

February 3, 2026

CERTIFIED MAIL

Jennifer Orth
29318 County 12
Long Prairie, MN 56347-5510

License Number 1108165 FCC

ORDER OF LICENSE REVOCATION

Dear Ms. Orth:

Based on the recommendation of Todd County Social Services (Todd County), the Department of Children, Youth, and Families (DCYF) is revoking your license to provide family child care at 29318 County 12, Long Prairie, MN. Details of our findings are provided below. Our next steps and your options are also detailed.

REASON FOR LICENSE REVOCATION

1. Commissioner's evaluation of program

In determining whether a licensing action is warranted, DCYF evaluated the facts, conditions, and circumstances concerning your program's operation. This includes consideration of the well-being of children served in your program, available evaluations from consumers of your program, and information about the qualifications of caregivers working in your program. Specifically, because you are disqualified, because you were found responsible for maltreatment, and because you used corporal punishment on an infant in your care. DCYF has determined that revocation of your license is appropriate based on the violations identified below and the program evaluation.

Legal Authority: Minnesota Statutes, section 142B.10, subdivision 13.

2. Determination that the license holder is responsible for maltreatment

January 24, 2025, Maltreatment Determination

On January 24, 2025, Todd County determined that you were responsible for maltreatment of a minor by physical abuse. Specifically, Todd County determined that an infant in your care sustained a subdural hemorrhage consistent with abusive head trauma. Additionally, the infant showed signs of multiple fractures.

You requested reconsideration and Todd County determined that the maltreatment determination was correct. You have made a timely request for a fair hearing of the maltreatment determination. This hearing is pending. If you appeal the revocation order, as explained below, the maltreatment determination will be heard along with the revocation at a contested case hearing.

Statute Violated: Minnesota Statutes, section 260E.03.

Legal Authority: Minnesota Statutes, section 142B.18, subdivision 4, paragraph (a), subparagraph (1).

License holders found responsible for maltreatment are required to pay a \$1000 fine for each determination of maltreatment of a minor. Because license revocation is a more severe sanction against your license, DCYF is not imposing this fine. If the revocation is rescinded, DCYF may impose the fine at that time.

3. Disqualification of the license holder or a household member/individual affiliated with your program.

On February 11, 2025, the Department of Human Services (DHS), notified you that you had a disqualification, and of the right to request reconsideration. The disqualification was for serious maltreatment.

You did not make a timely request for reconsideration, so the correctness of the disqualification is final and will not be reviewed as part of the contested case hearing if you appeal this revocation order, as described below. In addition, the issue of whether you pose a risk of harm to children served by the program will not be reviewed as a part of the contested case hearing.

Legal Authority: Minnesota Statutes, section 142B.18, subdivision 4, paragraph (a), subparagraph (2); Minnesota Statutes, section 142B.10, subdivision 14, paragraph (d), subparagraph (1).

4. Failure to comply with licensing laws and rules

Todd county determined that you failed to fully comply with the laws and rules that apply to licensed family child care. DCYF has considered the nature, chronicity, or severity of the violations that led to the revocation of your license.

Legal Authority: Minnesota Statutes, section 142B.18, subdivision 4, paragraph (a), subparagraph (1).

Nature, history and severity of violations

New violations determined

On February 23, 2024, Todd County received a report regarding your family child care program. The report alleged that a child in your care required medical attention. Todd County investigated the report and determined that you were responsible for maltreatment by physical abuse when an infant in your care sustained a subdural hemorrhage consistent with abusive head trauma. Additionally, the infant showed signs of multiple fractures.

The following are new violations that have not been the subject of a previous correction order. DCYF considered these violations, as well as the maltreatment determination described above, as a factor when it determined that revocation of your license is appropriate.

- Todd County determined that you failed to follow appropriate behavior guidance methods with an infant in care when the infant became ill while in your care and was taken to the hospital by ambulance. It was determined that the infant sustained injuries from abusive head trauma. The child also had multiple fractures.

