

# Mandated Reporting (Annual Reminder)

Employees are reminded that as "a professional or professional's delegate...engaged in the practice of education," they are required by Minnesota Statute §§ [626.556](#) and [626.5561](#) to report: 1) neglect, or physical or sexual abuse of minors; 2) deprivation of parental rights or kidnapping of a minor; and 3) prenatal exposure to controlled substances.

In Minnesota a minor is anyone who is not yet age 18. Employees are not required to determine if an individual is a minor; however, if it is known or if there is a reason to believe that an individual is a minor, Minn. Stat. § [626.556](#) will apply.

The statutes may be accessed at <http://www.leg.state.mn.us/leg/statutes.htm>.

Licensed employees, such as, but not limited to, physicians, psychologists and counselors may also have additional reporting obligations in accordance with their licensing standards. They should consult their appropriate licensing rules, regulations and licensing board for guidance.

## I. WHAT TO REPORT

### A. NEGLECT, PHYSICAL OR SEXUAL ABUSE OF MINORS, [Minn. Stat. § 626.556](#)

Information which gives the mandated reporter knowledge or reason to believe that a child is being neglected or physically or sexually abused or has been or physically or sexually abused within the preceding three years. (If death occurs, a report must be made to the coroner or medical examiner).

Physical abuse means any physical injury, mental injury, or threatened 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 and deprivations procedures that have not been authorized under [Minn. Stat. § 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. 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 for the safety of the child: throwing, kicking, burning, biting, or cutting a child; striking a child with a closed fist; shaking a child under age three; striking or other actions which result in a non-accidental injury to a child under 18 months of age; unreasonable interference with the child's breathing; threatening a child with a weapon, as defined in [Minn. Stat. § 609.02, subd. 6](#); striking a child under age one 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; or other substances that substantially affect the child's behavior, motor coordination, or judgment or that results in sickness or internal injury, or subjects the child to medical procedures that would be unnecessary if the child were not exposed to the substances; unreasonable physical confinement or restraint not permitted under [Minn. Stat. § 609.379](#), including but not limited to tying, caging, or chaining.

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, or by a person in a position of authority to any act which constitutes Criminal Sexual conduct in the First through Fourth Degree as defined by [Minn. Stat. § 609.342 - § 609.3451](#), Sexual abuse also includes any act which constitutes a violation of [Minn. Stat. § 609.321 - § 609.324](#) or [§ 617.246](#) (prostitution, solicitation, inducement, or promotion of prostitution, receiving profit from prostitution, or

use of minors in sexual performance). Sexual abuse also includes threatened sexual abuse.

Neglect means 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; failure to protect a child from conditions or actions which imminently and seriously endanger the child's physical or mental health when reasonably able to do so; failure to provide 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; or, prenatal exposure to a controlled substance as defined by [Minn. Stat. § 253B.02, subd. 2](#), used by the mother for a non-medical purpose as evidenced 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. Neglect includes a parent or other person responsible for the care of a child: engaging in violent behavior that demonstrates a disregard for the well being of the child as indicated by action that could reasonably result in serious physical, mental, or threatening injury or emotional damage to the child; engaging in repeated domestic assault that would constitute a violation of [Minn. Stat. § 609.2242, subd. 2 or 4](#); intentionally inflicting or attempting to inflict bodily harm against a family or household member, as defined in [Minn. Stat. § 518.01, subd. 2](#), that is within sight or sound of the child; subjecting the child to ongoing domestic violence by the abuser in the home environment that is likely to have a detrimental effect on the well being of the child; or, emotional harm from a pattern of behavior which contributes to impaired emotional functioning of the child which may be demonstrated by substantial or 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. Neglect also includes 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.

Neglect includes truancy or failure to take steps to ensure that a child is educated in accordance with state law. A parent, guardian, or caretaker, or a mandated reporter, has a duty to report if a lack of medical care may cause serious damage to the child's health. Use of spiritual means or prayer for treatment or care of a child does not exempt a parent, guardian, or caretaker from the duty to report.

B. DEPRIVATION OF PARENTAL RIGHTS OR KIDNAPPING OF A MINOR, [Minn. Stat. § 626.556](#)

Information which gives the mandated reporter knowledge or reason to believe that a violation of [Minnesota Statutes § 609.25](#) or [§ 609.26](#) has occurred.

[Minnesota Statutes § 609.25](#) states: Whoever, for any of the following purposes, confines or removes from one place to another, any person without the person's consent, or, if the person is under the age of 16 years, without the consent of the person's parents or other legal custodian, is guilty of kidnapping and may be sentenced as provided in subd. 2: (1) to hold for ransom or reward for release, or a shield or hostage; or (2) to facilitate commission of any felony or flight thereafter, or (3) to commit great bodily harm or to terrorize the victim or another; or (4) to hold in involuntary servitude.

