



Minneapolis Police Department Policy and Procedure Manual

Number:
8-200

Volume Eight - Minors – Policies and Procedures

Specific Call Procedures for Minors

8-210 Custody of Minors (01/22/95) (06/20/22) (xx/xx/24)

A. Custody of Minors By a Parent

1. Requests to remove minor from parent custody

Only a court may limit or remove custody of a minor from one or both of the minor's parents.

- a. If a member reasonably concludes that a minor is in no danger, based on the totality of the circumstances, the complaining party should be advised to initiate a court action.
- b. In the event of threats or actual physical violence, members shall take whatever action is necessary to protect the minor. Members shall inform their supervisor if the actions taken included removing the minor from the scene.

2. Visitation violations

MN Statute section 609.26 states that a person is in violation of visitation rights of a parent when that person "takes, obtains, retains, or fails to return a minor child from or to the parent in violation of a court order, where the action manifests an intent substantially to deprive that parent of rights to parenting time or custody."

a. Member on-scene response

- i. Members shall verify the status by checking records such as NCIC, Odyssey and paper records, if possible. If a member cannot access the court orders, the member shall contact the Strategic Information Center (SIC) or MECC Channel 7 for assistance in verifying the status.
- i. Members shall also check for Domestic Abuse No Contact Orders (DANCOS) and Orders for Protection (OFPs) in accordance with P&P 7-314.
- ii. If members have reason to believe that the minor may be transported out of the state by the non-custodial parent, they shall make reasonable attempts to intervene in the event there is official documentation provided showing the custody status. In the absence of documentation and if the member concludes that the minor is in

no danger based on the totality of the circumstances, the parties shall be advised to initiate a court action..

- iii. If any transfer of custody is going to happen as a result of the visitation violation situation, including if the transfer is for a Health and Welfare Hold (in accordance with P&P 8-205), the member shall notify a supervisor to respond to the scene and approve the transfer.
 - iv. If transfer of custody is not authorized at the scene, the member may still refer the victim to the Crimes Against Children unit.
 - v. Members shall make a Police Report on visitation violations, with the code DEPCPR.
- b. Supervisor response
- i. Supervisors who are notified of an incident involving visitation violations shall respond to the scene.
 - ii. The supervisor shall review and approve the transfer of custody in accordance with MN Statutes, or determine that custody should not be transferred (MN Statutes Chapter 518D, Uniform Child Custody Jurisdiction and Enforcement Act).
 - iii. Supervisors needing assistance should contact Child Protective Services (CPS) or the City Attorney's Office.
- c. Referrals to the Hennepin County Attorney's Office
- i. Hennepin County has indicated they will review referrals for criminal charging in these situations on a case-by-case basis. Some of the factors they consider include, but are not limited to, the following:
 - There was a substantial efforts made to hide the minor.
 - The minor was removed from the state for deprivation of custody.
 - The minor was in custody of county.
 - ii. If any of these factors are part of the case facts, members shall ensure they are included in the referral.

B. Custody of Minors by a Person Other Than a Parent

If a person who is not a parent has a court order for custodial time and there is a request or dispute regarding custody, members shall follow the same procedures listed above as they would for a parent.