



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 *Petitioner’s Affidavit and Petition for Harassment Restraining Order* 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 the *Law Enforcement Information Sheet* 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>Petitioner’s Affidavit and Petition for Harassment Restraining Order</i> (HAR102), along with any attachments, and the <i>Law Enforcement Information Sheet</i> (HAR103) with court administration. <p>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).</p>	<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 and conciliation courts), you can file electronically. See http://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).

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** your request for the temporary Harassment Restraining Order (Ex Parte Order)?
 - **Deny** your request for an Ex Parte Order?
 - **Dismiss** the case (not grant your request)?
 - Schedule a **hearing** (with or without an Ex Parte Order)?
 - 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, but they must do so within 20 days of service of the Petition.

If a hearing is ordered, 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.

- If the judicial officer **DENIES** the Petition for the Ex Parte Order **and** you have requested a hearing, 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 restraining order 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 **DISMISSES** the case, this means that the judicial officer does not believe that what you described in your Petition fits the definition of harassment. 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 paperwork and have it reviewed by a judicial officer. The forms are available online on the Minnesota Judicial Branch website at <http://www.mncourts.gov/GetForms.aspx?c=19&p=69>.

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.

Service is complete when the Sheriff's Department personally delivers a copy of the papers to Respondent. This can 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 the Sheriff tried to personally serve Respondent but could not, you may ask the court for permission to serve by another method, including publication. The *Affidavit and Order for Alternative Service or Publication* is available on the Minnesota Judicial Branch website 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 <http://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 651-227-2002 or 1-855-291-8246, or email eCourtMN@courts.state.mn.us.