

Frequently Asked Questions About Orders for Protection

Minnesota Second Judicial District Court

What is an Order for Protection?

An Order for Protection (OFP) is a civil court order in which a petitioner (the person seeking the order) seeks a court order for him/herself and/or children that sets conditions on a respondent (the person the order is against) when domestic abuse is alleged. The conditions may include, but are not limited to: no harm, no contact, exclusion from residence/employment, custody/parenting time, child support, etc (see complete list below).

Orders for Protection are, most commonly, in effect for two years.

Although an OFP is not a criminal proceeding, there may be criminal penalties if the respondent violates the conditions outlined in the OFP.

The OFP is enforceable in all 50 states, the District of Columbia, tribal lands, and U.S. territories.

What is the difference between an Order for Protection (OFP), Harassment Restraining Order (HRO), and Domestic Abuse No Contact Order (NCO)?

OFPs and HROs are orders issued by a judge at the petitioner’s request through the civil court process, whereas a NCO is an order issued by a judge at the state's request through the **criminal court process**. Both a civil and criminal court order may be in effect at the same time.

	OFP	HRO
How do I qualify?	<ul style="list-style-type: none"> • Family/household member • Incident/s of domestic abuse 	<ul style="list-style-type: none"> • No relationship requirement • Repeated incidents of harassment or single incident of sexual or physical assault
What Conditions may be included?	<ul style="list-style-type: none"> • No harm • No contact • Exclusion from residence/employment • Custody/Parenting time • Child support • Spousal maintenance • Property • Treatment/counseling 	<ul style="list-style-type: none"> • No harassment • No contact • Stay away from residence/employment
How much does it cost?	No cost (fees waived)	\$322 or may be waived if you qualify

What is domestic abuse?

According to Minnesota Statute §518B.01, domestic abuse (if committed against a family or household member by a family or household member [outlined below]) is defined as (one or more of the following):

- Physical harm, bodily injury, or assault
- The infliction of fear of imminent physical harm
- Terroristic threats
- Acts of criminal sexual conduct

- Interference with an emergency call

Who qualifies as a "family or household member" as defined by the statute?

One or more of the following:

- Spouse or former spouse
- Live or have lived together
- Child in common (born or in utero)
- Related by blood
- Parents and children
- Significant romantic or sexual relationship

Where should I file my Order for Protection?

An application for relief may be filed in the court having jurisdiction. To determine if Ramsey County has jurisdiction, one or more of the following must apply:

- You or the respondent live in Ramsey county
- There is a pending or completed family court action in Ramsey County involving the you and the respondent
- The alleged abuse occurred in Ramsey County

To file in Ramsey County, contact the Domestic Abuse/Harassment office at 651-266-5130 to set up an appointment.

What is the process to file an OFP in Ramsey County?

1. Call to make an appointment (can take up to 2 hours).
2. Check in at front desk and fill out initial paperwork.
3. Turn in paperwork to clerk at front desk
4. A clerk will assist in drafting a Petition/Affidavit and proposed Order and set a court date if requested/required.
5. A clerk will bring the paperwork to be reviewed by the judge.
6. The clerk will give you the results of decision.
7. The clerk will make you copies and provide information.
8. The clerk will forward copies to the appropriate sheriff's department for service.

What should I bring to my appointment?

- The name, addresses and photo (if available) for the respondent.
- A written statement with dates (or approximate dates/frequency) and a description of incidents involving domestic abuse. Include:
 1. What is your relationship to the respondent?
 2. Start with the **most recent** incident and work your way back in time writing the **date/approximate date** that respondent did any of the following to **you or your children** (indicate which child)*:

- a. Physically abused you and/or your children (hitting, punching, choking, sexual abuse, etc);
 - b. Threatened to physically abuse you or your children;
 - c. Interfered with an emergency call;
 - d. Did something to make you afraid they would physically harm you (restraining, raising a fist to you, etc).
3. Indicate if the **police** were involved. Was the respondent **arrested? Charged?** Were you **injured?** Did you receive **medical attention?** Where?
 4. Write a short **history** statement indicating how long the abuse has been going on and give brief examples of past abuse.

**It will save you time, if you come with the statement prepared. If not, it will need to be written at the time of your interview*

- Complete addresses for locations you would like protected by your order (usually restricted to you or your children's residence, workplace, school, daycare).

Can I file an Order for Protection for minor/s?

Parents or guardians may request an order on behalf of their child/ren if there have been incidents of domestic abuse upon them.

Minors, age 16 or older, may request an order on their own behalf (without needing a parent or guardian to petition on their behalf) against a spouse, former spouse, or a person whom the minor has a child in common, if the Court finds the minor is mature, has good judgment, and the order is in the minor's best interest.

