

TEMPORARY RESTRAINING ORDER & INJUNCTION FILING INSTRUCTIONS [Harassment]

NOTE: The necessary forms are available at no charge on the Internet at www.wicourts.gov or from Violence Intervention Project, Inc., 1405 Division Street, Algoma, Wisconsin (920-487-2111).

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

There is a fee for filing and for service of the forms, except as provided in sec. 814.61(1), Stats. Also, if you cannot afford the fees, you may complete a *Petition for Waiver of Fees and Costs - Affidavit of Indigency (CV-410A)* and an *Order on Petition for Waiver of Fees and Costs (CV-410B)* and submit it to the Family Court Commissioner at the same time you submit the *Petition for Temporary Restraining Order and/or Petition and Motion for Injunction Hearing (CV-405)*.

1. Complete a *Petition for Temporary Restraining Order and/or Petition and Motion for Injunction Hearing (CV-405)* and a *Confidential Address Information in Domestic Abuse, Child Abuse, Individual at Risk, and Harassment Temporary Restraining Order and Injunction Actions (CV-502)*.
 - a. Do not omit any information about the description 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 (CV-405)*.
2. Take the completed *Petition for Temporary Restraining Order and/or Petition and Motion for Injunction Hearing (CV-405)* and the *Confidential Address Information in Domestic Abuse and Harassment Temporary Restraining Order and Injunction Actions (CV-502)* to the Family Court Commissioner's office, 213 Ellis Street, Kewaunee, Wisconsin.
 - a. Take along a form of photo identification such as a driver license and a proposed *Temporary Restraining Order and Notice of Injunction Hearing (CV-406)*, and a proposed *Notice and Order for Injunction Hearing When Temporary Restraining Order is Not Issued (CV-449)*. Also take along a *Respondent's Statement of Possession of Firearms (CV-800)*, an *Information for Respondents Regarding the Surrender and Return of Firearms (CV-804)*, and a *Notice of Firearm Possession Penalties (CV-432)*.
 - b. The Family Court Commissioner will review the *Petition for Temporary Restraining Order and/or Petition and Motion for Injunction Hearing (CV-405)* and if sufficient, a hearing will be scheduled, and you will be given the signed *Temporary Restraining Order and Notice of Injunction Hearing (CV-406)*. 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 (CV-449)* and you will be given the signed original.
3. Make the necessary copies of the signed originals. Then file the signed original of the *Petition for Temporary Restraining Order and/or Petition and Motion for Injunction Hearing (CV-405)*, the *Temporary Restraining Order and Notice of Injunction Hearing (CV-406)* or the *Notice and Order for Injunction Hearing When Temporary Restraining Order is Not Issued (CV-449)*, and the *Confidential Address Information in Domestic Abuse and Harassment Temporary Restraining Order and Injunction Actions (CV-502)* with the Clerk of Court and have the Clerk of Court authenticate the copies.
4. The Clerk of Court will arrange for service on the Respondent by the Sheriff of an authenticated copy of the *Petition for Temporary Restraining Order and/or Petition and Motion for Injunction Hearing (CV-405)*, and the *Temporary Restraining Order and Notice of Injunction Hearing (CV-406)* or the *Notice and Order for Injunction Hearing When Temporary Restraining Order is Not Issued (CV-449)*, and a copy of the *Respondent's Statement of Possession of Firearms (CV-800)*, the *Information for Respondents Regarding the Surrender and Return of Firearms (CV-804)*, and the *Notice of Firearm Possession Penalties (CV-432)*. Before the hearing, be sure the original *Certificate of Service* or *Certificate of Attempted Service* was filed with the Clerk of Court.
5. On the day of the hearing, be on time, and:
 - a. Take to the hearing the original proposed *Injunction (CV-407)* and a copy of the filed *Certificate of Service* or *Certificate of Attempted Service*, along with a completed *Notice of Firearm Surrender Hearing (Respondent Not Present at Injunction Hearing) (CV-802)* and a completed *Order to Surrender Firearms and Notice of Firearm Surrender Hearing (CV-803)*.
 - b. Be prepared to explain why the injunction should be entered. If you are going to submit any documents, take 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, an *Order Dismissing/Denying Petition for Temporary Restraining Order/Injunction (CV-409)* 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 proposed *Injunction (CV-407)*, to the Family Court Commissioner's office. Also take the completed *Notice of Firearm Surrender Hearing (Respondent Not Present at Injunction Hearing) (CV-802)* for the Family Court Commissioner to review and sign. An injunction will probably be entered against the Respondent by default. The signed originals of the *Injunction (CV-407)* and the *Notice of Firearm Surrender Hearing (Respondent Not Present at Injunction Hearing) (CV-802)* will be given to you for you to file with the Clerk of Court. The Clerk of Court will arrange for service on the Respondent by the Sheriff of an authenticated copy of each document. Before the hearing, be sure the original *Certificate of Service* was filed with the Clerk of Court.
