

## Overview

Minnesota lawmakers have determined that domestic abuse is a unique issue with many significant social consequences. To address the many aspects of domestic abuse, lawmakers created paths for victims to seek protection, established specific criminal penalties and procedures, required training for those working in the criminal justice field, funded shelter and other domestic abuse programs and services, required consideration of all incidents of domestic abuse in child custody and protection cases, and designated specific guidelines to protect data.

This publication summarizes the major features of Minnesota laws dealing with domestic abuse. It provides some history describing ways in which the legislature has addressed domestic assault; outlines relief available under the Domestic Abuse Act (i.e., civil orders for protection); examines various criminal procedures, penalties, and notice provisions related to victim protection; and describes additional safety provisions, including domestic abuse programs and services, child protection, data protection, and criminal justice training and information

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## Legislative History

Violence within families and between romantic partners began to receive special attention during the 1960s and 1970s, and 47 states passed legislation designed to address domestic violence by 1980.<sup>1</sup> Minnesota became one of those states with passage of the Domestic Abuse Act in 1979. [Laws 1979, ch. 214, § 1](#). The 1979 law established the basic structure for Minnesota’s response to domestic violence, and legislators have worked within that structure to address policy issues that have arisen since that

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<sup>1</sup> Jeffrey Fagan, “The Criminalization of Domestic violence: Promises and Limits;” *National Institute of Justice Research Report* (January 1996). Available at: <https://www.ncjrs.gov/pdffiles/crimdom.pdf>.

time. While meaningful, many of the changes to the Domestic Abuse Act and related statutory provisions have been largely technical in nature. Both the technical and more substantive changes the legislature has made increased protections for victims of domestic violence, separated parties, and increased the consequences an abuser may face.

Within a few years of passing the act, the legislature required peace officers to make arrests when any officer had probable cause to believe that a person violated an order for protection and specifically directed that officers do not need to obtain arrest warrants. [Laws 1983, ch. 52, § 2](#). Other early changes involved clarifying a court's ability to exclude abusers from a home, and also addressed the relationship between family law cases and domestic abuse. [Laws 1985, ch. 195](#); [Laws 1987, ch. 106, 237](#).

Changes in the 1990s continued to harmonize the Domestic Abuse Act with family law provisions and also increased the consequences of committing domestic violence. [Laws 1994, ch. 630, art. 12](#). Some changes included establishing mandatory minimum sentences and requiring counseling for anyone convicted of violating an order for protection, permitting courts to impose higher bail amounts on individuals charged with nonfelony domestic violence related offenses, permitting courts to issue orders prohibiting contact between defendants and alleged victims while a criminal case was pending when the alleged victim requested an order, and adding restrictions on owning or possessing firearms after some convictions. [Laws 1992, ch. 571, art. 6, § 7](#); [Laws 1994, ch. 636, art. 2, § 65; art. 3, § 43](#); [Laws 1996, ch. 408](#). During that decade, the legislature also amended the assault statutes to make the domestic assault a separate statutory section, removing it from fifth-degree assault and creating a felony penalty for repeat offenders. [Laws 1995, ch. 259, art. 3, §§ 14-15](#).

Many of the changes in the following decade involved making it easier to issue and serve orders directing an abuser to stay away from a victim. For example, the legislature permitted individual peace officers to serve a short-form notification about the existence of an order and also gave judges the ability to issue an order prohibiting a defendant from having contact with an alleged victim, even if the alleged victim did not request that order. [Laws 2000, ch. 437, §§ 3-4](#). The legislature prohibited employers from retaliating against employees when the employee sought an order and authorized courts to extend orders so that they would last up to 50 years in some circumstances. [Laws 2005, ch. 136, Art. 8, § 20](#); [Laws 2008, ch. 316](#). In addition to those changes, legislators responded to concerns about domestic assaults involving strangulation by creating a new felony offense to address that conduct. [Laws 2005, ch. 136, art. 17, § 13](#).

More recently, the legislature again increased the amount of bail courts could set in nonfelony domestic violence cases, clarified a court's right to issue an order prohibiting a defendant from having contact with an alleged victim while a criminal case was pending, and made changes to the crimes of witness tampering and harassment. [Laws 2010, ch. 299](#). There have also been changes to the provisions requiring the transfer or surrender firearms for a limited period of time, and ongoing technical changes to reduce the barriers for communicating with the court. [Laws 2014, ch. 213, § 2](#); [Laws 2016, ch. 141, §§ 1-3](#); [Laws 2016, ch. 176, § 1](#).

## Domestic Abuse Act

Individual victims of domestic abuse can go to court and obtain an order directing an abuser to leave a home, stay away from the victim, participate in treatment, and take many other actions. Minnesota's Domestic Abuse Act ([chapter 518B](#)) gives courts the authority to issue one of these orders, known as an order for protection (OFP). The act also describes the relief available in OFP proceedings; establishes procedures for OFP proceedings; and contains the penalties for violation of an OFP. The provisions of

Minnesota's Domestic Abuse Act apply to OFPs issued under the Domestic Abuse Act or a similar law of another state, the United States, the District of Columbia, tribal lands, or U.S. territories.

## Domestic Abuse Act Definitions

**Domestic abuse.** The Domestic Abuse Act defines domestic abuse as the following conduct, if committed against a family or household member by a family or household member:

- physical harm, bodily injury, or assault
- the infliction of fear of imminent physical harm, bodily injury, or assault
- terroristic threats, within the meaning of section [609.713](#), subdivision 1; or criminal sexual conduct, within the meaning of sections [609.342](#), [609.343](#), [609.344](#), [609.345](#), or [609.3451](#); or interference with an emergency call within the meaning of [section 609.78](#), subdivision 2

[Minn. Stat. § 518B.01](#), subd. 2.<sup>2</sup>

**Family or household member.** A “family or household member” means the following:

- spouses and former spouses
- parents and children
- persons related by blood
- persons who are presently residing together or who have resided together in the past
- persons who have a child in common regardless of whether they have been married or have lived together at any time
- a man and woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time
- persons involved in a significant romantic or sexual relationship

In determining involvement in a significant romantic or sexual relationship, the court must consider the length of the relationship; type of relationship; frequency of interaction between the parties; and, if the relationship has terminated, the length of time since the termination. [Minn. Stat. § 518B.01](#), subd. 2.

## Relief Available Under the Domestic Abuse Act

**Petition for relief.** A victim of domestic abuse who wants to obtain an OFP must complete paperwork to give to the court. The document asking a court to issue an order under the Domestic Abuse Act is known as a petition for an OFP. Any family or household member can make a petition for relief. The person who files the petition is called the “petitioner” and the person accused of abuse is called the “respondent.”

In the case of a minor, the petition may be made by a family or household member, guardian, or, if the court finds it is in the best interests of the minor, by a reputable adult age 25 or older on behalf of minor family or household members. A minor who is age 16 or older may make the petition on that person's own behalf against a spouse or former spouse, or a person with whom the minor has a child in common,

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<sup>2</sup> If conduct meets this definition, a six-year statute of limitations on a civil action for assault, battery, false imprisonment, or other tort applies. [Minn. Stat. § 541.05](#).

if the court determines that the minor has sufficient maturity and judgment and that it is in the best interests of the minor.

The petition must allege the existence of domestic abuse and be accompanied by a sworn statement, called an affidavit, stating the specific facts and circumstances from which relief is sought. The petition must state whether the petitioner has ever had an OFP in effect against the respondent and provide information on other designated legal proceedings, such as a divorce, that are in effect between the parties. [Minn. Stat. § 518B.01](#), subd. 4.

**Relief available.** In a proceeding for an OFP under the Domestic Abuse Act, the court may provide the following relief, upon notice and hearing:

- restrain the abusing party from committing acts of domestic abuse
- exclude the abusing party from the dwelling that the parties share or from the residence of the petitioner
- exclude the abusing party from a reasonable area surrounding the dwelling or residence, which area must be described specifically in the order
- award temporary custody or establish temporary parenting time with regard to minor children of the parties on a basis that gives primary consideration to the safety of the victim and the children
- establish temporary support for minor children or a spouse and order the withholding of support from the income of the person obligated to pay the support
- upon request of the petitioner, provide counseling or other social services for the parties, if married, or if there are minor children
- order the abusing party to participate in treatment or counseling services
- award temporary use and possession of property and make other orders regarding property
- exclude the abusing party from the place of employment of the petitioner, or otherwise limit the abusing party's access to the petitioner at the petitioner's place of employment
- order the abusing party to have no contact with the petitioner in person, by phone, mail, email, or messaging, through a third-party, or by any other means
- order the abusing party to pay restitution to the petitioner
- order the continuance of all currently available insurance coverage without change in coverage or beneficiary designation
- order, in its discretion, other relief it deems necessary for the protection of a family or household member, including orders or directives to the sheriff or constable
- direct the care, possession, or control of a pet or companion animal
- direct the abusing party to refrain from physically abusing or injuring a pet or companion animal as an indirect means of intentionally threatening the petitioner or any minor children

Relief that is granted by the order is for a period of time, not to exceed two years, except when the court determines a longer period, of up to 50 years is appropriate based on factors listed in statute.<sup>3</sup> [Minn. Stat. § 518B.01](#), subd. 6.

**Marriage dissolution issues.** The part of an order that restrains the abusing party from committing acts of domestic abuse may not be vacated or modified in a proceeding for dissolution of marriage or legal separation. The court, however, upon notice of motion and motion, may hear a motion for modification

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<sup>3</sup> An order is also effective upon a referee's signature.

of an OFP concurrently with a proceeding for dissolution of marriage. If the court consolidates the proceedings and grants the motion to modify, it must issue a separate order for modification of an OFP.

The court must provide a copy of the OFP to the court with jurisdiction over any pending proceeding for dissolution of marriage or legal separation. [Minn. Stat. § 518B.01](#), subd. 6.

**Dwelling issues.** Admitting the abusing party into the dwelling from which the abusing party is excluded does not void the part of an order excluding the abusing party from the dwelling that the parties share or from the residence of the petitioner. [Minn. Stat. § 518B.01](#), subd. 6.

