

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

Court File No. DA-FA-_____

In the Matter of:

Case type: Domestic Abuse

Petitioner,

and

**RESPONDENT'S MOTION AND AFFIDAVIT
TO REOPEN FOR HEARING.
TO VACATE OR TO MODIFY
ORDER FOR PROTECTION**

Respondent.

NOTICE OF MOTION

TO THE ABOVE-NAMED PETITIONER: Please take notice I am requesting that the Court:

(CHOOSE ONE):

- ☐ Schedule a hearing to decide whether respondent may file a Request for Hearing in this matter more than five (5) days from the date of service of the *ex parte* Order for Protection; or
- ☐ Vacate the Order for Protection under Rule 60.02 of the Minn. R. Civ. P. as requested in my affidavit below; or
- ☐ Amend the Order for Protection as requested in my affidavit below.

AFFIDAVIT OF RESPONDENT

STATE OF MINNESOTA)
) SS
COUNTY OF HENNEPIN)

I, _____, state that:

1. I am the respondent in this matter.

2. ☐ My address is _____ OR
☐ My address is confidential.

3. The most recent Order for Protection was issued on _____.

4. ☐ I am requesting a hearing on petitioner's petition for an Order for Protection more than five (5) days from the date of service of the *ex parte* Order for Protection.

a. This is how and when I first knew of the Order for Protection in this matter:

b. I did not ask for a hearing within five (5) days of service of the Order for Protection because:

OR

4. ☐ I am requesting that the Order for Protection be vacated under Rule 60.02 of the Minnesota Rules of Civil Procedure for:

a. ☐ Mistake, inadvertence, surprise or excusable neglect because:

b. ☐ Newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial pursuant to Rule 59.03 because:

- c. ☐ Fraud, misrepresentation, or other misconduct of an adverse party because:

OR

4. Neither of the two options above apply and I request that the most recent Order for Protection be amended:

- a. ☐ to change the temporary parenting time schedule as follows:

- b. ☐ Other (please explain):

I declare under penalty of perjury that everything I have stated in this document is true and correct. Minn. Stat. § 358.116.

Dated: _____

Signature

Name: _____

Address: _____

City/State/Zip: _____

Telephone: (_____) _____

E-mail address: _____

Distribution

_____ Certified copy or original - Return to Court Administrator with Affidavit of Personal Service attached

_____ Copy for Petitioner(s)

_____ Copy for Respondent(s)

_____ Copy for file until original returned

_____ Copy for local police department

_____ Copy for Sheriff

_____ Other: _____

_____ Family court file