

INSTRUCTIONS

Asking for a Harassment Restraining Order (HRO)

Minn. Stat. § 609.748

<https://www.revisor.mn.gov/statutes/cite/609.748>



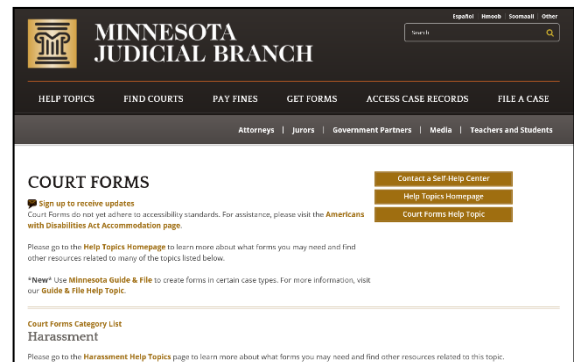
Did you know? Minnesota Guide & File is an online tool that will help you create the forms you need to ask for a HRO. <https://minnesota.tylerhost.net/SRL/SRL/#>

If you decide to fill out the forms by hand, then you may need the following for your harassment/HRO case:

- *Petition for Harassment Restraining Order* (HAR102)
- *Law Enforcement Information Sheet – Harassment* (HAR103)
- *Petitioner's Request to Keep Address/Phone Confidential* (HAR104)

You can find these forms online:

- <http://mncourts.gov/GetForms.aspx?c=22>, or
- <http://mncourts.gov/GetForms.aspx>, then choose the “Harassment” category.



Helpful materials may be found at your public county law library. For a directory, see <http://mn.gov/law-library/research-links/county-law-libraries.jsp>. For more information, contact your court administrator or call the Minnesota State Law Library at 651-297-7651.

Important Information about HROs

The information contained in this document is not intended as legal advice but as a general guide to explain the legal process. *If you do not understand* any of these procedures, talk to an attorney. Court employees may be able to provide clerical assistance and give general information on court rules and procedures, but they cannot give legal advice.

Got a question about court forms or instructions?

- Visit www.MNCourts.gov/SelfHelp
- Call the MN Courts Self-Help Center at (651) 435-6535
- Harassment Help Topic: <http://mncourts.gov/Help-Topics/Domestic-Abuse-and-Harassment.aspx>

Not sure what to do about a legal issue or need advice?

- Talk with a lawyer
- Visit <http://mncourts.gov/Help-Topics/Find-a-Lawyer.aspx>

What is a Harassment Restraining Order?

A Harassment Restraining Order (HRO) is an order signed by a judicial officer (judge or referee) that orders someone to stop harassing you and have no contact, unless allowed in the court order. It is not a criminal proceeding and takes place in civil court.

Who May Apply for a HRO?

The person applying for the HRO is called the **petitioner**. The person you are seeking protection from is called the **respondent**. The Petitioner does not have to have had a personal relationship with the Respondent. An adult can ask the court (petition) for an order for themselves or on behalf of their minor children if there have been incidents of harassment against their children. An adult can ask the court (petition) for an order on behalf of another adult if there is a court order granting legal guardianship.

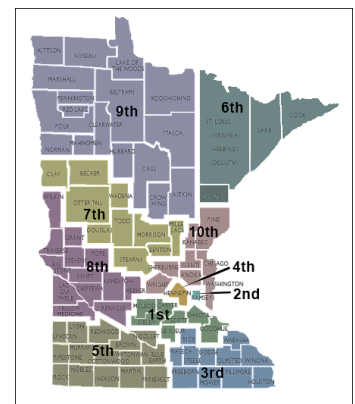
Please see the legal definition below to see if harassment has happened in your situation.

The Respondent could be any adult or juvenile alleged to have engaged in harassment, OR an organization alleged to have sponsored or promoted harassment. You may only file against one Respondent. If you are being harassed by more than one person, you must file a separate petition for each Respondent.

Where May the Petitioner Apply for a HRO?

You can start a Harassment case in the District Court of the county where:

- you or the Respondent lives, OR
- the harassment occurred;



Is there a Fee to *Apply* for or to *Serve* the HRO?

There is a filing fee to start a harassment case, but the fee may be waived under the law depending on the facts of your case. If the court determines your petition includes acts described in Minn. Stat. § 609.749, subd. 2, 3, 4, or 5 (specific acts related to harassment crimes), or Minn. Stat. §§ 609.342 to 609.3451 (specific acts related to sexual assault or contact), fees will be waived.

If you have a low income, you may ask that filing fees be waived by filing an “IFP form” with the court. You can get this form from court administration or online at <http://mncourts.gov/GetForms.aspx?c=19&p=69>. There is **no cost** to the petitioner for *servicing* the respondent.

