

PETITIONER'S INSTRUCTIONS

Forms Available From:

DANE COUNTY LEGAL RESOURCE CENTER
Dane County Courthouse, Room L1007
215 South Hamilton Street
Madison, Wisconsin 53703-3294
8:30 a.m. – 4:30 p.m.

– OR –

THE PROBATE OFFICE
Dane County Courthouse, Room 1005
215 South Hamilton Street
Madison, Wisconsin 53703-3285

Closed on weekends or online at: http://www.countyofdane.com/clrkctort/court_forms_family.htm

PROCEDURES FOR FILING HARASSMENT RESTRAINING ORDERS Juvenile Court

PURPOSE: *To obtain a court order against a juvenile 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 947.013(1)(a) and (b).

(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 Probate Office, **ROOM 1005**, Dane County Courthouse. There is no fee for filing this action.

- A. On the form captioned “NOTICE OF HEARING AND TEMPORARY RESTRAINING ORDER,” only 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 and address of the other party (respondent). Fill in the physical description of the respondent. On line 1 write in the name of the victim. On lines 2 and 3, check boxes which apply. 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.
- 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.
- D. Complete the sheet entitled “WORKSHEET FOR LAW ENFORCEMENT.” This is necessary so the Dane County Sheriff can serve the respondent.
- E. 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. (You will have to sign the Petition and have your signature notarized to affirm that your facts are true.)
- F. If granted, the 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.
- G. If granted, the Court Commissioner will have 4 copies made of the Petition and the Notice of Hearing. Take the forms to the Clerk of Circuit Court, Room 1000, to file the Petition and to obtain a Dane County case number. **NOTE:** If no Dane County case number is assigned, the Sheriff’s Office will not accept the paperwork for service.

Step 3: The clerk should 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 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 the a copy 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. 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 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 266-9038 (after 4:30 p.m.).

You may serve respondent by use of private process servers 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 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. This is the agency that can enforce the order.

KEEP YOUR COPY WITH YOU AT ALL TIMES.

If you need further information, help in preparing for the hearing, assistance on a weekend, or a safe place to stay, services are provided by Domestic Abuse Intervention Services.

Legal Advocacy Program (251-1237), Monday – Friday, 8:00 a.m. to 4:00 p.m.
 24-Hour Crisis Line (251-4445 or 1-800-747-4045) TDD and language line.

