

Name of person to be protected (Petitioner): _____

Date of Birth of person to be protected (Petitioner): _____

Name of person completing Petition (if different from Petitioner): _____

-VS-

Respondent/Defendant: _____

Address: _____

**Petition in Juvenile Court
 for Temporary Restraining Order
 and/or Petition and Motion
 for Injunction Hearing
 (Harassment – 30711)**

Case No. _____

If there is a **CHIPS proceeding** involving the child or the respondent is a minor, **use this form.**

Respondent's:

Sex	Race	Date of Birth	Height	Weight	Hair color	Eye color
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Please specify the Petitioner's relationship(s) to Respondent/Defendant:

- | | | |
|---|--------------------------------------|---|
| <input type="checkbox"/> spouse | <input type="checkbox"/> cousin | <input type="checkbox"/> adoptive parent |
| <input type="checkbox"/> former spouse | <input type="checkbox"/> sibling | <input type="checkbox"/> grandparent |
| <input type="checkbox"/> person in dating relationship | <input type="checkbox"/> parent | <input type="checkbox"/> child (biological/adoptive/step) |
| <input type="checkbox"/> current or former live-in relationship | <input type="checkbox"/> step parent | |
| <input type="checkbox"/> Other: [Be specific] _____ | | |

Respondent's Distinguishing Features:
 (such as scars, marks or tattoos)

None known.

CAUTION:
 (Check all that apply)

- Respondent has access to weapon(s). Type of weapon(s): _____
 Location of weapon(s): _____
- Weapon(s) were involved in an incident [past or present] involving the petitioner.

I PETITION THE COURT for a Temporary Restraining Order and/or Injunction against the respondent under §813.125, Wis. Stats., based on the following:

- [Name of Petitioner/Person to be Protected] _____, is the alleged victim of harassment.
- Stated below or attached as part of this Petition is a statement of facts indicating that respondent has engaged in conduct which is believed to be harassment.

(Harassment is defined as: (a) Striking, shoving, kicking or otherwise subjecting the person to physical contact; or (b) Engaging in an act that would constitute child abuse under §48.02(1); or (c) Sexual assault under §940.225; or (d) Stalking under §940.32; or attempts or threat to do same; or (e) Engaging in a course of conduct or repeatedly committing acts which harass or intimidate the person and which serve no legitimate purpose.)

(State when, where, what happened, and who did what to whom) See attached

- Another no contact order between the petitioner and the respondent
 - does not exist or the petitioner does not know or is uncertain as to whether another no contact order exists.
 - does exist.

Name of other case: _____
 County or State: [If not Wisconsin] _____
 Type of Case: _____
 Case Number: [If known] _____
 Date of proceeding that resulted in no contact order: [If known] _____

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Details of no contact order: _____

I REQUEST THE COURT: [Mark any of the following boxes that apply]

