

MINNESOTA CIVIL PROTECTION ORDERS

Survivors across the country seek safety through civil protection orders. Courts use these vital orders to issue stay away orders, or order an abuser pay medical bills, and even make temporary custody decisions. The remedies are important, but jurisdictions often have several types of orders and the distinctions are not always clear. This resource provides a brief overview of the different types of civil protection orders in each jurisdiction, answering vital questions such as: who can apply; and who can be restrained? The orders included in this resource are limited to those where a survivor can apply themselves, other protective measures may exist in your jurisdiction—reach out to VRLC’s TA team if you have questions!

In Minnesota, there are 3 types of civil protection orders:

- ☐ **Harassment Restraining Orders** are available for individuals seeking protection from any individual who has harassed them; harassment includes physical and sexual violence (Minn. Stat. § 609.748 (1)-(10)).
- ☐ **Domestic Abuse Act Orders for Protection** are available for individuals seeking protection from a family or household member including spouse, blood relation, those with a child in common, or those in a significant romantic relationship (Minn. Stat. § 518B.01(1)-(23)).
- ☐ **Extreme Risk Restraining Orders** may be sought by a family or household member of an individual who poses a serious threat of physical harm to themselves or someone else (Minn. Stat. § 624.7171-7178).

HARASSMENT RESTRAINING ORDER

Who can apply?	Any person who is a victim of harassment or the victim's guardian or conservator. <i>Minn. Stat. § 609.748(2)(a).</i> Harassment means: • A single incident of physical or sexual assault; • Use of another's personal information, without consent, to invite, encourage, or solicit a third party to engage in a sexual act with the person; • Nonconsensual dissemination of private sexual images; • Repeated incidents of intrusive or unwanted acts that have or intend to have a substantial adverse effect on another's safety, security, or privacy; • Targeted residential picketing; or • A pattern of attending public events after being notified that the person's presence at the event is harassing to another. <i>Minn. Stat. § 609.748(1)(a)(1)-(3).</i>
Can minors apply?	No, unless the minor is emancipated. Either of the following situations is allowed under this statute: 1. Parent, guardian, conservator, step-parent of a minor may seek a restraining order on the minor's behalf; or 2. Minor may seek a restraining order on their own behalf if the minor demonstrates: (a) that the minor is emancipated; and (b) the court finds the order is in the best interests of the minor. <i>Minn. Stat. § 609.748(2)(b)-(c).</i>
Who can be restrained?	Any adults or juveniles alleged to have engaged in harassment or organizations alleged to have sponsored or promoted harassment. <i>Minn. Stat. § 609.748(1)(b).</i>

HARASSMENT RESTRAINING ORDER

What types of relief may a court order?	The court may issue a temporary or final restraining order with any of the following provisions: • Respondent must stop harassing petitioner; or • Prohibit respondent from contacting petitioner. <i>Minn. Stat. § 609.748(4); Minn. Stat. § 609.748(5).</i>
How long does the order last?	A temporary restraining order lasts until a hearing occurs. A request for a hearing by petitioner or respondent must be made within 45 days of the temporary order being issued. <i>Minn. Stat. § 609.748(4)(c).</i> A final restraining order lasts up to 2 years, except under specific circumstances. If the court finds that the petitioner has had (1) at least 2 previous restraining orders in effect against the respondent; or (2) the respondent has violated a restraining order on at least 2 occasions, the restraining order can be ordered in effect for up to 50 years. <i>Minn. Stat. § 609.748(5)(b)(3).</i>
Can the order be renewed?	Not specifically addressed in the statute. However, see above regarding extending a Harassment Restraining Order for up to 50 years. Note also that a Motion to Change a Harassment Restraining Order form is available at the courthouse and online.
Is a hearing with the respondent required?	Only if the petitioner or respondent requests a hearing. The request for a hearing must be made within 45 days of service of the petition. <i>Minn. Stat. § (609.748(3).</i> Note- a temporary restraining order may be granted without a hearing, and the temporary restraining order will be in effect until a hearing is held if requested. <i>Minn. Stat. § (609.748(4)(a)-(f).</i>

DOMESTIC ABUSE ACT ORDER FOR PROTECTION

Who can apply?	Any individual who is subjected to domestic abuse by a family or household member. <i>Minn. Stat. § 518B.01(4).</i> Domestic abuse is defined as: • Physical harm, injury, or assault; • Infliction of fear of imminent harm, injury, or assault; • Terroristic threats; • Criminal sexual conduct; • Sexual extortion; or • Interference with an emergency call. <i>Minn. Stat. § 518B.01(2)(a)(1)-(3).</i> See “Who can be Restrained?” for a definition of family and household members.
Can minors apply?	Yes. A minor aged 16 or older may apply for an order of protection on their own behalf, if the court determines that the minor has sufficient maturity and the order is in the minor’s best interest. The minor may only seek an order of protection against a spouse or former spouse or a co-parent. <i>Minn. Stat. § 518B.01(4)(a).</i> If the minor is under the age of 16, then any of the following may apply for the order for protection on the minor’s behalf: (1) parent; (2) guardian; or (3) a “reputable adult age 25 or older” who is also a family or household member. <i>Minn. Stat. § 518B.01(4)(a).</i>
Who can be restrained?	The respondent must be a family or household member. <i>Minn. Stat. § 518B.01(2)(a).</i>

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DOMESTIC ABUSE ACT ORDER FOR PROTECTION

