CHAPTER 518F

UNIFORM RECOGNITION AND ENFORCEMENT OF CANADIAN ORDERS FOR PROTECTION ACT

518F.01	SHORT TITLE.	518F.06	IMMUNITY.
518F.02	DEFINITIONS.	518F.07	OTHER REMEDIES.
518F.03	ENFORCEMENT OF CANADIAN ORDERS FOR PROTECTION BY PEACE OFFICER.	518F.08	RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT.
518F.04	ENFORCEMENT OF CANADIAN ORDER FOR PROTECTION BY COURT.	518F.09	TRANSITION.
518F.05	REGISTRATION OF CANADIAN ORDER FOR PROTECTION.	518F.10	SEVERABILITY.

518F.01 SHORT TITLE.

This chapter may be cited as the "Uniform Recognition and Enforcement of Canadian Orders for Protection Act."

History: *2021 c 6 art 1 s 1*

518F.02 DEFINITIONS.

Subdivision 1. **Terms.** For the purposes of this chapter, the following terms have the meanings given them.

Subd. 2. **Canadian order for protection.** "Canadian order for protection" means a civil protection order, judgment or part of a judgment, or other order issued in a civil proceeding by a court of Canada under law of the issuing jurisdiction that relates to domestic abuse, would be a protective order under this chapter, and prohibits a respondent from:

(1) committing acts of domestic abuse;

(2) being in physical proximity to a protected individual or following a protected individual;

(3) having contact with the petitioner whether in person, by telephone, mail, or email or messaging, through a third party, or by any other means;

(4) being within a certain distance of a specified place or location associated with a protected individual; or

(5) molesting, annoying, harassing, or engaging in threatening conduct directed at a protected individual.

Subd. 3. **Domestic abuse.** "Domestic abuse" has the meaning given in section 518B.01, subdivision 2, paragraph (a).

Subd. 4. **Issuing court.** "Issuing court" means the court that issues a Canadian order for protection.

Subd. 5. **Order for protection.** "Order for protection" means an order issued under section 518B.01.

Subd. 6. **Peace officer.** "Peace officer" has the meaning given in section 626.84, subdivision 1, paragraph (c).

Subd. 7. **Person.** "Person" means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency, or instrumentality, or other legal entity.

Subd. 8. **Protected individual.** "Protected individual" means an individual protected by a Canadian order for protection.

Subd. 9. **Record.** "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

Subd. 10. **Respondent.** "Respondent" means an individual against whom a Canadian order for protection is issued.

History: *2021 c 6 art 1 s 2*

518F.03 ENFORCEMENT OF CANADIAN ORDERS FOR PROTECTION BY PEACE OFFICER.

(a) If a peace officer determines under paragraph (b) or (c) that there is probable cause to believe that a valid Canadian order for protection exists and that the order has been violated, the officer shall enforce the terms of the Canadian order for protection as if the terms were in an order issued by a court in this state. Presentation to a peace officer of a certified copy of a Canadian order for protection is not required for enforcement. A peace officer who has probable cause to believe that an order exists and has been violated shall make an arrest for a violation of the order in the same manner that a peace officer would make an arrest for a violation of a protective order issued within this state.

(b) Presentation to a peace officer of a record of a Canadian order for protection that identifies both a protected individual and a respondent and on its face is in effect constitutes probable cause to believe that a valid order exists.

(c) If a record of a Canadian order for protection is not presented as provided in paragraph (b), a peace officer may consider other information in determining whether there is probable cause to believe that a valid Canadian order for protection exists.

(d) If a peace officer determines that an otherwise valid Canadian order for protection cannot be enforced because the respondent has not been notified of or served with the order, the officer shall notify the protected individual that the officer will make reasonable efforts to contact the respondent, consistent with the safety of the protected individual. After notice to the protected individual and consistent with the safety of the individual, the officer shall make a reasonable effort to inform the respondent of the order, notify the respondent of the terms of the order, provide a record of the order, if available, to the respondent, and allow the respondent a reasonable opportunity to comply with the order before the officer enforces the order. The provisions of section 518B.01, subdivisions 8 and 9a, apply to service of a Canadian order for protection by a peace officer.