1. Issue a Temporary Restraining Order requiring the respondent to
- a. cease or avoid harassing the petitioner.
 - b. avoid the petitioner's residence and/or any premises temporarily occupied by the petitioner.
 - c. avoid contact that harasses or intimidates the petitioner. *Contact includes: contact at petitioner's home, work, school, public places, in person, by phone, in writing, by electronic communication or device, or in any other manner.*
 - d. refrain from removing, hiding, damaging, harming, or mistreating, or disposing of, a household pet.
 - e. allow the petitioner or a family member or household member of the petitioner acting on his/her behalf to retrieve a household pet.
 - f. avoid contacting the petitioner or causing any person other than a party's attorney or law enforcement officer to contact the petitioner.
 - g. Other: [List other specific behavior the petitioner wants the respondent to stop doing] _____
2. Set a time for a hearing on the Petition for an Injunction requiring the respondent to
- a. cease or avoid harassing the petitioner.
 - b. avoid the petitioner's residence and/or any premises temporarily occupied by the petitioner.
 - c. avoid contact that harasses or intimidates the petitioner. *Contact includes: contact at petitioner's home, work, school, public places, in person, by phone, in writing, by electronic communication or device, or in any other manner.*
 - d. refrain from removing, hiding, damaging, harming, or mistreating, or disposing of, a household pet.
 - e. allow the petitioner or a family member or household member of the petitioner acting on his/her behalf to retrieve a household pet.
 - f. avoid contacting the petitioner or causing any person other than a party's attorney or law enforcement officer to contact the petitioner.
 - g. Other: [List other specific behavior the petitioner wants the respondent to stop doing] _____
3. If the Temporary Restraining Order is denied, the petitioner asks the Court to schedule an Injunction Hearing.
- If the Temporary Restraining Order is denied, the petitioner is only entitled to an Injunction Hearing if the Petition alleges conduct that is the same as or similar to conduct that is prohibited under §940.32 [stalking]; or is the intentional infliction of physical pain, physical injury or illness; or is an intentional impairment of physical condition; or is a violation of §940.225(1), (2) or (3) [sexual assault]; or is a violation of §943.01 involving destruction of property that belongs to the individual; or is a threat to engage in the above mentioned behavior.
4. Issue an Injunction against the respondent for four years or the following shorter period: _____
- Order the wireless telephone service provider to transfer to the petitioner each telephone number(s) he/she or a minor child in his/her custody uses. The provider will transfer to the petitioner all financial responsibility for and right to the use of any telephone number(s) transferred. **(See form CV-437, Wireless Telephone Transfer Service in Injunction Case.)**
5. Order the Injunction, which is in effect for not more than 10 years, if the court finds a substantial risk the respondent may commit 1st or 2nd degree intentional homicide, or 1st, 2nd or 3rd degree sexual assault against the petitioner.
6. If the Court grants the Injunction, the petitioner requests the Court
- a. not order the respondent to surrender his/her firearm(s).
- OR
- b. order the respondent to surrender and not possess a firearm while the injunction is in effect because the petitioner believes that the respondent may use a firearm to cause physical harm to another or endanger public safety.
7. Direct the sheriff to accompany the petitioner and assist in placing the petitioner in physical possession of his or

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her residence, if requested.

SERVICE ON RESPONDENT

Before the injunction hearing, it is the petitioner’s responsibility to contact the sheriff’s office or other process server to verify that the documents were served and proof of service is filed with the Clerk of Court. The Court will not do this for the petitioner. If available in your county, another way to verify if the documents were served is to register with VPO (VINE Protective Order) on its website at www.vinelink.com.

If the respondent cannot be personally served with Temporary Restraining Order and Notice of Injunction Hearing: Harassment (CV-406), the respondent can be served by publication using Publication Notice form (CV-505).

- The petitioner must file with the Court an affidavit stating that service of the respondent by the sheriff or a private process server was unsuccessful because the respondent was avoiding service by concealment or otherwise. The petitioner should get this affidavit from the sheriff or private process server.
- The petitioner also must send the Temporary Restraining Order and Notice of Injunction Hearing: Harassment (CV-406) to the respondent via mail or facsimile and must provide proof of transmission (e.g. certified mail receipt, affidavit of mailing or faxing). The mailing or sending of a facsimile may be omitted if the post-office address or facsimile number cannot be ascertained with due diligence.

The Clerk of Court shall forward the Temporary Restraining Order to the sheriff and the sheriff shall assist the petitioner in serving the Temporary Restraining Order.

If a service fee is required by the sheriff under §814.70(1), Wis. Stats., the petitioner shall pay the fee directly to the sheriff. If the Court checks box number 3. Under “The Court Orders” section of the Temporary Restraining Order and Notice of Injunction Hearing (CV-406), no service fee is required to be paid to the sheriff.

IF the petitioner chooses service by publication, the Notice in the newspaper is public information and will include the petitioner’s name and address which is otherwise kept confidential.

- *I am: An adult filing on behalf of a child involved in a CHIPS proceeding. My relationship to the child is _____.
- An adult filing on behalf of a child and the respondent is a child.
My relationship to the child is: _____.
- A child petitioner involved in a CHIPS proceeding.
- A child petitioner and the respondent is a child.
- An adult petitioner and the respondent is a child.

I declare under the penalty of false swearing that the information I have provided is true and accurate.

DISTRIBUTION:

1. Court
2. Petitioner
3. Person filing on behalf of the Petitioner
4. Respondent
5. Guardian ad Litem (if any)
6. Law Enforcement
7. Other: _____

▶ _____
Person Completing the Petition

Name Printed or Typed

Date

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