

Hello Chair Becker-Finn and Members of the Committee,

I'm Elsa Swenson, I lead the community-based legal advocacy program at Missions Inc Programs, serving victim/survivors of domestic abuse. I testify in support of House File 4387 because I have seen, and believe in the power of protection orders to interrupt violence in our community. However, a protection order without enforcement is simply a piece of paper, and people who use violence know this, and are emboldened when violations go unenforced. Many times, victims petitioning for a protective order are doing so at great risk to themselves and their families. The trauma of petitioning for a protective order is not worth living through if our legal system cannot properly respond to violations.

Lack of proper service is one of the biggest reason violations are not, or cannot be, enforced. HF 4387 makes two important changes to how service of protection orders is effectuated.

The first change comes from lessons that we learned the hard way during the COVID-19 pandemic. When protective order hearings went remote at the height of the 2020 lockdown, the usual practice of personally serving a respondent with Continuance Orders or Orders Following a Hearing prior to them leaving the courthouse became impossible, and Orders were sent to sheriff's departments for personal service. If violations occurred after the remote hearing but before the respondent was personally served, law enforcement data showed the order as unserved, and therefore would not enforce the order.

A case I personally worked on took three months to serve the respondent following the remote evidentiary hearing, and despite the respondent being present when the judge determined domestic abuse had occurred and an Order for Protection would issue, my client's reports of violations went unanswered, and the power of the court was undermined all because the respondent successfully avoided service of an Order he knew existed. Understandably, my client was frustrated and questioned the point of seeking the Order for Protection, spending hours preparing for a hearing, and reliving her trauma in front of her abuser and the court, when at the end of the day, there was no accountability for her abuser's unchanged behavior.

HF 4387 allows for electronic or first class mail in a situation where the respondent is present and aware that an Order for Protection is going to be issued, allowing the protection order to be fully enforceable immediately upon issuance following a remote hearing. Petitioners and Respondents both overwhelmingly report preferring remote hearings. The proposed change does not decrease access to justice for the respondent, or change their right to contest a protection order, it simply prevents them

from having to be personally served by law enforcement more than once, and closes a gap in the service process.

The second change in HF 4387 clarifies the service process for Respondents who are on supervision, while simultaneously easing the burden for victim/survivors by increasing communication amongst system partners and not forcing Petitioners to attempt to locate the person who has abused them in order to effectuate service. Survivors expect system players to communicate, and this change makes clear the duties of the system to work together. Additionally, I believe that providing probation agents with protection orders increases their ability to more holistically understand the life of the person they are supervising and address the full scope of behavior change that is needed, ultimately resulting in greater public safety. Violence Free Minnesota's Letter of Support further outlines the benefits to this very practical solution.

I appreciate the opportunity to speak to this important issue, and I welcome your questions.