

Instructions to Apply for an Order for Protection (Minn. Stat. § 518B.01)

What is an Order For Protection?

An Order for Protection (OFP) is an order signed by a judge that may help protect you from domestic abuse. An OFP orders the abuser not to contact, harm or threaten to harm you, your children or other people the judge agrees to list on the order. You can also ask the judge to order the abuser to do certain things or stop doing certain things to help keep you safe.

Who May Apply for an OFP?

The person applying for the OFP is called the petitioner. The abuser is called the respondent. The petitioner may apply for an OFP if domestic abuse has occurred AND if the petitioner and respondent are family or household members. **Please see the legal definitions below to determine if domestic abuse exists in your situation and if the petitioner and respondent are family or household members.**

In certain circumstances, a petitioner may also apply **on behalf of** another person. For example, a petitioner may apply on behalf of a minor child if there has been domestic abuse of the child by the respondent and the petitioner is:

- a family or household member of the child; or
- the child's parent or guardian; or
- a reputable adult age 25 or older, if the judge finds that it is in the best interest of the minor.

A person aged 16 or 17 may apply for an OFP on his or her own if there has been domestic abuse and the respondent is someone the petitioner:

- is married to;
- was married to; or
- has a child with, if the judge finds that the petitioner has sufficient maturity and judgment and that it is in the best interest of the minor.

Where May the Petitioner Apply for an OFP?

The petitioner may apply for an OFP in the court:

- in the county where the petitioner lives;
- in the county where the respondent lives;
- in the county where the domestic abuse occurred;
- in any county where there is a pending or completed family court case involving the petitioner and the respondent or their minor children, such as a divorce or a child custody case; or
- in the court with jurisdiction over divorce actions.

How Much Does It Cost to Apply for or Serve the OFP?

There is no cost to apply for an OFP. If the judge grants the OFP, the OFP must be personally delivered to, or served, on the respondent. There is no cost to the petitioner to serve the OFP on the respondent.

Definitions:

1. **Domestic Abuse** is defined as any of the following conduct between family or household members, regardless of whether this conduct has ever been reported to the police:
 - a. Actual physical harm, bodily injury, assault (such as hitting, kicking, slapping, pushing, stabbing), or fear of imminent physical harm, bodily injury or assault (such as verbal threats, threatening gestures); or

- b. Terroristic threats (such as a threat to kill, break bones, or threatening someone with a knife or a gun); or
 - c. Criminal sexual conduct with an adult (such as forced sex or forced contact with intimate body parts, even if the parties are married) or any form of sexual contact with a child; or
 - d. Interference with an emergency call (intentionally interrupting or preventing someone from placing an emergency call.)
2. **Family or household members** are defined as:
- a. Married persons
 - b. Persons who were married but are now divorced
 - c. Parents, children
 - d. Persons related by blood or adoption (such as brothers, sisters, uncles, aunts, or grandparents)
 - e. Persons who live together now or who lived together in the past
 - f. Persons who have a child together, even if they have not been married or lived together
 - g. Persons who have an unborn child together
 - h. Persons involved in or who were involved in a significant romantic or sexual relationship (regardless of sexual orientation)

If your application DOES NOT involve "domestic abuse" AND "family or household members" as defined above, you cannot apply for an OFP. However, you may still be able to apply for a Harassment Restraining Order (HRO). Please ask at the court administrator's office for HRO forms and instructions to see if you qualify.

If your complaint DOES involve "domestic abuse" AND "family or household members," you may complete the Petitioner's Affidavit and Petition for Order for Protection (Form OFP102) according to the following instructions.

Instructions for Completing “Petitioner’s Affidavit and Petition for Order for Protection”

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 651-296-2775.

Courts must provide simplified forms and clerical assistance to help you with the writing and filing of this form. Court staff cannot provide you with legal advice.

Please consider talking with an advocate to learn more about applying for an OFP and to help you stay safe. An advocate may also be able to connect you with an attorney experienced with helping people in your situation. To be connected with an advocate, you may call the Day One[®] MN Domestic Violence Crisis line at 1.866.223.1111.

In the box marked "County," write the name of the county in which you are applying for the OFP.

Court administration staff will fill in the "Judicial District" and "Court File Number" box.

On the line above the word "Petitioner," write your own name. If you are seeking protection for yourself, check the box that states, “and for her/himself.” If you are applying on behalf of another person or persons, write those persons’ names on the lines below the words “On behalf of.” On the line above the word "Respondent," write the name of the person you want to be protected from.

THE NUMBERS OF THESE INSTRUCTIONS ARE THE SAME AS THE NUMBERS ON THE AFFIDAVIT AND PETITION (FORM OFP102)

Petitioner, Protected Person and Respondent Information

1. Check the box next to all of the people that need protection. You may check more than one box.
2. Write your name, complete address, race, gender and date of birth. **If you do not want the respondent to know your address, or if you do not want your address to be part of the public file, DO NOT WRITE YOUR ADDRESS HERE; instead, check the box indicating you want your address kept confidential and provide your address separately to court staff on the Confidential Address/Phone Request form OFP107.**
3. If you want to be notified by email when the respondent is served with the OFP, include your email address in this section.

