This opinion is nonprecedential except as provided by Minn. R. Civ. App. P. 136.01, subd. 1(c).

STATE OF MINNESOTA
IN COURT OF APPEALS
A22-0658

Audrey Maria Negri,
Appellant,

vs.

Chad Andrew Patton-Minder,
Respondent.

Filed December 12, 2022
Affirmed
Gaïtas, Judge

Ramsey County District Court
File No. 62-HR-CV-22-13

David C. Gapen, Jonathan T. Snyder, Gapen, Larson & Johnson, LLC, Minneapolis, Minnesota (for appellant)

Tifanne E. E. Wolter, Jeffrey A. Berg, Henningson & Snoxell, Ltd., Maple Grove, Minnesota (for respondent)

Considered and decided by Gaïtas, Presiding Judge; Segal, Chief Judge; and Jesson, Judge.

NONPRECEDENTIAL OPINION

GAÏTAS, Judge

Appellant Audrey Maria Negri, a minor, appeals the dismissal of her petition for a harassment restraining order (HRO) against her father, respondent Chad Andrew Patton-Minder, arguing that the district court erred by concluding that, as a minor, she did not have standing to file an HRO petition under the statute in effect at the time of her petition.

Because we agree that Negri did not have standing when she petitioned for the HRO, we affirm.

FACTS

In January 2022, when Negri was 15 years old, she petitioned for an HRO against Patton-Minder. The district court initially issued an ex parte HRO. But following a hearing at Patton-Minder's request, the district court vacated the ex parte HRO and dismissed Negri's petition. The district court determined that it could not exercise jurisdiction to consider the petition because, under the version of the HRO statute then in effect, Negri lacked standing to petition for an HRO. Specifically, the district court concluded:

> 1. Audrey Negri, a minor child, commenced this action.
>
> 2. No parent, guardian, conservator, or stepparent of Audrey Negri is a petitioner in this matter.
>
> 3. The plain language of Minn. Stat. § 609.748, subd. 2 does not allow a minor child to petition for a Harassment Restraining Order. Therefore, this court does not have jurisdiction to consider a petition filed by a person not of the enumerated class of possible petitioners.

Negri appeals the dismissal of her petition, arguing that the district court erred in concluding that she did not have standing under Minnesota law to petition for an HRO on her own behalf.

DECISION

Under Minnesota law, a person who is a victim of harassment may petition the district court for an HRO against another person or organization. Minn. Stat. § 609.748

(2020) (amended 2022).[1] Among other restrictions, an HRO may prohibit a respondent from having contact with the petitioner or from harassing the petitioner. *Id.*, subds. 2, 5.

The HRO statute, Minnesota Statutes section 609.748, governs a district court's authority to issue an HRO. Subdivision 2 of the statute identifies who has standing to petition for an HRO. *See* Minn. Stat. § 609.748. "Minnesota case law . . . requires that a party have standing [to seek relief] before a court can exercise jurisdiction." *Richards v. Reiter*, 796 N.W.2d 509, 512 (Minn. 2011).

In January 2022, when Negri petitioned for an HRO, section 609.748, subdivision 2—which was amended in May 2022—addressed standing as follows:

> A person who is a victim of harassment or the victim's guardian or conservator may seek a restraining order from the district court in the manner provided in this section. The parent, guardian or conservator, or stepparent of a minor who is a victim of harassment may seek a restraining order from the district court on behalf of the minor. An application for relief under this section may be filed in the county of residence of either party or in the county in which the alleged harassment occurred. There are no residency requirements that apply to a petition for a harassment restraining order.

Minn. Stat. § 609.748, subd. 2. The district court determined that under the plain language of subdivision 2, a minor, such as Negri, did not have standing to petition for an HRO.

Now, Negri argues that the district court erred in interpreting subdivision 2. She contends that subdivision 2, as written when she petitioned for an HRO, allowed a minor to personally seek an HRO. Negri's argument requires us to interpret the statute. "The

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[1] The 2022 amendments did not go into effect until May 23, 2022, the day following final enactment, 2022 Minn. Laws ch. 82, § 1, at 394, and were not effective when Negri petitioned for an HRO.

interpretation of a statute is a question of law that we review de novo." *Cocchiarella v. Driggs*, 884 N.W.2d 621, 624 (Minn. 2016); *see also Swenson v. Nickaboine*, 793 N.W.2d 738, 741 (Minn. 2011).

