

Minnesota has enacted legislation that is designed to protect children whose health or welfare may be jeopardized through maltreatment. The health and safety of children is of paramount concern. MN 626.556 specifically addresses reporting the Maltreatment of Minors.

Who is Mandated to Report

Any person may voluntarily report maltreatment.

Certain people are mandated by law to immediately (within 24 hours) report their suspicion or knowledge of any maltreatment that has occurred with the preceding three years, to an outside agency. As defined in MN law, at Ark Counseling, all employees, agents, representatives, and graduate interns are mandated reporters. Specifically, the employment position description title and the names of the following people are mandated reporters (this list is not exhaustive):

| <u>Position Title</u> | <u>Name</u> |
|-------------------------------------|--|
| Program Director | Jerry Lee Holt |
| Clinical Assessors | Jerry Lee Holt and all other chemical or mental health assessors |
| Intake and Records Staff | Linda Hunt Connie Winters and all other staff involved in intake and records |
| Licensed Alcohol and Drug Counselor | Jerry Lee Holt Maud Greenhoe Michelle Markow Sada Puckett Steven Stadler and all other licensed alcohol and drug counselors |
| Licensed Mental Health Practitioner | Jerry Lee Holt and all other licensed mental health practitioners |
| Interns | <u>all</u> interns |

All staff at Ark Counseling who are mandated reporters are oriented to the Policies and Procedures governing maltreatment and mandated reporting within 24 working hours of his or her first day of employment or internship. If an employee, this orientation is documented in their permanent employment file. Thereafter, each year each mandated reporter is required to review relevant policies and procedures, to complete state-mandated training, and to successfully pass a written test over the relevant laws and policies and procedures.

During intake, all clients are orally instructed about the concept, policies and procedures, and laws related to mandated reporting.

Where to Report

1. If you know or suspect that a child is in immediate danger, call 911.
2. Reports regarding incidents of suspected maltreatment of children occurring within a family or in the community should be made to the local county social services agency at **612.348.3552** (option 1) or to local law enforcement at **911**.

3. All reports concerning suspected maltreatment of children occurring in or at a licensed facility should be made to the Department of Human Services, Licensing Division's Maltreatment Intake line at (651) 431-6600.
4. If your report does not involve possible maltreatment, but does involve possible violations of Minnesota Statutes or Rules that govern the facility, you should call the Department of Human Services, Licensing Division at (651) 431-6500.

How and Where to Report

Definitions of maltreatment are contained in the Reporting of Maltreatment of Minors Act (Minnesota Statutes, section 626.556).

A report to any entity 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.

An oral report of suspected maltreatment 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.

The MN DHS provides a brochure entitled: Reporting Child Maltreatment (DHS-2917-ENG) which may be downloaded at <https://edocs.dhs.state.mn.us/lfsrserver/Public/DHS-2917-ENG> (dated January 2016) that may guide a clinician in making a report. Approved forms that must be used in reporting child maltreatment are available from Ark Counseling's Clinical Director and are also available at <http://www.hennepin.us/residents/human-services/child-protection-services>. Documentation that the appropriate State agency has been notified is documented in the client's clinical record and a copy of Ark's internal report is placed in the mandated reporter's personnel file.

Failure to Report

A mandated reporter who knows or suspects a child is being or has been maltreated, at any time during the previous three years, and fails to report it to relevant authorities is guilty of a misdemeanor. In addition, a mandated reporter who fails to report maltreatment that is found to be serious or recurring may be disqualified from employment in positions that allow direct contact with people who receive services from programs licensed by the MN Department of Human Services (MN DHS) and by the Minnesota Department of Health, and unlicensed Personal Care Provider Organizations. Ark Counseling is licensed by the MN DHS.

Retaliation Prohibited

An employer of any mandated reporter may 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.

There is a rebuttable presumption that any adverse action within 90 days of a report is retaliatory. "Adverse action" refers to negative action taken as a result of the report, by an employer, against a mandated reporter who is involved in a report against a person/facility. Adverse action includes, but is not limited to:

1. discharge, suspension, termination, or transfer from the facility, institution, school, or agency;
2. discharge from or termination of employment;
3. demotion or reduction in remuneration for services; or
4. restriction or prohibition of access to the facility, institution, school, agency, or persons affiliated with it.

Internal Review

When a facility has reason to know that an internal or external report of alleged or suspected maltreatment has been made against it (or one of its agents), the facility must complete an internal review within 30 calendar days and take corrective action, if necessary, to protect the health and safety of children in its care. The internal review must include an evaluation of whether:

1. related policies and procedures were followed;
2. the policies and procedures were adequate;
3. there is a need for additional staff training;
4. the reported event is similar to past events with the children or the services involved; and
5. there is a need for corrective action by the license holder to protect the health and safety of children in care.

Primary and Secondary Person or Position to Ensure Internal Reviews are Completed

The internal review will be completed by Jerry Holt (Clinical Director). If this individual is involved in the alleged or suspected maltreatment, Maud Greenhoe will be responsible for completing the internal review.

Documentation of the Internal Review

The facility must document completion of the internal review and make internal reviews accessible to the commissioner immediately upon the commissioner's request.

Corrective Action Plan

Based on the results of the internal review, the license holder must develop, document, and implement a corrective action plan designed to correct current lapses and prevent future lapses in performance by individuals or the license holder, if any.

Staff Training

The license holder must provide training to all staff related to the mandated reporting responsibilities as specified in the Reporting of Maltreatment of Minors Act (Minnesota Statutes, section 626.556). The license holder must 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.