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

4. Write the name, complete address, race, gender and date of birth of the respondent. If you do not know the respondent's exact date of birth, give an approximate age or approximate date of birth. If the respondent is a minor, write the name and address of the respondent’s parent or legal guardian.

5. List all of the persons that need protection other than you, if any. Then, complete the chart with the information required for each person you have listed.
6. List all minor children that you and respondent have together, biological or adopted, who you did not already list at #5, if any.
7. List all minor children living with you, who you did not already list at #5 or #6, if any.
8. Check all of the boxes that describe your relationship to the respondent or the relationship between other persons needing protection and the respondent. To qualify for an OFP, you only need to meet one of these requirements. If you check the last box, "Significant romantic or sexual relationship," you must also fill in the blanks next to it.

Current or Prior OFP and Case Information

9. This section needs to be completed if you or other persons needing protection have an OFP **in effect now** with the respondent. Answer all of the questions here, if known.
10. This section needs to be completed if you or other persons needing protection have had an OFP **in effect in the past**. Write the court file number and the county and state where the past OFP was filed, if known.
11. If you and the respondent have been jointly involved in other Court cases, check the box(es) of the types of cases and write the case type, number, state and county, year the cases were filed and the names of any children involved, if known.

Abuse Information

12. Write details about the most recent domestic abuse committed by the respondent. See the DEFINITIONS on Page 1 of these Instructions to be sure that what you describe are acts of domestic abuse. If possible, answer the questions provided. Be as specific as possible. Include the date or approximate date that the abuse occurred.

If you need more room to write about the domestic abuse, you may use the "Attachment for Description of Additional Abuse" on page 12 of Form OFP102. You may also use an additional sheet of paper to describe the abuse. Please provide the court administrator with any additional sheets of paper describing the abuse.
13. If there is a history of abuse between you or other persons needing protection and the respondent, briefly describe that abuse here.
14. Write why you believe that the domestic abuse will continue and why you or other persons needing protection are in immediate danger from the respondent.
15. Check yes if the respondent works or attends school at the same place where you or other persons needing protection work or attend school. Check no if the respondent does not work or attend school at the same place as you or other persons needing protection.

Requests for Relief – No Hearing Required

You may ask the judge to order the respondent to do certain things or to stop doing certain things to help keep you safe. This is called "requesting relief." Some types of relief can be ordered by the judge without requiring a hearing, but other types of relief require a hearing to be held.

16. This section details the type of relief that the judge can order WITHOUT requiring a hearing. Please read this

section carefully before requesting relief. You may check more than one box.

It is possible that the judge will not grant the OFP. If this happens, you have the right to request a hearing so that you can explain to the judge why the OFP should be granted. The respondent has the right to be present at a hearing. Some petitioners do not want to do this because they do not want the respondent to find out they applied for an OFP. If this is the case, check the box in this section stating that you do not want a hearing.

THE JUDGE MAY DECIDE THAT A HEARING IS REQUIRED EVEN THOUGH YOU DO NOT WANT A HEARING TO BE HELD. THE RESPONDENT ALSO HAS THE RIGHT TO REQUEST A HEARING SO IT IS POSSIBLE THERE WILL BE A HEARING SCHEDULED WITHIN THE NEXT FEW WEEKS EVEN IF YOU DO NOT REQUEST A HEARING OR INDICATE ABOVE THAT YOU DO NOT WANT A HEARING. IF THE RESPONDENT DOES REQUEST A HEARING, THE COURT WILL MAIL A NOTICE OF THE HEARING DATE TO YOU AT LEAST 5 DAYS BEFORE THE HEARING. THE COURT MUST HAVE YOUR CURRENT ADDRESS AT ALL TIMES TO ENSURE THAT YOU GET ALL REQUIRED NOTICES.

- a. Check this box if you want the judge to grant an OFP right away. This is called an Ex Parte Order for Protection.
- b. Check this box if you want the judge to order the respondent not to cause you or the protected persons physical harm or fear of physical harm.
- c. Check this box if you want the judge to order the respondent not to have any contact with you or the protected persons. If you need to have some limited contact with the respondent, specify under what circumstances contact with the respondent is okay. For example, some petitioners may feel that email contact with the respondent for the purposes of arranging parenting time only is okay.
- d. This section asks questions about whether or not the respondent may come to your home or other places where you or protected persons live or spend time. If there is an exception, please write what the exception is. For example, if it is okay for the respondent to park at the curb in front of your home to exchange the children, write that in the “except as follows” section.

If you do not want the respondent to know your address, or if you do not want your address to be part of the public file, DO NOT WRITE YOUR ADDRESS HERE; instead, check the box indicating you want your address kept confidential and provide your address separately to court staff on the Confidential Address/Phone Request form OFP107.

