



MINNESOTA LEGAL ADVOCACY MANUAL:
A Guide for Sexual Assault Advocates



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Second Edition

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Minnesota Coalition Against Sexual Assault

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HOW TO USE THIS GUIDE

This is the *second* edition of this Legal Advocacy Manual. We highly recommend that you *keep* the first edition on hand, so you will have a version of the manual that reflected the law in place each year. The law applying to any sexual assault is the law in place *at the time of the assault*. Thus, if you work with a victim who was assaulted in a previous year, you will have a version of the manual that describes the law at the time of the assault.

We will update this manual every summer after the Legislative Session ends, to keep it current as to the new statutes and other policy changes. Please make a decision within your program where the CD and/or print versions of these manuals will be located so that advocates have easy access to each edition of the manual.

The content of this guide is clearly set out in the table of contents. Each section contains:

- A brief introduction in layperson's terms.

The Advocacy Sidebar - A "sidebar" in the courtroom is when lawyers approach the judge and have a private conversation, out of the hearing of the jury. These sections are what we believe are the most critical "user information" concepts or advocacy points for advocates, and are found throughout the manual next to this symbol:



- ***In Brief***– These boxes define legal terms in an attempt to make the legal process a bit more understandable. These sections will be marked with the following symbol:



- ***Appendix References***– At the end of the manual are several appendices – Rules, fact sheets, and advocate checklists. Throughout the manual, references made to these materials will be marked by the following symbol:



Rather than reproducing all the statutes in this edition, our decision was to give the statute number and link it to the Minnesota Legislature website (www.leg.state.mn.us) where the statutes are listed. This allows the reader to find the most current version of the statute and will hopefully help users feel comfortable using that very useful website.

Reading Statutes

For those unaccustomed to reading statutes it is important to follow some simple instructions. Read statutory language thoroughly and refer back to and read carefully the sections cited. Unless you understand what the referred to sections say, you cannot understand or make conclusions about the statute in question. Oftentimes, a word is defined in statute and that definition may hold clues about how to interpret/understand its full meaning.

For example the mandated reporting statute ([626.556](#)) has been frequently misread:

Subd. 3. Persons mandated to report. (a) A person who knows or has reason to believe a child is being neglected or physically or sexually abused, as defined in subdivision 2, or has been neglected or physically or sexually abused within the preceding three years, shall immediately report the information

Following the reference to the definition of sexually abused one reads:

(a) "Sexual abuse" means the subjection of a child by a person responsible for the child's care, by a person who has a significant relationship to the child, as defined in section [609.341](#), or by a person in a position of authority, as defined in section [609.341](#), subdivision 10, to any act which constitutes a violation of section [609.342](#) (criminal sexual conduct in the first degree)

And then, one must follow the reference to the definitions of significant relationship and/or person in a position of authority. Successful reading of the language requires one to follow back and understand all references.

We hope you find this legal resource manual helpful. Updated information will be made available to you as it is developed. Please feel free to contact us with questions or suggestions. We would appreciate your completing and returning the evaluation form after you have used this manual.

*Donna Dunn, Executive Director
& the Staff of SVJI*