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DISTRICT II

May 3, 2018

To:

Hon. Jodi L. Meier
Circuit Court Judge
Kenosha County Courthouse
912 56th St
Kenosha, WI 53140

Amanda C. Aubrey
Legal Action of Wisconsin, Inc.
4900 Spring Street, Ste. 100
Racine, WI 53406

Cameron Bazzel Spencer

Rebecca Matoska-Mentink
Clerk of Circuit Court
Kenosha County Courthouse
912 56th Street
Kenosha, WI 53140

You are hereby notified that the Court has entered the following opinion and order:

2017AP1503

Petitioner v. Cameron Bazzel Spencer (L.C. #2014CV754)

Before Reilly, P.J., Gundrum and Hagedorn, JJ.

Based upon our review of the briefs and record, we conclude at conference that this case is appropriate for summary disposition. See WIS. STAT. RULE 809.21 (2015-16).

Petitioner appeals from orders denying her requests to extend a domestic abuse injunction against Cameron Bazzel Spencer. Spencer has not filed a respondent's brief.¹ Based upon our review of Petitioner's brief and the record, we conclude at conference that this case is

¹ A January 9, 2018 order warned Spencer that his failure to file a respondent's brief could result in summary reversal of the order appealed from.

appropriate for summary disposition. *See* WIS. STAT. RULE § 809.21 (2015-16).² We reverse the order of the circuit court and remand for immediate action consistent with this decision.

In 2014, Petitioner sought a domestic abuse injunction against Spencer, her husband at that time. In her petition, she detailed multiple instances of physical abuse by Spencer. On June 2, 2014, the Petitioner was granted her requested domestic abuse injunction, ordering Spencer to avoid contact with Petitioner, through June 2, 2017.

On June 2, 2017, Petitioner requested an extension of the injunction. In her written request, she stated:

My ex-husband abused me physically and sexually assaulted me many times throughout the course of our marriage. We went to court for custody issues May 2017 and *he was very angry because of the outcome. I fear for my safety even more.* This is the reason I would like the injunction extended. (Emphasis added.)

That same date, the circuit court denied Petitioner's request, stating: "Does not meet statutory requirement for extension."

On June 5, 2017, Petitioner filed another request for an extension, stating:

During the course of our marriage I was abused physically and sexually assaulted. I was granted the Domestic Abuse Restraining order three years ago today. In the last three years my relationship with my ex husband has changed. We are now going to court for child custody and *he is angry that he is not getting his way. I am very frightened that he now knows my home address and has made me aware that the restraining order is expiring.*

Please help me to protect myself and my safety by extending the restraining [order]. (Emphasis added.)

² All references to the Wisconsin Statutes are to the 2015-16 version unless otherwise noted.

That same date, the circuit court denied Petitioner's request, stating, "Injunction has expired."

WISCONSIN STAT. § 813.12(4)(c)2. provides: "When an injunction expires, the court *shall* extend the injunction if the petitioner states that an extension is necessary to protect him or her. This extension shall remain in effect until 4 years after the date the court first entered the injunction" (Emphasis added.) This language is plain and leaves the circuit court with no discretion, so long as an injunction has expired and a petitioner expresses in her request that an extension is necessary for her safety. At a minimum, Petitioner's June 5, 2017 request to extend the injunction satisfied the language of the statute, as it was filed after the injunction expired and indicated she needed it extended for her protection. The circuit court erred in not granting an extension to June 2, 2018, which is four years "after the date the court first entered the injunction." *See id.* Thus, we reverse and remand to the circuit court with directions that the court immediately enter an order extending the injunction to June 2, 2018. In light of the fact Spencer has not participated in this appeal, we deem him to have forfeited his right to hereafter do so. We order remittitur to occur the day following the date of this decision so that the extension can have immediate effect.

Upon the foregoing reasons,

IT IS ORDERED that the orders of the circuit court are summarily reversed, pursuant to WIS. STAT. § 809.21, and the matter is remanded to the circuit court for the court to immediately enter an order extending the domestic abuse injunction to June 2, 2018.

IT IS FURTHER ORDERED that the Clerk of the Court of Appeals shall remit the record the day following the date of this decision.

IT IS FURTHER ORDERED that this summary disposition order will not be published.

Sheila T. Reiff
Clerk of Court of Appeals