

PETITIONER'S INSTRUCTIONS

PROCEDURES FOR FILING HARASSMENT 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

PURPOSE: *To obtain a court order against an individual to cease or avoid harassment of another person.*

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

- 1) You must be able to establish that you have been “harassed by another person” as defined in Wisconsin State Statutes 813.125.

(Harassment is defined as:

- (a) Strikes, shoves, kicks, or otherwise subjects the person to physical contact; engages in an act that would constitute abuse under §48.02(1), sexual assault under §940.225, or stalking under §940.32; or attempts or threatens to do same.
- (b) Engages in a course of conduct or repeatedly commits acts which harass or intimidate the person and which serve no legitimate purpose.)

Step 2: If you believe you qualify under the Harassment 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. The fee for filing this action is \$164.50. Cash, cashier’s check, money order, or personal checks will be accepted. If you have limited financial resources, request a Petition for Waiver of Costs/Fees from the Probate Office personnel and complete it. Waiver of costs/fees may also be obtained based upon the nature of the harassing behavior. The duty judge/court commissioner will determine if the fee waiver is applicable in your case.

- A. On the form captioned “NOTICE OF HEARING AND TEMPORARY RESTRAINING ORDER,” fill in your name (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 (petitioner) and the name, address, and physical description of the other party (respondent). On line 1, write in the name of the victim.
- C. Under number 3 of the “PETITION,” write in complete sentences the facts which you believe support your request for a harassment temporary restraining order. Fill out this section clearly and legibly. What you write here will determine whether or not the court will grant you the Temporary Restraining Order. Be specific as to what happened to you, who did it and when it happened. 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 all the boxes that apply and state on line 1 what behavior you want the respondent to stop doing.
- 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 the petition is granted, the Court Commissioner will sign the Temporary Restraining Order and 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: The Court Commissioner will have 4 copies made of the Petition and the Notice of Hearing. Take the forms to the Clerk of Court’s Office, **Room 1000, Dane County Courthouse** to obtain a Dane County case number and pay the fee, or file the Petition & Order for Waiver of Costs/Fees. (A waiver of fees must be approved by the Court Commissioner. **NOTE:** If you fail to obtain a Dane County case number, the Sheriff’s Office will not accept the paperwork for service.)



Step 4: The clerk will return the copies of the Petition and Order to you. You will take the copies to the Sheriff's Office, Civil Process Division, **ROOM 2002 in the PUBLIC SAFETY BUILDING** so that 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 of the Notice of Hearing to the Sheriff's Office. However, you must obtain either a private process server or the Sheriff in the county the respondent resides to serve the other 2 copies. Prior to service, you will need to pay an initial \$40.00 fee for service, if fees have not been waived. You will also need to have an address where the Sheriff can serve the respondent. This is a very important step because an Injunction cannot be issued if the respondent is not 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 call 266-9038 (after 4:30 p.m.).

You may serve 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 respondent makes contact with you before being served by the Sheriff, call your local law enforcement agency and an officer may come and serve the respondent. 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).