Leaving the residence or household to avoid abuse does not affect a person's right to apply for relief. [Minn. Stat. § 518B.01](#), subd. 10.

**Other civil or criminal remedies.** Proceedings under the Domestic Abuse Act are in addition to other civil or criminal remedies. [Minn. Stat. § 518B.01](#), subd. 16.

**Application of OFP.** An OFP that is granted under the Domestic Abuse Act applies throughout the state. Also, under the federal Violence Against Women Act of 1994, the OFP is enforceable in all 50 states, the District of Columbia, tribal lands, and U.S. territories. [Minn. Stat. § 518B.01](#), subd. 20; [18 U.S.C. § 2265](#).

A valid foreign protective order issued by an Indian tribe or a court in another state has the same effect and shall be enforced in the same manner as an OFP issued in this state. [Minn. Stat. § 518B.01](#), subd. 19a.

**Distribution of OFP and change in residence.** The court administrator must forward each OFP to the local law enforcement agency with jurisdiction over the residence of the applicant within 24 hours of the order's issuance. Each law enforcement agency must make available to other law enforcement agencies information as to the existence and status of any OFP.

If the applicant notifies the court administrator of a change in the applicant's residence, which results in a different local law enforcement agency having jurisdiction over the residence, the court administrator must forward the OFP to the new law enforcement agency within 24 hours of the notice. A local law enforcement agency must request a copy of an OFP from the court administrator within 24 hours of an applicant notifying the law enforcement agency that an OFP has been issued and the applicant has established a new residence within that agency's jurisdiction. [Minn. Stat. § 518B.01](#), subd. 13.

**Extensions of orders and subsequent orders.** The court may extend the relief granted in an existing OFP or grant a new order if an earlier OFP is no longer in effect when a petitioner makes an application for subsequent relief. A court may grant an extension or new order upon a showing that:

- the respondent has violated a prior or existing OFP;
- the petitioner is reasonably in fear of physical harm from the respondent;
- the respondent has engaged in acts of harassment/stalking within the meaning of [section 609.749](#), subdivision 2; or
- the respondent is incarcerated and about to be released, or has recently been released.

A petitioner does not need to show imminent physical harm to obtain an extension or subsequent order. If the court finds that the respondent has repeatedly violated an OFP or multiple orders have been in effect against the same respondent, the court may grant relief for a duration of up to 50 years.

Relief in a “50-year” OFP is limited to restraining the respondent from abusing or contacting the petitioner. [Minn. Stat. § 518B.01](#), subd. 6a.<sup>4</sup>

**Modification of orders.** The court may modify the terms of an existing OFP upon application, notice to all parties, and hearing.

If the court orders a “50-year” OFP under subdivision 6a, paragraph (b), the respondent may request to have the order modified or vacated after five years have elapsed with no violations. Notice must be given to the petitioner. The respondent has the burden of proving by the preponderance of evidence that there has been a material change in circumstances and the reasons for the order no longer apply. If the court denies the request, the respondent must wait five years to reapply for modification or vacation of the order. [Minn. Stat. § 518B.01](#), subd. 11.

**Ex parte orders.** The court may grant an ex parte order (an order granted upon request of the petitioner, without notice to the respondent) where an application for relief alleges an immediate and present danger of domestic abuse. The court may grant the relief it deems proper, including:

- restraining the abusing party from committing acts of domestic abuse;
- excluding any party from the dwelling they share or from the residence of the other, including the surrounding area, except by further order of the court;
- excluding the abusing party from the place of employment of the petitioner or otherwise limiting access to the petitioner by the abusing party at the petitioner’s place of employment;
- ordering the abusing party to have no contact with the petitioner;
- continuing all currently available insurance coverage without change in coverage or beneficiary designation; and
- directing the care of a pet or companion animal and directing the respondent to refrain from abusing or injuring a pet or companion animal as an indirect threat to the petitioner or minor child.

At the request of either the petitioner or respondent, the court must hold a full hearing after issuing an ex parte order. The respondent has five days from the service of the order to request a hearing. The ex parte order shall be effective for a fixed period set by the court or until modified or vacated by the court pursuant to a hearing.<sup>5</sup> [Minn. Stat. § 518B.01](#), subd. 7.

The petitioner must ask for a hearing to request relief beyond asking the court to restrain the abusing party from committing acts of domestic abuse. [Minn. Stat. § 518B.01](#), subd. 7.

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<sup>4</sup> In *Rew v. Bergstrom*, 845 N.W.2d 764 (Minn. 2014), the court held that an extension of an OFP for 50 years: (1) does not violate the First Amendment; (2) does not violate due process; (3) does not constitute double jeopardy; (4) does not violate ex post facto clauses; (5) does not require a contemporaneous showing of abuse, and (6) only applies to minor children until those children reach 18 years of age.

<sup>5</sup> An order is also effective upon a referee’s signature.

## Procedural Matters

**Jurisdiction.** An application for relief under the Domestic Abuse Act may be filed in any of the following:

- the court having jurisdiction over dissolution actions
- the county of residence of either party
- the county in which a pending or completed family court proceeding involving the parties or their minor children was brought
- the county in which the alleged domestic abuse occurred

There are no residency requirements that must be met in order to petition for an OFP.

The court must give actions under the Domestic Abuse Act docket priority. [Minn. Stat. § 518B.01](#), subd. 3.

**Filing fee.** Neither the petitioner nor the respondent needs to pay a filing fee for an OFP under the Domestic Abuse Act. Also, the court administrator, sheriff, and law enforcement and corrections officers must perform their duties relating to service of process without charge to the petitioner. Corrections officers include probation officers, court services officers, parole officers, and employees of jails or correctional facilities. [Minn. Stat. § 518B.01](#), subd. 3a.

**Service.** The Domestic Abuse Act requires that the petition and any order issued under the act, other than orders for dismissal, be served upon the respondent personally. Orders for dismissal may be served personally or by certified mail. In lieu of personal service of an OFP, a law enforcement officer may serve a respondent with a short form notification and the respondent must report to the nearest sheriff's office or county court to obtain a copy of the OFP. If personal service cannot be made, the court may order service of the petition and any order by alternative means or by publication. [Minn. Stat. § 518B.01](#), subds. 8 and 8a.

Service of a petition under the Domestic Abuse Act may be made upon an employee at the employee's place of employment or upon a student at a postsecondary institution. [Minn. Stat. § 543.20](#).

**Sheriff assistance in service or execution.** When the court issues an order upon request of the petitioner, the court must order the sheriff or constable to accompany the petitioner and assist the petitioner in obtaining possession of the dwelling or residence. The sheriff or constable must also assist in execution or service of the OFP. If the respondent is not in the county where the application for relief was brought, the sheriff must forward the pleadings necessary for service to the sheriff in the county in which the respondent is present. [Minn. Stat. § 518B.01](#), subd. 9.

**Court's duties.** The court must:

- provide simplified forms and clerical assistance to help with the writing and filing of a petition;
- advise the petitioner of the right to file a motion and affidavit and to sue in forma pauperis and assist with the writing and filing of the motion and affidavit;



- advise the petitioner of the right to serve the respondent by published notice, if the respondent is avoiding personal service by concealment or otherwise, and assist with the writing and filing of the motion and affidavit;<sup>6</sup>
- advise the petitioner of the right to seek restitution under the petition for relief;
- advise the petitioner of the right to request a hearing and that the respondent may request a hearing if the petitioner does not request a hearing; and
- advise the petitioner of the right to request supervised parenting time.

[Minn. Stat. § 518B.01](#), subd. 4.

**Notice as to parenting time.** Any petition or order issued by the court must notify the respondent that, on request of the petitioner, the court must consider an OFP issued to protect the petitioner or a child of the parties when making parenting-time decisions. [Minn. Stat. § 518B.01](#), subd. 8.

**Hearing.** Upon receipt of the petition, the court shall order a hearing held not later than 14 days from the date of the order for the hearing unless the order is ex parte (an order granted upon request of the petitioner without notice to the respondent; see page 5). Service of the notice of hearing must be made not less than five days before the hearing. Personal service of an ex parte order may be made upon the respondent at any time up to 12 hours before the hearing, but the respondent may request a five-day continuance. [Minn. Stat. § 518B.01](#), subd. 5.

**Admissibility of testimony.** Any testimony offered by a respondent in a hearing under the Domestic Abuse Act is inadmissible in a criminal proceeding. [Minn. Stat. § 518B.01](#), subd. 15.

**OFP notice provision.** Each OFP granted under the Domestic Abuse Act must contain a conspicuous notice to the person to be restrained that:

- violation of an OFP is either a misdemeanor, gross misdemeanor, or felony;
- the respondent is forbidden to enter or stay at the petitioner’s residence, even if invited to do so by the petitioner or any other person, and that in no event is the OFP voided;
- a peace officer must arrest without warrant and take into custody a person whom the peace officer has probable cause to believe has violated an OFP restraining the person or excluding the person from a residence;
- pursuant to the Violence Against Women Act of 1994, the order is enforceable in all 50 states, the District of Columbia, tribal lands, and U.S. territories;
- violation of the order may subject the respondent to federal charges and punishment; and
- if a final order is entered against the respondent after the hearing, the respondent may be prohibited from possessing, transporting, or accepting a firearm under federal law.

If the court grants a “50-year” order under subdivision 6a, paragraph (b), the OFP must also provide notice that there is a five-year waiting period to seek a modification.

[Minn. Stat. § 518B.01](#), subd. 18.

**Employer retaliation prohibited.** An employer may not retaliate against an employee who takes time off from work to obtain or attempt to obtain an OFP. Except in cases of imminent danger or unless

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<sup>6</sup> If a party is financially unable to pay court fees and other costs, the court may allow the person to proceed without prepayment of fees or costs. [Minn. Stat. § 563.01](#).



impracticable, the employee must give an employer 48 hours advance notice of taking leave. The employer may request that the employee provide verification that supports the reason for the absence. All information relating to the employee's leave must be kept confidential. An employer who violates these provisions is guilty of a misdemeanor and must pay back wages and offer job reinstatement to any employee wrongfully discharged. In addition, an employee may bring a civil action against the employer and recover damages including reasonable attorney fees. [Minn. Stat. § 518B.01](#), subd. 23.

