

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC WELFARE

IN THE MATTER OF THE PROPOSED ADOPTION
OF 12 MCAR 2.207 (DPW RULE #207) GOVERNING
THE ADMINISTRATION AND PROVISION OF
PROTECTIVE SERVICES TO CHILDREN THROUGH
LOCAL SOCIAL SERVICE AGENCIES

STATEMENT OF NEED
AND REASONABLENESS

This rule is being revised to implement changes in Minn. Stat. 626.556 and 260.171, effective in May 1982. The rule also contains some additional minor revisions which are proposed in order to simplify and clarify existing requirements and reduce confusion. Because the changes add no requirements other than those contained in statute and will have no conceivable fiscal impact, the revision is considered noncontroversial and not subject to public hearing unless requested by seven individuals in accordance with Minnesota Law. This statement is addressed only to the proposed revisions.

C.1.b.(7)(8). These additions are necessary and reasonable in order to implement current Minnesota Laws 1982, Ch. §469, §3, Subd. 2 and §6, Subd. 5.a. and to ensure compliance with the requirements contained therein.

C.1.c.(2). In-home service is offered as an alternative to removal of a child from the home. Such an option is necessary and reasonable to implement the requirement contained in Minn. Stat. §626.556, subd. 10 and the statement of legislative intent contained in Minn. Stat. §260.011 "to preserve and strengthen the child's family ties whenever possible, removing him from the custody of this parent only when his welfare or safety cannot be adequately safeguarded without removal". In-home service has frequently been successful in preventing out-of-home placement.

C.1.e.(1)(2)(3). These additions are necessary in order to implement Minnesota Laws 1982, Ch. 636, §1 and to give operational definition to the term "concise summary of the disposition". By limiting the information to that pertaining only to the specific content of the report, the local agency will comply with the Minn. Stat. 15.163, Subd. 3 which limits the amount of confidential or private data to be disclosed to that whichever is necessary for administration of program.

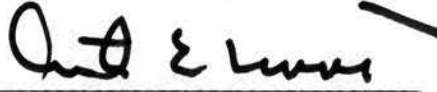
C.1.h.(2)(d). These changes are necessary and reasonable to ensure that appropriate licensing action can be taken by DPW within its statutory authority granted under Minn. Stat. §245.781 to §245.812. The change to 48 working hours is reasonable since workers investigating reports of institutional abuse/neglect often find it impossible to obtain the information required by the state agency within 24 working hours.

C.1.j. This addition is necessary and reasonable because the application and the worker's required verbal notification of this client's right to access to his records and of the possible use of the data contain the necessary information to the client. A second notification in substantiated cases is, therefore, redundant and serves only to place an unnecessary burden on the local agency.

C.1.k.(1)(2)(3)(4). The restructuring and additions are necessary and reasonable in order to implement current Minnesota Laws, Ch. §636, §3.

12.3.92

Date



ARTHUR E. NOOT
Commissioner

I8/50