Definitions

See Minn. Stat. § 609.748, subd. 1: <https://www.revisor.mn.gov/statutes/cite/609.748>.

Regardless of the relationship between the parties:

(a) "Harassment" includes:

- (1) a single incident of physical or sexual assault, a single incident of stalking/harassment under [§ 609.749, subdivision 2](#), clause (8), a single incident of nonconsensual dissemination of private sexual images under [§ 617.261](#), or repeated incidents of intrusive or unwanted acts, words, or gestures that have a substantial adverse effect or are intended to have a substantial adverse effect on the safety, security, or privacy of another, regardless of the relationship between the actor and the intended target;
- (2) targeted residential picketing; and
- (3) a pattern of attending public events after being notified that the actor's presence at the event is harassing to another.

(b) "Respondent" includes any adults or juveniles alleged to have engaged in harassment or organizations alleged to have sponsored or promoted harassment.

(c) "Targeted residential picketing" includes the following acts when committed on more than one occasion:

- (1) marching, standing, or patrolling by one or more persons directed solely at a particular residential building in a manner that adversely affects the safety, security, or privacy of an occupant of the building; or
- (2) marching, standing, or patrolling by one or more persons which prevents an occupant of a residential building from gaining access to or exiting from the property on which the residential building is located.

To get a temporary restraining order, the Petition must also describe an immediate and present danger of harassment. Because the purpose of the HRO is to protect a person from future harassment, the Petition must include how the petitioner believes that the harassment will continue.

Harassing actions may also be crimes that can be reported to the police.

Step 1
Fill Out *Petition for Harassment Restraining Order (HAR102)*



Every question on the *Petition (HAR102)* and in the Guide & File “Protective Orders” interview is important. The judicial officer uses your information to decide whether to issue an HRO. If you choose not to provide all of the information, the judicial officer may not be able to grant your request and issue an HRO.

Whatever information you give to the court will become public information as soon as the court receives notice that the Respondent has been served with the HRO. If the Respondent does not know your address and/or telephone number, and you do not want the Respondent to know this information, you may file a *Petitioner's Request to Keep Address/Phone Confidential (HAR104)* to ask the court to keep your address and/or telephone number confidential in this case.

Please note that if you choose to keep your address confidential, your address will not be listed on the Harassment Restraining Order, and it may be more difficult to enforce the order for any violations occurring at or near your address.

| | | | | | | | |
|--|---|--------------------|-------|--------------------|-------|------------|------------|
| <p>State of Minnesota</p> <p>County of: A</p> <p>In the Matter of: B1</p> <p>Petitioner (first, middle, last)</p> <p>B2 <input type="checkbox"/> On behalf of: Other persons needing protection (first, middle, last)</p> <p>_____</p> <p>_____</p> <p>B3 <input type="checkbox"/> and for her/himself vs.</p> <p>_____ C</p> <p>Respondent (first, middle, last)</p> | <p style="text-align: right;">District Court</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>Judicial District:</td> <td>_____</td> </tr> <tr> <td>Court File Number:</td> <td>_____</td> </tr> <tr> <td>Case Type:</td> <td>Harassment</td> </tr> </table> <p style="text-align: center;">Petition for Harassment Restraining Order</p> <p style="text-align: center;">Minn. Stat. § 609.748</p> | Judicial District: | _____ | Court File Number: | _____ | Case Type: | Harassment |
| Judicial District: | _____ | | | | | | |
| Court File Number: | _____ | | | | | | |
| Case Type: | Harassment | | | | | | |

The Caption

A. List the county where you will be applying for a HRO.

B. This is the petitioner section.

1. List your full name.

*If you are filing **on behalf of** someone else:*

2. Check the box, and list the full name for each person on behalf of whom you are applying for a HRO.
3. Check the box next to “and for her/himself” *if* you also need protection and want the HRO to apply to you.

C. List the respondent’s full name (the respondent is the person or organization you want protection from).

For the rest of Step 1, the numbered paragraphs in this document (HAR101) go with the same paragraph numbers on the form you are filling out (*Petition for Harassment Restraining Order*, HAR102).

Petitioner Information

| |
|---|
| 1 Petitioner Information (You) |
| Name: (first, middle, last) _____ |
| Date of birth: (month/day/year): _____ |
| Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female |

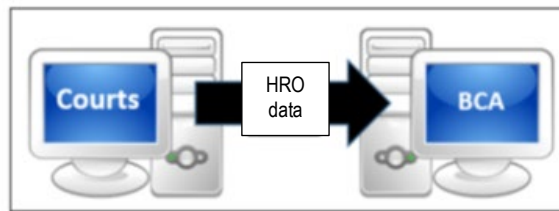
1. Enter information about **you** in this section. Start with your name, date of birth, and gender.

