

State of Minnesota

District Court

County
DAKOTA

Judicial District: FIRST
Court File Number: 19AV-FA-22-177
Case Type: Domestic Abuse

In the Matter of:

KATHLEEN MADONNA HINDES

Petitioner
On Behalf of:

MINOR CHLD

Extension of Subsequent
Order for Protection without Hearing
Minn. Stat. § 518B.01, subd. 6a

and for her/himself
vs.

Filed in District Court
State of Minnesota
Dated 1/25/2023

ERIC JOHN SIEGER
Respondent

This matter came before the Court on Jan. 25, 2023
(Date)

Based on the Application for Extension of an Order for Protection and all the records and proceedings in this matter, the Court makes the following FINDINGS OF FACT AND CONCLUSIONS OF LAW:

1. Petitioner

has a pre-existing order for protection against Respondent that will expire on January 28, 2023.

OR

had a prior order for protection against Respondent that expired on _____

AND

Respondent violated the order

Petitioner is reasonably in fear of physical harm from Respondent (physical harm need not be imminent)

Respondent has engaged in acts of harassment or stalking by committing the following acts Multiple electronic, third party contacts, changing contact info, changing mailing addresses, contacting child's school (non joint), changing home alarm, Google home, changing billing info, see Petitioner's Application dated Jan. 6, 2023.

Respondent was/is incarcerated and has been or is about to be released.

2. The following parties need an order for protection and are referred to in this Order as "Protected Person(s)":

Petitioner

Child(ren) (names and DOB):

Ward (name and DOB):

Based upon these findings, IT IS ORDERED:

1. A hearing will not be held unless requested by Respondent under Minn. Stat. § 518B.01, subd. 6a, as the Petitioner seeks limited relief under Minn. Stat. § 518B.01, subd. 7(a). The Respondent has the right to request a hearing.

2. The following relief is granted:

Respondent must not commit acts of domestic abuse against the Protected Person(s). This means that Respondent may not harm or cause fear of harm to the Protected Person(s), and that Respondent may not use, attempt to use, or threaten to use physical force that would reasonably be expected to cause bodily injury to the Protected Person(s).

Respondent must not have any contact with the Protected Person(s) whether in person, with or through other persons, by telephone, mail, e-mail, through electronic devices, social media, or by any other means except as follows:

No exceptions

Respondent must not go to or enter the residence(s) of the Protected Person(s) located at:

or address is confidential.

AND

Respondent must stay a reasonable distance away from the residence(s) of the Protected Person(s) specifically as follows: (distance) 5 blocks

AND

Respondent must stay a reasonable distance away from ANY FUTURE RESIDENCES of the Protected Person(s).

NOTICE: RESPONDENT MUST NOT ENTER OR STAY AT THE RESIDENCE OF THE PROTECTED PERSON(S) FOR ANY REASON, EVEN IF INVITED TO DO SO. IF RESPONDENT IS FOUND AT THE PROTECTED PERSON'S RESIDENCE, THE PROTECTED PERSON IS NOT IN VIOLATION OF THIS ORDER, AND THE ORDER REMAINS IN EFFECT.

Respondent may remove necessary belongings from the residence of the Protected Person(s) under the supervision of the _____ Police Department or Sheriff.

Protected Person(s) may remove necessary belongings from Respondent's address under the supervision of the _____ Police Department or Sheriff.

Respondent must not call or enter Protected Person's(s)' place of employment which includes all land, parking lots, and buildings at _____

OR

Respondent's access to Protected Person(s) at his/her/their place of employment at:

is limited as follows: _____

Respondent must continue all existing insurance coverage without changing coverage or beneficiaries.

The care, possession, or control of a pet or companion animal owned, possessed, or kept by the Protected Person(s) or Respondent or a child of the Protected Person(s) or Respondent is set forth as follows:

BING & Gus awarded to Petitioner by
prior Court Order

Respondent must not physically abuse or injure any pet or companion animal, without legal justification, known to be owned, possessed, kept, or held by either party or a minor child residing in the residence or household of either party as an indirect means of intentionally threatening the safety of such person.

3. The DAKOTA County Sheriff's department and the LAKEVILLE Police Department shall help the Petitioner execute and/or serve this Order, without charge. Peace officers licensed by the State of Minnesota and correction officers, including, but not limited to, probation officers, court services officers, parole officers and employees of jails or correctional facilities may serve an Order for Protection. If the application for relief is brought in a county in which the Respondent is not present, the sheriff shall forward the pleadings necessary for service upon the Respondent to the sheriff of the county in which the Respondent is present. This must be expedited to allow for timely service.

4. Under federal law, every Police Department and Sheriff's office in the United States, including Washington D.C. and tribal and territorial lands, is responsible for enforcing this order. Enforcement of this order may include, but is not limited to, assisting in obtaining physical custody of child(ren), removing Respondent from the residence, and getting property back from the Respondent. 18 U.S.C. § 2265.

5. You are also restrained from harassing, stalking, or threatening the protected person(s), or engaging in other conduct that would place the protected person(s) in reasonable fear of bodily injury to that person; and you are prohibited from the use, attempted use, or threatened use of physical force against the protected person(s) that would reasonably be expected to cause bodily injury. 18 U.S.C. § 922(g)(8)(B) and (C).

6. It is further ordered as follows:

7. This Order will be effective for a period of 50 years Jan 1, 2073 from the date of this order, or until modified or vacated at a hearing.

Notice to Respondent:

- **You have a right to a hearing. You must request it by completing and returning the attached "Respondent's request for a hearing in an Order for Protection case."**
- **A police officer shall arrest you and take you to jail if the police officer believes you have violated this Order and shall hold you in jail for at least 36 hours excluding the day of arrest, Sundays, and holidays, unless you are released by a judge or judicial officer.**

- Violation of this Order may be treated as a misdemeanor, gross misdemeanor, or felony. A misdemeanor violation may result in a sentence of up to 90 days in jail and/or a fine of up to \$1,000. Some repeat violations are gross misdemeanors that may result in a sentence of up to one year in jail and/or a fine up to \$3,000. Other violations are felonies and may result in a sentence of imprisonment for up to five years and/or a fine of up to \$10,000.
- This order is entitled to full faith and credit and shall be enforced anywhere in the U.S. including Tribal lands. 18 U.S.C. § 2265. Crossing state, territorial, or tribal boundaries to violate this order may result in federal imprisonment. 18 U.S.C. § 2262.
- A violation of this Order for protection is a deportable offense. If you are not a United States citizen, a violation of this Order could result in your deportation.
- You must comply with the Violent Crime Control and Law Enforcement Act of 1994, 18 U.S.C. § 922(g)(8), concerning the shipping, transporting, possession, or receiving of firearms and ammunition when a qualifying protective order is in place.

Notice to Petitioner

- If you move, notify the Court Administrator so that your address can be updated for notice and enforcement purposes.
- If you move to a different city, send or deliver a copy of the Order for Protection to law enforcement for your new city.
- Your Order for Protection will be enforced even if you fail to take the steps above.

Notice to Both Parties:

NOTE: When signed by a Referee, this order is effective upon the Referee's signature (Minn. Stat. § 518B.01, subd. 7 (c)).

Dated: _____

Referee of District Court

Dated: Jan. 25, 2023

Timothy J. McManus
Judge of District Court

Distribution

_____ Copy for Petitioner(s)
_____ Copy for local police department
_____ Dissolution File

_____ Copy for Respondent(s)
_____ Copy for Sheriff
Other: _____