When we interpret a statute, we apply rules of statutory construction. "The object of all interpretation and construction of laws is to ascertain and effectuate the intention of the legislature." Minn. Stat. § 645.16 (2020); *see State v. McCoy*, 682 N.W.2d 153, 158 (Minn. 2004) (applying Minn. Stat. § 645.16 (2002)). "When interpreting a statute, [appellate courts] must look first to the plain language of the statute." *Jackson v. Mortg. Elec. Registration Sys., Inc.*, 770 N.W.2d 487, 496 (Minn. 2009). "When a statute's language is plain, the sole function of the courts is to enforce the statute according to its terms." *Engfer v. Gen. Dynamics Advanced Info. Sys., Inc.*, 869 N.W.2d 295, 300 (Minn. 2015). In other words, if a statute is unambiguous, the appellate court applies its plain meaning. *Id.*

"To determine the plain meaning of a statute, the words and phrases in the statute are construed according to rules of grammar and according to their common and approved usage." *State v. Pakhnyuk*, 926 N.W.2d 914, 920 (Minn. 2019) (quotation omitted). "The statutory language in dispute is not examined in isolation; rather, all provisions in the statute must be read and interpreted as a whole." *Id.*

The meaning of a statute is not always entirely clear from its plain language, however. When the language of a statute is subject to more than one reasonable interpretation, it is ambiguous. *Christianson v. Henke*, 831 N.W.2d 532, 537 (Minn. 2013). To interpret an ambiguous statute, an appellate court may go beyond the text of the statute

in an effort to ascertain the legislature's intent. *Id.*; *see also* Minn. Stat. § 645.16(1)-(8) (setting out factors a court may consider in construing an ambiguous statute).

A. Both parties advance reasonable alternative interpretations of section 609.748, subdivision 2.

Negri and Patton-Minder both argue that the plain language of section 609.748, subdivision 2, is clear. But the parties reach different conclusions about what that plain language means.

Negri argues that "person," as used in the first sentence of section 609.748, subdivision 2, means what it says—any person, regardless of age, may seek an HRO. To support this interpretation, Negri first observes that the statute distinguishes between adults and minors in other provisions of the statute. For example, in subdivision 1(b), the statute specifies that a respondent in an HRO matter "includes any adults or juveniles alleged to have engaged in harassment." Negri argues that the legislature's decision to not similarly restrict the category of individuals who may petition for an HRO plainly shows that the legislature did not intend such a restriction. Thus, Negri asserts, a minor, as a person, has standing to petition for an HRO.

Negri further argues that the presumption of consistent usage supports her plain-meaning interpretation of subdivision 2. *See Langston v. Wilson McShane Corp.*, 776 N.W.2d 684, 690 (Minn. 2009) ("[T]here is a natural presumption that identical words used in different parts of the same act are intended to have the same meaning." (quoting *Atl. Cleaners & Dyers v. United States*, 286 U.S. 427, 433 (1932))). She notes that the word "person" as used in subdivision 6, which addresses penalties for violating an HRO, includes

both adults and juveniles because both adults and juveniles, as "respondents," can violate an HRO. Given the usage of the word in subdivision 6 to include minors, Negri contends that there is a presumption that the word has the same meaning in subdivision 2.

Negri finally argues that the second sentence of subdivision 2—"[t]he parent, guardian or conservator, or stepparent of a minor who is a victim of harassment may seek a restraining order"—does not limit the word "person" as used in the first sentence. Rather, according to Negri, this second sentence merely identifies the persons who have standing to seek an HRO *on behalf of* a minor when a minor is not personally petitioning the district court.

On the other hand, Patton-Minder contends that the first sentence of subdivision 2 cannot be read in isolation but must be read in conjunction with the second sentence. *See Pakhnyuk*, 926 N.W.2d at 920 ("The statutory language in dispute is not examined in isolation; rather, all provisions in the statute must be read and interpreted as whole."). He argues that the first sentence is merely an introductory provision, which instructs that subsequent provisions articulate "the manner" for petitioning for an HRO. The second sentence then specifies the manner for seeking an HRO when the victim of harassment is a minor.[2]

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[2] To support this argument, Patton-Minder refers to a nonprecedential case, *Steps of Success Homes, LLC v. Dowell*, No. A09-0587, 2009 WL 5091936 (Minn. App. Dec. 29, 2009), as persuasive authority. *See* Minn. R. Civ. App. P. 136.01, subd. 1(c) (stating that nonprecedential opinions are not binding authority but may be cited as persuasive authority). In *Dowell*, we determined that an organization—a company that owned a foster home for teenage girls—could not petition for an HRO on behalf of the girls. Patton-Minder focuses on the following language in *Dowell*:

Patton-Minder also argues that Negri's reading of subdivision 2 violates the canon against surplusage, which requires courts to "attempt to avoid interpretations that would render a word or phrase superfluous, void, or insignificant, thereby ensuring each word in a statute is given effect." *State v. Thompson*, 950 N.W.2d 65, 69 (Minn. 2020). According to Patton-Minder, Negri's interpretation would make the statute's use of "guardian or conservator" in the second sentence of subdivision 2 superfluous because these words were already used to specify a category of persons in the first sentence.

