



MINNESOTA

MINN. STAT. § 595.02

Type of Privilege: Qualified by statute and by judicial decision

Privilege:

- Sexual assault counselors may not be compelled to testify about an information received from or about the victim without consent of the victim MINN. STAT. § 595.02 (k)
- A domestic abuse advocate may not be compelled to disclose any opinion or information received from or about the victim without the consent of the victim unless ordered by the court. MINN. STAT. § 595.02 (l).

Statutory Exceptions to Privilege:

- Mandatory reporting of abuse or neglect of a child or vulnerable adult MINN. STAT. § 595.02 (k)

In Camera Review: Provided for by statute and judicial decision

- Applies only in investigations or proceedings related to neglect or termination of parental rights
 - Court must determine that good cause exists for disclosure of privileged information
 - In determining whether to compel disclosure, the court must weigh the public interest and need for disclosure against the effect on the victim, the treatment relationship, and the treatment services if disclosure occurs MINN. STAT. § 595.02 (k)
- State v. Hummel, 483 N.W.2d 68, 72 (Minn. 1992)
 - Held that in camera review of privileged medical or psychological records is justified when the defendant has made some plausible showing that the information sought would be both material and favorable to his defense
- State v. Gibbs, No. A06-17, 2007 Minn. App. LEXIS 383, at *10 (Minn. Ct. App. 2007)
 - Applied the *Hummel* holding to the sexual assault counselor-victim privilege
 - Relying on *Hummel*, the court determines that a defendant may request that the court conduct an in camera inspection of material privileged under the sexual assault counselor-victim privilege
 - In order to convince the court to conduct an in camera inspection of privileged records, the defendant must first make a plausible showing that the records would be both material and favorable to his defense

Holder of Privilege:

- Only victim may give consent to disclosure MINN. STAT. § 595.02 (k)

Waiver of Privilege: No procedure specified

DEFINITIONS:

Confidential Communication: No definition specified

Domestic Abuse Advocate:

- Employee or supervised volunteer from a community-based battered women's shelter and domestic abuse program that is eligible to receive state grants and provides information, advocacy, crisis intervention, emergency shelter, or support to victims of domestic abuse; and who is not employed by or under the direct supervision of a law enforcement agency, a prosecutor's office, or by a city, county, or state agency. MINN. STAT. § 595.02 (l).

Sexual Assault Crisis Center: No definition specified

Sexual Assault Counselor:



- A person who works under the direction of a supervisor in a crisis center who gives advice, counseling, or assistance to victims of sexual assault MINN. STAT. § 595.02 (k)

Training Requirements for Sexual Assault Counselors:

At least 40 hours of crisis counseling training MINN. STAT. § 595.02 (k)