

****Please read****

Checklist for filing of:

Domestic abuse, harassment or child abuse restraining orders

- ___ 1) Obtain the forms at the Clerk of Courts office & **fill them out completely.**
Including the description of the respondent. If not completely filled out the Sheriff's department may not be able to enforce.
- ___ 2) Take the completed paperwork to one of the judicial assistants. Please ask which one.
 - a) Leave a telephone number with them so that they can contact you after the judge has had a chance to review your request.
- ___ 3) Pick up forms when contacted by the judicial assistant. She will have made the appropriate amount of copies.
- ___ 4) File the papers with the Clerk of Courts civil office.
 - a) If you are filing for a harassment restraining order & you don't have a signed waiver of fees you must have a check or cash for \$164.50.
- ___ 5) Appear at the scheduled hearing.

***Petitioner=** the person filing

***Respondent =** the person you wish to have an injunction against

Petitioner,

You are about to file for a Temporary Restraining Order (TRO) with the Lincoln County Clerk of Courts. The Lincoln County Sheriff's Office will receive the order for entry in the State TIME System but will be unable to do so if the following information is not provided:

- 1) Respondent/Defendant Name (First, Middle, Last)
- 2) Gender (Sex)
- 3) Race
- 4) Date of Birth (DOB)
- 5) Height (HT)
- 6) Weight (WT)
- 7) Hair Color
- 8) Eye Color

You should be advised that unless this order is entered into the State TIME System, other law enforcement agencies will not be aware of its existence.

If this information is not complete, your order will remain at the Lincoln County Sheriff's Office and will not be entered into the TIME System.

Thank you for your cooperation in this matter.

-vs-

Respondent's Information for
Service by Sheriff

Case No. _____

The information contained in this form will assist the sheriff's department in serving the respondent with any documents that require personal service, including the temporary restraining order and injunction. Although you may not know all of the requested information, filling out this form as completely and accurately as possible will help avoid unnecessary delays in service. The information contained in this document is confidential and will not be shared with the respondent.

If the temporary restraining order and/or injunction is granted, are you requesting that the sheriff's department serve the documents on the respondent? ☐ YES ☐ NO (You may hire a private process server at your own expense.)

RESPONDENT'S INFORMATION [PERSON WHO IS BEING SERVED]:

Name of respondent (First, Middle (full), Last): _____

Street Address: _____ APT. #: _____

City, State, Zip Code: _____ Alias/Nickname(s): _____

Home Phone Number: _____ Cell Phone Number: _____

Sex: _____ Race: _____ Height: _____ Weight: _____

Date of Birth: ____/____/____ (If unknown, approximate age: ____)

Hair Color: _____ Eye Color: _____ Languages Spoken (other than English): _____

Other Distinguishing Features (tattoos, scars, glasses, facial hair, etc.): _____

Best time to serve at home: _____

Best time to serve at work: _____

Employer Name: _____ Employer Address: _____

Employer Phone Number: _____ Work Schedule: _____

Make/Model of Vehicle: _____ License Plate No. (if known): _____

Vehicle Color (including unique characteristics such as paint, dents, etc.): _____

Additional information to help sheriff in locating the respondent
(other places the respondent may be staying, including addresses; any other court dates):

Does the respondent carry or possess any weapons? ☐ Yes ☐ No
If Yes, how many, what kinds, and where are they carried/stored?

Is the respondent a heavy drinker? ☐ Yes ☐ No _____ Drug user? ☐ Yes ☐ No _____

Describe any history of violence, other than what is in the Petition: _____

Are you requesting the respondent to leave the residence? ☐ Yes ☐ No**CONFIDENTIAL COURT RECORD**

CV-420, 11/19 Respondent's Information for Sheriff to Effect Service §813.12(8)(ag)2., 813.122(9)(a)2., 813.123(8)(a)2., and 813.125(5g)(cm)2., Wisconsin Statutes
This form shall not be modified. It may be supplemented with additional material.

PETITIONER'S INFORMATION [PERSON WHO IS REQUESTING THE SERVICE]:

Petitioner's Name (First, Middle (full), Last): _____

Street Address: _____ APT. #: _____

City, State, Zip Code: _____

Home Phone Number: _____ Cell Phone Number: _____

Email Address: _____

Name of parent/legal guardian (if filing on behalf of the petitioner): _____

Can the sheriff leave a voicemail at this number? Home Phone: ☐ Yes ☐ No Cell Phone: ☐ Yes ☐ No

Is there a 72-hour no contact order in effect? ☐ Yes ☐ No

If Yes, when does it expire? _____

Please note any special instructions for contacting you or any other information you would like to provide:

IF THIS IS A HARASSMENT TEMPORARY RESTRAINING ORDER OR INJUNCTION, AND THE FILING FEE IS NOT WAIVED BY THE COURT, THE SHERIFF'S DEPARTMENT MAY CHARGE A FEE FOR SERVICE THAT MUST BE PAID DIRECTLY TO THE SHERIFF.



