

In accordance with the above data privacy regulations, callers are offered the following public information:

Date of initial licensure with Anoka County

Class of license (A, C1, C2, etc.)

Date of complaints, nature of complaints (the rule part allegedly violated, such as supervision, behavior guidance, etc.) and the final determination made.

Information regarding disciplinary actions taken against a provider.

Staff inform callers that providers are aware that this information is public and that they are usually supportive of parents obtaining this information. Callers are encouraged to discuss the information they receive with the provider directly. Should a caller ask any other questions relating to public information, it will be shared.

Here is an example of how we would respond to a parent calling to ask for information about a complaint:

“On March 10, 2019 Anoka County Child Care Licensing received a complaint alleging inadequate supervision of children in care. The complaint was investigated, and we determined it did not occur.”

Data privacy laws are very complex. Licensing staff make every effort to be respectful of providers and parents while complying with these laws. Staff frequently consult with the County Attorney’s Office regarding complex or unusual requests for information.

WHAT ARE MY RIGHTS?

Minnesota Rule 9502.0335, Subpart 13 and Minnesota Statute 245A.04, Subdivision 5 state that the provider must give “authorized representatives of the commissioner or agency” access to the child care home whenever the program is in operation. You do, however, have the right to appeal any correction order issued or negative action taken against you as a result of the investigation.

Questions about the complaint investigation process or data privacy issues should be directed to a child care licensing social worker or the child care licensing supervisor at 763-324-1235.

Anoka County Child Care Licensing

COMPLAINT INVESTIGATION PROTOCOL

YOUR RIGHTS AND WHAT TO EXPECT IN A COMPLAINT INVESTIGATION

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Licensing staff are frequently asked how complaints against licensed child care providers are processed. Staff are also asked how they respond to inquiries from the public about whether there have been complaints made against a provider. Understandably, providers, parents and the general public want to see a responsive and consistent process in place for handling such reports and subsequent confidentiality issues.

HOW IS A COMPLAINT INVESTIGATION HANDLED?

The MN Department of Human Services (DHS) mandates all child care licensing agencies to record, investigate and make a determination or judgment about whether there has been a rule violation in a licensed home. The following are descriptions of the relevant State Department of Human Services (DHS) rules and Anoka County procedures in place for processing a complaint or report of an alleged licensing violation.

Child care social workers receive information by phone, personal contact, and/or in writing indicating that there is an alleged rule violation in a licensed home. They record the information on a complaint form. The information is given to a social worker for investigation. Complaint investigations are conducted in person by licensing staff members during an unannounced visit to the provider's home. Required timelines for investigating a complaint vary depending on the nature of the complaint.

During the investigation visit, staff discuss the complaint with the provider and gather as much pertinent information as possible. Data privacy statutes prohibit licensing staff from disclosing the source or reporter of the complaint. If, during the visit, a rule violation is determined to have occurred, a correction order may be given to the provider immediately. However, in some cases social workers take a few days to review the information and consult with other staff before making a determination.

POSSIBLE OUTCOMES OF THE INVESTIGATION

The investigation procedure involves weighing the facts and drawing a reasonable conclusion. Based on the information gathered, investigating social workers decide whether a violation occurred, most likely did not occur, or whether they were unable to make a determination.

- Occurred. This means that the investigator has found evidence to support that a rule violation did occur.
- Did not occur. This means that the investigation resulted in a finding that a rule violation did not occur.
- No determination. This means the investigator was unable to say for certain whether or not a rule violation occurred.

Social workers use their professional judgment to make an accurate and fair determination.

A copy of each complaint report and determination is given to the child care licensing supervisor and is also placed into the provider's file.

HOW LONG IS MY INFORMATION KEPT ON FILE AT ANOKA COUNTY?

Anoka County maintains files on licensed providers for seven years after the license is closed. At that time, all information is destroyed.

HOW MUCH INFORMATION ABOUT THE COMPLAINT IS SHARED WITH THE PUBLIC?

As stated in Government Data Practices Statute, the following information on current and former licensees is public:

Name, address, telephone number of licensees, license capacity, type of client preferred, variances granted, type of dwelling, name and relationship of other family members, previous license history, class of license, and the existence and status of complaints. When disciplinary action has been taken against a license or the complaint is resolved, the following data is public: the substance of the complaint, the findings of the investigation of the complaint, the record of informal resolution of a complaint, the record of informal resolution of a licensing violation, orders of hearing, findings of fact, conclusions of law and specifications of the final disciplinary action contained in the record of disciplinary action.

Licensing staff frequently receive calls from the public, primarily parents who are searching for child care. Callers are usually inquiring into the licensing status of a provider they are considering to care for their children.