

## Nelson, Robert P.

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**From:** Sappenfield, Anne  
**Sent:** Wednesday, February 18, 2009 12:46 PM  
**To:** Nelson, Robert P.  
**Subject:** LRB-2016/P1

Hello Bob!

I have some changes to LRB-2016/P1—

- ✓ • On p. 1, l 9, cross-reference all types of injunctions.
- ✓ • In SECTION 3, add conditions of correctional supervision that prohibit contact (I don't know what the best phrase is).
- ✓ • Parisi's office wants SECTION 13 to be less prescriptive. What do you think about "Whether the petitioner has any other actions pending in which the respondent is a party or has any current court orders that involve the respondent and a general description of the type of action or order and a description of the court in which the action is pending or which entered the order"?
- ✓ • Please make the changes in SECTION 12 to s. 813.12 (4) (c) 1., as well.

Thank you, thank you!!

Let me know if you need anything from me.

*Anne Sappenfield*  
Senior Staff Attorney  
WI Legislative Council  
(608) 267-9485



**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

Regen

1 AN ACT to renumber 757.69 (8); to renumber and amend 813.125 (2); to  
2 amend 813.12 (5m); and to create 757.69 (8) (b), 767.338, 813.12 (5) (a) 4.,  
3 813.12 (5g), 813.125 (2) (b), 813.125 (2g), 813.125 (2m), 813.125 (3) (d), 813.125  
4 (4) (d), 813.125 (5) (a) 4. and 813.125 (5g) (c) of the statutes; relating to:  
5 temporary restraining orders and injunctions.

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***Analysis by the Legislative Reference Bureau***

This is a preliminary draft. An analysis will be provided in a later version.

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

6 SECTION 1. 757.69 (8) of the statutes is renumbered 757.69 (8) (a).

7 SECTION 2. 757.69 (8) (b) of the statutes is created to read:

8 757.69 (8) (b) If a party seeks to have the court conduct a hearing de novo of

9 a determination, order, or ruling entered in an action under s. 813.122, 813.123, or 813.125, the

10 motion requesting the hearing must be filed with the court within 15 business days

1 after the circuit court commissioner issued the order and the court shall hold the de  
2 novo hearing within 15 working days after the motion requesting the hearing is filed  
3 with the court.

4 SECTION 3. 767.338 of the statutes is created to read:

5 **767.338 Conflict with temporary restraining orders, injunctions, or**  
6 **contact prohibitions.** Notwithstanding any other provision of this chapter, the  
7 court may not enter an order under this chapter that conflicts with an order entered  
8 under s. 813.12, 813.122, 813.123, or 813.125, <sup>6</sup> with the contact prohibition under  
9 s. 968.075 (5). *or with a condition of probation, parole, or*  
*extended supervision*

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10 SECTION 4. 813.12 (5) (a) 4. of the statutes is created to read:

11 813.12 (5) (a) 4. If the petitioner has any other action pending in which the  
12 respondent is a party or has any current court order that involves the respondent,  
13 the name of the action and the court where the action is pending, or the name of the  
14 court that issued the court order and the date on which the order was issued.

15 SECTION 5. 813.12 (5g) of the statutes is created to read:

16 813.12 (5g) STIPULATION. If the parties enter into a stipulation to convert a  
17 petition under this section to a petition for a temporary restraining order or  
18 injunction under s. 813.125, the court may not approve that stipulation unless all of  
19 the following occur:

20 (a) Either or both parties submit a written request for the conversion  
21 explaining why the conversion of the petition is requested.

22 (b) The court includes on the record the court's explanation as to why the  
23 granting of a temporary restraining order or injunction under this section is not  
24 appropriate.

\*\*\*\*NOTE: This provision requires the submittal of a written request with an explanation for the change of a domestic abuse petition to a harassment petition. It also requires the court to include on the court record an explanation of why the domestic abuse petition is not appropriate.