(e) If a peace officer determines that an individual is a protected individual, the officer shall inform the individual of available local victim services.

History: *2021 c 6 art 1 s 3*

518F.04 ENFORCEMENT OF CANADIAN ORDER FOR PROTECTION BY COURT.

(a) A court may issue an order enforcing or refusing to enforce a Canadian order for protection on application of:

(1) a person authorized by law of this state other than this chapter to seek enforcement of an order for protection; or

(2) a respondent.

(b) In a proceeding under paragraph (a), the court shall follow the procedures of this state for enforcement of an order for protection. An order entered under this section is limited to the enforcement of the terms of the Canadian order for protection.

(c) A Canadian order for protection is enforceable under this section if:

(1) the order states the name of the protected individual and the individual against whom enforcement is sought;

(2) the order has not expired;

(3) the order was issued by a court or tribunal that had jurisdiction over the parties and subject matter under the law of the foreign jurisdiction; and

(4) the order was issued in accordance with the respondent's due process rights, either after the respondent was provided with reasonable notice and an opportunity to be heard before the court or tribunal that issued the order, or in the case of an ex parte order, the respondent was granted notice and an opportunity to be heard within a reasonable time after the order was issued.

(d) A Canadian order for protection on its face is prima facie evidence of its enforceability under this section.

(e) A person claiming that a Canadian order for protection is not enforceable has the burden to show, by a preponderance of the evidence, that the requirements under paragraph (c) were not met. If the court determines that the order is not enforceable, the court shall issue an order that the Canadian order for protection is not enforceable under this section and section 518F.03 and may not be registered under section 518F.05.

(f) This section applies to enforcement of a provision of a Canadian order for protection against a party to the order in which each party is a protected individual and respondent only if:

(1) the party seeking enforcement of the order filed a pleading requesting the order from the issuing court; and

(2) the court made specific findings that entitled the party to the enforcement sought.

(g) A person who violates a valid Canadian order for protection is subject to the penalties provided in section 518B.01, subdivision 14, paragraphs (b) to (d).

History: *2021 c 6 art 1 s 4*

518F.05 REGISTRATION OF CANADIAN ORDER FOR PROTECTION.

(a) An individual may register a Canadian order for protection in this state under section 518B.01, subdivision 19a.

(b) Registration in this state or filing under law of this state other than this chapter of a Canadian order for protection is not required for its enforcement under this chapter.

History: *2021 c 6 art 1 s 5*

518F.06 IMMUNITY.

The state, state agency, local governmental agency, peace officer, prosecuting attorney, court administrator, and state or local governmental official acting in an official capacity are immune from civil

and criminal liability for an act or omission arising out of the registration or enforcement of a Canadian order for protection or the detention or arrest of an alleged violator of a Canadian order for protection if the act or omission was a good faith effort to comply with this chapter.

History: *2021 c 6 art 1 s 6*

518F.07 OTHER REMEDIES.

An individual who seeks a remedy under this chapter may seek other legal or equitable remedies.

History: *2021 c 6 art 1 s 7*

518F.08 RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT.

This chapter modifies, limits, or supersedes the Electronic Signatures in Global and National Commerce Act, United States Code, title 15, section 7001 et seq., but does not modify, limit, or supersede section 101(c) of that act, United States Code, title 15, section 7001(c), or authorize electronic delivery of any of the notices described in section 103(b) of that act, United States Code, title 15, section 7003(b).

History: *2021 c 6 art 1 s 8*

518F.09 TRANSITION.

This chapter applies to a Canadian order for protection issued before, on, or after August 1, 2021, and to a continuing action for enforcement of a Canadian order for protection commenced before, on, or after August 1, 2021. A request for enforcement of a Canadian order for protection made on or after August 1, 2021, for a violation of the order occurring before, on, or after August 1, 2021, is governed by this chapter.

History: *2021 c 6 art 1 s 9*

518F.10 SEVERABILITY.

If any provision of this chapter or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

History: *2021 c 6 art 1 s 10*