We conclude that the interpretations of subdivision 2 offered by both parties are reasonable. Because the standing requirement for minors in subdivision 2 is subject to more than one reasonable interpretation, this portion of the statute is ambiguous. *See Christianson*, 831 N.W.2d at 537. To interpret section 609.748, subdivision 2, we must rely on tools other than the plain language of the statute to determine the legislature's intent.

> The second sentence of subdivision 2 provides that, if the victim of harassment is a minor, a petition seeking an HRO to protect the victim may be filed by a "parent, guardian, or stepparent." Minn. Stat. § 609.748, subd. 2. *We interpret that sentence to mean that only those three types of persons may file such a petition.*

Dowell, 2009 WL 5091936, at *3 (emphasis added). But *Dowell* did not address whether a minor could personally petition for an HRO. Rather, *Dowell* concluded that, under the statute in effect at the time, a *company* did not have standing to petition for an HRO on behalf of a minor. *Id.* at *4. Thus, when considered in its context, *Dowell* is not particularly helpful to Patton-Minder's position.

B. The legislature did not intend to grant minors unlimited standing to personally petition for HROs.

When the words of a statute are ambiguous, a court may use extrinsic evidence to inform its understanding of the legislature's intent. *City of Circle Pines v. County of Anoka*, 977 N.W.2d 816, 825 (Minn. 2022). To identify the legislature's intent, we may consider, among other matters:

> (1) the occasion and necessity for the law;
> (2) the circumstances under which it was enacted;
> (3) the mischief to be remedied;
> (4) the object to be attained;
> (5) the former law, if any, including other laws upon the same or similar subjects;
> (6) the consequences of a particular interpretation;
> (7) the contemporaneous legislative history; and
> (8) legislative and administrative interpretations of the statute.

Minn. Stat. § 645.16.

Negri directs us to a similar law addressing a similar subject—orders for protection (OFPs)—as evidence that the legislature intended to create broad standing for minors to petition for HROs. She notes that, in contrast to the HRO statute, the OFP statute allows a district court to substantially restrict the conduct of a respondent; correspondingly, therefore, the OFP statute significantly limits the individuals who may petition for an OFP. *See* Minn. Stat. § 518B.01, subd. 4(a) (2020) (providing that a petition may be made by "any family or household member personally" or "a family or household member, a guardian," or a reputable adult aged 25 or older on behalf of a minor, but a minor aged 16 or older may petition on her own behalf against a "spouse or former spouse, or a person with whom the minor has a child in common" with approval from the district court). Negri

contends that, because HROs are less burdensome than OFPs, the legislature also must have intended to make them more accessible, including to minors who are victims of harassment.

We are not persuaded by this argument because we do not fully accept its premise. Preliminarily, the argument requires us to assume that a minor does not have standing to petition for an OFP, and Negri has provided no authority for that proposition.[3] Moreover, the OFP and HRO statutes are not as dramatically different as Negri suggests. Although the OFP statute may allow for more expansive restrictions, the HRO statute allows a district court to significantly restrict a respondent's liberty. *Compare* Minn. Stat. § 518B.01, subd. 6(a) (2020) (providing that an OFP may prohibit the respondent from having contact with the victim and may exclude the respondent from the victim's home or workplace, including a "reasonable area surrounding" the home), *with* Minn. Stat. § 609.748, subd. 5(a) (providing that an HRO may prohibit the respondent from having contact with the victim). Negri's premise really falters, though, when we consider the penalties for violating OFPs and HROs, which are essentially the same. Like OFP violations, HRO violations can result in criminal punishment, including incarceration. *Compare* Minn. Stat. § 518B.01, subd. 14 (Supp. 2021) (providing that a person who violates an OFP is guilty of a misdemeanor, gross misdemeanor, or felony depending on prior qualified domestic abuse-related offense convictions; and if guilty of a felony, the person must be sentenced to "not more than five years" imprisonment "or to payment of a fine of not more than

[3] To be clear, we do not address this question here.

$10,000, or both”), *with* Minn. Stat. § 609.748, subd. 6 (providing that a person who violates an HRO is guilty of a misdemeanor, gross misdemeanor, or felony depending on prior qualified domestic abuse-related offense convictions, and if guilty of a felony, the person “may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both”). We therefore cannot deduce from the OFP statute that the legislature intended to give all minors standing to petition for HROs.