1           **SECTION 6.** 813.12 (5m) of the statutes is amended to read:

2           813.12 (5m) CONFIDENTIALITY OF VICTIM'S ADDRESS. The petition under sub. (5)  
3 and the court order under sub. (3) or (4) shall may not disclose the address of the  
4 alleged victim. The petitioner shall provide the clerk of circuit court with the  
5 petitioner's address when he or she files a petition under this section. The clerk shall  
6 retain the address in a confidential file.

7           **SECTION 7.** 813.125 (2) of the statutes is renumbered 813.125 (2) (a) and  
8 amended to read:

9           813.125 (2) (a) An action under this section may be commenced by filing a  
10 petition described under sub. (5) (a). No action under this section may be commenced  
11 by service of summons. The action commences with service of the petition upon the  
12 respondent if a copy of the petition is filed before service or within 3 days after  
13 service. If the judge or a circuit court commissioner extends the time for a hearing  
14 under sub. (3) (c) and the petitioner files an affidavit with the court stating that  
15 personal service by the sheriff or a private server under s. 801.11 (1) (a) or (b) was  
16 unsuccessful because the respondent is avoiding service by concealment or  
17 otherwise, the judge or circuit court commissioner shall inform the petitioner that  
18 he or she may serve the respondent by publication of a summary of the petition as  
19 a class 1 notice, under ch. 985, and by mailing or sending a facsimile if the  
20 respondent's post-office address or facsimile number is known or can with due  
21 diligence be ascertained. The mailing or sending of a facsimile may be omitted if the  
22 post-office address or facsimile number cannot be ascertained with due diligence.  
23 A summary of the petition published as a class 1 notice shall include the name of the

1 respondent and of the petitioner, notice of the temporary restraining order, and  
2 notice of the date, time, and place of the hearing regarding the injunction. Section  
3 813.06 does not apply to an action under this section.

4 **SECTION 8.** 813.125 (2) (b) of the statutes is created to read:

5 813.125 (2) (b) A child, as defined in s. 813.122 (1) (b), or a parent, stepparent,  
6 or legal guardian of a child may be a petitioner under this section.

\*\*\*NOTE: This allows children to bring a harassment action as a petitioner.

7 **SECTION 9.** 813.125 (2g) of the statutes is created to read:

8 813.125 (2g) APPOINTMENT OF GUARDIAN AD LITEM. The court or circuit court  
9 commissioner, on its or his or her own motion, or on the motion of any party, may  
10 appoint a guardian ad litem for a child who is the petitioner under this section when  
11 justice so requires.

12 **SECTION 10.** 813.125 (2m) of the statutes is created to read:

13 813.125 (2m) TWO-PART PROCEDURE. The procedure for an action under this  
14 section is in 2 parts. First, if the petitioner requests a temporary restraining order  
15 the court shall issue or refuse to issue that order. Second, the court shall hold a  
16 hearing under sub. (4) on whether to issue an injunction, which is the final relief.  
17 If the court issues a temporary restraining order, the order shall set forth the date  
18 for the hearing on an injunction. If the court does not issue a temporary restraining  
19 order, the date for the hearing shall be set upon motion by either party.

20 **SECTION 11.** 813.125 (3) (d) of the statutes is created to read:

21 813.125 (3) (d) The judge or circuit court commissioner may not dismiss or deny  
22 granting a temporary restraining order because of the existence of a pending action  
23 or of any other court order that bars contact between the parties, nor due to the  
24 necessity of verifying the terms of an existing court order.

1           **SECTION 12.** 813.125 (4) (d) of the statutes is created to read:

2           813.125 (4) (d) 1. An injunction granted under this subsection<sup>✓</sup> is not voided if  
3 the petitioner allows or initiates contact with the respondent or by the admittance  
4 of the respondent into a dwelling that the injunction directs the respondent to avoid.

5           2. If an injunction is granted under this<sup>sub</sup> section<sup>✓</sup>, the respondent may not contact  
6 the petitioner unless the petitioner consents in writing and that written consent is  
7 filed with the sheriff or other appropriate local law enforcement agency that has  
8 jurisdiction over the petitioner's premises. Contact may not be commenced less than  
9 24 hours before the written consent is filed with the sheriff or other appropriate local  
10 law enforcement agency.

