

State of Minnesota

County

District Court

Judicial District: _____

Court File Number: _____

Case Type: Harassment

Petitioner

vs.

Respondent

**Order Granting
Petition for Ex Parte
Harassment Restraining Order**
(Minn. Stat. §609.748)

Based upon Petitioner's Affidavit and 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 harassed Petitioner (or minor children included in the petition) as follows:

- ☐ Physically or sexually assaulted the Petitioner;
- ☐ Followed, pursued or stalked the Petitioner;
- ☐ Made uninvited visits to the Petitioner;
- ☐ Made harassing phone calls to the Petitioner;
- ☐ Made threats to the Petitioner;
- ☐ Frightened Petitioner with threatening behavior;
- ☐ Broke into and entered the Petitioner's residence;
- ☐ Damaged the Petitioner's property;
- ☐ Stole property from the Petitioner;
- ☐ Took pictures of the Petitioner without permission of the Petitioner;
- ☐ Did acts repeatedly that meet the legal definition of "targeted residential picketing;"
- ☐ Pattern of attending public events after being notified that Respondent's presence at the events is harassing to Petitioner;
- ☐ Other: _____

☐ The harassment has had or is intended to have a substantial adverse effect on Petitioner's safety, security, or privacy.

☐ Petitioner requested a court hearing.

IT IS ORDERED:

1. ☐ **The request for temporary relief is granted** and:
☐ Respondent shall not harass ☐ Petitioner ☐ Petitioner's minor child/ren or ward(s).



The minor child/ren or ward(s) included in the Petition are: _____

☐ Respondent shall have no direct or indirect contact with ☐ Petitioner ☐ Petitioner's minor child/ren or ward(s), including any visits to 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 the protected person(s) residence, and/or taking pictures of a protected person without permission of the Petitioner.

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

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

☐ Other: _____

2. ☐ This Restraining Order is in effect until _____ unless changed by a later court order. **Respondent can ask the court to change or vacate the Restraining Order by filing a Request for Hearing within 45 days of the date of this Order.**

3. ☐ A hearing will be held on _____ at _____ o'clock _____m at
(date)

(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.

☐ Other _____

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.

4. The Court Administrator shall send a copy of this Order to the following law enforcement agencies: _____ County Sheriff's Department and _____



_____ Police Department which have authority over the residence of the Petitioner(s). **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.**

5. If respondent is an organization, this order ☐ shall ☐ shall not apply to all members of the organization.

6. ☐ Petitioner made a request to keep information confidential.

This information shall not be accessible to the public, but shall be accessible to court personnel and law enforcement for purposes of service of process, conducting an investigation, or enforcing an order.

7. Other: _____

8. The sheriff of any county in Minnesota shall perform the duties relating to service of this Order without charge to the Petitioner.

9. 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).

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 Section 1 above constitutes a violation of this Harassment Restraining Order. A police officer shall arrest Respondent without warrant and take her/him to jail if a police officer believes that Respondent has violated this Restraining Order, and shall hold 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 judge or 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. A person who engages in a pattern of harassing conduct is guilty of a felony and may be sentenced to imprisonment for up to ten years and/or a fine of \$20,000.00.

Dated: _____

Referee of District Court

Dated: _____

Judge of District Court

Distribution

_____ Certified copy or original – Return to Court Administrator with Affidavit of Service attached

_____ Copy for Petitioner(s)

_____ Copy for Respondent(s)

_____ Copy for file until original returned

_____ Copy for local police department

_____ Copy for Sheriff

_____ Other: _____