## Violation of an OFP

**Criminal penalties.** Violation of an OFP is a crime. See page 10 of this publication for information on criminal penalties.

**Contempt.** A violation of an OFP is also contempt of court and subjects an offender to the penalties for contempt. [Minn. Stat. § 518B.01](#), subd. 14.

**Statement of obligation and bond.** The court may require the respondent to acknowledge an obligation to comply with an OFP on the record if the court finds that (1) the respondent has violated an OFP, and (2) there is reason to believe that the respondent will commit a further violation of the provisions of the order restraining the respondent from committing acts of domestic abuse, or excluding the respondent from the petitioner's residence.

The court also may require the respondent to post a bond of up to \$10,000 sufficient to deter the respondent from committing additional violations.

If the respondent refuses to comply with an order to acknowledge the obligation or to post a bond, the court must commit the respondent to the county jail during the term of the OFP or until the respondent complies. [Minn. Stat. § 518B.01](#), subd. 14.

**Order to show cause.** The court may issue an order to the respondent requiring the respondent to appear and show cause within 14 days why the respondent should not be found in contempt of court and punished. This order may be issued upon the filing of an affidavit by the petitioner, a peace officer, or an interested party designated by the court, alleging that the respondent has violated an OFP. [Minn. Stat. § 518B.01](#), subd. 14.

**New order to replace expired order.** If an OFP has expired between the time of an alleged violation and the court's hearing on the violation, the court may issue a new OFP based solely on the respondent's alleged violation of a prior order. The new order is effective until the hearing on the alleged violation of the prior order. If the court finds that the respondent has violated the order, the court may extend the relief granted in the new OFP for a fixed period, not to exceed one year, except when the court determines that a longer fixed period is appropriate. [Minn. Stat. § 518B.01](#), subd. 14.

**Firearm and/or pistol possession.** See page 20 of this information brief for information on restrictions on firearm and/or pistol possession stemming from violation of an OFP.

## Domestic Abuse Counseling and Educational Programs

**Court-ordered program.** A court must order that an offender participate in and successfully complete a domestic abuse counseling program or educational program if it stays imposition or execution of a sentence for a domestic abuse offense and places the offender on probation. [Minn. Stat. § 518B.02](#).

**Standards for domestic abuse counseling and educational programs.** A domestic abuse counseling or educational program must require offenders and abusing parties to attend a minimum of 24 sessions or 36 hours of programming, unless a probation officer has recommended fewer sessions. Programs must provide services in a group setting, unless the offender or abusing party would be inappropriate in such a setting. There must be separate sessions for male and female participants. Programs must have a written policy that forbids program staff from offering or referring marriage or couples counseling until the offender or abusing party has completed the program and the staff reasonably believe that the violence, intimidation, and coercion has ceased and the victim feels safe to participate.

Each program must have a written policy requiring counselors and facilitators to report any threats or acts of violence made by the offender or abusing party, any violation of court orders by the offender or abusing party, and any violation of program rules that resulted in the offender or abusing party's termination from the program to the court and the offender's probation officer.

Unless the victim requests otherwise, the program must notify the victim when it reports an offender back to the court or terminates the offender from the program.

Each program must conduct an intake process with each offender or abusing party. During intake, the staff must look for possible chemical dependency problems and possible risks the offender or abusing party may pose to self or others. The program must have policies for chemical dependency treatment referrals. If the offender or abusing party poses a risk to self or others, the program must report this information to the court, the probation officer, and the victim. [Minn. Stat. § 518B.02](#).

## Criminal Law

**Violation of an OFP.** Under Minnesota law, violating an OFP is a crime and can be punished as a misdemeanor, gross misdemeanor, or felony depending primarily on the number of prior offenses. Criminal penalties apply to violating an order issued under the Domestic Abuse Act or under a similar law of another state, the District of Columbia, tribal lands, or U.S. territories. In addition, any violation of an OFP constitutes contempt of court and is subject to the penalties for contempt.

A knowing violation of an OFP is a misdemeanor.<sup>7</sup> The penalty is a gross misdemeanor if the person knowingly violates an OFP within ten years of a previous qualified domestic violence-related offense conviction or adjudication of delinquency.<sup>8</sup> The penalty is a five-year felony if the person knowingly violates the order within ten years of the first of two or more previous qualified domestic violence-related offense convictions or adjudications of delinquency. Felony penalties also apply to persons who commit the violation while possessing a dangerous weapon.

<sup>7</sup> A "knowing violation" means that the respondent knows of the existence of the order. [Laws 2002, ch. 282, § 1](#).<sup>8</sup>

Qualified domestic violence related offenses include violations of orders for protection and several other offense.

See page 10.

The law establishes minimum sentences a court must impose if it sentences a person for a misdemeanor, gross misdemeanor, or felony offense. The law also requires the court to order the defendant to participate in counseling or other appropriate programs selected by the court. [Minn. Stat. § 518B.01](#), subd. 14.

**No-contact order.** A court may issue an order, known as a domestic abuse no-contact order, prohibiting a defendant from having any contact with an alleged victim in a criminal proceeding or a juvenile in a delinquency proceeding for domestic abuse, harassment or stalking of a family or household member, violation of an OFP, or violation of a prior no-contact order.

A no-contact order may be issued as a pretrial order or as a postconviction probationary order. Courts must issue the order in a proceeding that is separate from a pretrial release or sentencing hearing.

A person who knows of the existence of a no-contact order and violates that order is guilty of a crime. A first violation is a misdemeanor. If a person violates a no-contact order within ten years of a previous qualified domestic violence-related offense, the person is guilty of a gross misdemeanor. A person is guilty of a five-year felony if the person violates a no-contact order: (1) within ten years of the first two or more previous qualified domestic violence-related offense convictions or adjudications of delinquency; or (2) while possessing a dangerous weapon. The law establishes penalties that, at a minimum, a court must impose after convicting an offender of gross misdemeanors or felony offenses. The court must also order the defendant to participate in counseling or other appropriate program. [Minn. Stat. § 629.75](#).

**Qualified domestic violence-related offense.** The term “qualified domestic violence-related offense” includes the following offenses:

- violation of domestic abuse order for protection
- violation of domestic abuse no-contact order
- murder in the first and second degree
- assault in the first through fifth degree
- domestic assault
- domestic assault by strangulation
- female genital mutilation
- criminal sexual conduct in the first through fourth degree
- malicious punishment of a child
- terroristic threats
- violation of harassment restraining order
- harassment/stalking
- interference with an emergency call
- nonconsensual dissemination of private sexual images
- similar laws of other states, the United States, the District of Columbia, tribal lands, and U.S. territories

[Minn. Stat. § 609.02](#), subd. 16.

A qualified domestic violence-related offense may be used to enhance the crimes of domestic assault; assault in the fifth degree; harassment/stalking; and violating a restraining order, order for protection, or no-contact order.

**Domestic assault.** It is a misdemeanor to intentionally inflict or attempt to inflict bodily harm against a family or household member, or to commit an act with intent to cause fear of immediate bodily harm or death against a family or household member. The penalty for the assault becomes a gross misdemeanor if the actor commits the assault within ten years of a previous qualified domestic violence-related offense conviction or adjudication of delinquency against a family or household member. The penalty for the assault becomes a five-year felony if the actor commits the assault within ten years of two or more previous qualified domestic violence-related offense convictions or adjudications of delinquency. [Minn. Stat. § 609.2242.](#)

**Sentencing for domestic assaults.** A court must sentence a person who is convicted of gross misdemeanor domestic assault to a minimum of 20 days imprisonment, at least 96 hours of which must be served consecutively. The minimum sentence may be stayed on the condition that the person sentenced complete anger therapy or counseling and fulfill any other condition ordered by the court. While the sentence is not mandatory, the law creates a presumption that a court will sentence a person convicted of a felony domestic assault offense but not sent to prison to a minimum of a 45-day period of incarceration as a condition of probation of which at least 15 days must be served consecutively. Also, in felony cases, if the defendant's criminal history score indicates a presumptive executed sentence, that sentence must be imposed unless the court departs from the sentencing guidelines as provided by law. [Minn. Stat. § 609.2243.](#)

**Presentence domestic abuse investigations.** A corrections agency must conduct a presentence domestic abuse investigation and submit a report to the court under any of the following situations:

- when a defendant is convicted of an offense described in subdivision 2 of the Domestic Abuse Act<sup>9</sup>
- when a defendant is arrested for committing an offense described in subdivision 2 of the Domestic Abuse Act, but is convicted of another offense arising out of the same circumstances surrounding the arrest
- when a defendant is convicted of (a) violating a Domestic Abuse Act OFP, (b) violating a harassment restraining order against a family or household member, (c) making terroristic threats against a family or household member, or (d) making harassing or obscene telephone calls against a family or household member

The report must include the circumstances of the offense; its impact on the victim; and the defendant's prior record, characteristics and history of alcohol and chemical use problems, and amenability to domestic abuse programs. The report must also include recommendations on limitations on contact with the victim and other measures to ensure the victim's safety; recommendations for domestic abuse counseling or education, or other programming for the defendant; and consequences for failure to abide by conditions set up by the court.

If no level of care or action is recommended, the report must explain why no recommendation is made. [Minn. Stat. § 609.2244.](#)

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<sup>9</sup> Subdivision 2 of the Domestic Abuse Act ([section 518B.01](#)) describes the following conduct as domestic abuse if committed against a family or household member by a family or household member: (1) physical harm, bodily injury, or assault; (2) the infliction of fear of imminent physical harm, bodily injury, or assault; or (3) terroristic threats, within the meaning of [section 609.713](#), subdivision 1; criminal sexual conduct, within the meaning of [sections 609.342](#), [609.343](#), [609.344](#), [609.345](#), or [609.3451](#); or interference with an emergency call within the meaning of [section 609.78](#), subdivision 2.