Rule Violated: Minnesota Rules, part 9502.0395, subpart 2.

Previous licensing actions

The following violations summarize the nature of your previous licensing violations. Please refer to the previously issued orders for further details on these violations. If you do not have copies of these orders, contact your Todd County licensor for assistance. DCYF also considered this history as a factor when it determined that revocation of your license is appropriate.

- February 26, 2024, Temporary Immediate Suspension, which determined children were at imminent risk of harm. You did not appeal this Order.
- May 20, 2024, Order of Indefinite Suspension, which was issued due to an ongoing investigation in your program. You did not appeal this Order.

Severity of violations

Because you are responsible for maltreatment of a child, because you are disqualified from any position allowing direct contact with, or access to, persons served by DCYF-licensed programs, and due to the serious and chronic nature of the licensing violations and the conditions in the program, which impact the health and safety of children served in your care, your license to provide family child care services is revoked.

YOUR RIGHT TO APPEAL

You have the right to appeal the revocation. Your request must be in writing and clearly state that you are requesting a contested case hearing for this matter. Your request must be made before the deadlines provided below. If you do not meet this deadline, you lose your right to an administrative appeal. The timeline to appeal began when you received this order.

If you are mailing your request, it must be sent by certified mail and postmarked within 10 calendar days from when you received this order. Please send it to:

Commissioner, Department of Children, Youth, and Families
Office of Inspector General

Legal Counsel's Office
Attention: Licensing Legal Unit
PO Box 64953
St. Paul, MN 55164-0953

If your request is being personally delivered, it must be received by DCYF within 10 calendar days from when you received this order. Please bring it to:

Commissioner, Department of Children, Youth, and Families
Office of Inspector General
Legal Counsel's Office
Attention: Licensing Legal Unit
444 Lafayette Road North
St. Paul, MN 55155

Upon DCYF's receipt of your timely appeal, your case would be scheduled for a contested case hearing in front of an Administrative Law Judge. Following this hearing, the Commissioner of DCYF will issue a final order. If you do not appeal or if the order is affirmed by the Commissioner following a hearing, DCYF is prohibited from issuing you a license for five years. In addition, any additional licenses held by you shall also be revoked.

Legal representation at the contested case hearing:

You do not need a lawyer to appeal. However, a lawyer can help you with your appeal. The state or county will not get you a lawyer and will not pay for a lawyer. If you cannot afford a lawyer, you may be able to get free legal advice or help with your appeal. To find out if free help is available, contact: Volunteer Lawyers Network at 612-752-6677; Central Minnesota Legal Services at 612-332-8151; Southern Minnesota Legal Services at 651-222-4731; or go to www.lawhelpmn.org to find a local legal services program that may be able to help you.

You can also find information on contested cases from the Office of Administrative Hearings website at <https://mn.gov/oah/self-help>. Click on Administrative Law Overview, then click on Administrative Law Contested Case Hearing Guide for a list of frequently asked questions.

On February 26, 2024, DCYF issued an Order of Temporary Immediate Suspension on your family child care license. Because the immediate suspension of your license remains in effect, if you appeal the revocation, you continue to be prohibited from operating pending a final order from the Commissioner of DCYF.

Questions about CCAP

If you are a provider registered to receive Child Care Assistance Program (CCAP) payments, this revocation order could impact your ability to receive CCAP funding. If your CCAP registration is closed or denied as a result of this Licensing action, you will get a separate notice(s).

If you have questions about:

- Your CCAP registration, and you get a notice telling you your registration is being closed or denied, contact the agency that sent the notice.

- Billing or payments for specific children, contact the county or CCAP agency where the children get CCAP.

Prohibition against providing legally unlicensed child care

On February 26, 2024, DCYF issued an Order of Temporary Immediate Suspension to your family child care program, which disqualified you from providing legally unlicensed child care. You remain prohibited from providing legally unlicensed child care even if you appeal this order.

