

State of Minnesota

District Court

County of:	Judicial District: _____
	Court File Number: _____
	Case Type: Harassment

In the Matter of:

Petitioner (first, middle, last)

On behalf of:

Other persons needing protection (first, middle, last)

and for her/himself

vs.

Respondent (first, middle, last)

**Ex Parte Order Granting
Petition for Harassment
Restraining Order**

Minn. Stat. § 609.748

Based upon the Petition for a Harassment Restraining Order and other information provided to the Court, THE COURT FINDS:

There is an immediate and present danger of harassment to justify temporary relief.

- There are reasonable grounds to believe that Respondent has engaged in harassment which has or is intended to have a substantial adverse effect on the safety, security, or privacy of Petitioner or Petitioner's minor children or the person subject to guardianship by committing the following acts:
 - Physically or sexually assaulted the Petitioner;
 - Followed, monitored, or pursued the Petitioner;
 - Made uninvited visits to the Petitioner;
 - Made harassing phone calls or sent harassing text messages to the Petitioner;
 - Made threats to the Petitioner;
 - Frightened Petitioner with threatening behavior;
 - Called the Petitioner abusive names;
 - Damaged the Petitioner's property;

- Broke into and entered the Petitioner's residence;
- Stole property from the Petitioner;
- Took pictures of the Petitioner without permission of the Petitioner;
- Disseminated private sexual images of the Petitioner without permission of the Petitioner;
- Used personal information, without consent, to invite, encourage, or solicit a third party to engage in a sexual act with the Petitioner;
- Did acts repeatedly that meet the legal definition of "targeted residential picketing;"
- Attended public events after being notified that Respondent's presence at the events is harassing to Petitioner;
- Used social media to harass Petitioner;
- Other:

2. Petitioner requested a court hearing.

IT IS ORDERED:

The request for temporary relief is granted and:

1. Respondent shall not harass Petitioner Petitioner's minor children or the person subject to guardianship.

The minor children or the person subject to guardianship included in the Petition are:

a. Respondent shall have no direct or indirect contact with Petitioner Petitioner's minor children or the person subject to guardianship, including any visits or phone calls to the protected person(s), contact via electronic means such as email or social networking sites, threats or assaultive behavior to the protected person(s), damaging or stealing property belonging to the protected person(s), breaking into and entering protected person(s) residence, and/or taking pictures of a protected person without permission of the Petitioner.

b. The relief granted does not extend to the Petitioner's minor children or the person subject to guardianship. The relief requested for the Petitioner's minor children or the person subject to guardianship is denied because the harassment is not directed against the Petitioner's minor children or the person subject to guardianship.

c. Respondent is prohibited from being within _____ of Petitioner's home at:
(distance)

(address)

d. Petitioner's address is confidential. If Respondent knows or learns of Petitioner's address, Respondent is prohibited of being within _____ of Petitioner's home.

e. Respondent is prohibited from being within _____ of Petitioner's job site at:
(distance)

(address)

f. Other:

2. Any requested relief that is not specifically listed above is denied.

3. This Restraining Order is in effect until _____, unless changed by a later court order. **Respondent can ask the court to change or vacate the Harassment Restraining Order by filing a *Request for Hearing* (HAR301) within 20 days of the date of service of the petition.**

4. A hearing will be held on _____ at _____ o'clock ____ .m.
(date) (time)

(address)

The hearing is scheduled because Petitioner requested a hearing Petitioner requested a restraining order for longer than 2 years and the court wants more information about the need for a longer restraining order.

Respondent shall appear personally in Court for the hearing and explain why the requests made in the Petition should not be granted. Petitioner shall appear personally in Court for the hearing and provide proof that the statements in the Petition are true and that Respondent's actions are harassment.

5. Court Administration shall send a copy of this Order to the following law enforcement agencies with authority over the residence of the Petitioner. **Every police department and sheriff's office in the United States, including those affiliated with tribal and territorial lands, is responsible for enforcing this Order under 18 U.S.C. § 2265 Full Faith and Credit of Protective Orders.**

6. If Respondent is an organization, this order shall shall not apply to all members of the organization.

7. Other:

8. It is not a violation of this order if the parties pursue or participate in voluntary mediation through court approved mediation programs. The party wanting to mediate must contact the mediation program directly to arrange it. He/she may not contact the other party directly or through friends or relatives. The mediation programs will determine if mediation is acceptable under Minnesota mediation guidelines (Minn. Stat. § 494.03 and Minn. Gen. R. Prac. 114).

9. The sheriff of any county in Minnesota, or a peace officer, shall perform the duties relating to service of this Order without charge to the Petitioner.

10. Respondent is restrained from harassing, stalking, or threatening the protected person(s), or engaging in other conduct that would place the protected person(s) in reasonable fear of bodily injury to that person; and is prohibited from the use, attempted use, or threatened use of physical force against the protected person(s) that would reasonably be expected to cause bodily injury. 18 U.S.C. § 922(g)(8)(B) and (C).

NOTICE

If a hearing is scheduled and Respondent does not attend the hearing, a Harassment Restraining Order may be granted. Failure of Respondent to appear WILL NOT be a defense to criminal charges against Respondent for violation of any part of this Order. If Petitioner does not attend the hearing this case may be dismissed.

Any conduct by the Respondent in violation of the specific provisions provided in the "It is Ordered" section above constitutes a violation of this Harassment Restraining Order. A police officer shall arrest Respondent without warrant and take the Respondent to jail if a police officer believes that Respondent has violated this Restraining Order, and shall hold the Respondent in jail for at least 36 hours, excluding the day of arrest, Sundays, and legal holidays, unless the Respondent is released earlier by a judicial officer.

Violation of this Harassment Restraining Order may be treated as a misdemeanor, gross misdemeanor, or felony. A misdemeanor violation may result in a sentence of up to 90 days in jail and/or a \$1000.00 fine. Some repeat violations are gross misdemeanors and may result in a sentence of up to one year in jail and/or a \$3,000.00 fine. Other violations are felonies and may result in a sentence of imprisonment for up to five years and/or a \$10,000 fine.

Federal law may prohibit shipping, transporting, possessing or receiving firearms or ammunition while this order is in effect. 18 U.S.C. § 922(g)(8).

Dated: _____
_____ Referee of District Court

Dated: _____
_____ Judge of District Court

Distribution

_____ Copy for Petitioner _____ Copy for Respondent
_____ Copy for local police department _____ Copy for Sheriff
_____ Other: _____