**Fifth-degree assault.** Intentionally inflicting or attempting to inflict bodily harm, or committing an act with the intent to cause fear of immediate bodily harm or death, is a misdemeanor. It is a gross misdemeanor to assault the same victim within ten years of a previous qualified domestic violence-related offense conviction or adjudication of delinquency. It is also a gross misdemeanor to assault any person within three years of a previous qualified domestic violence-related offense conviction or adjudication of delinquency.

A five-year felony applies under the above circumstances if the offender had two or more previous qualified domestic violence-related offense convictions or adjudications of delinquency. [Minn. Stat. § 609.224](#).

**Domestic assault by strangulation.** A person is guilty of a three-year felony if the person assaults a family or household member by strangulation. “Strangulation” means “intentionally impeding normal breathing or circulation of the blood by applying pressure on the throat or neck or by blocking the nose or mouth of another person.” [Minn. Stat. § 609.2247](#).

**First-degree murder.** A person is guilty of murder in the first degree under several situations including when the person causes the death of another, without premeditation or intent, while committing domestic abuse if the perpetrator has engaged in a past pattern of domestic abuse upon the victim or upon another family or household member and the death occurs under circumstances manifesting an extreme indifference to human life. [Minn. Stat. § 609.185](#), para. (a), cl. (6).

**Second-degree murder.** A person is guilty of murder in the second degree if the person causes the death of another, without intending to cause that death, while intentionally inflicting or attempting to inflict bodily harm upon the victim, when the perpetrator is restrained under an OFP and the victim is designated to receive protection under the order. For the purposes of second-degree murder, an OFP includes an OFP issued under [chapter 518B](#), a harassment restraining order issued under [section 609.748](#), a court order setting conditions of pretrial release or conditions of a criminal sentence or juvenile court disposition, a restraining order issued in a marriage dissolution action, and any order issued by a court of another state or of the United States that is similar to any of these orders. [Minn. Stat. § 609.19](#).

**Harassment.** Minnesota law provides gross misdemeanor and felony penalties for harassment. “Harassment” means engaging in conduct that the actor knows, or has reason to know, would cause the victim to feel frightened, threatened, oppressed, persecuted, or intimidated, and causes this reaction on the part of the victim regardless of the party’s relationship. For a conviction under this law, the prosecutor does not need to prove that the actor intended to cause the victim to feel frightened, threatened, oppressed, persecuted, or intimidated.

Gross misdemeanor harassment crimes include making threats (directly, indirectly, or through third-parties), following, monitoring, or pursuing another, returning to the property of another without claim of right to the property or consent, making repeated phone calls or text messages or inducing a victim to make phone calls, making someone’s telephone repeatedly ring, repeatedly mailing or delivering objects to a person (including electronically or through assistive devices), repeatedly sending messages to a person, or knowingly making false allegations against a peace officer concerning the officer’s performance of official duties with intent to influence or tamper with the officer’s performance of official duties.<sup>10</sup>

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<sup>10</sup> See *State v. Pegelow*, 809 N.W.2d 245 (Minn. Ct. App. 2012).

Felony penalties apply to persons who commit repeat harassment or domestic violence-related violations; commit certain “aggravated” crimes, such as harassing another in order to tamper with a juror or judicial proceeding, or retaliate against a judicial officer or attorney in connection with a judicial proceeding; engage in stalking directed at an individual person or household which causes the victim to feel terrorized or fear bodily harm; or harass a victim who is under the age of 18, if the actor is more than 36 months older than the victim. [Minn. Stat. § 609.749](#).

A mandatory minimum penalty applies when a person used a dangerous weapon in any way during the commission of the crime. If the dangerous weapon is a firearm, a three-year penalty applies for the first offense, and a five-year penalty applies to subsequent offenses. The penalty for firearms applies even if the offender possessed but did not use the firearm at the time of the offense. If the dangerous weapon is not a firearm, a one-year-and-a-day penalty applies to the first offense, and a three-year penalty applies to subsequent offenses. [Minn. Stat. § 609.11](#).

**Violation of a harassment restraining order.** Victims of harassment may seek and obtain civil relief from harassment under the harassment restraining order law. Harassment can include harassing acts directed toward a family or household member, but there is no requirement that the person for whom protection is sought be a family or household member. The procedures for obtaining a harassment restraining order are similar to the procedures for obtaining an OFP.<sup>11</sup> Relief granted by a restraining order must be for a fixed period not to exceed two years, except in cases where the respondent has repeatedly violated an order or has been subject to multiple orders, relief may be granted for up to 50 years.

A person who violates a harassment restraining order commits a misdemeanor. The penalty is a gross misdemeanor if the person violates the restraining order within ten years of a previous qualified domestic violence-related offense conviction or adjudication of delinquency. The penalty is a five-year felony if the person violates the order within ten years of the first of two or more previous qualified domestic violence-related offense convictions or adjudications of delinquency. Felony penalties also apply to persons:

- who commit an offense by falsely impersonating another;
- while possessing a dangerous weapon;
- against a victim under age 18, if the respondent is more than 36 months older than the victim;
- with an intent to influence or tamper with a juror or judicial proceeding or officer of the court in connection with judicial proceedings; or
- because of the victim’s or another’s actual or perceived race, color, religion, sex, sexual orientation, disability, age, or national origin.

[Minn. Stat. § 609.748](#).

**Threats of violence.** A person who threatens, directly or indirectly, to commit any crime of violence with the purpose to terrorize another, to cause evacuation of a building, or in reckless disregard of the risk of causing such terror is guilty of a five-year felony. A person who displays, exhibits, brandishes, or otherwise employs a replica firearm or a BB gun in a threatening manner, is guilty of a one-year felony if, in doing so, the person either causes or attempts to cause terror in another person, or acts in reckless

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<sup>11</sup> The filing fee for a restraining order is waived if the petition alleges acts that would constitute criminal sexual conduct or criminal stalking.

disregard of the risk of causing terror in another person. This law applies to a person who commits a crime against a family or household member or any other person. [Minn. Stat. § 609.713](#).

**Trespass on battered women’s shelter property.** It is a gross misdemeanor to trespass on the grounds of a battered women’s shelter or a facility providing transitional housing for battered women and their children, without claim of right or consent, and to refuse to depart on the demand of one who has the right to consent. [Minn. Stat. § 609.605](#), subd. 2.

**Interference with facility access.** It is a gross misdemeanor to intentionally and physically obstruct any individual’s access to or egress from a facility. The definition of “facility” includes a variety of places providing health and safety services and includes a battered women’s shelter and facilities providing transitional housing for battered women and their children. [Minn. Stat. § 609.7495](#).

**Tampering with a witness.** It is a crime to tamper with a witness involved in a criminal or civil matter. Examples of tampering include intentionally preventing or dissuading a witness from testifying at trial or from providing information to law enforcement; coercing a witness to provide false information to authorities; or retaliating against a witness who testified or provided information to authorities. Tampering can occur by use of force, threat, or intimidation. Penalties range from a misdemeanor to a 20-year felony. [Minn. Stat. § 609.498](#).

## Criminal Procedure Provisions

### Arrest Issues

**Warrantless arrest.** A peace officer may arrest a person anywhere without a warrant, including at the person’s residence, if the peace officer has probable cause to believe that the person has committed domestic abuse within the preceding 24 hours. The peace officer may make the arrest even though the domestic abuse did not take place in the officer’s presence. [Minn. Stat. § 629.341](#).

When a peace officer verifies the existence of an order and has probable cause to believe a person has violated a domestic abuse no-contact order or an OFP restraining the person or excluding the person from the residence or the petitioner’s place of employment, the officer must conduct an arrest, with or without a warrant, and take the person into custody even if the violation of the order did not take place in the officer’s presence. [Minn. Stat. §§ 518B.01](#), subd. 14; [629.75](#), subd. 3.

An officer who acts in good faith and exercises due care in making an arrest is immune from civil liability that might otherwise result from the officer’s action. [Minn. Stat. §§ 518B.01](#), subd. 14; [629.341](#); and [629.75](#), subd. 3.

**Arrest and detention.** An arresting officer may not issue a citation in lieu of arrest and detention to an individual charged with domestic abuse, harassment/stalking, violation of an OFP, or violation of a no-contact order. An individual arrested on any of these charges must be brought to the police station or county jail where the officer in charge of the police station or the county sheriff in charge of the jail must issue a citation in lieu of continued detention, unless it reasonably appears to the officer or sheriff that release of the person poses a threat to the alleged victim, another family or household member, or public safety; or there is a substantial likelihood the arrested person will fail to respond to a citation. If the officer or sheriff does not issue a citation to the arrested person, the arrested person must be brought before a judge without unnecessary delay. [Minn. Stat. § 629.72](#).



A person arrested for violation of an OFP or no-contact order must be held in custody for at least 36 hours, excluding the day of arrest, Sundays, and holidays, unless a judge or judicial officer releases the person earlier. [Minn. Stat. §§ 518B.01](#), subd. 14; [629.75](#).

**Police report required.** An officer who investigates an allegation that domestic abuse has occurred must make a written police report of the alleged incident, whether or not an arrest is made. A copy of this report must be provided upon request, at no cost, to the victim, the victim's attorney, or designated organizations that provide services to domestic abuse victims. [Minn. Stat. § 629.341](#).

## Bail and Other Pretrial Release Issues

**Pretrial bail evaluation.** The local corrections department, or its designee, must conduct a pretrial bail evaluation of each defendant arrested and detained for committing a crime of violence, a gross misdemeanor fifth-degree assault or domestic assault crime, or a nonfelony violation of an OFP or harassment restraining order or stalking, fourth-degree assault, or fifth-degree criminal sexual assault crime. [Minn. Stat. § 629.74](#).

**Pretrial release hearing.** If a person arrested for domestic abuse, harassment/stalking, violation of an OFP, or violation of a no-contact order is not released on citation, the judge must review the facts surrounding the arrest and detention at a hearing. The prosecutor or some other appropriate person must present relevant information involving the victim's or the victim's family's account of the alleged crime to the judge to be considered in determining the arrested person's release.

In making a decision concerning pretrial release conditions, the judge shall determine and make findings on the record whether: (1) release of the person poses a threat to the alleged victim, another family or household member, or public safety; or (2) there is a substantial likelihood the person will fail to appear at subsequent proceedings. [Minn. Stat. § 629.72](#).