Who can be restrained?	Family or household member is defined as: • Spouses and former spouses; • Parents and children; • Persons related by blood; • Persons residing together currently or previously; • Persons with a child in common; • A man or woman, if the woman is pregnant and the man is alleged to be the father; or • Persons involved in a significant romantic/sexual relationship. <i>Minn. Stat. § 518B.01(2)(b)(1)-(7).</i>
What types of relief may a court order?	The court may issue a temporary ex parte order granting any relief the court deems proper including the following conditions: • Prohibit respondent from engaging in domestic abuse; • Exclude respondent from petitioner's residence or place of employment; • Prohibit respondent from contacting petitioner; • Require continuance of all insurance coverages without change in beneficiary; or • Direct for the care and possession of any pets and prohibit the respondent from injuring or interfering with any pets owned by petitioner or a minor child. <i>Minn. Stat. § 518B.01(7)(a)(1-7).</i> The court may issue a final restraining order with any of the above provisions, as well as: • Award temporary custody or establish temporary parenting time; • Award temporary child or spousal support; • Require respondent pay for counselling or social services if requested by petitioner; <i>continued on next page</i>

DOMESTIC ABUSE ACT ORDER FOR PROTECTION

What types of relief may a court order?	• Require respondent attend treatment or counselling services; • Award temporary use or possession of property; • Award restitution to petitioner; • Any other relief the court deems necessary to protect the petitioner. <i>Minn. Stat. § 518B.01(6)(a)(1)-(15).</i> Additionally, a final order must prohibit the respondent from possessing firearms for the length the order is in effect if the order restrains the respondent from engaging in conduct that would put petitioner in fear of bodily injury and the respondent presents a credible threat to petitioner's safety. <i>Minn. Stat. § 518B.01(6)(g).</i>
How long does the order last?	A temporary ex parte order lasts between 14 and 28 days unless a hearing is requested. If a hearing is requested, the order stands until modified or vacated during a hearing. <i>Minn. Stat. § 518B.01(7)(d).</i> A final restraining order lasts 2 years but can be extended upon a showing that: (1) respondent has violated a prior or existing order for protection; (2) petitioner is reasonably in fear of physical harm from the respondent; (3) respondent has engaged in the act of harassment; or (4) respondent is incarcerated and about to be released, or has recently been released from incarceration. <i>Minn. Stat. § 518B.01(6)(a)(15)(b).</i> Court can extend relief for up to 50 years if the court finds: (1) respondent violated an order for protection on at least 2 occasions; and (2) petitioner has had at least 2 orders for protection in effect against respondent. <i>Minn. Stat. § 518B.01(6a)(c)(1)-(2).</i>

DOMESTIC ABUSE ACT ORDER FOR PROTECTION

Can the order be renewed?	Yes. Upon petitioner's request, the court may extend the granted relief, or if the order for protection is no longer in effect, grant a new order. <i>Minn. Stat. § 518B.01(6a)(a)-(b).</i>
Is a hearing with the respondent required?	Where an application for protective order alleges an "immediate and present danger of domestic abuse," the court may grant an ex parte order. <i>Minn. Stat. § 518B.01(7)(a).</i> If an ex parte order is issued, a subsequent hearing is not required unless one of the parties requests a hearing. <i>Minn. Stat. § 518B.01(5)(b)(1-2).</i> If an ex parte order is not issued, the court must hold a hearing within 14 days from receipt of the petition. <i>Minn. Stat. § 518B.01(5)(a).</i>

EXTREME RISK PROTECTION ORDER

Who can apply?	Any family or household members of someone who poses a significant danger of bodily harm to other persons or is at significant risk of suicide by possessing a firearm. In addition to family or household members, a chief law enforcement officer, that officer's designee, or a city or county attorney may also petition for an ERPO. <i>Minn. Stat. § 624.7171(4)(b).</i> Family or household members means: • Spouses and former spouses; • Parents and children; • Persons related by blood; • Persons currently residing together; • Persons involved in a significant romantic/sexual relationship. <i>Minn. Stat. § 624.7171(1)(b).</i> Note that a guardian of the family or household member may also petition for an ERPO. See <i>Minn. Stat. § 524.1-201(27)</i> for definition of guardian.
Can minors apply?	Yes. The definition of family or household member includes “children” of respondent. <i>Minn. Stat. § 624.7171(1)(b)(2).</i>
Who can be restrained?	Anyone, if petition brought by chief law enforcement officer or city/county attorney. Otherwise, family or household members of the petitioner. <i>Minn. Stat. § 624.7171(4)(b).</i>
What types of relief may a court order?	Prohibit respondent from purchasing or possessing firearms for as long as the order remains in effect. <i>Minn. Stat. § 624.7171(4)(a).</i>

EXTREME RISK PROTECTION ORDER

How long does the order last?	Between 6 months and 1 year. <i>Minn. Stat. § 624.7172(2)(e).</i>
Can the order be renewed?	Yes, but renewal must be requested within 90 days before original order expires. <i>Minn. Stat. § 624.7173(a).</i>
Is a hearing with the respondent required?	Only if the petitioner or respondent requests a hearing. <i>Minn. Stat. § 624.7171(3)(j).</i>

HOW TO APPLY

Forms are available at the courthouse and online at: <https://mncourts.gov/getforms/>.

Petitioner files petition in the circuit court.

Note: For a Domestic Abuse Act order for protection there are no fees for filing, serving the respondent, or for any court hearing. For a Harassment Restraining Order there is a filing fee, but the court can waive it.

Minn. Stat. § 609.748(3)(a)

SCAN ME!



For specific questions about how to use this guide, or if you have any other questions, VRLC is here to help!

This project was supported by Grant No. 15JOVW-23-GK-05124-MUMU awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication are those of the author(s) and do not necessarily reflect the views of the U.S. Department of Justice.