

## **How to Apply for a Harassment Restraining Order (Petitioner Instructions)**

### **Who May Apply?**

A person who is a victim of harassment (Petitioner) may seek a restraining order from the Court. The parent or guardian of a minor who is the victim of harassment may seek a restraining order on behalf of the minor. The restraining order prohibits harassment and may be issued against an individual (Respondent) who has engaged in harassment, or against organizations (Respondent) that have sponsored or promoted harassment.

### **What is Harassment?**

Under Minn. Stat. § 609.748, harassment is defined as:

- A single incident of physical or sexual assault.
- 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 you and the alleged harasser.
- Targeted residential picketing, which includes:
  - a. 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, and
  - b. 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.
- A pattern of attending public events after being notified that one's presence is harassing to another.

### **How do I apply for a Restraining Order?**

#### **Forms**

Fill out the [Petitioner's Affidavit and Petition for Restraining Order](#). The Affidavit should be as complete and specific as possible. Dates, times, places, actions and conversations that lead the petitioner to feel harassed should be included in the narrative of the affidavit with the most recent acts listed first. The court administrator can provide forms and clerical assistance; check with that office if you have questions.

#### **File Forms**

File the Affidavit with the court administrator. A filing fee will be charged unless the petition alleges acts that would violate felony or gross misdemeanor harassment statutes. If you are low income, you may request filing fees be waived by filing an "IFP form," that is available from the court administrator. In all cases the Sheriff of any county shall serve the respondent without charge to the petitioner. The Court may direct the respondent to pay the petitioner's filing fees.

#### **Service**

A copy of any order must be served on the respondent (the alleged harasser). Service is complete when the sheriff's office personally delivers a copy of the papers to the respondent. **Check with the Sheriff's office to make sure service is done. For Hennepin County cases, call the Sheriff at 612/348-3801.**

If the respondent is a juvenile and the parent or legal guardian is not the petitioner, the court will mail a copy of the copy to the respondent's parent or legal guardian at their last known address.

If personal service cannot be completed because the respondent is avoiding service or you do not know the respondent's address, you may ask the court administrator's office to complete service by published notice.

### **Change of Address**

If you move, it is important that the court knows where you are. Please keep the court administrator informed of your address.

### **Hearing**

The court may issue an Order For Relief, granting temporary relief from harassment, without a hearing. You have the right to request a hearing within 45 days of filing the petition. Respondent also has the right to request a hearing within 45 days of being served with the petition. If a hearing is requested by either party, you must attend the hearing if you want the court to issue a harassment restraining order that could be effective for up to two years.