

INSTRUCTIONS

Asking for an Order for Protection (OFP)

Minn. Stat. § 518B.01

<https://www.revisor.mn.gov/statutes/cite/518B.01>

To be connected with an advocate, you may call the Day One® MN Domestic Violence Crisis line at **1.866.223.1111**.

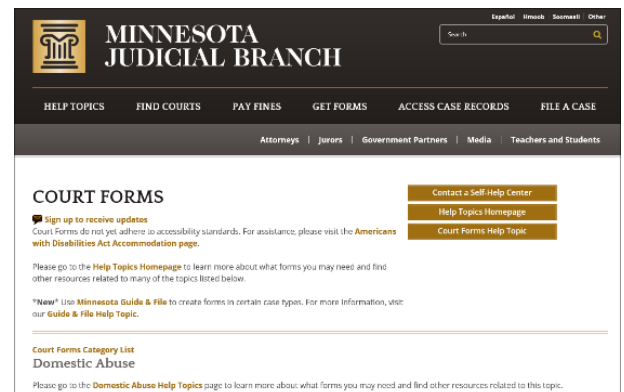
Please consider talking with an advocate. Advocates have knowledge about domestic or sexual violence and may be able to help you apply for an OFP and stay safe. An advocate may also be able to connect you with an attorney experienced with helping people in your situation.



Did you know? Minnesota Guide & File is an online tool that will help you create the forms you need to ask for an OFP. <https://minnesota.tylerhost.net/SRL/SRL/#>

If you decide to fill out the forms by hand, then you may need the following for your domestic abuse/OFP case:

- *Petition for OFP* (OFP102)
- *Other Minor Children with Respondent* (OFP904) attachment, if necessary
- *Law Enforcement Information Sheet* (OFP105)
- *Confidential Address/Phone Request* (OFP107)
- *Notice to Petitioner Regarding Information Provided in Petition* (OFP103)



You can find these forms online:

- <http://mncourts.gov/GetForms.aspx?c=17>, or
- <http://mncourts.gov/GetForms.aspx>, then choose the “Domestic Abuse” category.

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 court administration or call the Minnesota State Law Library at 651-297-7651.

Important Information about OFPs

The information contained in this document is not intended as legal advice but as a general guide to explain the legal process. *If you do not understand* any of these procedures, talk to an attorney. Court employees may be able to provide clerical assistance and give general information on court rules and procedures, but they cannot give legal advice.

Got a question about court forms or instructions?

- Visit www.MNCourts.gov/SelfHelp
- Call the Statewide Self-Help Center at (651) 435-6535
- Domestic Abuse and OFP Help Topic: <http://mncourts.gov/Help-Topics/Domestic-Abuse-and-Harassment.aspx>

Not sure what to do about a legal issue or need advice?

- Talk with a lawyer
- Visit www.MNCourts.gov/Find-a-Lawyer.aspx

What Is an Order for Protection?

An Order for Protection (OFP) is an order signed by a judicial officer (judicial officer or referee) 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 judicial officer agrees to list on the OFP. You can also ask the judicial officer 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 person you are seeking protection from is called the **respondent**.

The petitioner may apply for an OFP if:

- Domestic abuse has occurred; **AND**
- The petitioner and respondent are family or household members.

Please see the legal definitions below to see if domestic abuse has happened in your situation, and to see if the petitioner and respondent are family or household members.

On Behalf Of

In certain situations, a petitioner may 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 judicial officer finds that it is in the best interest of the minor.

Additionally, a legal guardian of an adult may apply on behalf of the adult ward. A guardianship order from a court must be in place.

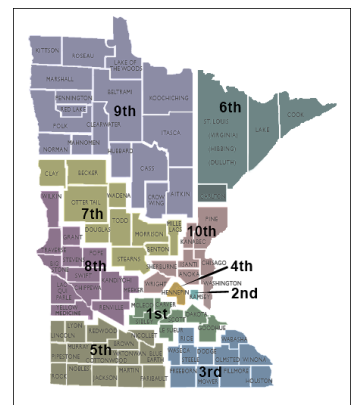
A person aged 16 or 17 may apply for an OFP on their own if there has been domestic abuse, and the respondent is someone the petitioner:

- Is married to;
- Was married to; or
- Has a child with, if the judicial officer 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?

A petitioner may apply for an OFP:

- In the county where the petitioner lives;
- In the county where the respondent lives;
- In the county where the domestic abuse happened;
- 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 child custody case; or
- In the court with jurisdiction over divorce actions.



