

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**  
[write the county where you are filing]

Case No. \_\_\_\_\_  
[to be completed by clerk]

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

Amended [check this box if you are changing a Petition that was filed before]

| <b>You, the Person to be Protected (Petitioner)</b>  | <b>Person against whom you are seeking a restraining order (Respondent)</b> |
|--|---|
| Your full name {PE}:<br>_____<br>[Your name will appear in the title of the case but will not be visible online.<br>If you are the Petitioner’s guardian, write the name of the person to be protected in the line above and sign and write your name on the final page of this form.] | Respondent’s full name:<br>_____  |
| Petitioner’s date of birth:<br>_____   | Respondent’s street address:<br>_____                                       |
|  | City, state, zip code:<br>_____   |
|  | Respondent’s date of birth:<br>_____  |

Do one or both parties require the services of an interpreter?  No.  Yes.  
If yes, which party? \_\_\_\_\_ What languages \_\_\_\_\_  
[Fill out and file an Interpreter Request/Order, form GF-149.]

#### **RESPONDENT’S INFORMATION**

Sex: \_\_\_\_\_ Height: \_\_\_\_\_ Hair color: \_\_\_\_\_

Race: \_\_\_\_\_ Weight: \_\_\_\_\_ Eye color: \_\_\_\_\_

Respondent has the following distinguishing features [describe scars, marks, tattoos, etc.]:  
\_\_\_\_\_

Respondent has access to weapons.  
Type of weapons: \_\_\_\_\_ Location of weapons: \_\_\_\_\_

Weapons were involved in an incident involving the petitioner.

I am aware of the following court cases that address contact between the petitioner and respondent.  
[Examples: custody and placement orders in family or juvenile cases, no-contact orders or bond conditions in criminal cases]

Name/type of other case: \_\_\_\_\_ County and state: \_\_\_\_\_

Case number: \_\_\_\_\_ Date of proceeding: \_\_\_\_\_

What was ordered: \_\_\_\_\_

## PETITION

A. This restraining order petition, under Wis. Stat. 813.12, is based on the following:

1. The adult respondent is [Check all that apply]:

- a. a spouse or former spouse of the petitioner.
- b. a parent, child, or 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.

2. The petitioner is [Check all that apply]:

- a. not married to the respondent.
- b. living on property owned by the respondent and the petitioner  does  does not have a legal interest in that property

3. The petitioner [Choose one]  is  is not in imminent danger of physical harm.

4. The following **statement of facts** explains that the respondent has engaged in, or based on prior conduct, may engage in domestic abuse of the petitioner. Wis. Stat. 813.12(1)(am) defines **domestic abuse** as: intentional infliction of physical pain, physical injury or illness; impairment of physical condition; damage to personal property; stalking; sexual contact or intercourse without consent; or threats to engage in these behaviors.

Please explain in your own words any instances when the respondent has engaged in domestic abuse against you, the person to be protected (petitioner). **The following information may be helpful to the court in deciding whether to issue a temporary restraining order:** When and where did the domestic abuse occur? How were you affected, such as any physical injuries, fear or intimidation you felt, or other reactions? **There must be facts showing an imminent danger of physical harm for the court to grant a temporary restraining order.** [You may attach additional pages if you run out of space here.]

B. I want the court to:

- 1. Issue a temporary restraining order (TRO) before the injunction hearing.
- 2. Issue an injunction (restraining order) against the respondent for four years or the following shorter period: \_\_\_\_\_. [a hearing will be scheduled]
  - I want the court to schedule an injunction hearing even if the temporary restraining order is denied.
 

[If you check this box, the respondent will receive a copy of this form and a hearing will be scheduled.

If you do not check this box, the respondent will not receive a copy of this form and no hearing will be scheduled.]

- 3. Require the respondent to: [check the applicable boxes in each column; you must check at least one box in the injunction column]

|  | before the<br>hearing (TRO) | after the hearing<br>(injunction) |
|--|-----------------------------|-----------------------------------|
| <input type="checkbox"/> a. refrain from committing acts or threats of domestic abuse against the petitioner.  | <input type="checkbox"/>    | <input type="checkbox"/>          |
| <input type="checkbox"/> b. avoid the petitioner's residence and/or any location temporarily occupied by the petitioner.   | <input type="checkbox"/>    | <input type="checkbox"/>          |
| <input type="checkbox"/> 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.] | <input type="checkbox"/>    | <input type="checkbox"/>          |
| <input type="checkbox"/> d. refrain from removing, hiding, damaging, harming, mistreating, or disposing of a household pet.  | <input type="checkbox"/>    | <input type="checkbox"/>          |
| <input type="checkbox"/> e. allow the petitioner or a family member or household member of the petitioner acting on his/her behalf to retrieve a household pet.  | <input type="checkbox"/>    | <input type="checkbox"/>          |
| <input type="checkbox"/> f. other: [List the other specific behavior you want the respondent to stop doing]  | <input type="checkbox"/>    | <input type="checkbox"/>          |
| _____  |                             |                                   |
| _____  |                             |                                   |
| _____  |                             |                                   |

- 4. Order the injunction to be in effect for not more than 10 years if the court finds a substantial risk the respondent may commit 1<sup>st</sup> or 2<sup>nd</sup> degree intentional homicide, or 1<sup>st</sup>, 2<sup>nd</sup>, or 3<sup>rd</sup> degree sexual assault against the petitioner.
- 5. Order the injunction to be in effect permanently if the Court finds the respondent has been convicted of a violation of 1<sup>st</sup>, 2<sup>nd</sup>, or 3<sup>rd</sup> degree sexual assault against the petitioner.
- 6. Order the wireless telephone service provider to transfer each telephone number used by the petitioner or a minor child in his/her custody. [If ordered, the provider will transfer all financial responsibility for and right to the use of any telephone number transferred. See form CV-437, Wireless Telephone Transfer Service in Injunction Cases.]
- 7. Direct the sheriff to accompany the petitioner and assist in placing the petitioner in physical possession of his/her residence, if requested.

**IMPORTANT – SERVICE ON RESPONDENT**

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.

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 form CV-403, Temporary Restraining Order and Notice of Injunction Hearing: Domestic Abuse, the respondent can be served by publication using form CV-417, Publication Notice. To do so, the petitioner must:

**STEP ONE:** 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.  
AND

**STEP TWO:** send the form CV-403, Temporary Restraining Order and Notice of Injunction Hearing: Domestic Abuse to the respondent via mail or fax and must provide proof of transmission (e.g., certified mail receipt, declaration of mailing or faxing). The mailing or sending of a fax may be omitted if the post-office address or fax number cannot be ascertained with due diligence.

I am: [Check one]

The adult Petitioner.

The guardian of Petitioner [Ward] found to be incompetent. [Must have Letters of Guardianship]

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

Petitioner’s or Guardian’s signature:   ▶ \_\_\_\_\_

Print or type name: \_\_\_\_\_

Date: \_\_\_\_\_

**DISTRIBUTION:**

- 1. Court
- 2. Petitioner/Guardian
- 3. Respondent
- 4. Law enforcement
- 5. Other: \_\_\_\_\_