

Instructions for Completion and Submission of:
Petition for Temporary Restraining Order

(Costs May Apply)

Procedure Checklist

- Review** “Restraining Orders in Wisconsin” to determine which type of Restraining Order applies. Available [here](#)
- Complete** proper paperwork - You may print out forms to fill out **OR** use the “Forms assistant” in the [self-help center](#) on wicourts.gov

If you need assistance with completion of a Domestic Abuse Restraining Order Petition, a legal advocate is available through the Bolton Refuge House at 715-834-9578.

1. Complete the Petition for Temporary Restraining Order for appropriate type. **You may wish include a statement with the petition (Summary of when, where, what happened and who)**

Child Abuse [CV-412](#) (No fee)

Domestic Abuse [CV-402](#) (No fee)

Harassment [CV-405](#) (\$164.50 filing fee if approved)

Individual at Risk [CV-428](#) (No fee)

*You **must** include middle initials, dates of birth and current addresses of BOTH parties*.

2. Complete Confidential Address Information Sheet [CV-502](#)
3. Complete Respondent’s Information for Service by Sheriff [CV-420](#)

If applicable, a Petition for Waiver of Fees and Costs ([CV-410A](#)) may be filled out and submitted to the Court.

- Return** proper paperwork to the Clerk of Court’s office **OR** electronically file documents ([e-file](#)) by creating a [new account](#) on wicourts.gov. There is no cost for this account when filing a restraining order. **If e-filing, your uploaded documents must be .pdf files. You may NOT take a picture and upload the picture as your filing document.**

The Court Commissioner will review the Petition. If granted, a temporary restraining order (TRO) is signed and a hearing is scheduled. The petitioner is contacted to pick up their copy of the TRO and pay fees, if applicable. This generally occurs the same day, depending on time of filing. The Temporary Restraining Order is not enforceable until the Respondent is served. If you have e-filed, you are notified electronically in real time.

- Pay** the Sheriff’s Department for Service, if required (Harassment)
 - The Clerk will provide documents to the Eau Claire County Sheriff’s Department for service on the respondent. **If** you are required to pay the filing fee, you must immediately [contact](#) the [Sheriff’s Department to arrange for payment](#) of the paper service. The Clerk will forward to the appropriate Sheriff’s Department if respondent is outside of Eau Claire County. Petitioners may choose to retain services of a private process server at their own expense.

*Optional notification for petitioner through [VINE](#)

- File Proof of Service**
 - Once the respondent is served, the Sheriff’s Department will provide **you** with a **Proof of Service** document. File it with the Clerk of Courts as soon as possible and prior to the hearing date.

If service cannot be obtained, the petitioner must appear and bring written proof of attempted service to the court hearing. The court may then extend the TRO and/or time for hearing once, up to 14 days, to allow additional time for service to be accomplished.

□ **Attend** hearing

- The hearing will be held on the 2nd floor of the Eau Claire County Courthouse. It may also be held by video or phone. The Court would provide you with that information well in advance.
- If held in person, you must appear 10-15 minutes prior to the time set for the hearing to clear security and be prepared when case is called.
- The hearing is scheduled for 15 minutes only.
- What can I expect to occur at the hearing?
 - The parties will respond to the Court and/or counsel under oath
 - The Court will hear from both parties if they are present.
 - The Court will make a finding based upon the evidence and testimony given. You may bring necessary documents or witnesses with you to the hearing.
 - Courthouse security is located on the 2nd floor and is available to assist if needed.
 - If the injunction is granted, an order will be prepared, signed, and distributed to the parties immediately after the hearing

* If hearing is held in front of a Court Commissioner:

Either party may seek review of any decision or order entered by a Court Commissioner by filing a motion for de novo review within 30 days after issuance of the decision. This form is available in the clerk of court office or

here  [CV-503](#)

Definitions:

- **Petitioner:** The party requesting the restraining order.
- **Respondent:** The party to be restrained from specific behavior.
- **Temporary Restraining Order:** Court order that “temporarily” prohibits the respondent until the court hearing date.
- **Injunction:** The court’s final order in a restraining order case. It prohibits the respondent from engaging in specific behavior upon the petitioner for a specified time period.
- **Service:** Delivery of a legal document notifying a person of legal action taken against him/her. Service constitutes formal legal notice upon another, and must be made by an officially authorized person in accordance with Wisconsin Statutes.
- **Legal advocate:** Person who may assist the petitioner in completing forms, answering certain questions, and may appear in Court with the petitioner. In Eau Claire, this party may be contacted through [Bolton Refuge House](#) (715) 834-9578

Court staff may not provide legal advice or recommend a specific course of action for an individual. Our office does provide some forms, written instructions and common, routinely employed court procedures to assist court users. Court staff shall remain impartial and may not provide or withhold assistance for the purpose of giving one party an advantage over another. It is advised that an individual seek the assistance of an attorney for more comprehensive and individualized assistance. ([Supreme Court Rule 70.41](#))