

ALTERNATIVES TO ORDERS FOR PROTECTION: **HARASSMENT RESTRAINING ORDERS**

Orders for Protection will not be suitable for every battered woman's situation. Occasionally, a woman cannot prove that she is a victim of domestic abuse. Such a woman might seek a Harassment Restraining Order, which is obtained in much the same manner as an Order for Protection. The information that follows includes what advocates need to know regarding Harassment Restraining Orders in order to effectively assist a battered woman to file for the most appropriate protection order. For any further information or assistance, please contact the Battered Women's Legal Advocacy Project.

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Attached: Minn. Stat. §§ 609.748 and 609.749

HARASSMENT RESTRAINING ORDER (HRO):

This order is an alternative to an OFP, because the parties involved are not required to have lived together and are not required to be dating partners. Anyone is eligible to apply for an HRO.

Definition of harassment:

- 1) Repeated, intrusive, or unwanted acts intended to adversely affect the safety, security, or privacy of another.
- 2) Target residential picketing.
- 3) Pattern of attending public events after notification that one's presence harasses another.

Filing fee for HRO may be waived if petition for harassment order alleges a violation of the criminal harassment-stalking law which includes:

- 1) Commits an unlawful act with the purpose or intent to injure person, property or rights on another.
- 2) Stalks, follows or pursues.
- 3) Trespasses.
- 4) Repeated telephone calls.
- 5) Interference with another or intrusion into liberty or privacy.
- 6) Causing intimidation, oppression, or persecution of juror, judicial officer, prosecutor, defense attorney, or officer of the court.

DIFFERENCES BETWEEN OFPs AND HROs

- ❖ OFPs are typically issued for one year, whereas HROs are typically issued for two years.
- ❖ OFPs are issued by family court, and HROs are issued by general civil court.
- ❖ OFP law lists specific relief such as restitution, custody, child support, restricting the abuser from a specific distance surrounding the woman's home or work place, counseling or treatment for the abuser, temporary use of the property for the petitioner, restraint from disposing of money or property; HRO law consists of ordering a respondent to "cease or avoid harassment of another person or to have no contact with that person".
- ❖ There is a filing fee for HROs (which may be waived if the petition includes the above information regarding the fee), but none for OFPs.