[Minnesota Statutes § 609.26](#) states: Whoever intentionally does any of the

following acts may be charged with a felony and, upon conviction, may be sentenced as provided in subdivision 6: (1) conceals a minor child from the child's parent where the action manifests an intent substantially to deprive the parent or parental rights or conceals a minor child from another person having the right to visitation or custody where the action manifests an intent to substantially deprive that person or rights to visitation or custody; (2) takes, obtains, retains, or fails to return a minor child in violation of a court order which has transferred legal custody under chapter [260C](#) to the commissioner of human services, a child placing agency, or the county welfare board; (3) takes, obtains, retains, or fails to return a minor child from or to the parent in violation of a court order, where the action manifests an intent substantially to deprive that parent of rights to visitation or custody; (4) takes, obtains, retains, or fails to return a minor child from or to a parent after commencement of an action relating to child visitation or custody but prior to the issuance of an order determining custody or visitation rights, where the action manifests an intent substantially to deprive that parent of parental rights; (5) retains a child in this state with the knowledge that the child was removed from another state in violation of any of the above provisions; (6) refuses to return a minor child to a parent or lawful custodian, and is at least 18 years old and more than 24 months older than the child; (7) causes or contributes to a child being a habitual truant as defined in [§ 260C.007, subd. 19](#), or is at least 18 years old and more than 24 months older than the child; (8) causes or contributes to a child being a runaway as defined in [§ 260C.007, subd. 20](#) and is at least 18 years old and more than 24 months older than the child; or (9) is at least 18 years old and resides with a minor under the age of 16 without the consent of the minor's parent or lawful custodian.

C. PRENATAL EXPOSURE TO CONTROLLED SUBSTANCES, [Minn. Stat. § 626.5561](#)

Information that gives the mandated reporter knowledge or reason to believe that a woman is pregnant and has used any of the following controlled substances or their derivatives: cocaine, heroin, phencyclidine, methamphetamine, or amphetamine for a nonmedical purpose during the pregnancy.

## II. WHEN AND HOW TO REPORT

An oral report shall be made immediately by telephone or otherwise. "Immediately" means as soon as possible but in no event longer than 24 hours. An oral report made by a mandated reporter shall be followed within 72 hours, exclusive of weekends and holidays, by a report in writing.

## III. NATURE OF REPORT

A. NEGLECT, PHYSICAL OR SEXUAL ABUSE OF MINORS AND DEPRIVATION OF PARENTAL RIGHTS OR KIDNAPPING OF A MINOR, [Minn. Stat. § 626.556](#).

The report shall be of sufficient content to identify the child, any person believed to be responsible for the abuse, neglect or deprivation, the nature and extent of the abuse, neglect or deprivation and the name and address of the reporter.

B. PRENATAL EXPOSURE TO CONTROLLED SUBSTANCES, [Minn. Stat. § 626.5561](#).

The report shall be of sufficient content to identify the pregnant woman, the nature and extent of the use, if known, and the name and address of the reporter.

## IV. WHERE TO REPORT

A. NEGLECT, PHYSICAL OR SEXUAL ABUSE OF MINORS AND DEPRIVATION OF PARENTAL RIGHTS OR KIDNAPPING OF A MINOR, [Minn. Stat. §](#)

[626.556.](#)

(Any one listed may be contacted, except in the event of a death, the medical examiner alone must be contacted)

Pennington County Human Services – 218 681-2880

Polk County Human Services – 218 281-3127

Pennington County Sheriff's Department – 218 681-6161

Polk County Sheriff's Department – 218 281-0431

Thief River Falls Police Department – 218 681-6161

East Grand Forks Police Department – 218 773-1104

Medical Examiner - For Pennington County, contact the Pennington County Sheriff's Department at 218 681-6161. For Polk County, contact the Polk County Sheriff's Department at 218 281-0431 (if a child dies as a result of neglect, physical or sexual abuse)

- B. PRENATAL EXPOSURE TO CONTROLLED SUBSTANCES, [Minn. Stat. § 626.5561.](#)

Pennington County Human Services – 218 681-2880

Polk County Human Services – 218 281-3127

#### V. IMMUNITY FROM LIABILITY

- A. Mandated reporters are immune from any civil or criminal liability that otherwise might result from their actions, if they are acting in good faith except for failure to make a required report or for committing neglect, physical abuse, or sexual abuse of a child.

#### VI. FAILURE TO REPORT

- A. NEGLIGENCE, PHYSICAL OR SEXUAL ABUSE OF MINORS AND DEPRIVATION OF PARENTAL RIGHTS OR KIDNAPPING OF A MINOR, [Minn. Stat. § 626.556.](#)

A person mandated to report who knows or has reason to believe that a child is neglected or physically or sexually abused or has been neglected or physically or sexually abused within the preceding three years, and fails to report is guilty of a misdemeanor. Failure to report deprivation of parental rights or kidnapping of a minor is also a misdemeanor. A misdemeanor is punishable by a sentence of not more than 90 days or a fine of not more than \$700, or both.

A person, guardian, or caretaker who knows or reasonably should know that the child's health is in serious danger and who fails to report as required is guilty of a gross misdemeanor if the child suffers substantial or great bodily harm because of the lack of medical care, the person is guilty of a felony and may be sentenced to imprisonment for not more than two years or to payment of a fine of not more than \$4,000 or both.

- B. PRENATAL EXPOSURE TO CONTROLLED SUBSTANCES, Minn. Stat. § 626.5561.

Failure to report is a gross misdemeanor, punishable by imprisonment for no less than 90 days and no more than a year or by a fine, not to exceed \$3,000, or both.