

Using Harassment Restraining Orders To Keep Order

Why?

**When police won't
help, allows
immediate action**

When?

**--a person engages in
a course of conduct or
repeated actions**

**--which harasses or
intimidates and**

**-- serves no legitimate
purpose**

**It's a court
proceeding, so it
starts with a petition.**

**Use Form CV 405,
Petition, and related
forms**

**You can fill in the
blanks on your screen.
The Campground can
be a Petitioner too.**

STATE OF WISCONSIN, CIRCUIT COURT, COUNTY Name of person to be
protected (Petitioner):Name of person
completing Petition
(if different from
Petitioner):Date of Birth of
Petitioner:

-vs-

Respondent/
Defendant:

Address:



Amended

**Petition for
Temporary Restraining Order
and/or Petition and Motion for
Injunction Hearing
(Harassment—30711)**

Case No.



If there is a **CHIPS** proceeding involving the child or the respondent is a minor, **Use JC-1693. Do not use this form.**

Respondent's:

Sex

Race

Date of Birth

Height

Weight

Hair color

Eye color

Please specify Petitioner's relationship(s) to Respondent:

☐ spouse☐ cousin☐ adoptive parent☐ former spouse☐ sibling☐ grandparent☐ person in dating relationship☐ parent☐ child (biological/adoptive/step)☐ current or former live-in☐ step parent

relationship

☐ Other: [Be specific] **Respondent's Distinguishing Features:**

(such as scars, marks or tattoos)



None known

CAUTION:¶

(Check all that apply)▪

- ☐ Respondent has access to weapon(s). ... Type of weapon(s): →
- Location of weapon(s): →
- ☐ Weapon(s) were involved in an incident [past or present] involving the petitioner.▪

I am: [Check one] ·

- ☐ petitioner.▪ ☐ stepparent of the petitioner.▪ ☐ guardian ad litem for child. ...▪
- ☐ parent of the petitioner.▪ ☐ legal guardian of the petitioner.▪
- ☐ Other: →

I PETITION THE COURT for a Temporary Restraining Order/or and Injunction against the respondent under §813.125, Wis. Stats., based on the following:▪

→ 1. Stated below or attached as part of this Petition is a statement of facts indicating that respondent has engaged in conduct which is believed to be harassment.▪

▪ *(Harassment is defined as: (a) Striking, shoving, kicking or otherwise subjecting the person to physical contact; or (b) Engaging in an act that would constitute child abuse under §48.02(1); or (c) Sexual assault under §940.225; or (d) Stalking under §940.32; or attempts or threat to do same; or (e) Engaging in a course of conduct or repeatedly committing acts which harass or intimidate the person and which serve no legitimate purpose.)*▪

▪ **(State when, where, what happened, and who did what to whom)** → ☐ See attached¶

..... →

..... →

→ 2. Another no contact order between the petitioner and the respondent▪

▪ ☐ does not exist or the petitioner does not know or is uncertain as to whether another no contact order exists.▪

▪ ☐ does exist.▪

▪ Name of other case: →

▪ County or State: [If not Wisconsin] →

▪ Type of Case: →

I REQUEST THE COURT: [Mark any of the following boxes that apply]

☐ 1. ☐ Issue a Temporary Restraining Order requiring the respondent to

CV-405, 05/19-Petition for Temporary Restraining Order and/or Petition and Motion for Injunction Hearing (Harassment) → §§48.25(6) and 813.125, Wisconsin Statutes

This form shall not be modified. It may be supplemented with additional material.

Page 1 of 3

¶

- | | | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | → a. <input type="checkbox"/> cease or avoid harassing the petitioner. |
| <input type="checkbox"/> | <input type="checkbox"/> | → b. <input type="checkbox"/> avoid the petitioner's residence and/or any premises temporarily occupied by the petitioner. |
| <input type="checkbox"/> | <input type="checkbox"/> | → c. <input type="checkbox"/> avoid contact that harasses or intimidates the petitioner. <i>Contact includes: contact at petitioner's home, work, school, public places, in person, by phone, in writing, by electronic communication or device, or in any other manner.</i> |
| <input type="checkbox"/> | <input type="checkbox"/> | → d. <input type="checkbox"/> refrain from removing, hiding, damaging, harming, or mistreating, or disposing of, a household pet. |
| <input type="checkbox"/> | <input type="checkbox"/> | → e. <input type="checkbox"/> allow the petitioner or a family member or household member of the petitioner acting on his/her behalf to retrieve a household pet. |
| <input type="checkbox"/> | <input type="checkbox"/> | → f. <input type="checkbox"/> avoid contacting the petitioner or causing any person other than a party's attorney or law enforcement officer to contact the petitioner. |
| <input type="checkbox"/> | <input type="checkbox"/> | → g. <input type="checkbox"/> Other: [List other specific behavior the petitioner wants the respondent to stop doing] ○○○○○○ → |

→ 2. ☐ Set a time for a hearing on the Petition for an Injunction requiring the respondent to

- | | | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | → a. <input type="checkbox"/> cease or avoid harassing the petitioner. |
| <input type="checkbox"/> | <input type="checkbox"/> | → b. <input type="checkbox"/> avoid the petitioner's residence and/or any premises temporarily occupied by the petitioner. |
| <input type="checkbox"/> | <input type="checkbox"/> | → c. <input type="checkbox"/> avoid contact that harasses or intimidates the petitioner. <i>Contact includes: contact at petitioner's home, work, school, public places, in person, by phone, in writing, by electronic communication or device, or in any other manner.</i> |

→ 2. ☐ Set a time for a hearing on the Petition for an Injunction requiring the respondent to

☐ → a. ☐ cease or avoid harassing the petitioner.