Petitioner's Signature

Name Printed or Typed

Date

State Bar No. (if any)

CONFIDENTIAL COURT RECORD

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY

Petitioner/Child/

☐ Amended

Individual at Risk: _____

Name and Address
of person completing
Petition (if different
from above): _____

-VS-

Respondent/
Defendant: _____

**Confidential Address
Information in
Domestic Abuse,
Child Abuse,
Individual at Risk, and
Harassment
Temporary Restraining
Order and Injunction
Actions**

Case No. _____

Name of ☐ Petitioner ☐ Child ☐ Individual at Risk

Address _____

Email Address _____

Telephone Number _____

This address information is being provided as part of a

☐ new case filing; OR

☐ change of address on an existing temporary restraining order/injunction case.



Petitioner's or Person filing on behalf of Petitioner's Signature

Name Printed or Typed

Address

Email Address

Telephone Number

Date

State Bar No. (if any)

The clerk shall maintain this address in a confidential manner. It will not be made available to any other parties in this action, their attorney or representatives, or the public.

CONFIDENTIAL COURT RECORD

This form is available in Spanish and Hmong.
<https://www.wicourts.gov/forms1/circuit/index.htm>
Este formulario está disponible en español y hmong.
Daim ntawv no muaj txhais ua lus Spanish thiab lus Hmoob.

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY

Name of person to be protected (Petitioner): _____

☐ Amended

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

Date of Birth of Petitioner: _____

-VS-

Respondent/Defendant: _____

Address: _____

**Petition 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 **JC-1693**. Do not use this form.

☐ One or both parties require the services of an interpreter. Which party? _____ Which language? _____
Complete and file the Interpreter Request (GF-149) form.

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

- | | | |
|---|--------------------------------------|---|
| <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 am: [Check one]

- | | | |
|--|--|---|
| <input type="checkbox"/> petitioner. | <input type="checkbox"/> stepparent of the petitioner. | <input type="checkbox"/> guardian ad litem for child. |
| <input type="checkbox"/> parent of the petitioner. | <input type="checkbox"/> legal guardian of the petitioner. | |
| <input type="checkbox"/> Other: _____ | | |

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

1. 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

2. 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] _____
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 CV-437 form, 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. Order the injunction is in effect permanently if the Court finds the respondent has been convicted of a violation of first, second, or third degree sexual assault against the petitioner.

- ☐ 8. Direct the sheriff to accompany the petitioner and assist in placing the petitioner in physical possession of his/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 Circuit 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) form, the respondent can be served by publication using Publication Notice (CV-505) form.

- 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) form 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 Circuit 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) form, no service fee is required to be paid to the sheriff.

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. Law Enforcement
6. Other: _____



Petitioner or Person filing on behalf of Petitioner's Signature

Name Printed or Typed

Date

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY

Petitioner: _____

-vs-

Respondent: _____

Order Dismissing/Denying Petition for

☐ Temporary Restraining Order

☐ Injunction

Case No. _____

THE COURT FINDS:

- ☐ 1. The petitioner failed to meet the burden of proof.
 - ☐ Domestic abuse: §813.12, Wis. Stats.
 - ☐ Child abuse: §§813.122 and 48.25(6), Wis. Stats.
 - ☐ Individual at Risk: §813.123, Wis. Stats.
 - ☐ Harassment: §§813.125 and 48.25(6), Wis. Stats.
- ☐ 2. Service was not properly made.
- ☐ 3. The matter has not been diligently prosecuted.
- ☐ 4. The petitioner has requested a dismissal of this action and/or to vacate either the temporary restraining order or injunction previously entered.
- ☐ 5. The parties have stipulated to a dismissal.
- ☐ 6. Other: _____

THE COURT ORDERS:

- ☐ 1. This case dismissed and any order previously entered in this case is ☐ dismissed. ☐ vacated.
- ☐ 2. The Petition for Temporary Restraining Order is denied.
- ☐ 3. Other: _____

THIS IS A FINAL ORDER FOR THE PURPOSE OF APPEAL IF SIGNED BY A CIRCUIT COURT JUDGE.

DISTRIBUTION:

- 1. Court
- 2. Petitioner
- 3. Respondent
- 4. Law Enforcement

BY THE COURT:

☐ Circuit Court Judge ☐ Circuit Court Commissioner

Print or Type Name

Date

STATE OF WISCONSIN, CIRCUIT COURT, LINCOLN COUNTY

☐ Amended

**Temporary Restraining Order
(Temporary Order of Protection)
and Notice of Injunction Hearing
(Harassment - 30711)**

Case No. _____

PETITIONER (PERSON TO BE PROTECTED)

Name of Petitioner (*First, Middle, Last*)

Date of Birth of Petitioner

-VS-

RESPONDENT/DEFENDANT

Name of Respondent/Defendant (*First, Middle, Last*)

Respondent's/Defendant's Street Address, City, State, Zip

Please specify 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] _____ | | |

SEX	RACE	DOB	HT	WT
HAIR COLOR			EYE COLOR	
Respondent's/Defendant's Distinguishing Features (such as scars, marks or tattoos)				
<input type="checkbox"/> None known.				

