

Amended

**Petition for Temporary Restraining Order and/or
Petition and Motion For Injunction Hearing
(Domestic Abuse – 30709)**

Case No. _____

PETITIONER

Name of Petitioner (First, Middle, Last)

* If you are completing this Petition on behalf of the Petitioner, insert your name on page 3.

Date of Birth of Petitioner

-vs-

RESPONDENT/DEFENDANT

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

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

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

Please specify Petitioner's relationship(s) to Respondent:

spouse cousin adoptive parent
 former spouse sibling grandparent
 person in dating relationship parent child (biological/adoptive/step)
 current or former live-in relationship step parent
 Other: [Be specific] _____

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 §813.12, Wis. Stats., based on the following:

- The adult respondent is *[Mark any of the following boxes that apply.]*
 - a. a spouse or former spouse of the petitioner.
 - b. a parent, child, or a person related by blood or adoption to the petitioner.
 - c. a person in a current or former live-in relationship with the petitioner.
 - d. a person with whom the petitioner has a child in common.
 - e. a person who provides in home or community care for the petitioner.
 - f. a person with whom the petitioner has or had a dating relationship.
- The petitioner is *[Mark any of the following boxes that apply.]*
 - a. not married to the respondent.
 - b. living on property owned by respondent and the petitioner does does not have a legal interest in that property.
- The petitioner is is not in imminent danger of physical harm.
- Stated on next page or attached as part of this petition is a statement of facts indicating that respondent has engaged in, or based on prior conduct of the petitioner and the respondent may engage in, domestic abuse of the petitioner.

(Domestic abuse is defined in §813.12(1)(am), Wis. Stats., as an intentional infliction of or threat to inflict physical pain, physical injury or illness; impairment of physical condition; damage to personal property; stalking; or sexual contact or sexual intercourse without consent. There must be facts showing an imminent danger of physical harm before a temporary restraining order can be issued.)

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

See attached

5. 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. refrain from committing acts or threats of domestic abuse against the petitioner.
 - b. avoid the petitioner's residence and/or any location temporarily occupied by the petitioner.
 - c. avoid contacting the petitioner or causing any person other than a party's attorney or law enforcement officer to contact 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. 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. refrain from committing acts or threats of domestic abuse against the petitioner.
 - b. avoid the petitioner's residence and/or any location temporarily occupied by the petitioner.
 - c. avoid contacting the petitioner or causing any other person than a party's attorney or law enforcement officer to contact the petitioner. *Contact includes: contact at petitioner 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. 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.

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. 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: Domestic Abuse (CV-403) form, the respondent can be served by publication using Publication Notice (CV-417) 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: Domestic Abuse (CV-403) 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.

* I am: [Check one]

- The adult Petitioner.
- The guardian of Petitioner [Ward] found to be incompetent.

(Must have Letters of Guardianship.)

State of _____

County of _____

Subscribed and sworn to before me on _____

Notary Public/Court Official

Name Printed or Typed

My commission/term expires: _____

▶ _____
Petitioner/Guardian

Name Printed or Typed

Date

DISTRIBUTION:

1. Court
2. Petitioner/Guardian
3. Respondent
4. Law Enforcement
5. Other: _____