☐ → b. ☐ avoid the petitioner's residence and/or any premises temporarily occupied by the petitioner.

☐ → c. ☐ avoid contact that harasses or intimidates the petitioner. *Contact includes: contact at petitioner's home, work, school, public places, in person, by phone, in writing, by electronic communication or device, or in any other manner.*

☐ → d. ☐ refrain from removing, hiding, damaging, harming, or mistreating, or disposing of, a household pet.

☐ → e. ☐ allow the petitioner or a family member or household member of the petitioner acting on his/her behalf to retrieve a household pet.

☐ → f. ☐ avoid contacting the petitioner or causing any person other than a party's attorney or law enforcement officer to contact the petitioner.

☐ → g. ☐ Other: *[List other specific behavior the petitioner wants the respondent to stop doing]* →

☐ 3. ☐ If the Temporary Restraining Order is denied, the petitioner asks the court to schedule an Injunction Hearing. ¶

If the Temporary Restraining Order is denied, the petitioner is only entitled to an Injunction Hearing if the Petition alleges conduct that is the same as or similar to conduct that is prohibited under §940.32 (stalking); or is the intentional infliction of physical pain, physical injury or illness; or is an intentional impairment of physical condition; or is a violation of §940.225(1), (2) or (3) (sexual assault); or is a violation of §943.01 involving destruction of property that belongs to the individual; or is a threat to engage in the above mentioned behavior.

→ 4. ☐ Issue an Injunction against the respondent for four years or the following shorter period: →

☐ → ☐ Order the wireless telephone service provider to transfer to the petitioner each telephone number(s) he/she or a minor child in his/her custody uses. The provider will transfer to the petitioner all financial responsibility for and right to the use of any telephone number(s) transferred. **(See form CV-437, Wireless Telephone Transfer Service in Injunction Case.)**

☐ 5. ☐ Order the Injunction, which is in effect for not more than 10 years, if the Court finds a substantial risk the respondent may commit 1st or 2nd degree intentional homicide, or 1st, 2nd or 3rd degree sexual assault against the petitioner.

→ 6.	If the Court grants the Injunction, the petitioner requests the Court
<input type="checkbox"/>	→ A. not order the respondent to surrender his/her firearm(s).
<input type="checkbox"/>	OR
<input type="checkbox"/>	→ B. order the respondent to surrender and not possess a firearm while the Injunction is in effect because the petitioner believes that the respondent may use a firearm to cause physical harm to another or endanger public safety.
<input type="checkbox"/>	→ 7. Direct the sheriff to accompany the petitioner and assist in placing the petitioner in physical possession of his/her residence, if requested.
SERVICE ON RESPONDENT	
<input type="checkbox"/>	Before the Injunction Hearing, it is the petitioner's responsibility to contact the sheriff's office or other process server to verify that the documents were served and proof of service is filed with the Clerk of Circuit Court. The Court will not do this for the petitioner. If available in your county, another way to verify if the documents were served is to register with VPO (VINE Protective Order) on its website at www.vinelink.com .
<input type="checkbox"/>	If the respondent cannot be personally served with Temporary Restraining Order and Notice of Injunction Hearing: Harassment (CV-406), the respondent can be served by publication using Publication Notice form (CV-505).

☐		<ul style="list-style-type: none"> •→ The petitioner must file with the Court an affidavit stating that service of the respondent by the sheriff or a private process server was unsuccessful because the respondent was avoiding service by concealment or otherwise. The petitioner should get this affidavit from the sheriff or private process server. ☐
☐		<ul style="list-style-type: none"> •→ The petitioner also must send the Temporary Restraining Order and Notice of Injunction Hearing: Harassment (CV-406) form to the respondent via mail or facsimile and must provide proof of transmission (e.g. certified mail receipt, affidavit of mailing or faxing). The mailing or sending of a facsimile may be omitted if the post-office address or facsimile number cannot be ascertained with due diligence. ☐
☐		The Clerk of Circuit Court shall forward the Temporary Restraining Order to the sheriff and the sheriff shall assist the petitioner in serving the Temporary Restraining Order. ☐
☐		If a service fee is required by the sheriff under §814.70(1), Wis. Stats., the petitioner shall pay the fee directly to the sheriff. If the Court checks box number 3. Under "The Court Orders" section of the Temporary Restraining Order and Notice of Injunction Hearing (CV-406), no service fee is required to be paid to the sheriff. ☐
☐		☐

■ DISTRIBUTION: ¶

1. Court ¶
2. Petitioner ¶
3. Person filing on behalf of the Petitioner ¶
4. Respondent ¶
5. Law Enforcement ¶
6. Other: ○○○○ → ☐

I declare under the penalty of false swearing that the information I have provided is true and accurate. ¶



▶ ○○○○



Petitioner or Person filing on behalf of Petitioner's Signature ¶

○○○○



Name Printed or Typed ¶

○○○○



Date ☐

**The related forms
include CV-406, 407-
420**

**Complete the
documents,
double-check them
and sign.**

**File at the Courthouse.
There is a filing fee of
\$94.50 plus service
fees for the Sheriff.**

**The related forms
include CV-406, 407-
420**

**The Petition is
reviewed quickly. If
you have the grounds,
a restraining order
issues and is served.**

**The related forms
include CV-406, 407-
420**