CAUTION:

(Check all that apply)

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

THE COURT FINDS:

Findings are on the following page(s) of this temporary restraining order.

THE COURT ORDERS:

Orders are on the following page(s) of this temporary restraining order.

THIS TEMPORARY RESTRAINING ORDER SHALL BE EFFECTIVE UNTIL _____

Injunction Hearing Date - Not to exceed 14 days

NOTIFICATIONS/WARNINGS TO RESPONDENT/DEFENDANT:

This order shall be enforced, even without registration, and is entitled to full faith and credit in every civil or criminal court of any state, the District of Columbia, any U.S. Territory, and may be enforced by Tribal Lands (18 U.S.C. Section 2265; Wis. Stats. 813.128). Crossing state, territorial, or tribal boundaries to violate this order may result in federal imprisonment (18 U.S.C. Section 2262).

Federal law provides penalties for, and you may be prohibited from possessing, transporting, shipping, receiving or purchasing a firearm, including, but not limited to, a rifle, shotgun, pistol, revolver, or ammunition, pursuant to 18 U.S.C. 922(g)(8). Additional notifications/warnings are on the following page of this temporary restraining order.

Violation of this temporary restraining order shall result in immediate arrest and is punishable by imprisonment not to exceed 9 months or a fine not to exceed \$10,000, or both, payment of filing and service fees, and an order for GPS tracking.

Only the court can change this order.

THE COURT FINDS:

1. The petitioner or person on behalf of petitioner filed a petition alleging harassment under §813.125, Wis. Stats.
2. This court has personal and subject matter jurisdiction.
3. There are reasonable grounds to believe that the respondent has engaged in harassment with intent to harass or intimidate the petitioner as defined in §813.125, Wis. Stats.
4. The court orders a temporary restraining order and sets a date for an injunction hearing.

THE COURT ORDERS:

1. A hearing for an injunction be held on

Date	Time	Location
Circuit Court Judge/Circuit Court Commissioner		

2. Service of this notice and order shall be made at least _____ hours prior to the hearing.

- ☐ 3. The action may be commenced without payment of filing fees because the petition alleges conduct that is the same as or similar to conduct that is prohibited under §940.32, Wis. Stats.; or is intentional infliction of physical pain, physical injury or illness; or is an intentional impairment of physical condition; or is a §940.225(1), (2) or (3), Wis. Stats.; or is a violation of §943.01, Wis. Stats., involving property that belongs to the individual; or is a threat to engage in the above mentioned conduct.
- ☐ 4. The respondent cease or avoid the harassment of the petitioner.
- ☐ 5. The respondent avoid the petitioner's residence and/or any premises temporarily occupied by the petitioner.
- ☐ 6. The respondent 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.*
- ☐ 7. The respondent refrain from removing, hiding, damaging, harming, or mistreating, or disposing of, a household pet.
- ☐ 8. The respondent allow the petitioner or a family member or household member of the petitioner acting on his/her behalf to retrieve a household pet.
- ☐ 9. The respondent avoid contacting the petitioner or causing any person other than a party's attorney or law enforcement officer to contact the petitioner unless the petitioner consents in writing.
- ☐ 10. The sheriff to accompany the petitioner and assist in placing the petitioner in physical possession of his/her residence, if requested.
- ☐ 11. Other: *[May not be inconsistent with remedies requested in the petition.]*

(Harassment is defined as: (a) Striking, shoving, kicking or otherwise subjecting the person to physical contact; or (b) Engages 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 threatens to do same; or (e) Engages in a course of conduct or repeatedly commits acts which harass or intimidate the person and which serve no legitimate purpose.)

FAILURE TO APPEAR could result in an injunction being issued directing you to

- cease or avoid the harassment of the petitioner;

- avoid the petitioner's residence and/or any premises temporarily occupied by the petitioner;
- 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;* AND
- follow any other orders made by this court.

VIOLATION OF AN INJUNCTION if issued at this hearing shall result in your arrest and may result in the imposition of criminal penalties regardless of whether you have been served a copy of the injunction. Service of a copy of this notice of injunction hearing and the petition for the temporary restraining order and/or injunction is constructive knowledge of the existence of the injunction.

THIS TEMPORARY RESTRAINING ORDER IS IN EFFECT UNTIL THE INJUNCTION HEARING.

If you require reasonable accommodations to participate in the court process due to a disability, please call _____ prior to the scheduled court date. Please note that the court does not provide transportation.

DISTRIBUTION:

1. Court
2. Petitioner
3. Person filing on behalf of the petitioner
4. Respondent
5. Law Enforcement
6. Other: _____