11           **SECTION 13.** 813.125 (5) (a) 4. of the statutes is created to read:

12           813.125 (5) (a) 4. <sup>or whether</sup> ~~the~~ petitioner has any other actions pending in which the  
13 respondent is a party or has any current court orders that involve the respondent  
14 ~~and a description of the type of action or order~~ and the court ~~where~~ the action is pending, or the name of the  
15 ~~the name of the action~~ <sup>of</sup> ~~the~~ court that issued the court order and the date on which the order was issued. <sup>in which</sup> ~~the~~ <sup>or which</sup>

16           **SECTION 14.** 813.125 (5g) (c) of the statutes is created to read: <sup>the order</sup>

17           813.125 (5g) (c) If an order is issued under this section, upon request by the  
18 petitioner the court or circuit court commissioner shall order the sheriff to  
19 accompany the petitioner and assist in placing him or her in physical possession of  
20 his or her residence or to otherwise assist in executing or serving the temporary  
21 restraining order or injunction. The petitioner may, at the petitioner's expense, use  
22 a private process server to serve papers on the respondent.

23           **SECTION 15. Initial applicability.**



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~~SECTION 15. Initial applicability.~~



**Nelson, Robert P.**

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**From:** Murray, Mike  
**Sent:** Tuesday, April 28, 2009 11:52 AM  
**To:** Nelson, Robert P.  
**Cc:** 'Tony Gibart'  
**Subject:** FW: Draft review: LRB 09-2016/P2 Topic: Harassment injunctions  
**Attachments:** 2016 2 drafting memo-2.doc

Hi Bob,

This is Mike from Rep. Parisi's office. I had sent the email below and the attached drafting memo to Anne Sappenfield, but she suggested that I just pass along directly to you.

I've copied Tony Gibart from the WI Coalition Against Domestic Violence to this email. He drafted the drafting memo, so please feel free to contact him if you have specific questions about his memo. Thanks very much,

Mike

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**From:** Murray, Mike  
**Sent:** Tuesday, April 14, 2009 2:56 PM  
**To:** Sappenfield, Anne  
**Cc:** 'Tony Gibart'  
**Subject:** RE: Draft review: LRB 09-2016/P2 Topic: Harassment injunctions

Hi Anne,

Tony from WCADV just sent me their final suggestions for the restraining order bill, which I have attached to this email. Since I had been working w/you on this, I wanted to see if you wanted to be in the loop on this. If not, should I just forward Tony's memo to Bob Nelson? If people have any questions about Tony's suggestions, they certainly have our office's permission to contact him directly about this. I've copied him to this email.

Thanks!

Mike

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**From:** Sappenfield, Anne  
**Sent:** Friday, February 20, 2009 9:54 AM  
**To:** Murray, Mike  
**Subject:** FW: Draft review: LRB 09-2016/P2 Topic: Harassment injunctions

Hi Mike,

Let me know if you need any changes to this before you send it out. I think the basics are there, though. Could you look at the language in SECTION 14? That was an attempt to make the provision of other court order information easier.

Anne

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**From:** Basford, Sarah  
**Sent:** Friday, February 20, 2009 9:51 AM  
**To:** Sappenfield, Anne  
**Subject:** Draft review: LRB 09-2016/P2 Topic: Harassment injunctions

**Draft Requester: Joe Parisi**

**Following is the PDF version of draft LRB 09-2016/P2.**

04/28/2009

From: Tony Gibart, WCADV  
To: Rep. Parisi and Mike Murray  
Re: LRB-2016/P2

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Thank you for drafting LRB-2016/P2. This is an important piece of legislation that will make Wisconsin's restraining order laws more effective and victim-sensitive. WCADV proposes the following changes and additions.

