

**SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION**

S.F. No. 3714

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DATE
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Introduction and first reading
Referred to Health and Human Services

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to children; modifying the meaning of neglect by permitting a parent or
1.3 caregiver to allow children to engage in certain independent activities without
1.4 adult supervision; amending Minnesota Statutes 2022, section 260E.03, subdivision
1.5 15.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2022, section 260E.03, subdivision 15, is amended to read:

1.8 Subd. 15. **Neglect.** (a) "Neglect" means the commission or omission of any of the acts
1.9 specified under clauses (1) to (8), other than by accidental means:

1.10 (1) failure by a person responsible for a child's care to supply a child with necessary
1.11 food, clothing, shelter, health, medical, or other care required for the child's physical or
1.12 mental health when reasonably able to do so;

1.13 (2) failure to protect a child from conditions or actions that seriously endanger the child's
1.14 physical or mental health when reasonably able to do so, including a growth delay, which
1.15 may be referred to as a failure to thrive, that has been diagnosed by a physician and is due
1.16 to parental neglect;

1.17 (3) failure to provide for necessary supervision or child care arrangements appropriate
1.18 for a child after considering factors as the child's age, mental ability, physical condition,
1.19 length of absence, or environment, when the child is unable to care for the child's own basic
1.20 needs or safety, or the basic needs or safety of another child in their care;

1.21 (4) failure to ensure that the child is educated as defined in sections 120A.22 and
1.22 260C.163, subdivision 11, which does not include a parent's refusal to provide the parent's

2.1 child with sympathomimetic medications, consistent with section 125A.091, subdivision
2.2 5;

2.3 (5) prenatal exposure to a controlled substance, as defined in section 253B.02, subdivision
2.4 2, used by the mother for a nonmedical purpose, as evidenced by withdrawal symptoms in
2.5 the child at birth, results of a toxicology test performed on the mother at delivery or the
2.6 child at birth, medical effects or developmental delays during the child's first year of life
2.7 that medically indicate prenatal exposure to a controlled substance, or the presence of a
2.8 fetal alcohol spectrum disorder;

2.9 (6) medical neglect, as defined in section 260C.007, subdivision 6, clause (5);

2.10 (7) chronic and severe use of alcohol or a controlled substance by a person responsible
2.11 for the child's care that adversely affects the child's basic needs and safety; or

2.12 (8) emotional harm from a pattern of behavior that contributes to impaired emotional
2.13 functioning of the child which may be demonstrated by a substantial and observable effect
2.14 in the child's behavior, emotional response, or cognition that is not within the normal range
2.15 for the child's age and stage of development, with due regard to the child's culture.

2.16 (b) Nothing in this chapter shall be construed to mean that a child is neglected solely
2.17 because the child's parent, guardian, or other person responsible for the child's care in good
2.18 faith selects and depends upon spiritual means or prayer for treatment or care of disease or
2.19 remedial care of the child in lieu of medical care.

2.20 (c) No child whose parent or other person responsible for the child's care allows the
2.21 child to engage in independent activities without adult supervision shall for that reason
2.22 alone be considered to be an abused or neglected child, provided that (1) such independent
2.23 activities are appropriate based on the child's age, maturity, and physical and mental abilities,
2.24 and (2) such lack of adult supervision does not constitute conduct that is so grossly negligent
2.25 as to endanger the health or safety of the child. Such independent activities include but are
2.26 not limited to traveling to or from school or nearby locations by bicycle or on foot, playing
2.27 outdoors, and remaining at home for a reasonable period of time.

2.28 ~~(e)~~ (d) This chapter does not impose upon persons not otherwise legally responsible for
2.29 providing a child with necessary food, clothing, shelter, education, or medical care a duty
2.30 to provide that care.