**Pretrial release conditions.** If the judge decides release is not advisable, the judge may impose any conditions of release or bail to protect the alleged victim or other family or household member and to ensure the appearance of the person at subsequent proceedings. These conditions may include:

- enjoining the person from threatening to commit or committing acts of domestic abuse or harassment, or from violating an OFP or no-contact order;
- prohibiting the person from harassing, annoying, contacting, or communicating with the alleged victim;
- directing the person to vacate or stay away from the alleged victim's home or place of employment;
- prohibiting the person from possessing a firearm or other weapon;
- prohibiting the person from possessing or consuming alcohol or controlled substances; and
- specifying any other requirement that the court deems necessary.

A judge must state any conditions of release imposed on a defendant in a written order. [Minn. Stat. § 629.72](#).

**Amount of bail.** The maximum cash bail a court may set for a person charged with a misdemeanor or gross misdemeanor domestic assault, violation of an OFP, or violation of a no-contact order is ten times the highest cash fine that may be imposed for the offense. [Minn. Stat. § 629.471](#).

**No-contact orders.** The judge may impose, as a condition of release, a requirement that the person have no contact with the victim of the alleged domestic abuse, harassment/stalking, violation of an OFP, or violation of a no-contact order. The court may also, on its own motion or that of the prosecutor or on request of the victim, issue an ex parte temporary OFP or harassment restraining order. The temporary order is effective until the defendant is convicted or acquitted, or the charge is dismissed, provided that, upon request, a defendant is entitled to a full hearing. [Minn. Stat. § 629.72.](#)

**Arrest for violation of a condition of pretrial release.** If the judge who released the arrested person (1) receives an application alleging that the arrested person has violated the conditions of release; and (2) finds that probable cause exists to believe that the defendant violated the conditions of release, the judge must issue a warrant directing the person to be arrested and taken immediately before the judge for a hearing. [Minn. Stat. § 629.72.](#)

## Victim Notice Provisions

**Notice of assistance to victim.** At the time of arrest, statutes require a peace officer to tell a victim of domestic abuse whether a shelter or other services are available in the community and provide the victim with notice of the legal rights and remedies available to the victim. The officer must give the victim a notice that includes the resource listing, including telephone number, for the area battered women's shelter. The notice also must include a statement that:

- advises the victim that the victim can ask the city or county attorney to file a criminal complaint; and
- advises the victim of the right to go to court and file a petition requesting an OFP from domestic abuse.

[Minn. Stat. § 629.341.](#)

In situations where an officer does not make an arrest when the officer has probable cause to believe that a person is committing or has committed domestic abuse or violated an OFP, the officer shall provide immediate assistance to the victim, including:

- assisting the victim in obtaining necessary medical treatment; and
- advising the victim of the victim's rights to request prosecution and to pursue an OFP.

A peace officer who acts in good faith and exercises due care in providing assistance to a victim is immune from civil liability that might otherwise result from the officer's action. [Minn. Stat. § 629.342.](#)

**Notice of bail hearings.** A person arrested or detained for domestic assault, violation of any protective order, or harassment/stalking must be brought before a judge to review and determine bail and conditions of release. The court must make a reasonable good faith effort to notify the victim of the time and place of the review and the fact that the victim and the victim's family may attend the review. At the review, the prosecutor shall present relevant information involving the victim's account of the alleged offense. [Minn. Stat. § 629.72.](#)

**Notice of release from pretrial detention.** Before releasing a person arrested or detained for domestic abuse, harassment/stalking, violation of an OFP, violation of a no-contact order, or a crime of violence or an attempted crime of violence, the custodial law enforcement agency must make a reasonable and good faith effort to orally inform the alleged victim, other involved law enforcement agencies, and, if

requested by the victim, any battered women’s program, domestic abuse program, or sexual assault program, of the following matters:

- the time of the release
- any conditions imposed for the release
- the time and place of the next court appearance and the victim’s right to attend
- the location and telephone number of the area battered women’s shelter or sexual assault program, if appropriate

The law enforcement agency must also mail written notice of the above listed information to the alleged victim as soon as practical after the release. [Minn. Stat. §§ 629.72 and 629.73.](#)

**Notice of intent not to prosecute.** A prosecutor must make every reasonable effort to notify a victim of domestic abuse, a criminal sexual conduct offense, or harassment/stalking of a decision to decline prosecution of the case or dismiss criminal charges filed against the defendant. In addition, state law requires the prosecutor to inform the victim of the method and benefits of seeking an OFP under the Domestic Abuse Act or a harassment restraining order and that the victim may seek an order without paying a fee. If a suspect is in custody, the notification attempt must be made before the suspect is released from custody. When criminal charges are dismissed, a record of the specific reasons for the dismissal must be made. If the dismissal is due to the unavailability of the prosecuting witness, the prosecutor must indicate the specific reason that the witness is unavailable. [Minn. Stat. § 611A.0315.](#)

**Victim input regarding pretrial diversion.** Prosecutors must make every reasonable effort to notify and seek input from the victim before referring persons accused of domestic assault, terroristic threats, sexual assault, stalking, and other designated serious crimes into a pretrial diversion program in lieu of prosecution. [Minn. Stat. § 611A.031.](#)

## Admissibility of Evidence and Docket Priority

**Admissibility of domestic conduct evidence.** In most situations, evidence that a defendant committed other crimes or bad acts in the past cannot be offered as evidence at trial. One exception to the general rule applies to prior instances of domestic abuse offenses. Evidence of domestic conduct by the accused against the victim of domestic abuse, or against other family or household members, is admissible in court unless the probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issue, or misleading the jury; or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence. Admissible evidence under this provision includes evidence of the following against a family or household member:

- domestic abuse
- violation of an OFP
- violation of a harassment restraining order
- violation of a domestic abuse no-contact order
- harassment/stalking
- making harassing or obscene telephone calls

[Minn. Stat. § 634.20.](#)

**Admissibility of battered woman syndrome evidence.** Expert testimony on battered woman syndrome is admissible to show self-defense. Expert testimony may be used to describe battered woman

syndrome and the characteristics of the syndrome; expert testimony is not allowed on whether a particular individual suffers from battered woman syndrome. *State v. Hennem*, 441 N.W.2d 793 (Minn. 1989).

**Admissibility of battered woman syndrome evidence by the prosecution.** In addition, expert testimony on battered woman syndrome is admissible as part of the prosecution’s case-in-chief:

- when it is presented after the defense attacks the alleged victim’s credibility;
- when it meets the requirements of [Rule 702](#) of the Minnesota Rules of Evidence;
- when it helps the jury understand the alleged victim’s behavior; and
- where, in accordance with *State v. Hennem*, 441 N.W.2d 793 (Minn. 1989), the expert testimony is limited to a description of the syndrome and its characteristics, and the expert does not testify on the ultimate fact of whether the alleged victim actually suffered from battered woman syndrome.

*State v. Grecinger*, 569 N.W.2d 189 (Minn. 1997).

**Docket priority.** Criminal cases involving domestic abuse where the defendant is free on bail must be given docket priority over other cases on the district court’s docket except for cases where the defendant is in custody and child abuse cases where the defendant is free on bail. [Minn. Stat. § 630.36](#).

## Victim Safety Provisions

### Funding Provisions

**Funding for battered women’s shelters and services.** Battered women’s shelters and services receive some of their funding through the collection of fines. The criminal code requires courts to impose a fine as a part of all criminal convictions. Courts forward 70 percent of the amount collected from certain mandatory minimum fines<sup>12</sup> collected to a local victim assistance program that provides services locally in the county in which the crime was committed. A “victim assistance program” means victim witness programs within county attorney offices or crime victim crisis centers, victim-witness programs, battered women’s shelters and nonshelter programs, and sexual assault programs. [Minn. Stat. § 609.101](#), subd. 2.

Battered women’s shelters and services also receive funding through the Office of Justice Programs in the Department of Public Safety. The Office of Justice Programs awards grants to programs that provide emergency shelter services to battered women and support services to battered women, domestic abuse victims, and their children. The office also awards grants for training, technical assistance, and the development and implementation of educational programs to increase public awareness of the causes of battering, the solutions to preventing and ending domestic violence, and the problems faced by battered women and domestic abuse victims. The grants must be awarded in a manner that ensures that they are equitably distributed to programs serving metropolitan and nonmetropolitan populations.

<sup>12</sup> This applies to mandatory minimum fines imposed on convictions for assault, domestic assault, and criminal sexual conduct.

Any public or private nonprofit agency may apply for a grant. The application must comply with the statutory guidelines. Every public or private nonprofit agency that receives a grant to provide services must comply with all rules related to the administration of pilot programs. [Minn. Stat. § 611A.32](#).

**Funding for parenting-time centers.** Organizations may receive grants of up to \$50,000 for the purpose of creating or maintaining parenting-time centers.<sup>13</sup> These centers seek to reduce children’s vulnerability to violence and trauma related to parenting time when there is a history of domestic violence or abuse within the family. The distribution of grants must prioritize creating the greatest possible number of centers and broadest possible geographic distribution of centers throughout the state. Proposed centers must meet standards developed by the Commissioner of Education to ensure the safety of the custodial parent and children.

These centers serve as a healthy interactive environment for parents who are separated or divorced and for parents with children in foster care to visit with their children. Parents ordered to have no contact with one another can exchange children for visitation at the centers. Centers also may provide parenting and child development classes and offer support groups to participating custodial parents. The centers may hold regular classes designed to assist children who have experienced domestic violence and abuse.

Centers are required to have on staff, on their board, or otherwise available to them for consultation, an individual knowledgeable about or experienced in the provision of services to battered women and domestic abuse victims. [Minn. Stat. § 119A.37](#).

## Battered Women’s Programs

**Domestic abuse program director.** The domestic abuse program director, who is appointed by the Commissioner of Public Safety, administers funds, consults with and provides staff to the advisory council, and performs other duties related to battered women’s programs as the commissioner may assign. [Minn. Stat. § 611A.35](#).

