

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's office in the courthouse at 613 Dodge Street, Kewaunee, Wisconsin or from 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 for filing or service of the forms.

1. Complete a *Petition for Temporary Restraining Order and/or Petition and Motion for Injunction Hearing*. You must also complete a *Confidential Address Information in Domestic Abuse and Harassment Temporary Restraining Order and Injunction Actions*.
 - 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* **IN THE PRESENCE OF A NOTARY PUBLIC**.
2. Take the completed *Petition for Temporary Restraining Order and/or Petition and Motion for Injunction Hearing* and the *Confidential Address Information in Domestic Abuse and Harassment Temporary Restraining Order and Injunction Actions* 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*, and a proposed *Notice and Order for Injunction Hearing When Temporary Restraining Order is Not Issued*. Bring along a form of photo identification such as a drivers license.
 - 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. 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*, the *Temporary Restraining Order and Notice of Injunction Hearing* or the *Notice and Order for Injunction Hearing When Temporary Restraining Order is Not Issued*, and the *Confidential Address Information in Domestic Abuse and Harassment Temporary Restraining Order and Injunction Actions* with the Clerk of Court at the Kewaunee County Courthouse and have the Clerk of Court authenticate the copies. If the Family Court Commissioner signed a *Petition for Waiver of Fees and Costs - Affidavit of Indigency and Order*, you must also file the signed original with the Clerk of Court.
4. Take two (2) authenticated copies of the *Petition for Temporary Restraining Order and/or Petition and Motion for Injunction Hearing*, and two (2) 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 Department 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 the original of the *Certificate of Service* or *Certificate of Attempted Service* with the Clerk of Court. If the Family Court Commissioner signed a *Petition for Waiver of Fees and Costs - Affidavit of Indigency and Order*, you must also take an authenticated copy to the Sheriff's Department as proof that no service fee is due; this copy will not be served on the Respondent.

(Continued on Reverse)

Use only for Kewaunee County, Wisconsin.

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, an *Order Dismissing /Denying Petition for Temporary Restraining Order/Injunction* 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 to the Family Court Commissioner's office, along with a copy of the filed *Certificate of Attempted Service*. 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 Department two (2) authenticated copies of the *Order Extending Time for Hearing* 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.
 - 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* in the newspaper and by mailing a copy to the Respondent. The forms for service by publication 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 to the Family Court Commissioner's office, along with a copy of the filed *Certificate of Attempted Service*. A new hearing will then be scheduled. You will then have to file the signed *Order Extending Time for Hearing* with the Clerk of Court. You will then need to prepare a *Publication Notice* and deliver it to the newspaper, file with the Clerk of Court a *Publication Affidavit of Mailing or Facsimile*, and mail to the Respondent a copy of the *Publication Affidavit*, the filed *Petition for Temporary Restraining Order and/or Petition and Motion for Injunction Hearing* and the *Order Extending Time for Hearing*. 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 a copy of the filed *Publication Notice*, the *Publication Affidavit of Mailing or Facsimile*, the *Affidavit of Publication*, and the *Affidavit of Nonmilitary Service*.
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, you, the Sheriff's Department, the appropriate police department(s), the Child Support Agency, and the Wisconsin Department of Justice. If the Respondent is not present at the injunction hearing, it is your responsibility as Petitioner to provide an authenticated copy of the *Injunction* 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 an *Order Dismissing/Denying Petition for Temporary Restraining Order/Injunction*, and an authenticated copy of that order will be mailed to you, the Respondent, the Sheriff's Department, the appropriate police department(s), and the Child Support Agency.

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.