

HOUSE RESEARCH

Bill Summary

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Overview

This bill makes changes to the order for protection (OFP) and harassment restraining order (HRO) statutes.

Section

- 1 Order for protection.** Deletes the term “reputable” from description of an adult who may petition on behalf of a minor.
- 2 Harassment; restraining order.**
 - Subd. 1. Definition.** Adds the definition of “guardian.”
 - Subd. 2. Restraining order; jurisdiction.** Amends who may petition for an HRO by adding an adult age 25 years or older on behalf of a minor.
 - Subd. 3. Contents of petition; hearing; notice.** Amends service by publication to allow in cases where personal service was unsuccessful due to avoidance and a copy of the petition is mailed to the respondent’s current or “last known” residence or place of business.
 - Subd. 3a. Filing fee; cost of service.** Waives filing fee for the respondent in cases where fees are currently waived for petitioner. Strikes language allowing court to direct respondent to also pay the petitioner’s filing fees. (Filing fees are approximately \$324.)
 - Subd. 3b. Information on petitioner’s location or residence.** Directs court to seal information on petitioner’s location or residence upon petitioner’s request. Information may be disclosed only to court personnel and law enforcement.

Section

Subd. 4. Temporary order; relief by court.

Paragraph (a) strikes language allowing relief for “another person,” and instead clarifies relief is for “petitioner.” Provides “no contact” includes in person, by phone, social media, or electronically, through a third party, or by any other means.

Paragraph (g) provides that a request for a hearing must be made within 20 days of service of the temporary order, instead of 45 days of issuance of the order.

Paragraph (h) allows a temporary order to automatically go into effect for two years if neither party requests a hearing.

Subd. 5. Restraining order.

Paragraph (a) strikes language allowing relief for “another person,” and instead clarifies relief is for “petitioner.” Provides that “no contact” includes in person, by phone, social media, or electronically, through a third party, or by any other means.

Paragraph (c) strikes language on 50-year orders that is moved to subdivision 5a.

New paragraph (d) provides a new cross-reference.

Former paragraph (d) is stricken and the language is moved to subdivision 5c.

Subd. 5a. Orders for 50-year period. Restates language moved from subd. 5.

Subd. 5b. Subsequent orders and extension. Authorizes the court to extend or issue a subsequent order if the respondent has violated a prior HRO; the petitioner is in fear of harassment; the respondent has engaged in stalking or criminal sexual conduct; or the respondent is about to be released or has been recently released from incarceration. Notice, service, and hearing provisions are similar to those found in the Order For Protection (OFP) statute (as amended in H.F. 2552).

Subd. 5c. Modifying 50-year order. Restates language moved from subd. 5(d). Deletes option to vacate the order.

Subd. 6. Violation. Adds a cross-reference to section authorizing arrest without a warrant.

Subd. 7. Copy to law enforcement.

Paragraph (a) corrects a term.

Paragraphs (b), (c), and (d) add language regarding procedures taken when the petitioner’s address changes and related notifications to be given by the court. This language is taken from the OFP statute.

Subds. 8a and 8b. Service by sheriff and others. Adds service language taken from the OFP statute.