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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. 1899

01/24/2012 Authored by Vogel, Swedzinski, Schomacker and Anderson, P.

The bill was read for the first time and referred to the Committee on Public Safety and Crime Prevention Policy and Finance

1.1 A bill for an act
1.2 relating to crime victims; establishing Jacob's law; requiring initial notice of
1.3 crime victim rights to be distributed to each parent, guardian, or custodian of a
1.4 child victim; requiring notification by law enforcement to social services if a child
1.5 is neglected or abused outside the home; amending parental rights under custody
1.6 orders to include police reports on minor children; amending Minnesota Statutes
1.7 2010, sections 518.17, subdivision 3; 611A.01; 626.556, subdivision 10a.

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

1.9 Section 1. Minnesota Statutes 2010, section 518.17, subdivision 3, is amended to read:

1.10 Subd. 3. **Custody order.** (a) Upon adjudging the nullity of a marriage, or in a
1.11 dissolution or separation proceeding, or in a child custody proceeding, the court shall
1.12 make such further order as it deems just and proper concerning:

1.13 (1) the legal custody of the minor children of the parties which shall be sole or joint;

1.14 (2) their physical custody and residence; and

1.15 (3) their support. In determining custody, the court shall consider the best interests
1.16 of each child and shall not prefer one parent over the other solely on the basis of the sex
1.17 of the parent.

1.18 (b) The court shall grant the following rights to each of the parties, unless specific
1.19 findings are made under section 518.68, subdivision 1. Each party has the right of access
1.20 to, and to receive copies of, school, medical, dental, religious training, police reports, and
1.21 other important records and information about the minor children. Each party has the
1.22 right of access to information regarding health or dental insurance available to the minor
1.23 children. Each party shall keep the other party informed as to the name and address of
1.24 the school of attendance of the minor children. Each party has the right to be informed
1.25 by school officials about the children's welfare, educational progress and status, and to

2.1 attend school and parent-teacher conferences. The school is not required to hold a separate
 2.2 conference for each party. In case of an accident or serious illness of a minor child, each
 2.3 party shall notify the other party of the accident or illness, and the name of the health
 2.4 care provider and the place of treatment. Each party shall notify the other party if the
 2.5 minor child is the victim of a crime and shall provide the name of the investigating law
 2.6 enforcement officer. Each party has the right to reasonable access and telephone contact
 2.7 with the minor children. The court may waive any of the rights under this section if it
 2.8 finds it is necessary to protect the welfare of a party or child.

2.9 Sec. 2. Minnesota Statutes 2010, section 611A.01, is amended to read:

2.10 **611A.01 DEFINITIONS.**

2.11 For the purposes of sections 611A.01 to 611A.06:

2.12 (a) "Crime" means conduct that is prohibited by local ordinance and results in bodily
 2.13 harm to an individual; or conduct that is included within the definition of "crime" in
 2.14 section 609.02, subdivision 1, or would be included within that definition but for the fact
 2.15 that (1) the person engaging in the conduct lacked capacity to commit the crime under the
 2.16 laws of this state, or (2) the act was alleged or found to have been committed by a juvenile.

2.17 (b) "Victim" means a natural person who incurs loss or harm as a result of a crime,
 2.18 including a good faith effort to prevent a crime, and for purposes of sections 611A.04
 2.19 and 611A.045, also includes (1) a corporation that incurs loss or harm as a result of a
 2.20 crime, (2) a government entity that incurs loss or harm as a result of a crime, and (3) any
 2.21 other entity authorized to receive restitution under section 609.10 or 609.125. The term
 2.22 "victim" includes the family members, guardian, or custodian of a minor, incompetent,
 2.23 incapacitated, or deceased person. In a case where the peace officer or prosecutor finds
 2.24 that the number of family members makes it impracticable to accord all of the family
 2.25 members the rights described in sections 611A.02 to 611A.0395, the prosecutor law
 2.26 enforcement or prosecuting agency shall establish a reasonable procedure to give effect
 2.27 to those rights. The procedure may not limit the number of victim impact statements
 2.28 submitted to the court under section 611A.038. If a victim is a minor, the procedure must
 2.29 include diligent efforts to distribute the notices required under section 611A.02 to each
 2.30 parent, guardian, or custodian of the minor, except when otherwise prohibited by law or
 2.31 when the parent, guardian, or custodian is the alleged perpetrator. The term "victim" does
 2.32 not include the person charged with or alleged to have committed the crime.

2.33 (c) "Juvenile" has the same meaning as given to the term "child" in section
 2.34 260B.007, subdivision 3.

3.1 **EFFECTIVE DATE.** This section is effective July 1, 2012.

3.2 Sec. 3. Minnesota Statutes 2010, section 626.556, subdivision 10a, is amended to read:

3.3 Subd. 10a. **Law enforcement agency responsibility for investigation; welfare**
3.4 **agency reliance on law enforcement fact-finding; welfare agency offer of services.**

3.5 (a) If the report alleges neglect, physical abuse, or sexual abuse by a person who is not a
3.6 parent, guardian, sibling, person responsible for the child's care functioning within the
3.7 family unit, or a person who lives in the child's household and who has a significant
3.8 relationship to the child, in a setting other than a facility as defined in subdivision 2, the
3.9 local welfare agency shall immediately notify the appropriate law enforcement agency,
3.10 which shall conduct an investigation of the alleged abuse or neglect if a violation of a
3.11 criminal statute is alleged.

3.12 (b) The local agency may rely on the fact-finding efforts of the law enforcement
3.13 investigation conducted under this subdivision to make a determination whether or not
3.14 threatened injury or other maltreatment has occurred under subdivision 2 if an alleged
3.15 offender has minor children or lives with minors.

3.16 (c) If a child is the victim of an alleged crime under paragraph (a), the law
3.17 enforcement agency shall immediately notify the local welfare agency, which shall offer
3.18 appropriate social services for the purpose of safeguarding and enhancing the welfare of
3.19 the abused or neglected minor.

3.20 **EFFECTIVE DATE.** This section is effective July 1, 2012.