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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH
SESSION

HOUSE FILE No. **1190**

March 17, 2011

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The bill was read for the first time and referred to the Committee on Judiciary Policy and Finance

1.1 A bill for an act
1.2 relating to public safety; allowing minors age 16 or older to file petitions for
1.3 orders for protection on their own behalf; amending Minnesota Statutes 2010,
1.4 section 518B.01, subdivision 4.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2010, section 518B.01, subdivision 4, is amended to read:

1.7 Subd. 4. **Order for protection.** There shall exist an action known as a petition for
1.8 an order for protection in cases of domestic abuse.

1.9 (a) A petition for relief under this section may be made by any family or household
1.10 member personally or by a family or household member, a guardian as defined in section
1.11 524.1-201, clause (20), or, if the court finds that it is in the best interests of the minor, by a
1.12 reputable adult age 25 or older on behalf of minor family or household members. A
1.13 minor age 16 or older may make a petition on the minor's own behalf ~~against a spouse~~
1.14 ~~or former spouse, or a person with whom the minor has a child in common, if the court~~
1.15 ~~determines that the minor has sufficient maturity and judgment and that it is in the best~~
1.16 ~~interests of the minor.~~

1.17 (b) A petition for relief shall allege the existence of domestic abuse, and shall be
1.18 accompanied by an affidavit made under oath stating the specific facts and circumstances
1.19 from which relief is sought.

1.20 (c) A petition for relief must state whether the petitioner has ever had an order for
1.21 protection in effect against the respondent.

1.22 (d) A petition for relief must state whether there is an existing order for protection
1.23 in effect under this chapter governing both the parties and whether there is a pending
1.24 lawsuit, complaint, petition or other action between the parties under chapter 257, 518,

2.1 518A, 518B, or 518C. The court administrator shall verify the terms of any existing order
2.2 governing the parties. The court may not delay granting relief because of the existence
2.3 of a pending action between the parties or the necessity of verifying the terms of an
2.4 existing order. A subsequent order in a separate action under this chapter may modify
2.5 only the provision of an existing order that grants relief authorized under subdivision 6,
2.6 paragraph (a), clause (1). A petition for relief may be granted, regardless of whether there
2.7 is a pending action between the parties.

2.8 (e) The court shall provide simplified forms and clerical assistance to help with the
2.9 writing and filing of a petition under this section.

2.10 (f) The court shall advise a petitioner under paragraph (e) of the right to file a motion
2.11 and affidavit and to sue in forma pauperis pursuant to section 563.01 and shall assist with
2.12 the writing and filing of the motion and affidavit.

2.13 (g) The court shall advise a petitioner under paragraph (e) of the right to serve the
2.14 respondent by published notice under subdivision 5, paragraph (b), if the respondent is
2.15 avoiding personal service by concealment or otherwise, and shall assist with the writing
2.16 and filing of the affidavit.

2.17 (h) The court shall advise the petitioner of the right to seek restitution under the
2.18 petition for relief.

2.19 (i) The court shall advise the petitioner of the right to request a hearing under
2.20 subdivision 7, paragraph (c). If the petitioner does not request a hearing, the court shall
2.21 advise the petitioner that the respondent may request a hearing and that notice of the
2.22 hearing date and time will be provided to the petitioner by mail at least five days before
2.23 the hearing.

2.24 (j) The court shall advise the petitioner of the right to request supervised parenting
2.25 time, as provided in section 518.175, subdivision 1a.

2.26 **EFFECTIVE DATE.** This section is effective July 1, 2011.