The commissioner must consider the program director’s recommendations before awarding grants or adopting policies regarding programs and services for battered women and domestic abuse victims. The commissioner must also notify the program director of intended action before action is taken, except for day-to-day administrative operations. [Minn. Stat. § 611A.345](#).

**Battered women’s shelters.** The director of the Office of Justice Programs may provide grants that reimburse local programs for the costs of providing battered women and their children with food, lodging, and safety. A shelter facility means a secure crisis shelter, housing network, safe home, or other facility operated by a nonprofit organization for the purpose of providing food, lodging, safety, and 24-hour coverage for abused women and their children. [Minn. Stat. §§ 611A.37](#) to 611A.373.

**Domestic violence and sexual assault prevention.** In 2000, the legislature created the position of director of domestic violence and sexual assault prevention. The director must promote prevention by:

- advocating for the rights of victims;

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<sup>13</sup> In 2003, as part of Governor Pawlenty’s Reorganization Order No. 187, the responsibility for overseeing the parenting-time centers was transferred from the Department of Children, Families and Learning (now renamed the Department of Education) to the Department of Public Safety. The explanation of the program refers to the Department of Education because the statute has not been updated.

- increasing public education and awareness about prevention of domestic violence and sexual assault;
- encouraging and improving accountability at all levels of the system;
- supporting prosecution and civil litigation;
- initiating policy changes;
- coordinating resources and promoting immediate community responses to serve victims;
- building partnerships among law enforcement, prosecutors, defenders, advocates, and courts;
- encouraging and supporting health care providers, mental health professionals, employers, educators, clergy, and the public to raise awareness and prevent domestic violence and sexual assault;
- coordinating and maximizing the use of federal, state, and local resources to prevent domestic violence and sexual assault;
- serving as a liaison between the Center for Crime Victims Services and Department of Health and overseeing how the Department of Health spends its sexual violence prevention federal block grant; and
- studying issues involving domestic violence and sexual assault as they pertain to both men and women.

[Minn. Stat. § 611A.201.](#)

## Restrictions on Firearm Possession

**Restrictions on firearm possession.** No person who has been convicted of domestic assault in Minnesota or elsewhere, violating a domestic abuse OFP, or harassment/stalking may possess a firearm<sup>14</sup> unless three years have elapsed since the date of conviction and, during that time, the person has not been convicted of another violation. A firearm used in an offense must be forfeited. Offenders have three days to transfer other firearms to a licensed dealer, law enforcement agency, or third party that can legally possess the firearm.

Additionally, if the sentencing court determined that the person used a firearm in any way during the commission of the domestic assault, stalking, or OFP violation, the sentencing court may prohibit the person from possessing a firearm for up to the remainder of the person's life. It is a gross misdemeanor offense to violate these restrictions. [Minn. Stat. §§ 518B.01](#), subd. 14; [609.2242](#), subd. 3; [609.749](#), subd. 8; and [624.713](#).

## Exclusions from Application of Other Laws

The following laws specifically exempt proceedings under the Domestic Abuse Act from their application.

**Judicial arbitration.** The establishment of a mandatory, nonbinding arbitration system within a judicial district to assist the court in disposing of controversies may not be used to handle proceedings under the Domestic Abuse Act. [Minn. Stat. § 484.73](#).

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<sup>14</sup> For convictions that took place before August 1, 2014, the restriction only applies to pistols.

**Minnesota Civil Mediation Act.** The Minnesota Civil Mediation Act does not apply to proceedings under the Domestic Abuse Act. [Minn. Stat. § 572.40](#).

**Alternative dispute resolution program.** Minnesota’s alternative dispute resolution program for civil cases may not be required in proceedings under the Domestic Abuse Act. [Minn. Stat. § 484.76](#).

**Community dispute resolution program.** Minnesota’s community dispute resolution program does not apply to proceedings under the Domestic Abuse Act. [Minn. Stat. § 494.03](#).

**Conciliation court jurisdiction.** Conciliation courts do not have jurisdiction over proceedings under the Domestic Abuse Act. [Minn. Stat. § 491A.01](#).

**Streamlined marriage dissolution procedure.** A couple may not dissolve their marriage through a streamlined procedure if either party has been a victim of domestic abuse by the other. [Minn. Stat. § 518.195](#).

## Other Safety Provisions

**Electronic monitoring to protect domestic abuse victims.** Until standards are adopted, courts may not order an offender convicted of a designated crime<sup>15</sup> against a family or household member, as a condition of a stay of imposition or execution of a sentence, to use an electronic monitoring device to protect a victim’s safety.<sup>16</sup> [Minn. Stat. § 629.72](#), subd. 2a.

**Stay conditions for assaulting spouse.** If a court convicts a person of assaulting a spouse or another person with whom the person resides, and places the person on probation, the court must condition the stay upon the defendant’s participation in counseling or another program selected by the court. [Minn. Stat. § 609.135](#).

**Electronic monitoring for offenders on work release.** An offender who is sentenced for a domestic abuse offense is not eligible for electronic monitoring if on work release. Between times of employment, the inmate must be confined in jail, unless the court directs otherwise. [Minn. Stat. § 631.425](#), subd. 4.

**Tenant’s right to seek police and emergency assistance.** A landlord cannot (1) bar or limit tenant calls for police or emergency assistance; or (2) penalize a tenant for making calls to request emergency assistance. A tenant cannot waive the right to make calls for assistance.

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<sup>15</sup> Designated crimes include violation of an OFP; assault in the first, second, third, or fifth degree and domestic assault; criminal damage to property; disorderly conduct; harassing telephone calls; burglary; trespass; criminal sexual conduct in the first, second, third, fourth, or fifth degree; and terroristic threats.

<sup>16</sup> Pursuant to statute, this prohibition applied until the Commissioner of Corrections adopted standards governing electronic monitoring devices to protect victims of domestic abuse. In January 1993, the Department of Corrections submitted its findings to the legislature. Based on its findings, the DOC concluded that no standards should be adopted because the use of reverse electronic monitoring would not protect the safety of victims of domestic abuse. In 2010, the legislature authorized judicial districts to convene advisory groups and conduct pilot projects to develop, evaluate, and possibly implement standards for the use of electronic monitoring and global positioning system devices to protect victims of domestic violence. In 2014, the legislature amended the statute to permit a judicial district to implement a program utilizing electronic release as long as the program met certain requirements. Statutory authorization expired on August 1, 2017.



State law preempts inconsistent local ordinances or rules including, without limitation, any ordinance or rule that (1) requires an eviction after a specified number of calls by a tenant for police or emergency assistance in response to domestic abuse or any other conduct; or (2) provides that calls by a tenant for police or emergency assistance in response to domestic abuse or any other conduct may be used to penalize or charge a fee to a landlord. The law does not preempt any local ordinance or rule that penalizes a landlord for, or requires a landlord to abate, conduct on the premises that constitutes a nuisance or other disorderly conduct as defined by local ordinance or rule.

A tenant may bring a civil action for a violation of this section and recover from the landlord \$250 or actual damages, whichever is greater, and reasonable attorneys' fees. The attorney general may investigate and prosecute violations of this section. [Minn. Stat. § 504B.205](#).

**Right of domestic abuse victims to terminate lease.** A tenant who fears imminent violence after being subjected to domestic abuse, criminal sexual conduct, or harassment/stalking may terminate a residential lease agreement without penalty if the tenant provides advanced written notice to the landlord, pays rent for the full month in which the tenancy terminates, and forfeits any right to the return of a security deposit. The written notice must state the specific date the tenancy will terminate and be accompanied by an OFP, no-contact order, or writing signed by a court or government official acting in that person's official capacity. The lease terminates for all tenants, and all forfeit the right to recover a security deposit. The landlord may not disclose any information provided by the tenant pertaining to the domestic abuse. The right of a domestic abuse victim to terminate a lease may not be waived. [Minn. Stat. § 504B.206](#).

**Safe at Home program.** A victim of domestic violence, sexual assault, or harassment/stalking may apply to the secretary of state to participate in the address confidentiality program, commonly known as the Safe at Home program. As a participant, the victim must designate the secretary of state as an agent for purposes of service of process and for receiving mail. A person may apply on behalf of a minor or incapacitated person.

Over time the program expanded and now includes the following additional protections:

- a program participant may notify a landlord that his or her name and address may not be displayed
- a local government entity may not require the display of a protected address
- when applying for a driver's license or identification card, program participants may use their designated Safe at Home address, rather than listing their residence
- neither a program participant nor a third party can be compelled to disclose the participant's address unless a court makes specific findings, orders the disclosure, and provides protections for the participant

[Minn. Stat. §§ 5B.01 to 5B.11](#).

**Proximity to level III sex offenders.** If an owner or property manager of a hotel, motel, apartment, or other lodging establishment has an agreement with an agency that arranges or provides shelter to victims of domestic abuse, the owner or manager may not knowingly rent rooms to both level III sex offenders and victims of domestic abuse at the same time. The owner or manager may evict the level III sex offender upon discovery of the situation. [Minn. Stat. § 244.052](#), subd. 4a.

**Family violence coordinating councils.** The legislature has set guidelines for family violence coordinating councils and authorized each judicial district to establish a council for the purpose of promoting innovative efforts to deal with family violence issues.

The chief judge of the district appoints members of the council. The council develops a plan for coordinating activities of its membership relating to family violence issues and improving activities and services, including training and system issues, the delivery of services, approaches and needs in different demographic populations, protocols for investigation and prosecution of domestic abuse, coordination of city and county prosecutorial efforts, evaluation of the handling of domestic abuse matters, and coordination for family, juvenile, and criminal court proceedings involving family violence issues. [Minn. Stat. § 484.79](#).

**Domestic fatality review team.** The legislature authorized all judicial districts to establish domestic fatality review teams. The law includes standards for membership, data access and privacy, immunity from civil or criminal liability, and reporting.

The purpose of the project is to reduce and eliminate the incidence of domestic violence and resulting fatalities. Teams review domestic violence deaths in order to develop recommendations for policies and protocols for community prevention and intervention initiatives.

