consideration of screened out reports. Such immediate action is necessary to guide screening decisions, and should not be delayed while more complicated systemic changes move through the legislative process. Use of prior screened out reports when considering a new referral should be permitted and encouraged. The screening guidelines should be updated to reflect this change. It is recognized that prior history is an essential element in screening and assessing maltreatment reports. Records of screened out reports should be maintained for five years to make this change in practice effective.	X	X	X	X		
§1	2.	Revise the Public Policy statement which begins Minnesota's Reporting of Maltreatment of Minors Act to include child safety as the paramount consideration for decision making	X					
	3.	Make screening decisions in a team-based environment, using a multi-disciplinary approach whenever possible. Input from law enforcement can strengthen decisions and should be encouraged. 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/out.		X	X			X
	4.	Screen in new reports as duplicate reports when they include the same allegations that are currently under assessment or investigation. When a new report is received that contains different allegations than what is currently being assessed or investigated, the new report will be screened and assigned based on the new allegation.		X	X	X		
§3, 7	5.	Send all reports of maltreatment to law enforcement, regardless of whether the report is screened in or screened out.	X	X	X			
	6.	DHS should examine and provide stronger direction on how county and tribal agencies are recording reports received, reports screened in, and reports screened out, so that future evaluation and use of prior screened out reports is possible.		X	X	X		

AMENDMENT LOCATION		Recommendation	The recommendation has implications for:					
			Statute	Practice	Training	SSIS	DHS Fiscal	County Fiscal
§5	7.	Amend the mandated reporter statute and screening guidelines to allow screeners to seek collateral information when making a screening decision. As is, the statute is silent regarding this prohibition, but in 2012 the guidelines were amended to prohibit any collateral information from being collected prior to a report being screened in and assigned for family assessment or family investigation.	X	X	X			X
	8.	DHS should make Information Technology (IT) changes necessary to ensure accessibility across the system to maltreatment reports, including justification for screening decisions and other pertinent records across counties. The planning process to include tribal social service reports should begin as well. These changes would allow screeners to gather information about prior or current social service involvement when evaluating a new report. At a minimum, this would include information from other counties. Also, SSIS would include information about prior reports, services offered/completed/refused/failed, as well as prior court involvement.		X	X	X	X	X
§9	9. J	Clarify the statutory provisions addressing the release of data to mandated reporters to state that child protection agencies must provide relevant private data to mandated reporters who made the report, who have an ongoing responsibility for the health, education or welfare of a child affected by the data, except in limited cases where it is not in the best interest of the child. Further, county agencies are encouraged to provide such communication back to other mandated reporters who did not make the original report when that mandated reporter has an ongoing responsibility for the health, education, or welfare of a child and the information is pertinent to the mandated reporter's caring for a child. The Task Force will review the Minnesota Government Data Practices Act to determine if it needs to be amended so that it is consistent with Minn. Stat. 626.556	X	X	X			

AMENDMENT LOCATION		Recommendation	The recommendation has implications for:					
			Statute	Practice	Training	SSIS	DHS Fiscal	County Fiscal
§6, 8, 11, 12	10.	Require county agencies to use screening guidelines, at least as a floor for decision making, and have increased reviews and quality assurance to provide oversight. Reasons for screening out cases should be documented. Any modifications to the screening guidelines must be approved by DHS. Summary results of reviews should be public information and produced on an annual basis by DHS. Legislative oversight following publication of these reports is encouraged.	X	X	X		X	X
	11.	DHS screening guidelines should provide more examples of what may be considered when making screening decisions, even when they are made by someone other than a police officer or health care provider, including but not limited to: • Reports of driving under the influence with children present • Medical neglect reports • Mental and emotional harm reports.		X	X			X
§2	12.	Amend the statutory definition of "physical abuse" set forth in Minn. Stat. 626.556, subd. 2 (g), to delete the language "that are done in anger or without regard to the safety of the child." Instead, the statute should simply state that "Actions which are not reasonable and moderate include, but are not limited to, any of the following:" *(1-10 which includes throwing, kicking, burning, cutting, etc.)*	X	X	X			
	13. **F**	Broaden the statutory definition of "substantial child endangerment," which requires a child protection investigation response. It is recommended that DHS create additional substantial child endangerment criteria on research-based vulnerability factors such as: child's age, vulnerability, and presenting dangerousness of a report.	X	X	X	X	X	X