A Note about Gender:

The court recognizes that binary gender options of male and female do not fully represent the gender identities of all individuals.

The court has to pass information electronically to the Bureau of Criminal Apprehension (BCA) in order for law enforcement to be able to see the HROs in a statewide system. The court is limited to the gender options allowed by the Federal Bureau of Investigation (FBI) – male and female.

If you do not choose male or female, HRO data cannot be passed to the BCA. That means law enforcement will not have access to the electronic version of any HRO.



Whatever information you give to the court will become public information as soon as the court receives notice that the Respondent has been served with the HRO. If the Respondent does not know your address and/or telephone number, and you do not want the Respondent to know this information, you may file a *Petitioner's Request to Keep Address/Phone Confidential* (HAR104) to ask the court to keep your address and/or telephone number confidential in this case.

Please note that if you choose to keep your address confidential, your address will not be listed on the Harassment Restraining Order, and it may be more difficult to enforce the order for any violations occurring at or near your address.

Address:

1a

I am requesting that my **address** be kept confidential by submitting the completed *Confidential Address/Phone Request* form (HAR104) to the court.

OR

I am not requesting that my address be kept confidential. My address is:

My Address: _____

City, State, Zip Code: _____

Phone Number:

1b

I am requesting that my **phone number** be kept confidential by submitting the completed *Confidential Address/Phone Request* form (HAR104) to the court.

OR

I am not requesting that my phone number be kept confidential. My phone number is:

Telephone: (_____) _____

- a. Check one of the boxes about your address.
- b. Check one of the boxes about your phone number.

2 **Email Notification of Service**

By providing my email address below, I ask to be notified by email when the respondent is served with the Harassment Restraining Order (HRO). I understand that:

- This is the only email I will receive from the court about the HRO unless I have signed up to receive other court notices via email,
- It will only be possible for the court to notify me by email when service information is received by the court,
- A technical or other error could occur preventing the successful delivery of the email,
- I have other options to learn of the service of the HRO on the respondent, including contacting law enforcement directly, and
- I must provide a valid email address in order to receive this notification of service.

THIS EMAIL ADDRESS WILL BE SEEN BY THE RESPONDENT:

Email address: _____

Email Notification

2. Read the information in the “Email Notification of Service” section carefully. *If* all of the statements in the notice are true, and you would like you receive an email notification when service has happened, then list an email address where you would like to receive that notice. **This email address is not confidential.**

Who Needs Protection?

3 **Who needs protection?**

Me (Petitioner)

My minor children

A person for whom I am the legal guardian (attach Guardianship Order)

For anyone you checked above, other than yourself, please fill out the following: None

| Name (first, middle, last) | Gender | Date of Birth | Lives with you? |
|----------------------------|---|---------------|--|
| | <input type="checkbox"/> M <input type="checkbox"/> F | | <input type="checkbox"/> YES <input type="checkbox"/> NO |

3. In the first part of #3, check all of the boxes that apply. If you checked a box for anyone other than yourself, then fill out the chart for each person.

RESPONDENT

4. This is the section where you give the court information about the **Respondent** (the person you want protection from).

Note: If the Respondent is a minor (under the age of 18), then you should also list:

- The name of Respondent’s parent or guardian; and
- The parent or guardian’s address.

If the respondent is a minor, the respondent *and* the respondent’s parent or guardian must be served with the HRO.

5

What are the relationship(s) between the respondent and the people who need protection?

Check all that apply.

- Married
- Divorced
- Currently living together
- Lived together in the past
- Have a child together
- Have an unborn child together
- Parent/Child
- Other/None of the above. Please explain: _____

5. In #5, tell the court how each person who needs protection (look at the boxes you checked at #3) knows the Respondent. Check all of the boxes that apply to your situation.
-

Questions #6 and #7 are about **OTHER COURT CASES**.

6. This question is about restraining orders.
- a. Tell how many restraining orders there have been in the past where Respondent was ordered to stay away from you or anyone you listed at #3 (your choices are *none*, *one*, or *two or more*). If there have been other restraining orders, list the court file number (if you know it) and the place where the order was issued (county/state).
 - b. Does the Respondent have a *current* HRO or OFP (Order for Protection) against you? If so, give the court file number if you know it.
7. If there are any court cases about child custody or parenting time involving both you and the Respondent, give the court file number and location of the case.
-

ACTS OF HARASSMENT

8. This question asks you to describe how the Respondent has harassed you and anyone you listed at #3. Check all of the boxes that apply (a-p), and give the date (or date range) and details of the harassment.

