

Subject Gender-Affirming Health Care; Subpoenas, Warrants, and Child Custody

Authors Finke and Others

Analyst Mary Davis
Ben Johnson

Date January 27, 2023

Overview

This bill amends sections related to the issue and enforcement of subpoenas; child custody jurisdiction and child protection orders; and the enforcement of certain criminal procedures related to extraditions and warrants, by adding provisions related to other state's laws on accessing gender-affirming health care. Each section in this bill is effective the day following final enactment.

Summary

Section	Description
---------	-------------

- | | |
|---|--|
| 1 | <p>Application of laws; gender-affirming health care.</p> <p>Prohibits the enforcement of a court order for removal of a child, or enforcement of another state's law being applied in a pending child protection action in this state, when the law of another state allows the child to be removed from the parent or guardian for receiving medically necessary health care or mental health care that respects the gender-identity of the patient. (See section 5, Definitions)</p> |
| 2 | <p>Initial child custody jurisdiction.</p> <p>Amends a portion of the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) related to initial child custody determinations to allow the court to find that the parent and child have significant connections with this state when the child is in the state for gender-affirming health care.</p> |
| 3 | <p>Temporary emergency jurisdiction.</p> <p>Amends a portion of the UCCJEA to allow the court in Minnesota to find temporary emergency jurisdiction in a child custody proceeding when the child has previously been unable to obtain gender-affirming health care.</p> |

Section	Description
4	<p>Inconvenient forum.</p> <p>Adds a provision to the UCCJEA, directing the court not to find Minnesota an inconvenient forum for the child custody determination when another state would limit the ability of the child to obtain gender-affirming health care.</p>
5	<p>Unenforceable subpoena.</p> <p>Prevents a foreign subpoena from being recognized in Minnesota when the subpoena is designed to interfere with a person’s right to seek gender-affirming health care. This section also prevents a subpoena from being issued when it is designed to interfere with a person’s right to seek gender-affirming health care. This section does not allow contempt against a person who fails to comply with a subpoena if the subpoena was issued to enforce another state’s laws against someone for allowing or providing gender-affirming health care.</p> <p>This section defines “gender-affirming health care” to mean medically necessary health care or mental health care that respects gender identity of the patient, including:</p> <ul style="list-style-type: none">▪ interventions to suppress the development of naturally occurring secondary sex characteristics;▪ interventions to align the patient’s appearance with their gender identity;▪ interventions to alleviate the patient’s symptoms of distress or gender dysphoria; and▪ developmentally appropriate exploration of the patient’s gender identity and coping to help the patient and the patient’s family related to the patient’s gender identity.
6	<p>Duties of the governor in extradition matters.</p> <p>Provides that the Uniform Criminal Extradition Act does not authorize the detention and extradition of a person who commits an act or receives a service in Minnesota involving gender-affirming health care.</p>
7	<p>Extradition by agreement.</p> <p>Establishes that, where the governor has discretion to extradite a person who left a demanding state involuntarily, the governor may not extradite a person for acts committed in Minnesota involving gender-affirming health care.</p>
8	<p>Extradition of persons committing crimes.</p> <p>Provides that, where the governor has discretion to extradite a person charged in another state for acts committed in Minnesota or a third state, the governor may not extradite a person for acts involving gender-affirming health care.</p>

Section	Description
9	Who may be apprehended. Prohibits a judge in Minnesota from issuing a warrant for the arrest of a person charged in another state for a crime arising from acts committed in Minnesota involving gender-affirming health care.
10	Arrest without warrant. Prohibits a peace officer or other person from arresting a person charged in another state for a crime arising from acts committed in Minnesota involving gender-affirming health care.



**MN HOUSE
RESEARCH**

Minnesota House Research Department provides nonpartisan legislative, legal, and information services to the Minnesota House of Representatives. This document can be made available in alternative formats.

www.house.mn/hrd | 651-296-6753 | 155 State Office Building | St. Paul, MN 55155