Transparency

AMENDMENT LOCATION		Recommendation	The recommendation has implications for:					
			Statute	Practice	Training	SSIS	DHS Fiscal	County Fiscal
	14.	Increase consistency and comprehensive reporting by county agencies to DHS. More specific details will be provided in the final report.				X	X	X
	15. F	Support changes to the child mortality review process in terms of public information accessibility and conformance with federal requirements. More specific details will be provided in the final report.	X	X	X		X	X
	16.	Refine the annual Child Welfare report to include a section that identifies themes in data and where the child protection system is improving, as well as identifying potential areas of concern					X	

Family Assessment

§1	17.	Make child safety the focus of any assessment or investigation. Statute should no longer identify family assessment as the preferred method	X	X	X			
§10	18.	Require child protection staff to consult with the county attorney on the legal basis to file a CHIPS petition if services and recommendations are not followed. Today, undergoing either family investigation or family assessment is mandatory. However, accepting services is voluntary. Moreover, clear standards must be developed and practice guidance provided on how best to provide enforceability when services are mandated. In practice, there appears to be a gap between when child protective services are needed and the threshold for filing a CHIPS petition. This will be addressed further in the final report.	X	X	X			X
§10	19.	Place in statute the requirement that county child protection staff consult with the county attorney about whether to file a CHIPS petition prior to closing a family assessment when child protective services are not providing sufficient protection for a child, or a parent is not cooperating with needed child protective services without going back through the investigation process. While DHS states that a CHIPS case can be brought following completion of a family assessment under current law, there is confusion around this, which needs clarification and training.	X	X	X			X

	Recommendation	The recommendation has implications for:					
		Statute	Practice	Training	SSIS	DHS Fiscal	County Fiscal
20.	Include comprehensive "fact finding" in family investigation and family assessment. It is also recommended that DHS research "fact finding" tools from other states (e.g., Ohio). Further definition of "fact finding" is needed and will be expanded on in the final report.		X	X			
21. F	Evaluate child safety through individual contact with a child. Similar to a family investigation, a family assessment should involve meeting with a child(ren) individually to best assess safety. This individual meeting may occur with or without parental notification. This recommendation will be further defined in the final report.	X	X	X			
22. F	Include in statute the requirement for a minimum of monthly face-to-face contact with children for cases in which a family is receiving protective services while the child(ren) remain in the home.	X	X	X			X
23.	Make referrals for child trauma and child development screenings where there is a maltreatment determination and/or a determination that services are needed. Family assessment and family investigation responses should pay particular attention to the trauma impact of child maltreatment and its effects on healthy childhood cognitive, emotional and physical development. Further recommendations about the timing of screenings or assessments will be expanded on in the final report. This recommendation must also give consideration to available resources, including the individuals qualified to complete the screening and/or assessment, and the infrastructure needed to support this recommendation.		X	X	X	X	X
24.	DHS should develop indicators and outcome measures to inform practice and measure effectiveness of service delivery. These should include child-centric measures that address trauma and child development, as well as systemic issues.		X	X	X	X	
25.	DHS should review research on protective factors and predictive analytics for how it can reduce or eliminate risk factors, and implement this information in trainings and practice guidance.		X	X		X	

	Recommendation	The recommendation has implications for:					
		Statute	Practice	Training	SSIS	DHS Fiscal	County Fiscal
26.	Review and analyze the current Structured Decision Making (SDM). This analysis should be done to assess and assure fidelity to the tools. In addition, it is recommended that the Safety Assessment be updated to better reflect dangerousness factors, coupled with child vulnerability factors. DHS should be directed to change SDM tools as best practices change or emerge. Tools should be developed and updated to reduce racial and cultural bias. Changes to the tools should result in re-validation of the tools, and should be reviewed by the Legislature.		X	X	X	X	
27.	DHS should explore and develop comprehensive screening and track assignment tools to guide decision making.		X	X	X	X	
28.	Use multi-disciplinary teams in family assessment response. The workgroup will provide further recommendations on the use of multi-disciplinary teams in the final report.		X	X			X

Training and Supervision

AMENDMENT LOCATION								
§14	29.	Establish requirements for competency-based initial training, support, and continuing education for child protection supervisors. This would include developing a set of competencies specific to child protection supervisor knowledge, skills and attitudes based on the Minnesota Child Welfare Practice Model.	X		X		X	X
§12	30.	DHS should increase its efforts to monitor county social service agencies' compliance with statute, and to conduct reviews and quality assurance as part of its oversight responsibilities.	X				X	X
	31.	Develop new training for child protection workers and supervisors specifically related to the following topic areas, including, but not limited to: a. Screening b. Family assessment c. Family investigation d. Injury identification e. Cultural competency.					X	X
	32.	Provide multi-disciplinary training on the appropriate techniques for child abuse assessment and investigation, to minimally include child protection and law enforcement professionals.		X	X		X	X