



## 2007 ASSEMBLY BILL 767

February 6, 2008 - Introduced by Representatives TURNER, JESKEWITZ, ALBERS, BOYLE, CULLEN, GRIGSBY, HRAYCHUCK, KLEEFISCH, MURSAU, MUSSER, OWENS, SHERIDAN, SINICKI, TOWNSEND and WOOD, cosponsored by Senators DARLING, OLSEN and ROESSLER, by request of the Mary Byron Foundation. Referred to Committee on Children and Family Law.

- 1     **AN ACT to create** 813.126 of the statutes; **relating to:** notification of the service  
2           of a petition for domestic abuse, child abuse, or harassment injunctions.

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### *Analysis by the Legislative Reference Bureau*

Currently, a person who seeks a domestic abuse, child abuse, or harassment temporary restraining order and injunction submits a petition to the circuit court setting forth the name and address of the petitioner and respondent and the respondent's conduct that resulted in the request for the order and injunction. The action is commenced when the respondent is served with a copy of the petition. The petition is generally served by the sheriff, and an affidavit of service of the petition is filed with the court. The court may then issue a temporary restraining order if the court finds reasonable grounds to believe that the respondent has engaged in conduct that merits the issuance of the order. A date is set for a hearing on the request for a permanent injunction, at which time both parties may present evidence to the court.

This bill allows each petitioner who seeks a domestic abuse, child abuse, or harassment temporary restraining order and injunction to submit a form to the clerk of circuit court that contains information on how to notify the petitioner that the respondent has been served with the petition. The bill requires the director of state courts to prepare the form with an explanation of its purpose and provide sufficient copies of the form to the clerks of circuit court. The clerks of circuit court are required to give each petitioner a copy of the form. If a petitioner completes the form and gives it to the clerk of circuit court, the bill requires the clerk to timely notify the petitioner by telephone, e-mail, or mail, depending on the information provided by the petitioner, that the petition has been served on the respondent.

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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           **SECTION 1.** 813.126 of the statutes is created to read:

2           **813.126 Notification of service of petition.** (1) The clerks of circuit court  
3 shall provide the form created under sub. (3) to all petitioners under ss. 813.12,  
4 813.122, and 813.125 when the petition is filed with the court. If a petitioner wants  
5 to be notified when a petition filed under s. 813.12, 813.122, or 813.125 has been  
6 served upon the respondent, the petitioner shall complete the parts of the form that  
7 are applicable and give that form to the clerk of circuit court.

8           (2) If a petitioner gives the form to the clerk of circuit court under sub. (1), the  
9 clerk shall notify the petitioner when the respondent has been served with a petition  
10 under s. 813.12, 813.122, or 813.125. If the form submitted to the clerk of circuit court  
11 includes a telephone number, the clerk shall make a reasonable effort to inform the  
12 petitioner by telephone of that service on the day that the clerk learns that the  
13 petition has been served upon the respondent. If the clerk of circuit court is unable  
14 to contact the petitioner by telephone, the clerk shall make a reasonable effort to  
15 inform the petitioner of that service by e-mail on the day that the clerk learns that  
16 the petition has been served upon the respondent if the petitioner supplied the clerk  
17 with an e-mail address. If the clerk of circuit court is unable to contact the petitioner  
18 by telephone or e-mail, the clerk of circuit court shall inform the petitioner of that  
19 service by first-class mail no later than the day after the clerk learns that the  
20 respondent has been served with the petition. The clerk of circuit court shall note

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1 on the case record the time, date, and method of notifying the petitioner of the service  
2 on the respondent.

3 (3) The director of state courts shall prepare a form that a petitioner under s.  
4 813.12, 813.122, or 813.125 may complete that includes the mailing address, e-mail  
5 address, and telephone number of the petitioner and an explanation of the use of the  
6 form. The director of state courts shall make sufficient copies of the form available  
7 to the clerks of circuit court for distribution to the petitioners.

8 **SECTION 2. Initial applicability.**

9 (1) This act first applies to petitions filed with the clerks of circuit court on the  
10 effective date of this subsection.

11 **SECTION 3. Effective date.**

12 (1) This act takes effect on the first day of the 4th month beginning after  
13 publication.

14 (END)