



MINNESOTA GUIDE & FILE

NEXT STEPS: Harassment Restraining Order (Paper Filing)

Below are the next steps for filing a **Harassment Restraining Order** when you have chosen to print your forms at the end of the Minnesota Guide & File interview.



STEP 1: Review the completed forms

- Are your forms complete? Is the information accurate and true? If you find any errors, go back into the interview (<https://minnesota.tylerhost.net/SRL>) and make changes.
- Print all of the forms that you see listed on the **Summary Page** in the interview.

STEP 2: Sign the completed forms

- Sign and date the *Petition for 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.

STEP 3: File the completed forms

AT THE COURTHOUSE	ELECTRONIC FILING (NOT USING GUIDE & FILE)
<ul style="list-style-type: none"> • File the original <i>Petition for Harassment Restraining Order</i> (HAR102), along with any attachments, and the <i>Law Enforcement Information Sheet</i> (HAR103) with court administration. • If you asked to keep your address and/or phone number confidential, you will also need to file the <i>Petitioner's Request to Keep Address/Phone Confidential</i> (HAR104). • Contact Court Administration in the county where you are filing for information on how to file your forms. You can find contact information online at https://www.mncourts.gov/Find-Courts.aspx. 	<ul style="list-style-type: none"> • If you have an account with the eFS System (Minnesota Judicial Branch's web-based system that is used to electronically file documents in Minnesota district), you can file electronically. Find more information online at https://mncourts.gov/efile. • 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/rule.php?typ=e-gp&id=14). • NOTE: If you type your signature for electronic filing, a "/s/" is required before your name to create a typographical signature.

STEP 4: Court will review the filed forms

- Once all of 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 5 below.
- Next, the 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?
 - 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 the judicial officer does 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 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.

STEP 5: Pay filing fee, if required

- There is generally a filing fee to file a HRO; however, if the allegations described in your petition meet the definition of 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 are ordered to pay the filing fee but cannot afford it, you can ask the judicial officer to waive the fee because of an inability to pay. To do this, you must fill out the fee waiver (IFP) paperwork - *Affidavit for Proceeding In Forma Pauperis* (IFP102) and the *Proposed Order for Proceeding In Forma Pauperis* (IFP104) and have it reviewed by a judicial officer.

How you fill out the forms depends on whether or not you eFiled your *Petition* (HAR102).

- Filed by paper – You can download the Fee Waiver form packet from the Minnesota Judicial Branch website at <https://www.mncourts.gov/GetForms.aspx?c=19&p=69>. Follow the Instructions and then file at the courthouse.
- Filed electronically (eFiled) – If you eFiled your HRO through the eFS System you are then required to continue to eFile any forms in the case. You can either:
 - Return to Guide & File (<https://minnesota.tylerhost.net/SRL>) to complete the forms through the Fee Waiver interview. In order to eFile at the end of the interview, you will need to have your case file information to verify your case, **OR**
 - Download and use the Fee Waiver Packet from the MN Judicial Branch website at <https://www.mncourts.gov/GetForms.aspx?c=19&p=69>. Type in your answers and once filled out, use the “Prepare for eFile” on the form, save to your computer, and then upload in the eFS System.

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.

STEP 6: Service on Respondent

- **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>. File the original, completed and signed form with the court.

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

- If a hearing is scheduled, court administration will give you notice 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.**

Need Help?

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

For help with the eFS System (see Step 3 above), call the eFS Support Center at 612-902-9585 or 1-844-918-1724 (if calling long distance from landline phone) or go to <https://www.mncourts.gov/eFS-Support>