

Method for Obtaining an Order for Protection or Restraining Order and Waiver of Filing Fee

WHAT IS DOMESTIC ABUSE

Under Minn. Stat. §518B.01, subd. 4(a), domestic abuse is defined as:

- Actual physical harm, bodily injury, assault (such as hitting, kicking, slapping, pushing, stabbing), or fear of imminent physical harm, bodily injury or assault (such as verbal threats, threatening gestures); or
- Terroristic threats (such as a threat to commit a crime of violence, bomb threats, or threatening someone when holding a gun): or
- Criminal sexual conduct (such as forced sex or forced sexual contact with an adult or any form of sexual contact with a child); or
- Interference with an emergency call (intentionally interrupts, disrupts, impedes or interferes with an emergency call or intentionally prevents or hinders another from placing an emergency call.)

If you believe you are a victim of any of these crimes you may apply for an Order for Protection

(OFP) if you are a family or household member of the alleged perpetrator.

A family or household member is:

- Married persons
- Persons who were married but are now divorced
- Parents, children
- Persons related by blood (brothers, sisters, uncles, aunts or grandparents)
- Persons who live together now or who lived together in the past
- Persons who have a child together, even if they have not been married or lived together
- Persons who have an unborn child together
- Persons involved in a significant romantic or sexual relationship

An OFP, if ordered by the court, may provide you with the following relief:

- Restrain the abusing party from committing acts of domestic abuse;
- Exclude the abusing party from the dwelling which the parties share or from the residence of the petitioner;
- Exclude the abusing party from a reasonable area surrounding the dwelling or residence;
- Award temporary custody or establish temporary parenting time regarding minor children of the parties;
- Establish temporary support for minor children or a spouse;
- Provide counseling or other social services for the parties, if married, or if there are minor children;
- Order the abusing party to participate in treatment or counseling services;
- Award temporary use and possession of property and restrain one or both parties from transferring, encumbering, concealing or disposing of property;

- Exclude the abusing party from your place of employment;
- Order the abusing party to pay you restitution;
- Order the continuance of all currently available insurance coverage without change in coverage or beneficiary designation; and
- Order other relief as the court deems necessary for the protection of you and your minor children.

How do you obtain an OFP?

You can contact the Tubman Family Alliance at 651-770-0777. They can assist you in filing the OFP.

Otherwise you may obtain the necessary forms at the Washington County Court Administrator's Self-Help Center located at the Washington County Government Center, 14949 62nd Street North, Stillwater, MN 55082, The forms can also be accessed on-line at www.courts.state.mn.us/forms.

WHAT IS HARASSMENT

Under Minn. Stat. §609.748, harassment is defined as:

- A single incident of physical or sexual assault;
- Repeated incidents of intrusive or unwanted acts, words or gestures that have a substantial adverse effect or are intended to have a substantial adverse effect on the safety, security or privacy of another, regardless of the relationship between you and the alleged harasser.
- Targeted residential picketing, which includes:
 - Marching, standing, or patrolling by one or more persons directed solely at a particular residential building in a manner that adversely affects the safety, security, or privacy of an occupant of the building, and
 - Marching, standing or patrolling by one or more persons which prevents an occupant of a residential building from gaining access to or exiting from the property on which the residential building is located.
 - A pattern of attending public events after being notified that one's presence is harassing to another.

If you believe you are a victim of harassment you may apply for a Restraining Order.

The court can order:

- The harasser to cease or avoid the harassment of another person
- The harasser to have no contact with you

How do you obtain a Restraining Order?

You must complete an Affidavit and Petition which can be obtained at the Washington County Court Administrator's Self-Help Center located at the Washington County Government Center,

14949 62nd Street North, Stillwater, MN 55082.

The forms can also be accessed on-line at

www.courts.state.mn.us/forms

FILING FEES

There is no filing fee for an Order For Protection and a \$250 fee for a Harassment Restraining Order. The court may decide to waive the fee as provided for in Rule 356.02 of the Minnesota General Rules of Practice for the District Courts. If you believe you are unable to pay the filing fee, you may apply for a waiver of the fee with the Court Administrator. In order for the court to find that you are unable to pay the filing fee, you must sign an affidavit indicating you meet one of the following criteria:

- You are receiving public assistance; or
- You are represented by a legal services or volunteer attorney based on indigence; or
- Your annual family income before taxes is less than 125% of the Federal Poverty Guidelines* for your family size; or
- Your income is not enough to pay for the common necessities of life for yourself and the people you support and also to pay court fees and costs.

How do you obtain a Fee Waiver/In Forma Pauperis?

You must complete an Affidavit for In Forma Pauperis which can be obtained at the Washington County Court Administrator's Self-Help Center located at the Washington County Government Center, 14949 62nd Street North, Stillwater, MN 55082. The forms can also be accessed on-line at www.courts.state.mn.us/forms.

*Federal Poverty Guidelines can be obtained at www.courts.state.mn.us/forms. Click on the Court Category Fee Waiver / In Forma Pauperis then General Fee Waiver / IFP for an information packet.

WHAT OTHER ASSISTANCE IS AVAILABLE?

Financial Compensation Program:

Victims of crimes of violence may be eligible for funding for expenses relating to medical treatment or counseling costs from the Crime Victims Reparations Board at 651-201-7300. Helpful information and other resources and be found at their website www.ojp.state.mn.us

Sexual Assault Crisis and Intervention Services:

Human Services, Inc. 24-hour Sexual Assault Crisis Line: 651-777-1117

Website: www.hsicares.org

Domestic Assault Crisis and Intervention Services:

Tubman Family Alliance

24-hour Help Available:

651-770-0777 (East Metro)

612-825-0000 (West Metro)

Website: www.tubmanfamilyalliance.org