

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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IN RE: NOTICE AND TRANSCRIPT  
PROCEDURES FOR CRIMINAL CASES  
CONCERNING A CHILD  
UNDER 18 U.S.C. § 3509(d)

**ORDER**

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Section 3509(d) of title 18 of the United States Code limits disclosure of “the name or any other information concerning a child” in a criminal case. Specifically, § 3509(d) requires that all employees of the government who are connected with the case, the defendant and his or her employees, and the employees of the court must: (1) keep all documents that disclose the “name or any other information concerning a child” in a secure place to which no person who does not have reason to know their contents has access, and (2) not disclose such documents or the information in such documents except to persons who, by reason of their participation in the proceeding, have reason to know the information.

The Federal Practice Committee has been charged with amending the court’s local rules to assist the court in complying with the requirements of this statute. This interim Order is intended to prevent unauthorized disclosures while the Federal Practice Committee works on a proposed local rule.

**IT IS HEREBY ORDERED** that the following procedures apply in criminal cases in which “the name or any other information concerning a child” is disclosed:

FILED 6/4/19  
KATE M. FOGARTY

JUDGMENT ENTD  
DEPUTY CLERK [Signature]

## 1. Notice that a Case Concerns a Child.

A party must file a notice that a criminal case concerns a child victim or a child witness. The notice must be filed in advance of any protected testimony and in accordance with the ECF Criminal Procedures Guide.

- a. The government must file a notice when the case concerns a child victim.
- b. The government or the defendant must file a notice when that party determines that it will present testimony or other evidence concerning a child.

## 2. Transcripts in Criminal Cases that Concern a Child

The following procedures apply to a transcript that is filed in criminal cases and that contains the “name or any other information concerning a child”:

- a. *Original Unredacted Transcripts.* The court reporter must file the original unredacted transcript under seal.
  - i. The original unredacted transcript will remain sealed during the 90-day restriction period under LR 80.1(c) and will be available only to the government and the defendant.
  - ii. The docket for a transcript filed under seal pursuant to this Order must state: “Transcript sealed to facilitate compliance with 18 U.S.C. § 3509(d). Please use the Statement of Redaction form to request redactions required by 18 U.S.C. § 3509(d).”
- b. *Required Transcript Review; Redaction Requests.* When an original unredacted transcript is filed, each party must review the transcript to determine if the transcript must be redacted under 18 U.S.C. § 3509(d).
  - i. A party must request redactions of the name of any child and “any other information concerning a child.” To request redactions, a party must follow the procedures and deadlines set forth in LR 5.5.
  - ii. If a party determines that no redactions are necessary under 18 U.S.C. § 3509(d), the party must notify the court of its conclusion within 7 days after the transcript is filed.
  - iii. The court may order redactions required by 18 U.S.C. § 3509(d) even if no party has requested such redactions.

c. *Access to Transcripts After 90-Day Restriction Period.* After the 90-day restriction period under LR 80.1(c), the following access restrictions apply to the transcript:

- i. No redactions requested or ordered. If no party has requested redactions and the court has not ordered redactions, then the clerk must permit the public to have remote electronic access to the original unredacted transcript through the court's ECF system and must permit inspection and copying of the transcript at the clerk's office.
- ii. Redactions requested or ordered. If a party has requested redactions or the court has ordered redactions, then the court reporter must file a redacted transcript, the clerk must permit the public to have remote electronic access to that redacted transcript through the court's ECF system, and the clerk must permit inspection and copying of that redacted transcript at the clerk's office. The original unredacted transcript must remain sealed.

3. This order will be in effect until further order of the Court.

DATED: June 4, 2019  
at Minneapolis, Minnesota.



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JOHN R. TUNHEIM  
Chief Judge  
United States District Court