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

There is **no cost** to apply for an OFP. If the judicial officer grants the OFP, then the OFP must be personally delivered to (served on) the respondent. There is **no cost** to the petitioner for serving the respondent and no cost for the respondent to request a hearing.

Definitions

See Minn. Stat. § 518B.01, subd. 2:

<https://www.revisor.mn.gov/statutes/cite/518B.01#stat.518B.01.2>.

Domestic Abuse. Minnesota law defines **domestic abuse** as any of the following conduct between family or household members, regardless of whether the conduct has ever been reported to the police:

- a. Actual physical harm, bodily injury, assault (such as hitting, kicking, slapping, pushing, stabbing), or infliction of 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.

- a. Married persons;
- b. Persons who were married, but are now divorced;
- c. Parents, children;
- d. Persons related by blood or adoption (such as sisters, brothers, aunts, uncles, 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; or
- h. Persons involved in or who were involved in a significant romantic or sexual relationship (regardless of sexual orientation).

According to Minnesota law, to qualify for an OFP, the situation must include “domestic abuse” AND “family or household members” as defined above. If your application DOES NOT involve "domestic abuse" AND "family or household members" you may still be able to apply for a Harassment Restraining Order (HRO). Please ask at the court administrator's office, or look online at <http://mncourts.gov/GetForms.aspx?c=22&p=77>, for HRO information, forms, and instructions.

If your situation DOES involve "domestic abuse" AND "family or household members," you may complete the *Petition for Order for Protection* (OFP102) according to the following instructions.

Step 1

Please Read *Important Notices to Petitioner Sheet* (OFP103)

This document explains who will be able to see the information you include in your forms, and what to do if your address or phone number changes.

Step 2
Fill Out *Petition for Order for Protection* (OFP102)



Every question on the *Petition* (OFP102) and in the Guide & File “Protective Orders” interview is important. The judicial officer uses your information to decide whether to issue an OFP. If you choose not to provide all of the information, the judicial officer may not be able to grant your request and issue an OFP.

Whatever information you give to the court will become public information as soon as the court receives notice that the Respondent has been served with the OFP or Order for Hearing. You may, however, file a *Confidential Address/Phone Request* form (OFP107) to ask the court to keep your address and/or telephone number confidential in this case.

<p>State of Minnesota</p> <p>County A</p> <hr/> <p>In the Matter of: B1</p> <p>_____ Petitioner (first, middle, last)</p> <p><input type="checkbox"/> On behalf of: Other persons needing protection (first, middle, last)</p> <p>_____ _____</p> <p>B2</p> <p>B3 <input type="checkbox"/> and for her/himself</p> <p>vs.</p> <p>_____ Respondent (first, middle, last) C</p>	<p style="text-align: right;">District Court</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>Judicial District:</td> <td>_____</td> </tr> <tr> <td>Court File Number:</td> <td>_____</td> </tr> <tr> <td>Case Type:</td> <td>Domestic Abuse</td> </tr> </table> <p style="text-align: center;">Petition for Order for Protection</p> <p style="text-align: center;">Minn. Stat. § 518B.01</p>	Judicial District:	_____	Court File Number:	_____	Case Type:	Domestic Abuse
Judicial District:	_____						
Court File Number:	_____						
Case Type:	Domestic Abuse						

The Caption

- A. List the county where you will be applying for an OFP.
- B. This is the petitioner section.
 - 1. List your full name.

*If you are filing **on behalf of** someone else:*

2. Check the box, and list the full name for each person on behalf of whom you are applying for an OFP.
3. Check the box next to “and for her/himself” *if* you also need protection and want the OFP to apply to you.

C. List the respondent’s full name (the respondent is the person you want protection from).

For the rest of Step 1, the numbered paragraphs in this document (OFP101) go with the same paragraph numbers on the form you are filling out (*Petition for Order for Protection*, OFP102).

Petitioner Information

1

1. **Petitioner Information (You)**

Name: (first, middle, last) _____

Race: _____ Gender: male female

Date of birth: (month/day/year): _____

(for federal reporting purposes)

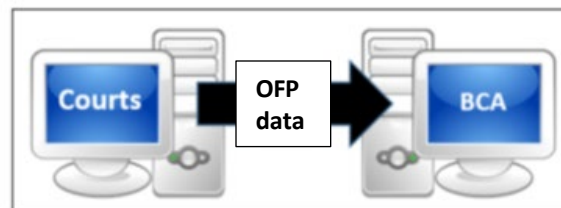
1. Enter information about **you** in this section. Start with your name, race, gender, and date of birth.

