



# MINNESOTA GUIDE & FILE

## NEXT STEPS: Order for Protection (Paper Filing)

**!** **Consider getting help from an advocate.** A domestic abuse advocate knows the court process and can support you through all the steps. There is a statewide directory of advocacy agencies at <http://www.vfmn.org>, that is a resource available for all domestic abuse victims, and also by 24 hour phone line at **866-223-1111**.

Below are the next steps for filing an **Order for Protection** 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 *Petition for an Order for Protection* (OFP102) 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* (OFP105) 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"> <li>• File the original <i>Petition for Order for Protection</i> (OFP102), along with any attachments, and the <i>Law Enforcement Information Sheet</i> (OFP105) with court administration.</li> <li>• If you asked to keep your address and/or phone number confidential, you will also need to file the <i>Respondent's Request to Keep Address/Phone Confidential</i> (OFP107).</li> </ul>	<ul style="list-style-type: none"> <li>• 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 <a href="http://mncourts.gov/efile">http://mncourts.gov/efile</a>.</li> <li>• 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) (<a href="https://www.revisor.mn.gov/court_rules/rule.php?type=gp&amp;id=14">https://www.revisor.mn.gov/court_rules/rule.php?type=gp&amp;id=14</a>).</li> </ul>

- Contact Court Administration in the county where you are filing your information on how to file your forms. You can find contact information online at <https://www.mncourts.gov/Find-Courts.aspx>.

- 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 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 Order for Protection (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)?
- 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 did not order a hearing, the Respondent has the right to request a hearing within 5 days of service of the petition and Ex Parte Order.

If a hearing is ordered, the Order for Protection (OFP) will be in effect until the date of the hearing. Depending on what happens at the hearing, the OFP may or may not continue.

- If the judicial officer **DENIES** the request for the Ex Parte Order **and** you have asked for 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 to Respondent. There will be no OFP in effect before the hearing. You **must** attend the hearing. If you do not attend the hearing, the OFP 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 domestic abuse, or may not have enough information to make a decision. You can talk to a domestic abuse advocate or get legal advice to see what your options might be.

## STEP 5: Service on Respondent

- A copy of any order (except dismissed OFPs) 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.

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=17&f=324> . File the original, completed and signed form with the court.
- If the Respondent cannot be served within 14 days from the date the Ex Parte Order is signed, and an *Affidavit and Order for Alternate Service or Publication* is not filed, the Ex Parte Order will expire. An OFP issued **after** a hearing will not expire if the Respondent cannot be served.

## STEP 6: Prepare for the hearing and go to court (if hearing scheduled)

- If a hearing is scheduled, you **must** attend the hearing. If you do not attend the hearing, the OFP 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** and offer evidence about the domestic abuse.

### 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), contact 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>