The review team members must include a medical examiner, a judge or referee, a county and city attorney, a public defender, the county sheriff, a peace officer, a family court representative, a representative from the Department of Corrections, a physician familiar with domestic violence issues, a representative from district court administration, a representative from a domestic abuse service center, a public citizen, a mental health professional, and domestic violence advocates or shelter workers. [Minn. Stat. § 611A.203](#); *See also* [Laws 1999, ch. 216](#), art. 2, § 27; [Laws 2000, ch. 468](#), §§ 30-32; [Laws 2002, ch. 266](#), § 1; [Laws 2004, ch. 290](#), § 38; [Laws 2006, ch. 260](#), art. 5, § 53.

## Educational and Other Programming

**Judicial education.** The Minnesota Supreme Court's judicial education program must include ongoing training for judges on domestic abuse, harassment, stalking, child and adolescent sexual abuse, and related civil and criminal court issues. Program components include education on the impacts of domestic abuse and domestic abuse allegations on children and the importance of considering these impacts when making parenting time and child custody decisions. The program must provide information on alleged and substantiated reports of domestic abuse, including information on Department of Human Services survey data. The program must emphasize the need to coordinate services and include education on the domestic abuse policies and programs within law enforcement agencies, prosecutor offices, and the courts. [Minn. Stat. § 480.30](#).

**Violence prevention education.** The Commissioner of Education, in consultation with several other programs, must assist school districts, on request, in developing or implementing a violence prevention program. The purpose of the program is to help students learn how to resolve conflicts effectively within their families and communities in nonviolent ways. [Minn. Stat. § 120B.22](#).

**Child protection worker training.** The Commissioners of Human Services and Public Safety must cooperate in the development of a joint program for training child abuse service professionals. The program must include information on the dynamics of child abuse and neglect within family systems and the appropriate methods for interviewing parents in the course of the assessment or investigation, including training in recognizing cases in which one of the parents is a victim of domestic abuse and in

need of special legal or medical services. The training must also cover the protective social services that are available to protect alleged victims from further abuse, the prevention of child abuse and domestic abuse, and coordinating services for these victims. Minn. Stat. § 626.559.

**Home-visiting program.** The Commissioner of Health must establish a program to fund family home-visiting programs designed to prevent child abuse and neglect, reduce juvenile delinquency, promote positive parenting and resiliency in children, and promote family health and economic self-sufficiency. Programs must be targeted to families with a variety of risk factors including:

- a history of child abuse, domestic abuse, or other types of violence; and
- a history of domestic abuse, rape, or other forms of victimization.

[Minn. Stat. § 145A.17.](#)

## Child Protection Issues

### Custody and Parenting Time

**Marriage dissolution petition.** A petition for dissolution of marriage or legal separation must allege whether an OFP that governs the parties or a party and a minor child of the parties is in effect and, if so, the district court or similar jurisdiction in which it was entered. [Minn. Stat. § 518.10.](#)

**Custody determinations.** In a proceeding where two or more parties seek custody of a child, the court must consider and evaluate all relevant factors in determining the best interests of the child. One of the relevant factors set forth in Minnesota law is the effect on the child of the actions of abuse that has occurred between the parents or the parties. [Minn. Stat. §§ 257.025; 257C.04; and 518.17.](#)

When deciding whether to grant joint legal or physical custody, the court must consider whether either parent committed acts of domestic abuse in the parent's household or relationship. If either parent committed acts of domestic abuse, the court must apply a rebuttable presumption that joint legal or physical custody is not in the best interests of the child.

As part of a custody order, the court grants certain rights to each parent, including the right to access certain records about the child, the right to be notified about an accident or serious illness of the child, and the right to be notified if the child is the victim of an alleged crime. If an OFP is in place, notifications may not be made by direct communication. If a party is in the Safe at Home program, notice must be sent to the participant's designated address. [Minn. Stat. § 518.17.](#)

**Parenting plan.** Both parents can request the creation of a parenting plan in lieu of an order for child custody. A parenting plan must include a schedule of time each parent spends with the child, a designation of decision-making responsibilities, and a method of dispute resolution. The court may not require a parenting plan that provides for joint legal custody or the use of dispute resolution processes (other than the judicial process) if the court finds that either parent has engaged in acts of domestic abuse or child abuse toward a parent or child who is a party to, or subject of, the matter before the court. [Minn. Stat. § 518.1705.](#)

In determining custody, a court must consider a finding under the Domestic Abuse Act or under a similar law of another state that domestic abuse has occurred between the parties. [Minn. Stat. § 518B.01, subd. 17.](#)

**Parenting time.** Upon the request of either parent, the court must grant parenting time on behalf of the child and parent to enable them to maintain a parent-child relationship that will be in the best interests of the child. If the court finds, however, after a hearing, that parenting time is likely to endanger the child's physical or emotional health or impair the child's emotional development, the court must restrict parenting time and may deny parenting time entirely.

If a parent requests supervised parenting time and an OFP is in effect, the judge or judicial officer must consider the OFP in making a decision regarding parenting time. [Minn. Stat. § 518.175](#).

**Modification of parenting time.** If a parent specifically alleges that parenting time places the parent or child in danger of harm, the court must hold a hearing at the earliest possible time to determine the need to modify the order granting parenting time. The court must modify an order granting or denying parenting time whenever modification would serve the best interests of the child. Parenting time may not be restricted unless the parenting time is likely to endanger the child's physical or emotional health or impair the child's emotional development or the parent has chronically and unreasonably failed to comply with court-ordered parenting time. [Minn. Stat. § 518.175](#).

**Additional parenting time to provide child care.** The court may allow additional parenting time to provide child care while the other parent is working, subject to reasonableness and the best interests of the child. In making this determination, the court must consider whether domestic abuse has occurred between the parties. [Minn. Stat. § 518.175](#).

**Move to another state.** If a parenting-time order is in effect, the court must look at the effect of domestic abuse on the safety and welfare of the child and the parent when considering a request from a parent to move a child to another state. The burden of proof is upon the parent requesting the move, except that if the court finds that the person requesting the move is a victim of domestic violence by the other parent, the burden of proof is on the parent opposing the move. [Minn. Stat. § 518.175](#).

**Custody and parenting time of children to unmarried persons.** A proceeding by a father whose paternity has been recognized under Minnesota law to petition for rights of parenting time or custody may not be combined with a proceeding under the Domestic Abuse Act. [Minn. Stat. § 257.541](#).

Similarly, a petition by certain other individuals (e.g., grandparents or a person with whom a child has resided) for visitation rights may not be combined with a proceeding under the Domestic Abuse Act. [Minn. Stat. § 257C.08](#).

**Participation in a parenting plan when a person is convicted of certain offenses.** If a person seeking child custody or parenting time has been convicted of an applicable crime,<sup>17</sup> the person seeking custody or parenting time has the burden to prove that custody or parenting time is in the best interests of the child. This provision applies if the conviction occurred within the preceding five years; the person is currently incarcerated, on probation, or under supervised release for the offense; or the victim of the crime was a family or household member. In these cases, the court may not grant custody or parenting time to the person unless it finds that the custody or parenting time is in the best interests of the child. [Minn. Stat. § 518.179](#).

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<sup>17</sup> Applicable crimes include murder; manslaughter; certain assaults; kidnapping; depriving another of custodial or parental rights; soliciting, inducing, or promoting prostitution involving a minor; certain criminal sexual conduct; solicitation of a child to engage in sexual conduct; incest; malicious punishment of a child; neglect of a child; terroristic threats; harassment/stalking; and domestic assault by strangulation. [Minn. Stat. § 518.179](#), subd. 2.

If a court convicts a person who has court-ordered custody of a child or parenting-time rights of an applicable crime and no action is pending regarding custody or parenting time, the sentencing court must refer the matter to the appropriate family court for action. The family court must:

- grant temporary custody to the noncustodial parent, unless it finds that another custody arrangement is in the best interests of the child; or
- suspend parenting-time rights, unless it finds that parenting time with the convicted person is in the best interests of the child.

Proceedings under this law must be expedited. The defendant has the burden of proving that continued custody or parenting time is in the best interests of the child. [Minn. Stat. § 631.52](#).

If the victim of the crime was a family or household member, the standard of proof is clear and convincing evidence. [Minn. Stat. §§ 518.179](#) and [631.52](#).

**Temporary orders and restraining orders.** A temporary order in a proceeding brought for custody, dissolution, legal separation, or related matters may not vacate or modify an order granted under the Domestic Abuse Act restraining an abusing party from committing acts of domestic abuse. Upon proper motion the court may, however, hear a motion for modification of an OFP concurrently with a proceeding for dissolution of marriage. [Minn. Stat. § 518.131](#).

**Guardian ad litem.** In all child custody, marriage dissolution, or legal separation proceedings in which custody or parenting time of a minor child is an issue, the court must appoint a guardian ad litem if the court has reason to believe that the minor child is a victim of domestic child abuse or neglect. The guardian ad litem must represent the interests of the child and provide advice to the court on custody and parenting time. [Minn. Stat. § 518.165](#).

## Adoption

**Adoption study.** An adoption study, complete background study, and written report must be completed before a child is placed in a prospective adoptive home. The study must examine several factors, including a check on felony convictions for spousal and child abuse. [Minn. Stat. § 259.41](#).

## Domestic Child Abuse

**Domestic child abuse.** “Domestic child abuse” means:

- any physical injury to a minor family or household member inflicted by an adult family or household member other than by accidental means;
- subjection of a minor family or household member by an adult family or household member to any act which constitutes a violation of [sections 609.321](#) to [609.324](#) (prostitution crimes), [609.342](#) (first-degree criminal sexual conduct), [609.343](#) (second-degree criminal sexual conduct), [609.344](#) (third-degree criminal sexual conduct), [609.345](#) (fourth-degree criminal sexual conduct), or [617.246](#) (use of minors in sexual performance); or
- physical or sexual abuse as defined in [section 626.556](#), subdivision 2.

[Minn. Stat. § 260C.007](#), subd. 13.

**Jurisdiction.** The juvenile court has original and exclusive jurisdiction in proceedings concerning children in need of protection or services (CHIPS), and specifically, any alleged acts of domestic child abuse.