A Note about Gender:

The court recognizes that binary gender options of male and female do not fully represent the gender identifies of all individuals.

The court has to pass information electronically to the Bureau of Criminal Apprehension (BCA) in order for law enforcement to be able to see the OFPs in a statewide system. The court is limited to the gender options allowed by the Federal Bureau of Investigation (FBI) – male and female.

If you do not choose male or female, OFP data cannot be passed to the BCA. That means law enforcement will not have access to the electronic version of any OFP.



Note: You may ask the court to keep your address and/or phone number confidential by filing the *Confidential Address/Phone Request* form (OFP107).

a **Address:**

I am requesting that my **address** be kept confidential by submitting the completed *Confidential Address/Phone Request* form (OFP107) to the court. **(NOTE: If you choose this option, DO NOT fill in your address below.)**

OR

I am not requesting that my address be kept confidential. My address is:

My Address: _____

City, State, Zip Code: _____

b **Phone Number:**

I am requesting that my **phone number** be kept confidential by submitting the completed *Confidential Address/Phone Request* form (OFP107) to the court. **(NOTE: If you choose this option, DO NOT fill in your phone number below.)**

OR

I am not requesting that my phone number be kept confidential. My phone number is:

Telephone: (_____) _____

- a. Check one of the boxes regarding your address.
- b. Check one of the boxes regarding your telephone number.

NOTE: If you ask the court to keep your address and/or phone number confidential, **DO NOT** included that information anywhere in the *Petition*.


Email Notification of Service

2. Email Notification of Service

By providing my email address below, I ask to be notified by email when the respondent is served with the OFP. I understand that:

- This is the only email I will receive from the court about the OFP unless I have signed up to receive other court notices via email,
- It will only be possible for the court to notify me by email when service information is received by the court,
- A technical or other error could happen that prevents the successful delivery of the email,
- I have other options to learn of the service of the OFP on the respondent, including contacting law enforcement directly, and
- I must provide a valid email address in order to receive this notification of service.

THIS EMAIL ADDRESS WILL BE SEEN BY THE RESPONDENT:

Email address: _____ **2** 

2. Read the information in the “Email Notification of Service” section carefully.

If you would like you receive an email notification when service has happened, add an email address where you would like to receive that notices.

NOTE: This email address is not confidential.

LEAVE THIS BLANK if you do not want to receive an email notification regarding service.

Who Needs Protection?

3 Who needs protection?

Me (Petitioner)

My minor children

A person for whom I am the legal guardian (attach Guardianship Order)

A minor child who is not my legal child, but is a family or household member of mine

Other: _____

For anyone you checked above, other than you, please fill out the following:

Name (first, middle, last)	Race	Gender	Date of Birth	Lives with you?	How do you know this person?	How does this person know the Respondent?
		<input type="checkbox"/> M		<input type="checkbox"/> Yes		
		<input type="checkbox"/> F		<input type="checkbox"/> No		
		<input type="checkbox"/> M		<input type="checkbox"/> Yes		

3. In the first part of #3, check all the boxes that apply. If you checked a box for anyone other than yourself, then fill out the chart for each other person.

MINOR CHILDREN

Questions #4 and #5 are about **OTHER MINOR CHILDREN** (not anyone you listed at #3).

4 MINOR CHILDREN

Do you have any other minor children with the Respondent who are not listed at #3?

Yes No

If Yes:

- How many? _____
- Complete one *Other Minor Children with Respondent* attachment (OFP904) for each child not listed at #3.

5 Are there any other minor children living with you that are not listed above at #3 or #4 (even if you are not related to them)? Yes No

If Yes, complete the information below:

Name (first, middle, last)	Date of Birth	How do you know this child?	How does this child know the Respondent?

4. If you and the respondent have any minor children together (biological or adopted), check **Yes**, and then:
- List how many; and
 - Fill out the *Other Minor Children with Respondent* attachment (OFP904).
5. If any other minor child (not listed at #3 or #4) lives with you, check **Yes**, and then fill out the chart.

RESPONDENT

6. This is the section where you give the court information about the **RESPONDENT** (the person you want protection from).

Note: If the respondent is a minor (under the age of 18), then you should also list:

- The name of respondent's parent or guardian; and
- The parent or guardian's address.

If the respondent is a minor, the respondent *and* the respondent's parent or guardian must be served with the OFP.

