

S.F. No. 1729 – Child maltreatment; noncaregiver sex trafficking

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Overview

Under current law, a local welfare agency is responsible for investigating allegations where a child is identified as a victim of sex trafficking. **S.F. 1729** permits the local welfare agency to conduct noncaregiver sex trafficking assessments (as opposed to investigations) when the alleged sex trafficker is not a child’s caregiver. A noncaregiver sex trafficking assessment includes a determination of a family’s need for services to address safety issues. This bill also adds sex trafficking to definitions of harm in statutes governing child placement and protection.

Summary

Section 1. [260.761, subd. 2] Agency and court notice to tribes. Amends the “Minnesota Indian Family Preservation Act.” Adds “noncaregiver sex trafficking assessment” to the provision requiring local social services agency notification provided to an Indian child’s tribe. Clarifies that notification must be made within seven days of receiving information that the child may be an Indian child. Makes technical changes.

Section 2. [260C.007, subd. 14] Egregious harm. Amends the definition of “egregious harm” by making clarifying changes and adding sex trafficking to conduct that constitutes egregious harm.

Section 3. [260E.01] Policy. Provides that an investigation is not required when a report alleges sex trafficking by a noncaregiver sex trafficker, and instead a noncaregiver sex trafficking assessment shall be provided.

Section 4. [260E.02, subd. 1] Establishment of team. Permits inclusion of representatives of agencies providing specialized services or responding to youth who experience or are at risk of experiencing sex trafficking or sexual exploitation to a multidisciplinary child protection team.

Section 5. [260E.03, subd. 15a] Noncaregiver sex trafficker. Defines “noncaregiver sex trafficker.”

Section 6. [260E.03, subd. 15b] Noncaregiver sex trafficking assessment. Defines “noncaregiver sex trafficking assessment.” Specifies when the local welfare agency must perform such an assessment and provides that the assessment does not include a determination of whether child maltreatment occurred.

Section 7. [260E.03, subd. 22] Substantial child endangerment. Adds sex trafficking to the definition of “substantial child endangerment” and makes technical changes.

Section 8. [260E.14, subd. 2] Sexual abuse. Makes a conforming change.

Section 9 [260E.14, subd. 5] Law enforcement. Requires law enforcement agencies and the responsible agency to coordinate their investigation or assessments when a report alleges sex trafficking of a child.

Section 10 [260E.17, subd. 1] Local welfare agency. Upon receipt of a report, requires the local welfare agency to determine whether to conduct a noncaregiver sex trafficking assessment. Requires the local welfare agency to conduct a noncaregiver sex trafficking assessment when the report alleges sex trafficking of a child and the alleged offender is a noncaregiver sex trafficker. Requires an immediate investigation if there is reason to believe that a child’s parent, caregiver, or household member engaged in sex trafficking, or other conduct requiring an investigation.

Section 11 [260E.18] Notice to child’s tribe. Adds noncaregiver sex trafficking assessments to current notice requirements to an Indian child’s tribe.

Section 12 [260E.20, subd. 2] Face-to-face contact. Exempts noncaregiver sex trafficking assessments from requirements regarding face-to-face contact, informing or interviewing the alleged offender, and the alleged offender’s opportunity to make a statement.

Section 13. [260E.24, subd. 2] Determination after family assessment or a noncaregiver sex trafficking assessment. Adds noncaregiver sex trafficking assessment to subdivision regarding local welfare agency determinations after assessments.

Section 14. [260E.24, subd. 7] Notification at conclusion of family assessment or a noncaregiver sex trafficking assessment. Adds noncaregiver sex trafficking assessment to subdivision regarding notification of a parent or guardian at the conclusion of an assessment.

Section 15. [260E.33, subd. 1] Following a family assessment or a noncaregiver sex trafficking assessment. Specifies that administrative reconsideration does not apply to a noncaregiver sex trafficking assessment.

Section 16 [260E.35, subd. 6] Data retention. Adds noncaregiver sex trafficking assessment cases to data retention requirements.