If you need more space, add paper.

It may be helpful to look at the definitions of harassment found at the beginning of these instructions, and online at Minn. Stat. § 609.748, subd. 1 (<https://www.revisor.mn.gov/statutes/cite/609.748>).

9 Describe the effect the harassment has upon the victim's safety, security or privacy:

10 Do you believe the harassment will continue? Yes No Why?

9. What effect has Respondent's behavior had on your safety, security, or privacy? If you listed anyone in #3, include the effect of Respondent's actions on their safety, security, or privacy.
10. Let the court know whether you think the harassment will continue (and why you think this).

11 I ask the Court to issue a HRO as follows:

a. Respondent shall not harass:

- me
- minor children for whom I am the parent, legal guardian, or stepparent
- an adult ward for whom I am the legal guardian

11. In #11, you are asking the court for specific details to be included in the HRO.
- In section "a," you are checking the boxes to show who the court should order Respondent not to harass.
 - In section "b," check the box or boxes to show who the Respondent should have no contact with.
 - Section "c" asks whether you want the Respondent to stay away from your home (or a protected person's home). You can also ask the court to order the respondent to stay away from a reasonable area surrounding the home (you should describe what you mean). You can also list exceptions. For example, if it is okay for the Respondent to park at the curb in front of your home to exchange the children for parenting time, you can write that in the "except as follows" section.

Section "d" asks whether you want the Respondent to stay away from a place of employment.

COURT HEARING



Important Notices about a Hearing:

- You have a right to request a court hearing. **Respondent will be served a copy of this Petition if there is a hearing.**
- If the judicial officer dismisses your case because it has no merit, no hearing will be held.
- The judicial officer can issue a HRO *without* a court hearing if the judicial officer finds there is immediate and present danger of harassment.

- If the judicial officer issues a HRO without a hearing, the Respondent can request a hearing within 20 days of the date the Petition is served. If Respondent requests a hearing, the court will notify you by mail at least five days before the hearing date.
- If there is a hearing, you must attend the hearing and prove that the statements in your Petition are true, and that Respondent’s actions are harassment, as defined by Minnesota law.

12. Choose a. or b.

12a a. I am not requesting a court hearing at this time. But if the court denies my request for a HRO because the court finds there is no immediate and present danger of harassment, then I want I don't want a court hearing.

OR

12b b. I am requesting a court hearing.

12. Do you want to ask for a hearing?

- Check “a” if you are not asking for a hearing *now*. And do you want a hearing if the court denies your request for a restraining order because the judicial officer did not find an immediate and present danger of harassment?
- Check “b” if you are asking for a court hearing.

13. How long do you want the HRO to last? You have three options in #13:

- Until a specific date (the date must be less than 2 years from the date you fill out the petition);
- 2 years; or
- Up to 50 years (note: a court can grant a Harassment Restraining Order for up to 50 years *if* you have had 2 or more restraining orders against Respondent, or if Respondent has violated a restraining order between you at least twice).

There will likely be a hearing scheduled if you ask for a restraining order to last more than 2 years.

SIGNATURE BLOCK

I declare under penalty of perjury that everything I have stated in this document is true and correct. Minn. Stat. § 358.116.

Dated: **B** _____ **A**

C _____ **D**

County and state where signed

Signature _____

Name _____

(If you have asked to keep your address and/or phone number confidential, do not include it here)

Address _____

City/State/Zip _____

Telephone _____

E-mail address: _____

A. Sign your name under penalty of perjury. Then print your name on the line under your signature.

By signing your name under penalty of perjury, you are stating that the information in the document is true to the best of your knowledge. If you know something in the form is not true when you sign it, you could be found guilty of the crime of perjury (see Minn. Stat. § 609.48, <https://www.revisor.mn.gov/statutes/?id=609.48>).

B. Fill in the date you signed the form.

C. Fill in the county and state you were in when you signed the form.

D. This section is for your address, telephone number, and email address. **However, if you are asking the court to keep your address and/or telephone number confidential, do not include the information here.** Instead, fill out and file the *Petitioner's Request to Keep Address/Phone Confidential* (HAR104).

Step 3

Fill Out the *Law Enforcement Information Sheet - Harassment* (HAR103)

The *Law Enforcement Information Sheet - Harassment* (HAR103) is found online at <http://www.mncourts.gov/mncourtsgov/media/CourtForms/HAR103.pdf?ext=.pdf>. This form will help law enforcement find the respondent to personally serve the HRO. Fill in as much information as possible.