Posting of this Licensing Action

You are required to place this Order of License Revocation in a place that is clearly noticeable to the people receiving services and all visitors to the facility for two years, even if you appeal.

Legal authority for this licensing action

- This action is taken under Minnesota Statutes, section 142B.18, subdivision 4, which describes under which conditions DCYF may revoke a license.
- When a revocation of a license is based on a maltreatment determination and/or a disqualification for which reconsideration was timely requested and which was not set aside, the scope of the contested case hearing for the revocation shall also include the maltreatment and/or disqualification and set aside under Minnesota Statutes, section 142B.20, subdivision 3, paragraph (a).
- When a revocation of a license is based on a disqualification for which reconsideration was timely requested and which was not set aside, the scope of the contested case hearing for the revocation shall also include the risk of harm review under Minnesota Statutes, section 142B.20, subdivision 3, paragraph (g).
- When a revocation of a license is based on a maltreatment determination and/or a disqualification of an individual other than the license holder, the hearings of all parties may be consolidated into a single contested case hearing upon consent of all parties and the administrative law judge, under Minnesota Statutes, section 142B.20, subdivision 3, paragraph (f).
- When a revocation of a license is based on a disqualification that cannot be set aside, the scope of the contested case hearing for the revocation shall not include whether the disqualification may be set aside, under Minnesota Statutes, section 142B.20, subdivision 3, paragraph (g), and Minnesota Statutes, section 245C.24, subdivision 2, paragraph (a).
- Minnesota Statutes, section 245C.29, subdivision 1 states that a maltreatment determination is final if the commissioner has issued a final order following an appeal, the individual did not request reconsideration of the maltreatment determination, or the individual did not request a hearing of the maltreatment determination.
- Minnesota Statutes, section 245C.29, subdivision 2 states that a disqualification is final if the commissioner or court has issued a final decision, the individual did not request reconsideration on the

basis the disqualification was incorrect, or the individual did not timely request a hearing after being given the right to do so.

- Minnesota Statutes, section 142B.18, subdivision 4, paragraph (c), subparagraph (4), states that license holders shall pay a \$1000 fine for each determination of maltreatment under section 260E.
- Minnesota Statutes, section 245.095 defines which programs administered by DCYF are included in the exclusion provision, and further defines "excluded," "individual," and "provider."
- License holders have a right to appeal licensing actions and request a contested case hearing, under Minnesota Statutes, chapter 14, Minnesota Rules, parts 1400.8505 to 1400.8612, and Minnesota Statutes, section 142B.20.
- Under Minnesota Statutes, section 142B.10, subdivision 14, paragraph (d), subparagraph (3), the commissioner shall not issue or reissue a license if the applicant, license holder, or controlling individual has had a license issued under this chapter or chapter 245A revoked within the past five years.
- Under Minnesota Statutes, section 142B.10, subdivision 14, paragraph (d), when a license issued under this chapter is revoked under clause (1) or (3), the license holder and controlling individual may not hold any license under chapter 142B or chapter 245A for five years following the revocation, and other licenses held by the applicant, license holder, or controlling individual shall also be revoked.
- Minnesota Statutes, section 142B.05, subdivision 4, provides that child care provider who has received a license revocation that has not been reversed on appeal may not provide unlicensed child care to non-relatives. Operating a prohibited unlicensed family child care is a misdemeanor under Minnesota Statutes, section 142B.05, subdivision 5.
- The requirement to post this order in a clearly visible location is required under Minnesota Statutes, section 142B.18, subdivision 6.

Questions

If you have any further questions regarding this matter, you may contact Beth Donahue, Supervisor at 651-431-6565.



Alexandra Keys, Family Child Care Unit Manager
Licensing Division
Office of Inspector General

cc: Derek Eberle, Todd County Social Services

Jennifer Orth
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Alissa Erdrich, Sourcewell