 - c. If the Respondent was not served and you want a new hearing date, you should complete an *Order Extending Time for Hearing (CV-408)* - but leave the hearing date blank - and take it to the Family Court Commissioner's office, along with a copy of the filed *Certificate of Attempted Service*. A new hearing date will most likely be scheduled. You will have to file the signed *Order Extending Time for Hearing (CV-408)* with the Clerk of Court. The Clerk of Court will give the Sheriff's Department two (2) authenticated copies of the *Petition for Temporary Restraining Order and/or Petition and Motion for Injunction Hearing (CV-405)*, the *Temporary Restraining Order and Notice of Injunction Hearing (CV-406)* or the *Notice and Order for Injunction Hearing When Temporary Restraining Order Is Not Issued (CV-449)*, and the *Order Extending Time for Hearing (CV-408)* and two (2) copies of the *Respondent's Statement of Possession of Firearms (CV-800)*, the *Information for Respondents Regarding the Surrender and Return of Firearms (CV-804)*, and the *Notice of Firearm Possession Penalties (CV-432)*, with one copy of each to be served on the Respondent. Prior to the rescheduled hearing, be sure to file the original of the new *Certificate of Service* with the Clerk of Court, and provide a copy to the Family Court Commissioner's office.
 - d. If the Respondent was not served because the Respondent is avoiding service by concealment or otherwise, you may serve the Respondent by publishing a *Publication Notice (CV-505)* in the newspaper and by mailing a copy to the Respondent. You should complete an *Order Extending Time for Hearing (CV-408)* - but leave the hearing date blank - and take it to the Family Court Commissioner's office, along with a copy of the filed *Certificate of Attempted Service*. A new hearing date will most likely be scheduled. You will then have to file the signed *Order Extending Time for Hearing (CV-408)* with the Clerk of Court. You will also need to prepare a *Publication Notice (CV-505)* and deliver it to the newspaper, file with the Clerk of Court a *Publication Affidavit of Mailing or Facsimile (CV-506)*, and mail to the Respondent a copy of the *Publication Affidavit of Mailing or Facsimile (CV-506)*, an authenticated copy of the *Petition for Temporary Restraining Order and/or Petition and Motion for Injunction Hearing (CV-405)* and the *Order Extending Time for Hearing (CV-408)*, and a copy of a *Respondent's Statement of Possession of Firearms (CV-800)*, an *Information for Respondents Regarding the Surrender and Return of Firearms (CV-804)*, and a *Notice of Firearm Possession Penalties (CV-432)*. When the publication has been completed, you will receive an *Affidavit of Publication* from the newspaper, the original of which you must file with the Clerk of Court. Prior to the rescheduled hearing, you must provide to the Family Court Commissioner's office a copy of the filed *Publication Notice (CV-505)*, the *Publication Affidavit of Mailing or Facsimile (CV-506)*, and the *Affidavit of Publication*.
7. After the hearing, the Family Court Commissioner will make a decision.
- a. If the requested injunction is not granted, the Family Court Commissioner will sign and file an *Order Dismissing/Denying Petition for Temporary Restraining Order/Injunction (CV-409)*, and an authenticated copy of that order will be mailed to you, the Respondent, the Sheriff's Department, the appropriate police department, and the Child Support Agency.
 - b. If the decision is to grant the requested injunction, you will present the proposed *Injunction (CV-407)* to the Family Court Commissioner for review, completion, and signature. Also provide a completed *Notice of Firearm Surrender Hearing (Respondent Not Present at Injunction Hearing) (CV-802)* and a completed *Order to Surrender Firearms and Notice of Firearm Surrender Hearing (CV-803)*. The Family Court Commissioner will file the *Injunction (CV-407)* and an authenticated copy will be given to the Respondent, you, the Sheriff's Department, the appropriate police department, and the Child Support Agency. The *Notice of Firearm Surrender Hearing (Respondent Not Present at Injunction Hearing) (CV-802)* or the *Order to Surrender Firearms and Notice of Firearm Surrender Hearing (CV-803)* will also be signed by the Family Court Commissioner and filed with the Clerk of Court, and an authenticated copy of each will be given to you and the Respondent. If the Respondent is not present at the injunction hearing, it is your responsibility as Petitioner to arrange for an authenticated copy of the *Injunction (CV-407)* and the *Notice of Firearm Surrender Hearing (Respondent Not Present at Injunction Hearing) (CV-802)* or the *Order to Surrender Firearms and Notice of Firearm Surrender Hearing (CV-803)* to be served on the Respondent.

These instructions are provided 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.