Step 4

Fill Out the *Petitioner's Request to Keep Address/Phone Confidential* (HAR104)

(only if you are asking that your address and/or phone number be kept confidential)

Whatever information you give to the court will become public information as soon as the court receives notice that the Respondent has been served with the HRO.

If the Respondent does not know your address and/or telephone number, and you do not want the Respondent to know this information, you may file a *Petitioner's Request to Keep Address/Phone Confidential* (HAR104) to ask the court to keep your address and/or telephone number confidential in this case. HAR104 is found online at http://www.mncourts.gov/mncourtsgov/media/CourtForms/HAR104_1.pdf?ext=.pdf.

Please note that if you choose to keep your address confidential, your address will not be listed on the Harassment Restraining Order, and it may be more difficult to enforce the order for any violations occurring at or near your address.

Step 5

File Completed Forms with Court Administration

File the following forms with court administration:

- *Petition for Harassment Restraining Order* (HAR102)
- *Law Enforcement Information Sheet – Harassment* (HAR103)
- *Petitioner's Request to Keep Address/Phone Confidential* (HAR104) –if you want the court to keep your address and/or phone number confidential.

You can file the forms in the following ways:

- In person at the courthouse;
- By mail; or
- Electronically through the eFS System.
 - NOTE: once a party files electronically, they are required to use the eFS System throughout the entire case; this means they cannot go back to paper filing in that case).
 - For more information about electronic filing and the eFS System, see www.mncourts.gov/efile.

Step 6

After You File...

Once all of your forms are filed, a judicial officer will make a decision about your requests and issue an order. When the order is ready, you will get a copy of the order.

Read your order carefully. Did the judicial officer:

- **Grant** an order without a hearing (called an Ex Parte Order)?
- Deny an Ex Parte Order but schedule a **hearing** to hear more information from you?
- Deny an Ex Parte Order and **dismiss** the case?

If the judicial officer **GRANTS** the Ex Parte Order, it will be effective immediately. The judicial officer may have also ordered a hearing. If the judicial officer did not order a hearing, the Respondent has the right to request a hearing within 20 days of service of the petition and Ex Parte Order.

If a hearing is ordered, the Harassment Restraining Order (HRO) will be in effect until the date of the hearing. Depending on what happens at the hearing, the HRO may or may not continue. You must attend the hearing if you want the court to issue a harassment restraining order.

If the judicial officer **DENIES** the request for the Ex Parte Order **and** you have asked for a hearing, then court administration will schedule a hearing. The court will send a notice of the date and time of the hearing to you and to Respondent. There will be no HRO in effect before the hearing. You **must** attend the hearing. If you do not attend the hearing, the HRO may be dismissed.

If the judicial officer **DENIES** the request for the Ex Parte Order **and** you have NOT asked for hearing, then no hearing will be scheduled, and your case is dismissed.

If the judicial officer **DISMISSES** the case and does not schedule a hearing even if you asked for one, this means that the judicial officer does not believe that what you described in your petition fits the definition of harassment, or may not have enough information to make a decision. You may get legal advice to see what your options might be.

A copy of any order (except dismissed HROs) must be served on the Respondent. If your petition gave an address in Minnesota where the Respondent can be served, court administration will send the documents to the Sheriff who will try to personally serve the Respondent. There is no fee for this service.

If Respondent is under 18 years old and you gave the court the name and address of the parent or legal guardian, the court will mail a copy of the order to Respondent's parent or legal guardian.

Service is complete when law enforcement personally delivers a copy of the papers to Respondent. It may take them several tries to serve the Respondent, which could take a week or more.

If law enforcement is not able to serve Respondent you may file the *Affidavit and Request for Publication (Harassment) (HAR701)*. This form is used to ask the court to publish information about the order as a way to serve the Respondent.

HAR701 is available online at <http://www.mncourts.gov/GetForms.aspx?c=22&f=354>.

Step 7

Other HRO Forms

Other HRO-related forms are available online starting at:

<http://www.mncourts.gov/GetForms.aspx?c=22>.

- *Petitioner's Request for Dismissal of Harassment Restraining Order (HAR401)* – used to ask the court to dismiss the HRO

- *Affidavit and Order to Show Cause for Contempt* (HAR501) – used to let the court know that the respondent has violated the HRO
- *Notice of Motion and Motion to Change Harassment Restraining Order* (HAR601) – used to ask for a change (modification) of the HRO
- *Affidavit and Request for Publication* (HAR701) – used to ask the court to publish the HRO if personal service is unsuccessful