7 How does the person needing protection know the Respondent? (Check all that apply)

Married. Marriage date: _____

Divorced. Marriage date: _____ Divorce date: _____

Currently living together since _____ (date)

Used to live together (from ____/____/____ to ____/____/____)

Have a child together

Have an unborn child together

Parent/Child

Related by blood

Significant romantic or sexual relationship

The relationship lasted from (date): _____ until _____

How often did you have contact with Respondent during that time? _____

7. In #7, you are telling the court how each person who needs protection (look at the boxes you checked at #3) knows the respondent. Check all of the boxes that apply to your situation.

Questions #8 through #10 are about **OTHER COURT CASES**.

8. If there is a *current* OFP (one that is in effect right now), between anyone listed at #3 and the respondent, check **Yes**, and answer the questions about the OFP. If there is more than one current OFP, add another sheet of paper.
9. If there have ever been any OFPs between respondent and anyone listed at #3, check **Yes**, and answer the questions about the past OFPs. There is room for you to list three past OFPs; if there were more than three, add another sheet of paper.
10. This section is asking whether there are or have been any other cases that involved respondent *and* anyone listed at #3. Examples of other court cases are:
- Family court cases (like divorce/dissolution or custody);
 - Domestic abuse criminal cases; and
 - Harassment restraining order (HRO) cases.

There is room to describe five cases. If you need more space, add another sheet of paper. **If you are not sure of the details, contact court administration for help.**

Question #11 is about the **DOMESTIC ABUSE**. It has many sections to help you describe what happened:

- Date;
- Who was present;
- Respondent’s conduct (threatening or harmful conduct that caused you, and anyone else listed at #3, to be afraid);
- Weapons (if any);
- Injuries (if any);
- 911 or emergency call (if one was made); and
- Law enforcement involvement.

11 **WHAT HAPPENED?** Why do you (or the other person listed at #3) need an OFP?
Describe the domestic abuse by answering the questions below. If there are several dates, start with the most recent incident, and use the *Description of Abuse Attachment* to describe what happened on the other dates.

Most Recent Incident

Date of most recent domestic abuse: _____

11. In this long section, describe the domestic abuse. **If there are several incidents**, start with the **most recent incident**. Then describe the other incidents on the *Description of Abuse Attachment*.
12. In addition to what you listed at #11, if respondent has a **history of abuse**, you may explain that history at #12.
13. Check the box to let the court know whether you believe the domestic abuse will continue and whether you (or others named at #3) are in immediate danger; then explain your answer.
14. Check the box to let the court know whether the respondent works or goes to school at the same place as you (or others named at #3). If the answer is **Yes**, explain.

The next section of the form is where you let the court know what kind of “relief” you want. You may ask the court to order the respondent to do certain things, or to stop doing certain things, to help keep you safe. This is called “requesting relief.”

The court can order the things listed in #15 *without a hearing* through an *Ex Parte* order.



However, there *must be a hearing* if you ask for anything listed in #16 through #22.

Relief that does not require a hearing

I understand that asking for things in #15 (a) through (k) **does not** require a hearing to be held.

I understand that if the court issues an Ex Parte Order (an order based only on my affidavit and petition), the judicial officer (judge or referee) *may* set a hearing or the Respondent *may* request a hearing.

I understand that if the court does not issue an Ex Parte Order, the judicial officer may either:

- Dismiss the matter; **or**
- May set a hearing, *unless I do not want a hearing.*

If you *do not want a hearing*, check the following box:

I DO NOT want a hearing. If the court does not issue an Ex Parte Order, I ask that no hearing be scheduled and that the matter be dismissed. I understand that this means there will be no Order issued and this case will be closed.

Read this section carefully to see what may happen when the judicial officer looks at your *Petition for OFP*.

It is possible that the judicial officer will not grant the OFP. If this happens, you have the right to ask for a hearing so that you can explain to the judicial officer why the OFP should be granted. The respondent has the right to be present at the 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 you do not want a hearing at all, let the court know by checking the box in this section.**

IMPORTANT NOTE:

The judicial officer may decide that a hearing is required *even though you may not want a hearing*. The respondent also has the right to ask for a hearing, **so it is possible there will be a hearing scheduled within the next few weeks**, even if you do not ask for a hearing, and even if you check the box saying you do not want a hearing.



