



# MINNESOTA GUIDE & FILE

## Next Steps: Harassment Restraining Order

Printing at end of interview

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Save the email and password you used for your Guide & File account; you will need this information later to go back to your Guide & File account or to go to the eFS System (Minnesota Judicial Branch's web-based system that allows you to eFile documents in Minnesota district courts).

Below are the next steps for filing a **Harassment Restraining Order** when choosing to print your forms at the end of the interview.

### STEP 1: Review the Completed Form

- Guide & File will create the *Harassment Restraining Order* (HAR102) and *Law Enforcement Information Sheet* (HAR103) at the end of the interview. Depending on your case, it may also create the *Petitioner's Request to Keep Address/Phone Confidential* (HAR104).
- Carefully read through your answers on all the forms. Are your forms complete? Is the information true and correct? If you find any errors, go back into the interview (<https://minnesota.tylerhost.net/SRL>) and make changes.
- Print all of the forms and the *Next Steps* that you see listed on the **Summary Page** in the interview.

### STEP 2: Sign and Date the forms

- Once your form is complete, print or download the forms and the *Next Steps* listed on the **Summary Page** in the interview.
- Sign and date the *Harassment Restraining Order* (HAR102) form under penalty of perjury. This means you are saying that everything in the form is true; 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>).
- Sign and date the *Law Enforcement Information Sheet* (HAR103) stating that everything is true and correct to the best of your knowledge.
- Note – if you plan to electronically file your form, you can type your signature on the downloaded form. Type a “/s/” before your name to create a typographical signature. Otherwise, you can scan your hand-signed forms to upload.

### STEP 3: File Your Forms with Court Administration

Once your forms are signed, you are ready to file it with the court. It is a good idea to make a copy of your signed forms for your own records before filing. Copy fees may apply for extra copies from court administration. How you file your forms is explained below.

## At the Courthouse:

- File the original *Petition for Harassment Restraining Order* (HAR102) and *Law Enforcement Information Sheet* (HAR103) with court administration. You may also need to file the *Petitioner's Request to Keep Address/Phone Confidential* (HAR104) depending on your situation.
- This can be done either in person at the courthouse or by mail. Addresses for courthouses are online at <https://www.mncourts.gov/Find-Courts.aspx>.

## Electronic Filing through eFS System:

- The eFS System allows you to eFile your forms. This is a separate website from Guide & File. However, your eFS System login information is the same as your Guide & File login and password. Information for eFiling is on the MN Judicial Branch website at <https://www.mncourts.gov/eFile> under the “eFile and eServe Training” tab.
- Once you choose to eFile, you will need to continue to use the eFS System for the rest of the case. See Minn. Gen. R. Prac. 14.01(b)(5)(i) ([https://www.revisor.mn.gov/court\\_rules/gp/id/14/](https://www.revisor.mn.gov/court_rules/gp/id/14/)).
- You will need to upload a signed copy of your forms that you saved to your computer.

## STEP 4: Court will review the filed forms

- Once all your forms are filed, a judicial officer will review them and decide whether you need to pay a filing fee based on the incidents of harassment described in your petition. Court administration will let you know if a filing fee is required. See Step 3 below.
- Next, the judicial officer will review your requests in your petition and issue an order. When the order is ready, you will get a copy of the order. If you eFiled your forms and signed up for eService, copies will be sent through eService.
- 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?
  - Decide you need to pay a **filing fee** before an order will be issued?
- If the judicial officer **GRANTS** the Ex Parte Order, it will be effective immediately. The judicial officer may have also ordered a hearing. If no hearing is ordered, 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 the HRO.
- If the judicial officer **DENIES** the request for the Ex Parte Order **and** you have requested 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 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 a hearing, then no hearing will be scheduled, and your case is dismissed with no HRO.

- 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 can get legal advice to see what your options might be. Court staff cannot give legal advice, and they may not have any more information than what is included in the order.

## STEP 5: Pay filing fee, if required

- The court charges a filing fee at the start of each new case. However, if what happened to you is as serious as criminal harassment (defined in Minn. Stat. § [609.749](#), subd. 2, 3, 4, or 5 and §§ [609.342](#) to [609.3451](#)) then the filing fee may be waived. If the judicial officer does not waive your filing fee, court administration will contact you. If you eFiled your *Petition*, you will likely be eServed.
- If you are ordered to pay the filing fee but cannot afford it, you can ask the judicial officer to waive the fee because of your inability to pay. To do this, you must fill out the fee waiver (IFP) paperwork and have it reviewed by a judicial officer to see if you qualify.
- You will file your Fee Waiver forms the same way you filed your *Petition*. So, if you decided to eFile through eFS, you must eFile your Fee Waiver forms as well. You have two options to create your Fee Waiver forms:
  - Return to Guide & File (<https://minnesota.tylerhost.net/SRL>) to complete the forms through the Fee Waiver interview. Log into your account and start the “Request a Fee Waiver” interview. If you are not eFiling your forms, you can print them, just as you did your *Petition* and file at the courthouse.

Reminder – if you eFiled your *Petition*, you must also eFile your Fee Waiver forms. You can do this directly through Guide & File as long as you have your court file number to verify your case. If you cannot verify your case, you can print your forms and then file through the eFS System, as you did with your *Petition*.

### OR

- Download and use the Fee Waiver Packet from the court website at <https://www.mncourts.gov/GetForms.aspx?c=19&p=69>. You can either print the forms and handwrite in your answers, or type your answers.

Reminder – if you eFiled your *Petition* you must also eFile your Fee Waiver forms. Once you have typed in your answers, be sure to use the “Prepare for eFile” on the form, save to your computer, and then upload in the eFS System. There are helpful materials on how to upload forms in eFS online at [www.mncourts.gov/efile](http://www.mncourts.gov/efile) under the “eFile and eServe Training” tab.

**If you are ordered to pay the fee and do not do so, your case will be dismissed, and you will not have a Harassment Restraining Order.** No fees are collected if the case is dismissed.

## Step 6: Service on Respondent

- **A copy of any order (except dismissed HROs) must be personally served on the Respondent.** This means the Respondent must receive a copy of an order. 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 hand it to the Respondent. There is no fee for this service.

- 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 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.
- 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>. File the original, completed and signed form with the court. If you eFiled your *Petition*, you will also need to eFile this request through the eFS System.

## Step 7: Prepare for the hearing and go to court (if hearing scheduled)

- If a hearing is scheduled, court administration will let you know at least 5 days before the hearing. You **must** attend the hearing. If you do not attend the hearing, the HRO may be dismissed.
- If you are granted an Ex Parte Order and Respondent asks for a hearing, the Ex Parte Order could be **dismissed if you do not attend the hearing**.
- If you no longer want an HRO, please talk with court administration about your options for dismissing your request before the hearing.
- There is helpful information, including Tools & Resources and contact information for the Domestic Violence Crisis Line, on the MN Judicial Branch website <https://mncourts.gov/help-topics.aspx> under the "Domestic Abuse & Harassment" category.

## Need Help?

Contact the Statewide Self-Help Center at 651-435-6535, or <https://mncourts.gov/Help-Topics/Self-Help-Centers/Self-Help-Centers-Contact.aspx>

For help with the eFS System (if eFiling your forms in Step 3 or Step 5), contact the eFS Support Center at 612-902-9585 or 1-844-918-1724 (if calling long distance from a landline phone), or <https://www.mncourts.gov/eFS-Support>