

SENATE
STATE OF MINNESOTA
NINETY-SECOND SESSION

S.F. No. 3853

(SENATE AUTHORS: JOHNSON and Bigham)

DATE	D-PG	OFFICIAL STATUS
03/09/2022	5257	Introduction and first reading Referred to Civil Law and Data Practices Policy
03/30/2022		Comm report: To pass as amended
03/31/2022		Second reading Author added Bigham

1.1 A bill for an act

1.2 relating to courts; permitting certain emancipated minors to seek harassment

1.3 restraining orders on their own behalf; amending Minnesota Statutes 2020, section

1.4 609.748, subdivision 2.

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

1.6 Section 1. Minnesota Statutes 2020, section 609.748, subdivision 2, is amended to read:

1.7 Subd. 2. **Restraining order; court jurisdiction.** (a) A person who is a victim of

1.8 harassment or the victim's guardian or conservator may seek a restraining order from the

1.9 district court in the manner provided in this section.

1.10 (b) The parent, guardian or conservator, or stepparent of a minor who is a victim of

1.11 harassment may seek a restraining order from the district court on behalf of the minor.

1.12 (c) A minor may seek a restraining order if the minor demonstrates that the minor is

1.13 emancipated and the court finds that the order is in the best interests of the emancipated

1.14 minor. A minor demonstrates the minor is emancipated by a showing that the minor is living

1.15 separate and apart from parents and managing the minor's own financial affairs, and shows,

1.16 through an instrument in writing or other agreement, or by the conduct of the parties that

1.17 all parents who have a legal parent and child relationship with the minor have relinquished

1.18 control and authority over the minor.

1.19 (d) An application for relief under this section may be filed in the county of residence

1.20 of either party or in the county in which the alleged harassment occurred. There are no

1.21 residency requirements that apply to a petition for a harassment restraining order.

1.22 **EFFECTIVE DATE.** This section is effective the day following final enactment.