If the respondent asks for 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 so that you will get all required notices.**

Based on this affidavit, I am asking the court to order the following relief:

15 I ask the court to order the things I check below in (a) through (k):

15. There are eleven (11) things you can ask for in #15, each marked with a letter (a through k).

- a. Check this box if you want an *Ex Parte Order for Protection*, which means you want the judicial officer to grant an OFP right away, without a hearing.

b. Check here if you want the judicial officer to order the respondent not to cause anyone listed at #3 above any physical harm, or any fear of physical harm.

c. Check “c” if you want the court to order the respondent not to have contact with anyone listed at #3.

c. Order Respondent to have no contact with the protected person(s) whether in person, with or through other persons, by telephone, mail, e-mail, through electronic devices, social media, through a third party, or by any other means, **except as follows:**

- If you need to have some *limited* contact with the respondent, describe what kind of contact is okay. For example, some petitioners may feel it is okay for the respondent to contact them by email, but only to arrange parenting time exchanges.
- If you need more space for your answer, add paper.

d. This section asks whether or not the respondent may come to your home or other places where you or anyone listed at #3 live or spend time. If there are exceptions, please describe. For example, if it is okay for the respondent to park at the curb in front of your home to exchange the children for parenting time, you can write that in the “except as follows” section.

For “d” - you can also ask the court to order the respondent to stay away from a reasonable area surrounding the home (you should describe what you mean).

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 showing you want your address kept confidential, and use *Confidential Address/Phone Request (OFP107)* to give your address to the court.

- e. Check this box if there is a work address that you want the respondent to stay away from, and list the employer’s name and address, and any exceptions.
- f. Check this box if there is an additional address that you want the respondent to stay away from, such as a school or daycare. List the address and any exceptions.
- g. Check “g” if you want the court to order the respondent to keep the insurance in place, without any making any changes in coverage or beneficiaries.
- h. Check this box if you have a specific request about who should keep and take care of any pets or companion animals. Give the animal’s name, type, and location.
- i. If either party, or a minor child who lives in or is a household member of either party, has a pet or companion animal, then check “i” to ask the court to order the respondent not to abuse or injure the animal as a way of threatening the safety of the other party or minor child.
- j. Check this box if you need law enforcement to help you in some way, and describe what you want the court to order law enforcement to do (for example,

provide protection as you collect your belongings from a home you share with the respondent).

- k. If there is something else you want the court to order, and it is not covered already in #15 through #23, you can list it here. The judicial officer will decide whether anything you ask for in “k” will require a hearing.



If you do not want a hearing, you should not check Yes to anything in #16 through #22.

Relief that requires a hearing

In addition to what you asked for in #15, you may ask the court to order any of the relief listed below in #16 through #22. NOTE: **a hearing must be held** if you ask for anything listed below:

Questions #16 through #22 deal with the following types of requests:

16. **Temporary custody and parenting time.** You may be able to ask the court to make temporary orders about custody, parenting time, or support for a minor child that you and respondent have together. However, **paternity must be established** by marriage, Recognition of Parentage, or a court order regarding paternity. There may also be an order regarding *third party custody* involving the children and an adult other than the parents.

17. **Financial Support.** Answer these questions if you want the respondent to provide temporary support for:

- Your minor joint child;
- Your own living expenses (but only if the respondent is your spouse); and/or
- Medical support or health insurance.

In order to help the judicial officer decide how much financial support you need, please:

- Answer the questions about your income and expenses;
- Answer the questions about the respondent (if you know the answers);
- Answer the questions about health insurance and child care; and
- Include any other information about why you need the respondent to provide you with temporary financial support.

18. **Property.** Use this section to ask the court to give you the temporary use and possession of personal property, or to ask the court to order the respondent not to get rid of or destroy property. Please list what the property is and where it is located.

19. **Restitution.** If you want the court to order the respondent to pay you for expenses resulting from the domestic abuse, answer the questions in this section. If you ask for

restitution, be prepared to bring receipts or other proof of the expenses to the court hearing.

20. **Counseling, treatment, or services.** Use this section if you want the court to order the respondent to go to counseling or treatment, or to get a mental health evaluation.

21. **Firearms and Ammunition.** 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.

22. **Extended time frame for OFP.** If the respondent has violated an OFP two or more times, or if anyone listed at #3 has had two or more OFPs against the respondent, you can ask that *this OFP* be in effect for up to 50 years.