Negri also makes a policy argument to support her contention that the legislature intended to confer broad standing on minors. Referencing court-ordered limitations on her own mother,[4] Negri observes that not all minors have a parent, guardian, conservator, or stepparent who can petition on behalf of a minor. But our task in construing a statute is to interpret the legislature’s intent, not to address policy concerns. *See* Minn. Stat. § 645.16. It is the responsibility of the legislature, and not the judiciary, to address issues of public policy. *Mrozka v. Archdiocese of St. Paul & Minneapolis*, 482 N.W.2d 806, 811 (Minn. App. 1992) (“The public policy of the state is for the legislature to determine, not the court.”), *rev. denied* (Minn. May 24, 1992).

Patton-Minder asks us to consider the history of amendments to the HRO statute as evidence of the legislature’s intent. He contends that the 2022 amendment of the HRO statute, in particular—which became effective after Negri filed her petition—supports his position that minors did not have standing to seek HROs under earlier versions of the statute, including the version in effect at the time of Negri’s petition. We agree.

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[4] The record reflects that Negri’s mother is limited to supervised parenting time.

The HRO statute, as amended in 2022, states:

> (a) A person who is a victim of harassment or the victim's guardian or conservator may seek a restraining order from the district court in the manner provided in this section.
>
> (b) The parent, guardian or conservator, or stepparent of a minor who is a victim of harassment may seek a restraining order from the district court on behalf of the minor.
>
> (c) A minor may seek a restraining order if the minor demonstrates that the minor is emancipated and the court finds that the order is in the best interests of the emancipated minor. A minor demonstrates the minor is emancipated by a showing that the minor is living separate and apart from parents and managing the minor's own financial affairs, and shows, through an instrument in writing or other agreement, or by the conduct of the parties that all parents who have a legal parent and child relationship with the minor have relinquished control and authority over the minor.
>
> (d) An application for relief under this section may be filed in the county of residence of either party or in the county in which the alleged harassment occurred. There are no residency requirements that apply to a petition for a harassment restraining order.

2022 Minn. Laws ch. 82, § 1, at 394-95 (to be codified at Minn. Stat. § 609.748, subd. 2 (2022)). Unlike the version of the HRO statute in effect when Negri filed her petition, the plain language of the 2022 statute expressly allows a minor to petition for an HRO.

"Ordinarily, [courts] presume that the Legislature intends to change the law when it amends a statute." *Pakhnyuk*, 926 N.W.2d at 926. However, this presumption does not apply "when it appears on examination that the statutory amendment was only for the purpose of rearrangement, clarification, or to make a second statute applicable to a situation theretofore covered by another statute." *Id.* (emphasis omitted) (quotation omitted); *see*

Carlson v. Lilyerd, 449 N.W.2d 185, 190-91 (Minn. App. 1989) (addressing retroactive application of amendments of statutes), *rev. denied* (Minn. Mar. 8, 1990).

The 2022 amendment does not merely rearrange, clarify, or seek to harmonize the HRO statute with other statutes. Subdivision 2(c), which addresses the circumstances under which a minor can petition for an HRO, is substantively new. Thus, we presume that, by amending the statute to give certain minors standing, the legislature intended to change the law as it existed before the amendment. This determination is further supported by the caption to 2022 Minn. Laws ch. 82—the act that resulted in the 2022 amendment of the HRO statute. It states, "An act relating to courts; *permitting* certain emancipated minors to seek harassment restraining orders on their own behalf; amending Minnesota Statutes 2020, section 609.748, subdivision 2." 2022 Minn. Laws ch. 82, § 1, at 394 (emphasis added). The fact that the legislature had to amend the statute to "permit[]" a minor to seek an HRO illuminates the legislature's understanding of the pre-2022 version of the statute: under that version of the statute, minors did not have standing.

Given the subsequent statutory history, we conclude that Patton-Minder's interpretation of section 609.748, subdivision 2, prevails. Before May 2022, the legislature did not intend to give minors standing to personally petition for HROs. Instead, from its inception in 1990 until the May 2022 amendment that does not apply here, only a specific category of adults in positions of authority had standing to obtain an HRO on behalf of a minor.

When Negri petitioned for an HRO in January 2022, only a "parent, guardian or conservator, or stepparent of a minor who is a victim of harassment" had standing to seek

an HRO on her behalf because she was a minor. Thus, Negri did not have standing to petition for an HRO, and the district court appropriately dismissed her petition.

Affirmed.