

INSTRUCTIONS

[Domestic Abuse]

NOTE: The necessary forms are available at no charge on the Internet at www.wicourts.gov, or from the Clerk of Court in the Courthouse at 613 Dodge Street, Kewaunee, Wisconsin, or at the office of Violence Intervention Project, Inc., 1405 Division Street, Algoma, Wisconsin (920-487-2111).

You are the Petitioner. It is your responsibility to complete and distribute the forms. The Court does not do this for you.

There is no fee payable for the filing or the service of the forms.

1. Complete the *Petition for Temporary Restraining Order and/or Petition and Motion for Injunction Hearing*.
 - a. Do not omit any information about the background of the Respondent, such as date of birth, height, and eye color.
 - b. Sign the *Petition for Temporary Restraining Order and/or Petition and Motion for Injunction Hearing* **IN THE PRESENCE OF A NOTARY PUBLIC**.
2. Take the completed *Petition for Temporary Restraining Order and/or Petition and Motion for Injunction Hearing* to the Family Court Commissioner's office, 510 Main Street, Kewaunee, Wisconsin.
 - a. Take along a proposed *Temporary Restraining Order and Notice of Injunction Hearing*, proposed *Injunction*, and a proposed *Notice and Order for Injunction Hearing When Temporary Restraining Order is Not Issued*. Bring along a photo I.D. such as a drivers license. You should also complete a *Confidential Address Information in Domestic Abuse and Harassment Temporary Restraining Order and Injunction Actions*, and give a copy to the Family Court Commissioner and file the original with the Clerk of Court when you file the *Petition for Temporary Restraining Order and/or Petition and Motion for Injunction Hearing*.
 - b. The Family Court Commissioner will review the *Petition for Temporary Restraining Order and/or Petition and Motion for Injunction Hearing* and if sufficient, a hearing will be scheduled, and you will be given the signed *Temporary Restraining Order and Notice of Injunction Hearing*. If there are not sufficient grounds to issue a Temporary Restraining Order the Family Court Commissioner may enter a *Notice and Order for Injunction Hearing When Temporary Restraining Order is Not Issued* and you will be given the signed original.
 - c. The hearing will be scheduled to be held within fourteen (14) days after the *Temporary Restraining Order and Notice of Injunction Hearing* or the *Notice and Order for Injunction Hearing When Temporary Restraining Order is Not Issued* is signed.
3. File the signed original of the *Petition for Temporary Restraining Order and/or Petition and Motion for Injunction Hearing* and the *Temporary Restraining Order and Notice of Injunction Hearing* or the *Notice and Order for Injunction Hearing When Temporary Restraining Order is Not Issued* with the Clerk of Court at the Kewaunee County Courthouse.
4. Take two authenticated copies of the *Petition for Temporary Restraining Order and/or Petition and Motion for Injunction Hearing*, and two authenticated copies of the *Temporary Restraining Order and Notice of Injunction Hearing* or the *Notice and Order for Injunction Hearing When Temporary Restraining Order is Not Issued* to the Sheriff's Office of the county where the other party is located. Ask that an authenticated copy of each document be served on the Respondent. Before the hearing file with the Clerk of Court the original of the *Certificate of Service*, or *Certificate of Attempted Service*.

Use only for Kewaunee County, Wisconsin.

(Continued on Reverse)

5. On the day of the hearing, be on time, and:
 - a. Bring to the hearing the original of the proposed *Injunction*, and a copy of the filed *Certificate of Service* or *Certificate of Attempted Service*.
 - b. Be prepared to explain why the *Injunction* should be entered. If you are going to submit any documents, bring at least two (2) copies. Remind your witnesses, if any, to also be on time.
6. Failure to appear.
 - a. If you do not appear at the hearing, a *Dismissal Order* will be entered.
 - b. If the Respondent does not appear at the hearing, you should take a copy of the filed *Certificate of Service* along with the original of your proposed *Injunction* and the signed original and a copy of a completed *Affidavit of Nonmilitary Service* to the office of the Family Court Commissioner. An *Injunction* will probably be entered against the Respondent by default.
 - c. If the Respondent was not served and you want a new hearing date, you should complete an *Order Extending Time for Hearing* - but leave the hearing date blank - and take it, along with a copy of the filed *Certificate of Attempted Service*, to the Family Court Commissioner's office. A new hearing will be scheduled. You will have to file the signed *Order Extending Time for Hearing* with the Clerk of Court, and give the Sheriff's Office an authenticated copy of the *Order Extending Time for Hearing* to be served on the Respondent. Be sure to then file the original of the new *Certificate of Service*, and provide a copy to the Family Court Commissioner, prior to the rescheduled hearing.
 - d. If the Respondent was not served because the Respondent is avoiding service by concealment or otherwise, you may serve the Respondent by publication of a *Publication Notice* in the newspaper and by mailing to the Respondent. The forms for the publishing are available from the Clerk of Court. You should complete an *Order Extending Time for Hearing* - but leave the hearing date blank - and take it, along with a copy of the filed *Certificate of Attempted Service*, to the Family Court Commissioner's office. A new hearing will be scheduled. You will then have to file the signed *Order Extending Time for Hearing* with the Clerk of Court. You will then prepare a *Publication Notice* and deliver the *Publication Notice* to the newspaper, file with the Clerk of Court a *Publication Affidavit of Mailing or Facsimile*, and mail a copy of the filed *Order Extending Time for Hearing* to the Respondent. Before the rescheduled hearing you must also provide to the Family Court Commissioner a copy of the *Publication Notice* and a copy of the filed *Publication Affidavit of Mailing or Facsimile*.
7. After the hearing, the Family Court Commissioner will make a decision.
 - a. If the decision is to grant the requested *Injunction*, you will present the proposed *Injunction* to the Family Court Commissioner for review, completion, and signature. An authenticated copy will be given to the Respondent, to you, and to the Sheriff's Office. If the Respondent is not present at the *Injunction* hearing, it is your responsibility as Petitioner to have an authenticated copy of the *Injunction* provided to the Respondent, but you may ask the Clerk of Court to mail an authenticated copy to the Respondent for you.
 - b. If the requested *Injunction* is not granted, the Family Court Commissioner will prepare and sign and file a *Dismissal Order*, and an authenticated copy of the *Dismissal Order* will be mailed to you and to the Respondent and to the Sheriff's Office.

These instructions are issued to inform and not to advise.
No person should ever apply or interpret any law without the aid
of an attorney who knows the facts,
because the facts may change the application of the law.