

**NON-REMOVABLE MILLE LACS BAND OF OJIBWE  
COURT OF CENTRAL JURISDICTION**

<b>How to Apply for a Harassment Restraining Order ( Petitioner Instructions )</b>
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**Who May Apply ?**

A person who is a victim of harassment may seek a restraining order from the Court. The parent or guardian of a minor who is the victim of harassment may seek a restraining order on behalf of the minor. The restraining order prohibits harassment and may be issued against an individual who has engaged in harassment, or against organizations that have sponsored or promoted harassment.

**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:
  - a. 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
  - b. 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.

**How do I apply for a Restraining Order?**

**Forms**

Fill out the **Petitioner's Affidavit and Petition for Restraining Order**. The affidavit should be as complete and specific as possible Dates, times, places, actions, and conversations that lead the petitioner to feel harassed should be included in the narrative of the affidavit with the most recent acts listed first. The court staff can provide forms and clerical assistance; check with that office if you have questions.

**File Forms**

File the Affidavit with the court staff. There is no filing fee.

## **Temporary Restraining Order**

The Court may issue a Temporary ( Ex Parte ) Restraining Order, which is only effective until the hearing. You must attend the hearing to get an order that will be effective for a longer period of time.

## **Service**

A copy of any order must be served on the respondent (the alleged harasser). Service is complete when an employee of the sheriff's office personally delivers a copy of the papers to the respondent. Check with the Sheriff's office to make sure service is done.

If personal service cannot be completed because the respondent is avoiding service or you do not know the respondent's address, you may ask the court administrator's office to complete service by one week's published notice. If personal service is not complete and you do not request published notice, the Temporary Restraining Order will end 14 days after the judge signs it.

## **Change of Address**

If you move, it is important that the court knows where you are. Please keep the court informed of your address.

## **Hearing**

Attend the hearing. You must attend the hearing if you want the court to issue a restraining order that could be effective for up to two years. Be prepared to present your case to the court. Bring any witnesses and documents to support your case with you.

**NON-REMOVABLE MILLE LACS BAND OF CHIPPEWA  
COURT OF CENTRAL JURISDICTION  
District of \_\_\_\_\_**

CASE # \_\_\_\_\_

**Petitioner's Affidavit and Petition for  
Harassment Restraining Order**

<b>Petitioner (s)</b>	<b>vs.</b>	<b>Responent (s)</b>
Your Name and Address:  _____  _____  _____  _____  Date(s) of Birth: _____  _____  _____		Name(s) of persons harassing you and or your child(ren), and Address:  _____  _____  _____  _____  Date(s) of Birth: _____  _____  _____

I understand that I am under oath and that I must tell the truth and I state that:

1. I am (we are) the Petitioner(s) in this action. (I am) (My minor child/ren is) (My minor ward(s) for whom I am the legal guardian is) the victim of harassment described in this petition.
2. I am/respondent is (circle one) a Mille Lacs Band of Ojibwe enrollee.
3. I live/respondent lives (circle one) within the boundaries of the Mille Lacs Band of Ojibwe Indian Reservation and within the Court's jurisdiction and the harassment took place within these boundaries.

4. The following are specific acts of harassment committed by Respondent(s). (Check the boxes that apply and describe. Provide as many details as possible, such as dates and place.)

Respondent(s) made uninvited visits to the Petitioner(s) as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Respondent(s) made harassing phone calls to the Petitioner(s) as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Respondent(s) made threats to the Petitioner(s) as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Respondent(s) frightened Petitioner(s) with threatening behavior as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Respondent(s) called the Petitioner(s) abusive names as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Respondent(s) damaged the Petitioner's property as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Respondent(s) broke into and entered the Petitioner's residence as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Respondent(s) stole property from the Petitioner(s) as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Respondent(s) took pictures of the Petitioner(s) without permissions of the Petitioner(s) as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. I ask the Court to issue a Temporary Restraining Order, schedule a hearing, and issue a permanent Restraining Order. I ask the Court to order the following:

Respondent(s) shall not harass  
 Me  My child/ren or ward(s)  
List the minor children/wards included in this Petition: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Respondent(s) shall have no contact with  
 Me  My child/ren or ward(s) listed above.

Respondent(s) shall stay away from where I/we live (address) \_\_\_\_\_  
\_\_\_\_\_  
 Address is confidential

Respondent(s) shall stay away from my place of employment located at \_\_\_\_\_  
\_\_\_\_\_

Other: \_\_\_\_\_  
\_\_\_\_\_

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature (Sign only in front of notary public or court administrator)

NAME: \_\_\_\_\_

Check if address is confidential

Sworn/affirmed before me

Address: \_\_\_\_\_

Date: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

\_\_\_\_\_

Telephone: (\_\_\_\_\_) \_\_\_\_\_

Notary Public/Deputy Court Administrator