23. You do not have to check anything for #23.

Signature Block

I declare under penalty of perjury that everything I have stated in this document is true and correct. Minn. Stat. § 358.116.	
Dated: _____ B	Petitioner's Signature _____ A
County and state where signed _____ C	Name: _____
	<i>If you have asked to keep your address and/or phone number confidential, do not include it here.</i>
	Address: _____
	City/State/Zip: _____ D
	Telephone: _____
	E-mail address: _____

A. Sign your name under penalty of perjury. Then print your name on the line under your signature.

By signing your name under penalty of perjury, you are stating that the information in the document is true to the best of your knowledge. 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>).

B. List the date you signed the form.

C. List the county and state you were in when you signed the form.

- D. This section is for your address, telephone number, and email address. **However, if you are asking the court to keep your address and/or telephone number confidential, do not list the information here.** Instead, fill out and file the *Confidential Address/Phone Request* form (OFP107).

Step 3

Fill Out the *Law Enforcement Information Sheet* (OFP105)

The *Law Enforcement Sheet* (OFP105) is found online at http://mncourts.gov/mncourtsgov/media/CourtForms/OFP105_1.pdf?ext=.pdf. This form will help law enforcement find the respondent to personally serve the OFP. Fill in as much information as possible. The information you give may help them do this more safely.

Step 4

Fill Out the *Confidential Address/Phone Request* (OFP107)

(only if you are asking that your address and/or phone number be kept confidential)

The *Confidential Address/Phone Request* (OFP107) is found online at <http://mncourts.gov/mncourtsgov/media/CourtForms/OFP107.pdf?ext=.pdf>.

Step 5

File Completed Forms with Court Administration

The following forms should be filed with court administration:

- *Petition for Order for Protection* (OFP102);
 - Include the *Other Minor Children with Respondent* attachment form (OFP904) if necessary – see paragraph #4 in Step 2 above);
- *Law Enforcement Information Sheet* (OFP105); and
- *Confidential Address/Phone Request* (OFP107) – only if you are asking that your address and/or phone number be kept confidential.

You can file the forms in the following ways:

- In person at the courthouse;
- By mail; or
- Electronically through the eFS System.

- NOTE: once a party files electronically, they are required to use the eFS System throughout the entire case; this means they cannot go back to paper filing in that case).
- For more information about electronic filing and the eFS System, see <https://minnesota.tylerhost.net/>.

Step 6

After You File...

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.

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.

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.

Service is complete when law enforcement personally delivers a copy of the papers to Respondent. It may take them several tries to serve the Respondent, which could take a week or more.



If law enforcement is not able to serve Respondent within 14 days, the Ex Parte Order will expire UNLESS, before the end of the 14 days, you file the *Affidavit in Support of Request for Alternative Service or Publication* form (OFP501). This form is available on the Minnesota Judicial Branch website at <http://www.mncourts.gov/GetForms.aspx?c=17&f=324>.

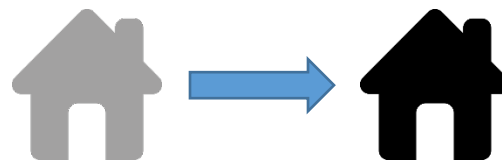
NOTE: An OFP issued **after** a hearing will not expire if the Respondent cannot be served.

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.

New address? If an address changes, you must immediately notify:

- Court administration; and
- Local law enforcement agency where you now live.



You can use the *Notice of Change of Address* form (OFP801), which is available online at <http://mncourts.gov/GetForms.aspx?c=17&f=329>.

If the new address is confidential, use the *Confidential Address/Phone Request* form (OFP107) instead (<http://mncourts.gov/GetForms.aspx?c=17&f=318>). **NOTE:** The Cover Sheet for Non-Public Documents Form 11.2 (CON112) must be used when filing this document in paper form.

Other OFP Forms

Other OFP-related forms are available online starting at <http://mncourts.gov/Help-Topics/Domestic-Abuse-and-Harassment.aspx#tab02Forms>:

- *Notice of Change of Address* (OFP801) – used to let the court know that you have a new address
 - If the new address is confidential, use the *Confidential Address/Phone Request* (OFP107) instead
- *Affidavit and Motion to Modify Order for Protection* (OFP401) – used to ask for a change (modification) of the OFP
- *Petitioner’s Request for Dismissal of Order for Protection* (OFP601) – used to ask the court to dismiss the OFP

- *Affidavit in Support of Order to Show Cause for Contempt* (OFP301) – used to let the court know that the respondent has violated the OFP
- *Application for Extension of OFP* (OFP701) – used to ask the court to extend the length of time that the OFP will be in place.