

CHAPTER 518B

DOMESTIC ABUSE

518B.01 Domestic abuse act.

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[For text of subd 1, see M.S.1982]

Subd. 2. **Definitions.** As used in this section, the following terms shall have the meanings given them:

(a) "Domestic abuse" means: (i) physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, between family or household members; (ii) criminal sexual conduct, within the meaning of sections 609.342, 609.343, 609.344, or 609.345, committed against a minor family or household member by an adult family or household member; or (iii) intrafamilial sexual abuse, within the meaning of sections 609.364 to 609.3644, committed against a minor family or household member by an adult family or household member;

(b) "Family or household members" means spouses, former spouses, parents and children, persons related by blood, and persons who are presently residing together or who have resided together in the past, and persons who have a child in common regardless of whether they have been married or have lived together at any time.

[For text of subds 3 to 5, see M.S.1982]

Subd. 6. **Relief by the court.** Upon notice and hearing, the court may provide relief as follows:

- (a) Restrain any party from committing acts of domestic abuse;
- (b) Exclude the abusing party from the dwelling which the parties share or from the residence of the petitioner;
- (c) On the same basis as is provided in chapter 518, award temporary custody or establish temporary visitation with regard to minor children of the parties;
- (d) On the same basis as is provided in chapter 518, establish temporary support for minor children or a spouse, and order the withholding of support from the income of the person obligated to pay the support according to chapter 518;
- (e) Provide counseling or other social services for the parties, if married, or if there are minor children;
- (f) Order the abusing party to participate in treatment or counseling services;
- (g) Order, in its discretion, other relief as it deems necessary for the protection of a family or household member, including orders or directives to the sheriff or constable, as provided by this section.

Any relief granted by the order for protection shall be for a fixed period not to exceed one year.

[For text of subds 7 to 12, see M.S.1982]

Subd. 13. **Copy to law enforcement agency.** An order for protection granted pursuant to this section shall be forwarded by the clerk of court within 24 hours to the local law enforcement agency with jurisdiction over the residence of the applicant.

Each appropriate law enforcement agency shall make available to other law enforcement officers through a system for verification, information as to the existence and status of any order for protection issued pursuant to this section.

Subd. 14. **Violation of an order for protection.** (a) Whenever an order for protection is granted pursuant to this section, and the respondent or person to be restrained knows of the order, violation of the order for protection is a misdemeanor.

(b) A peace officer shall arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated an order granted pursuant to this section restraining the person or excluding the person from the residence, if the existence of the order can be verified by the officer.

(c) A violation of an order for protection shall also constitute contempt of court and be subject to the penalties therefor.

(d) Upon the filing of an affidavit by the petitioner or any peace officer, alleging that the respondent has violated any order for protection granted pursuant to this section, the court may issue an order to the respondent, requiring the respondent to appear and show cause within 14 days why he should not be found in contempt of court and punished therefor. The hearing may be held by the court in any county in which the petitioner or respondent temporarily or permanently resides at the time of the alleged violation.

A peace officer is not liable under section 609.43, clause (1), for a failure to perform a duty required by clause (b) of this subdivision.

[For text of subds 15 and 16, see M.S.1982]

History: 1983 c 52 s 1-3; 1983 c 308 s 26,27