- e. Check this box if there is a work address that you want the respondent to be ordered not to enter, and list the employer’s name and address and any exceptions here.
- f. Check this box if there is an additional address that you want the respondent to be ordered not to enter, and list that address and any exceptions here. For example, some petitioners write a daycare address here.
- g. Check this box if you want the judge to order that the respondent continue all insurance coverage which is currently available to you or protected persons without making any changes.
- h. Check this box if you want the judge to order that the possession and care of a pet or a companion animal be given to a particular person. Please provide the name, type and location of the pet or companion animal.
- i. Check this box if you want the judge to order the respondent not to abuse or injure the pet or companion animal you described in section (h).
- j. Check this box if you want the judge to direct the local police or sheriff to provide you with assistance, and be specific about the type of assistance you need. For example, some petitioners request the judge to

have the police or sheriff provide protection while the petitioner removes personal items from a home shared with the respondent.

- k. This section allows you to write in a form of relief that was not previously listed. It is up to the judge to decide whether the additional relief you write in this section requires a hearing or not.

Requests for Relief – Hearing Required

- 17. This section details the type of relief that the judge can order only after a hearing has been held. Please read this section carefully before requesting relief. You may check more than one box.
 - a. Check this box if you want the judge to give you temporary custody of joint minor children. If you check this box, you must also answer question 18.
 - b. Check this box if you want the judge to order the respondent to temporarily pay you a reasonable amount of money to support your joint minor children. If you check this box, you must also answer question 19.
 - c. Check this box if you want the judge to order the respondent to temporarily pay you a reasonable amount of money to help you pay living expenses, like rent or food. If you check this box, you must also answer question 19.
 - d. Check this box if you want the judge to award you the temporary use and possession of personal property. If you check this box, you must describe the property. Please list what the property is and where the property is located.
 - e. Check this box if you want the judge to order the respondent not to dispose of or destroy personal property. If you check this box, you must describe the property. Please list what the property is and where the property is located.
 - f. Check this box if you want the judge to order the respondent to pay you for expenses resulting from the abuse. Expenses may include medical bills or the cost to replace or repair destroyed or damaged property. If you check this box, you must also answer question 20.
 - g. Check this box if you want the judge to order the respondent to attend counseling, alcohol or drug treatment, or obtain a mental health evaluation.
 - h. Check this box if you want the judge to order the respondent not to possess firearms or ammunition. Under federal law, it is a crime for the respondent to possess or transport firearms or ammunition while there is a “qualifying protective order” in place. In order for an OFP to be a “qualifying protective order,” a hearing must be held and other requirements must also be met. If you have concerns about this question, or how your safety may be affected by the respondent’s access to firearms or ammunition, please speak with an advocate or an attorney. To be connected with an advocate, you may call the Day One MN Domestic Violence Crisis Line at 1.866.223.1111.
 - i. Check this box if you want the judge to grant the OFP for a period of up to 50 years. Check the box that states why you qualify for an OFP for a period of up to 50 years. You may qualify if:
 - 1. The same respondent violated a prior OFP protecting you two or more times (a violation does not have to result in a conviction); or
 - 2. You have had two or more OFPs against the same respondent.

18. Temporary Custody and Parenting Time

- a. If you want the judge to give you temporary custody of joint minor children, write the names of the children here and the reason why you should be awarded temporary custody.
- b. Write what parenting time, if any, you think the respondent should have with the joint minor children. Check the box next to the choice you want and explain your choice(s) on the lines provided. If you want the respondent's parenting time to be restricted or supervised, please write the reasons why. If you have other requests that have to do with temporary custody and parenting time, please check the box marked "other" and explain.

19. Temporary Financial Support

- a. Please check the type of temporary financial support you are requesting from the respondent, if any. You may choose child support, spousal maintenance, and/or medical support or health insurance. In order to help the judge decide how much financial support you need, please answer the questions about your income and expenses. Answer the questions here about the respondent's income and expenses here, if known.
- b. Write in the amount you have to pay for child care, if any.
- c. Check the box that shows what type of health insurance you or your children have, if any.
- d. Write in any other information about why you want or need temporary financial support from the respondent.

20. Restitution

You may ask the judge to order the respondent to pay you for expenses resulting from respondent's abuse. These may include medical bills or the cost to replace or repair damaged property or the expense to change locks. Please describe the expenses here and write the total dollar amount.

PLEASE NOTE: PROOF OF YOUR FINANCIAL LOSS MUST BE PROVIDED TO THE JUDGE at the time of the hearing. Proof of your financial loss may include receipts.

21. This section explains that if you, the judge or the respondent requests a hearing and the hearing is held, that you may ask the judge for any other relief at the hearing, even if you did not request that relief in this petition.

How to File the Order for Protection Petition

1. Read the "Notice to Petitioner Regarding Information Provided in Petition and Affidavit" (Form OFP103).
2. Complete the "Law Enforcement Information Sheet" (Form OFP105). This form will help the police find the respondent to personally serve the OFP. The information you write on this form may help the police do this more safely.
3. Complete the "Confidential Address/Phone Request" (Form OFP107) if you are requesting that your address or phone number be kept confidential.
4. Take the completed forms to the Court Administrator's Office.