Proceedings involving domestic child abuse are given docket priority by the court. [Minn. Stat. § 260C.101](#), subd. 3.

**Relief.** The juvenile code sets forth the procedures and relief in cases of domestic child abuse. The relief available in a domestic child abuse proceeding is similar to the relief available under the Domestic Abuse Act. [Minn. Stat. §§ 260C.148](#); and [260C.201](#), subd. 3.

## Child Exposed to Domestic Violence

**Agency investigation.** Police departments and county sheriff offices that receive a report that alleges neglect, physical abuse, or sexual abuse of a child by a parent, guardian, caretaker, sibling, or person with a significant relationship to the child must notify the local welfare agency. If a local welfare agency receives such a report from any source, the local welfare agency must immediately conduct a family assessment or investigation. When determining whether there is a need for child protective services, the local welfare agency must take into account:

- the child’s sex and age, prior to reports of maltreatment, level of developmental functioning, and credibility;
- alleged offender’s age and prior record of maltreatment and criminal charges and convictions;
- other medical or secondary evidence of abuse; and
- the existence of domestic abuse or substance abuse in the home.

[Minn. Stat. § 626.556](#), subd. 10.

## Procedural Issues

**Admissibility of child hearsay statements.** If certain statutory requirements are met, an out-of-court statement that is not otherwise admissible by statute or rule of evidence is admissible in evidence in a (1) CHIPS proceeding; (2) neglected and in foster care proceeding; (3) domestic child abuse proceeding; or (4) termination of parental rights proceeding. An out-of-court statement includes a video, audio, or other recorded statement. [Minn. Stat. § 260C.165](#).

**Testimony of witnesses.** A parent or the parent’s minor child may not be examined as to any communication made in confidence by the minor to the minor’s parent. A communication is confidential if made out of the presence of persons who are not members of the child’s immediate family living in the same household. This provision does not apply to:

- a civil action or proceeding by one spouse against the other or by a parent or child against the other;
- a proceeding to commit either the child or parent to whom the communication was made or to place the person or property or either under the control of another because of an alleged mental or physical condition;
- a criminal action or proceeding in which the parent is charged with a crime committed against the person or property of the communicating child, the parent’s spouse, or a child of either the parent or the parent’s spouse;
- a proceeding in which a child is charged with a crime or act of delinquency committed against the person or property of a parent or a child of a parent;
- an action or proceeding for termination of parental rights; or

- any other action or proceeding on a petition alleging child abuse, child neglect, abandonment, or nonsupport by a parent.

Additionally, a domestic abuse advocate may not be compelled to disclose any opinion or information received from or about the victim without consent of the victim, unless ordered by the court or to comply with mandatory reporting of maltreatment of a child. In determining whether to compel disclosure, the court must weigh the public interest and need for disclosure against the effect on the victim, the relationship between the victim and the domestic abuse advocate, and the services if disclosure occurs.

The statute provides for waiver of the privilege. [Minn. Stat. § 595.02](#).

## Criminal Justice System Improvement

**Photos attached to OFPs and no-contact orders.** OFPs and no-contact orders must be included in the criminal justice data communications network. (The data network enables criminal justice agencies to share criminal justice information.) To aid in the enforcement of the order, a no-contact order must be accompanied by an offender's photograph if a photograph is available and verified by the court. [Minn. Stat. § 299C.46](#).

**Centralized OFP tracking system study.** Following the recommendations of the criminal and juvenile justice information policy group, that state implemented a centralized database to track domestic abuse OFPs. [Laws 1994, ch. 576, § 41](#); [Laws 2016, ch. 116, § 1](#).

**Model arrest policies.** Each law enforcement agency must develop, adopt, and implement a written policy regarding arrest procedures for domestic abuse incidents. These policies must be developed through consultation with domestic abuse advocates, community organizations, and other law enforcement agencies with expertise in the recognition and handling of domestic abuse incidents. The policies must (1) discourage dual arrests; (2) include consideration of whether one of the parties acted in self-defense; and (3) provide guidance to officers concerning instances in which officers should remain at the scene of a domestic abuse incident until the likelihood of further imminent violence has been eliminated.

The law also requires designated agencies to develop a written model policy regarding arrest procedures for domestic abuse incidents for use by local law enforcement agencies. Law enforcement agencies are allowed to adopt the model policy in lieu of developing their own policies. [Minn. Stat. § 629.342](#).

**Domestic abuse prosecution plans.** Each county and city attorney must develop and implement a written plan to expedite and improve the efficiency and just disposition of domestic abuse cases. All plans need to state goals and contain policies and procedures to address: (1) early contact between the prosecutor and the victim; (2) coordination of the prosecutor's efforts with those of the domestic abuse or victim advocate and facilitation of the early advocacy services to the victim; (3) procedures to encourage the prosecution of all domestic abuse cases; (4) methods to identify, gather, and preserve evidence in addition to the victim's in-court testimony; and (5) procedures for annual review of the plan. [Minn. Stat. § 611A.0311](#).

**Notification of victim services information and victim rights.** The Office of Justice Programs must develop and update model notices of the rights of crime victims. This notice must include information on domestic violence shelters and programs as well as rights related to privacy and the prosecution



process. The initial notice of crime victim rights must be distributed by a peace officer to each victim at the time of initial contact with the victim. [Minn. Stat. § 611A.02](#).

**Peace officer standards and training (POST) board; courses on domestic violence cases.** The POST board revised and updated training courses related to no-contact orders in domestic violence cases following a 2007 directive from the legislature. The board consulted with a statewide domestic violence organization in developing courses, and the training includes instruction on how to conduct risk assessments of the escalating factors of lethality in domestic violence cases. [Laws 2007, ch. 54](#), art. 1, § 11.

**Integrated domestic violence response network.** In 2007, the city of St. Paul received a grant from the legislature to implement an integrated domestic violence response framework. St. Paul developed the “Blueprint for Safety”—a statewide model prototype to be used by communities to develop a coordinated, interagency response to domestic violence, including responses by emergency communications centers, law enforcement, prosecutors, victim services, probation, and the judicial branch. Since St. Paul developed its blueprint, many communities around the state, country, and even abroad have used it as a model for their own programs. The “Blueprint” is available through [www.stpaul.gov/departments/police/blueprint-safety](http://www.stpaul.gov/departments/police/blueprint-safety). [Laws 2007, ch. 54](#), art. 1, § 10, subd. 6.

## Data Issues

**Data on Domestic Abuse Act petitions.** All data collected, created, received, or maintained by law enforcement agencies and courts under the Domestic Abuse Act is confidential until the temporary OFP is executed or served on the respondent/data subject. [Minn. Stat. § 13.80](#).

**Data collected in domestic abuse investigation.** The report that is prepared as part of a domestic abuse investigation is private data. Victim impact statements are confidential. [Minn. Stat. §§ 13.02](#), subd. 12; [13.871](#), subd. 3, para. (b); and [609.2244](#).

**Data collected in domestic abuse police reports.** Data that identifies a victim in a police report involving an allegation of domestic abuse is private data. [Minn. Stat. § 629.341](#).

**Protection of petitioner’s location or residence.** Upon the petitioner’s request in a Domestic Abuse Act proceeding, information maintained by the court regarding the petitioner’s location or residence is not accessible to the public. This information may be disclosed only to court personnel or law enforcement for purposes of service of process, conducting an investigation, or enforcing an order. [Minn. Stat. § 518B.01](#), subd. 3b.

**Data on recipients of emergency shelter and support services.** All data maintained by grantees of battered women emergency shelter and support services from which the identity of any battered woman can be determined is private data on individuals. [Minn. Stat. §§ 13.871](#), subd. 5, paras. (c) and (d); and [611A.371](#).

**Data collection.** The legislature directs the Commissioner of Public Safety to work with community groups, law enforcement agencies, and prosecutors to develop recommendations for the collection of statewide data on domestic abuse. [Laws 2014, ch. 212](#), art. 1, § 13.

**Safe at Home participants.** Data related to program participants are private data on individuals. Consent for release of a participant’s address is not effective. The secretary of state is only authorized to release data to the BCA. The BCA may share this data with a law enforcement agency upon verification that

release of the information will aid in the agency's response to an emergency or criminal complaint or in conducting an investigation. [Minn. Stat. § 5B.07](#).

**Open meeting law.** Meetings of governmental bodies that are normally open to the public must be closed when there is discussion of identifying data regarding victims and reporters of domestic abuse. [Minn. Stat. § 13D.05](#).

## Miscellaneous

**Insurance practices.** If an applicant who is also the proposed insured has been or is a victim of domestic abuse, it is an unfair method of competition and an unfair and deceptive act or practice to refuse to offer, sell, or renew coverage, limit coverage, or charge a rate different from that normally charged for the same coverage under a life insurance policy or health plan.

An insurer, however, may underwrite a risk on the basis of the physical or mental history of an individual if the insurer does not take into consideration whether an act of domestic abuse caused the individual's condition. [Minn. Stat. § 72A.20](#), subd. 8.

**Unemployment benefits.** An applicant who quit employment is disqualified from all unemployment benefits except under certain circumstances. One of these circumstances includes when the applicant or the applicant's immediate family member was a victim of domestic abuse, and the abuse necessitated the applicant's quitting employment. [Minn. Stat. § 268.095](#).

**Minnesota family investment program (MFIP).** A victim of family violence is exempt from the 60-month limit on cash assistance if the caregiver qualifies for a family violence waiver and complies with his or her employment plan. In order to qualify for a family violence waiver, an individual must provide documentation of past or current family violence that may prevent the individual from participating in certain employment activities. Upon qualification, the participant must develop or revise an employment plan that takes into account family violence issues and seeks to ensure the safety of the caregiver and children. County agencies must notify all applicants and recipients of MFIP of the family violence waiver. In addition, counties must ensure that domestic violence victims have access to persons trained in domestic violence. [Minn. Stat. §§ 256J.08; 256J.42](#), subd. 4; [256J.50](#), subds. 10 and 12; [256J.521](#), subd. 3; and [256J.545](#).



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