A reputable adult age 25 or older may file on behalf of minor family or household member, if the Court finds that it is in the best interests of the minor.

How do I file against more than one person?

If you wish to file against more than one person, you will need to have a separate appointment and petition for each respondent.

What relief may be granted?

The court may provide relief as follows (some conditions may require a hearing):

1. Restrain the respondent from committing acts of domestic abuse;
2. Order the respondent to have no contact with the petitioner;
3. Exclude the respondent from the petitioner's residence (or residence they share);
4. Exclude the respondent a reasonable area surrounding residence;
5. Award temporary custody or establish temporary parenting time;
6. Establish temporary support for minor children or a spouse;
7. Order treatment or counseling;
8. Award temporary use and possession of property
9. Exclude the respondent from the petitioner's place of employment
10. Continue insurance coverage without changes
11. Restitution

Is a hearing required to obtain an Order for Protection?

In some cases. In the following circumstances, there is a hearing:

1. The petitioner may request a hearing.
2. A hearing may be required if you request certain relief:
 - a. Child support/spousal maintenance
 - b. Custody
 - c. Treatment or counseling
 - d. Restitution
 - e. Distance provision
3. The Judge may order there to be a court hearing.
4. The respondent may request a hearing within 5 days of service.

May I be represented by an attorney?

You may choose to retain an attorney to represent you or you may represent yourself (*pro se*), however attorneys (i.e. public defenders) are not appointed to represent you in Domestic Abuse/Harassment cases.

How do I request a continuance for my court hearing?

You must submit any request and supporting documentation to continue the matter in writing (in person, by mail or fax) as soon as possible. The request will be forwarded to the judicial officer and the response, if any, will be provided to you.

How do I request for an interpreter?

You may contact the Domestic Abuse/Harassment Office at 651-266-5130 to order an interpreter for an appointment or court appearance in an Order for Protection or Harassment Restraining Order matter. The Domestic Abuse/Harassment office has Spanish and Hmong speaking staff usually available to assist in the filing of an order.

Where can I obtain subpoenas?

You may contact the Domestic Abuse/Harassment Office at 651-266-5130 to request subpoenas for a Domestic Abuse/Harassment hearing.

What happens at court?

- The respondent and petitioner are ordered to appear.
- The parties should bring a copy of their order and any witnesses or evidence to court with them.
- The parties may be represented by an attorney if they wish to hire one on their own.
- The judicial officer may ask the petitioner if they still want the Order.
- The judicial officer may ask the respondent how they would like to respond to the issuance of an Order for Protection.
- If the respondent requests an evidentiary hearing (trial) and there is not sufficient time to conduct a trial or if the respondent was not served with enough notice, the judicial officer may continue the case to another date.

- If there is a trial, the judicial officer will hear the case and either issue an order or dismiss it. If the order is issued, all or some of the requested relief may be granted.

Is there a filing fee to file for an Order for Protection?

There is no fee to file an Order for Protection.

How does the respondent find out about the Order?

The court clerk will forward a copy of the Ex Parte OFP/Petition and Affidavit to be personally served on the respondent to the appropriate sheriff's department, provided the petitioner gives the court an address where the respondent may be served. If the attempts to personally serve are unsuccessful, service by alternate means or publication will need to be sought in order to keep the Order in effect and fulfill the service requirement.

How does a respondent request a hearing?

When the respondent is served with the order without a hearing, a Request for Hearing form is attached. The respondent may request a hearing by completing and submitting this form to the court within 5 days of receiving the order. In the alternative, the respondent may call the Domestic Abuse/Harassment office to set up a hearing by phone at 651-266-5130.

How long is the Order in effect?

Orders for Protection are usually issued for two years.

What if I move?

The petitioner should submit a Notice of Change of Address form to the Domestic Abuse/Harassment office with any change in address and the court clerks will send a copy of the order to the new police department and note the new address in the file. The address may remain confidential.

How does a person extend, change or dismiss an OFP?

The party seeking a change to the OFP needs to file the appropriate paperwork with the domestic abuse office if s/he wishes to motion to extend, amend or dismiss the order. Court clerks will assist the party in filing the motion to modify which provides space to include what they request and why. If the motion requires an Order to Appear, a judicial officer needs to approve the order to have a hearing and a date will be set in which both parties should appear in court.

In most cases, the motion does not modify the order in any way until the court hearing.

For an extension of an order that is currently in effect, the petitioner should file the application to extend to Order for Protection about one or two weeks before the order expires. The statute allows the order to be extended if the:

- Respondent violated a prior or existing Order for Protection;
- Petitioner is in reasonable fear of physical harm from the respondent;
- Respondent has engaged in acts of harassment or stalking; or
- Respondent is incarcerated and about to be released, or has recently been released from incarceration.

What should I do if the respondent violates the order?

Contact law enforcement to report the violation.