

## PETITIONER'S INSTRUCTIONS

## PROCEDURES FOR FILING DOMESTIC ABUSE RESTRAINING ORDERS

**Forms available from:** PROBATE OFFICE  
Dane County Courthouse  
215 South Hamilton St., Rm. 1005  
Madison, Wisconsin 53703-3285

**Closed on weekends or online at:**  
[http://www.countyofdane.com/clrkort/court\\_forms\\_family.htm](http://www.countyofdane.com/clrkort/court_forms_family.htm)

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**PURPOSE:** To obtain a court order which will prevent someone who has engaged in domestic abuse against you from coming to your residence and/or having contact with you. Law enforcement shall make an arrest if the abuser knowingly violates the order. This order does not cover custody, support or any other actions affecting the family.

**Step 1:** Before filling out the forms, read the following criteria for eligibility:

- 1) You must be able to establish that you are an adult and the victim of "Domestic Abuse" or the guardian of an incompetent individual who is a victim of "Domestic Abuse." As defined in Wisconsin State Statutes 813.12, "Domestic Abuse" means any of the following:
  - a. Intentional infliction of physical pain, physical injury or illness.
  - b. Intentional impairment of physical condition.
  - c. Sexual contact or sexual intercourse without your consent ((Wis. Stats. 940.225 (1) (2) or (3)).
  - d. Criminal damage to your property.
  - e. A threat of any of the above directed toward you.
- 2) You must be able to establish that the abuser is an adult "family member" (someone you are related to by blood or adoption); a "household member" (someone with whom you share or have shared a residence); a current or former spouse; an adult with whom you have a child in common; an adult with whom you have or had a dating relationship; or your adult caregiver.

**Step 2:** If you believe you qualify under the Domestic Abuse Statutes, fill out the forms as instructed below and return them to the receptionist's desk in the Probate Office, **ROOM 1005**, Dane County Courthouse. There is no fee for filing this action.

***IF YOU ARE HAVING A DIFFICULT TIME FILLING OUT THESE RESTRAINING ORDER FORMS AND WOULD LIKE ASSISTANCE AND/OR INFORMATION – PLEASE CALL DOMESTIC ABUSE INTERVENTION SERVICES AT 251-4445 OR 1-800-747-4045 (24 HOUR CRISIS LINE).***

- A. On the form captioned "NOTICE OF HEARING AND TEMPORARY RESTRAINING ORDER," only fill in your name and date of birth (petitioner) and the name and address of the other party (respondent).
- B. On the form captioned "PETITION FOR TEMPORARY RESTRAINING ORDER AND/OR INJUNCTION," fill in your name and date of birth (petitioner) and the name, address and physical description of the other party (respondent). On lines 1 through 4, check boxes which apply to your relationship to the respondent.
- C. Under number 5 of the "PETITION," write in complete sentences the facts which you believe support your request for a domestic abuse temporary restraining order. If you were physically threatened, state the exact words of the threat. If you were physically abused, state specifically what the respondent did to you. Be specific as to what happened to you, who did it, and when it happened. Put in facts that indicate you felt pain, did not consent, and feared for your safety because of the incident(s). You do not have to explain what led up to the incident. You will have to sign the Petition to affirm that your facts are true, and have your signature notarized.
- D. Under the sentence, "I REQUEST THAT THE COURT," mark the boxes that apply.
- E. Complete the sheet entitled "WORKSHEET FOR LAW ENFORCEMENT." This is necessary so the Dane County Sheriff can serve the respondent.
- F. Return the forms to the Probate Office, Room 1005. The Court Commissioner will review what you have written on the Petition to determine if you have the grounds to obtain the restraining order.
- G. If granted, the Court Commissioner will assign a hearing date. You are REQUIRED to attend the hearing. The purpose of the hearing is to determine if an Injunction, for up to 4 years, should be issued against the respondent.

**Step 3:** If the Temporary Restraining Order is signed, 4 copies will be made by Probate staff. Take the forms to the Clerk of Court's, **Room 1000, Dane County Courthouse**, to file the forms. The Clerk of Court will assign a Dane County case number. **NOTE:** If you fail to obtain a Dane County case number, the Sheriff's Office will not accept the paperwork for service.

**Step 4:** After the forms are filed, the clerk will return to you the copies of the Petition and Notice. You will take the copies to the Sheriff's Office, Civil Process Division, **ROOM 2002 (second floor) in the PUBLIC SAFETY BUILDING** so that the respondent can be served if he/she resides in Dane County. If the respondent does not reside in Dane County, you must still take one copy to the Sheriff's Office. However, you must obtain either a private process server or contact the Sheriff in the county where the respondent resides to serve the other 2 copies. There is no fee for this service. You will need to have an address where the Sheriff can serve the respondent. This is a very important step because the injunction against the respondent cannot be issued unless the respondent is served. If you want to know if the respondent was served with the Temporary Restraining Order call 284-6824 Monday–Friday, (7:45 a.m.–4:30 p.m.) or 266-9038 (after 4:30 p.m.).

You may serve the respondent by use of a private process server at your own expense. If you use a private process server, make sure you provide a copy of the service instructions to the process server.

If the sheriff or private process server was unable to serve the respondent because the respondent is avoiding service by concealment or otherwise, you may serve by publication. This will be at your expense. If you need assistance with the preparation of notice for publication, contact the Clerk of Court in Room 1000.

If the respondent makes contact with you before being served by Sheriff, call your local law enforcement agency and an officer may come and serve the respondent with your copy of the Temporary Restraining Order. Always call law enforcement if you are being contacted by the respondent as they are the agency that can enforce the order.

KEEP YOUR COPY WITH YOU AT ALL TIMES.

If you would like assistance with or information about restraining orders or other domestic abuse issues, call Domestic Abuse Intervention Services' 24 hour Help and Crisis Line: (608) 251-4445 or 1-800-747-4045 (toll free in Dane County, TDD and Language Line).

