

Subject Recognizing Canadian orders for protection

Bill H.F. 113

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Overview

Under current law, Minnesota recognizes and enforces orders issued by other states, tribal governments, or the United States that would be an order for protection if issued in this state. This act expands the recognition of foreign orders for protection by including orders issued in Canada.

Article 1: Uniform Recognition and Enforcement of Canadian Domestic-Violence Protection Orders Act

Establishes a new chapter of law based on the uniform act providing that Minnesota will recognize valid orders for protection issued in Canada.

Section	Description – Article 1: Uniform Recognition and Enforcement of Canadian Domestic-Violence Protection Orders Act
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1 Short title.

States that the new chapter of law may be referred to as the “Uniform Recognition and Enforcement of Canadian Domestic-Violence Protection Orders.”

2 Definitions.

Defines terms including “Canadian order for protection,” “protected individual,” and “respondent” for the purposes of this new chapter of law.

3 Enforcement of Canadian domestic-violence protection order by peace officer.

Provides that, if a Minnesota peace officer determines that a Canadian order is valid, the officer shall enforce the order. Establishes that presentation of a Canadian order constitutes probable cause to believe that the order exists. Permits officers to consider other information to determine whether an order is valid. Directs peace officers to provide notice to a respondent when the officer determines that a Canadian order is not in effect because the respondent has not been served with notice of the order. Directs officers to notify protected individuals of available local victim services.

**Description – Article 1: Uniform Recognition and Enforcement of Canadian
Section Domestic-Violence Protection Orders Act**

- 4 Enforcement of Canadian order for protection order by court.**
Permits a Minnesota court to issue an order enforcing, or refusing to enforce, a Canadian order on application of a person who could seek enforcement of an order issued under Minnesota Statutes, section 518B.01, or a respondent to the order. Directs the court to follow Minnesota procedures, but limits relief to the terms of the Canadian order. Provides that the order is enforceable if the court determines that it meets four requirements. States that a copy of an order is prima facie evidence that it is enforceable. States that it is an affirmative defense in an action seeking enforcement of a Canadian order that it does not comply with the necessary requirements. Provides that mutual protection orders are enforceable if the party seeking enforcement of that order filed the request with the court.
- 5 Registration of Canadian order for protection.**
Permits an individual to register a Canadian order under the provisions in current law under section 518B.01, subdivision 19a.
- 6 Immunity.**
Provides that a government employee who registers or enforces a Canadian order is immune from civil or criminal liability of that person acted in good faith.
- 7 Other remedies.**
States that an individual who seeks a remedy under this new chapter is not prohibited from seeking any other remedy.
- 8 Relation to Electronic Signatures in Global and National Commerce Act.**
Provides that this act is an exception to federal law governing electronic signatures. The federal law gives states the authority to make laws that are not governed by the federal law.
- 9 Transition.**
Provides that this new chapter applies to Canadian orders issued before, on, or after the adoption of this act.
- 10 Severability.**
States that, if any portion of the chapter is not enforceable, it is severed from the other portions which remain enforceable.

Article 2: Conforming Change

Section Description – Article 2: Conforming Change

- 1 Violation of an order for protection.**
Adds Canadian orders to the list of foreign protective orders that may be enforced under section 518B.01, subdivision 14.
- 2 Entry and enforcement of foreign protective orders.**
Adds Canadian orders to the list of foreign protective orders that may be registered and enforced under section 518B.01, subdivision 19a.



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