### **Sections 1 and 2**

✓ We suggest that the de novo review time limits be cross-referenced in the appropriate sections of chapter 813. Cross-references will increase the chances that pro se petitioners will be aware of de novo review procedure. ✓

✓ Is there a distinction between "business days" (line 1) and "working days" (line 2)? If not, we believe the language should be consistent to avoid confusion. ✓

### **Section 4**

✓ WCADV would like to study the issue of written consent further before proposing specific language. Therefore, we request that section 4 not be included in the bill. ✓

### **Section 5**

✓ The purpose of section 5 is to inform the court of any involvement the respondent may have had in the legal system regarding the abuse. As currently drafted, section five arguably does not include criminal proceedings and judgments. We propose the following language:

- The petitioner's knowledge of any other civil or criminal court order, judgment or proceeding that involves the respondent in which petitioner or a member of the petitioner's family is the alleged victim. The petition shall include the name or type of action, the name of the court where the action is pending, or the name of the court that issued the order or judgment and the date on which the order or judgment was issued, if known by the petitioner. ✓

### **Section 6**

The intent of section 6 is to ensure that if petitioners enter into stipulations to convert domestic abuse petitions into harassment petitions, they do so knowingly and voluntarily. Particularly, the petitioner should be aware of the differences between the substantive requirements under s.813.12 and s. 813.125. They should also be aware of the differences between s. 813.12 and s. 813.125 regarding the court's discretion to make orders upon granting the injunction. Lastly, the court should be required to state why

conversion is appropriate and ensure the petitioner understands that he or she is not obligated to stipulate to conversion.

Please modify section 6 in a manner similar to the following:

813.12 (5g) STIPULATION. If the parties enter into a stipulation to convert a petition under this section to a petition for a temporary restraining order or injunction under s. 813.125, the court may not approve that stipulation unless all of the following occur:

(a) Either or both parties make an oral request on the record explaining why the conversion of the petition is requested.

(b) The court informs the petitioner of:

1. the prerequisites of the granting an injunction under this section as specified in s. 813.12(4)(a), including the definition of domestic abuse in s. 813.12(1)(am);

2. the prerequisites of the granting a harassment injunction as specified in s. 813.125(4)(a), including the definition of harassment in s. 813.125(1);

3. the amount of time an injunction issued under this section will be in effect as specified in s. 813.12(4)(c);

4. the amount of time a harassment injunction may be in effect as specified in s. 813.125(4)(c)

5. the orders that may be made upon granting the injunction under this section as specified in s. 813.12(4) and that shall be made as specified in s. 813.12(4m);

6. the orders that may be made upon granting a harassment injunction as specified in ss. 813.12(4) and (4m)(a); and

7. the petitioner's right to not enter into stipulation and to proceed under this section.

(c) The court includes on the record the court's explanation as to why the granting of a temporary restraining order or injunction under this section is not appropriate.

### **Section 7**

Section 7 looks good, with one caveat. WCADV would like the petitioner's address to be retained in a sealed file. Please change the language of section 7 accordingly, if necessary.

### **Section 8**

Section 8, which modifies s. 813.125 currently states, "The action commences with service of the petition upon the respondent if a copy of the petition is filed before service or within 3 days after service." The corresponding language under s. 813.12 states, "...before service or promptly after service..." WCADV would like the language of ss. 813.12 and 812.125 to be as consistent as possible. Therefore, please use the same language in both sections.

Additionally, please include a section identical to 813.12(3)(d) in s. 813.125.

### **Section 9, 10, 11 and 12**

These sections look good and do not require further attention.

### **Section 13**

✓ WCADV would like to study the issue of written consent further before proposing specific language. Therefore, we request that section 13 not be included in the bill. ✓

### **Section 14**

✓ Please incorporate the changes to section 5 into this section as well. ✓

### **Additions**

WCADV proposes that the following additional measures be included in this draft.

✓ 1. Section 813.06, which exempts petitioners under ss. 813.12, 813.122, and 813.125 from posting a security bond, should also exempt petitioners under s. 813.123. ✓

2. The recently released *Statewide Restraining Order Assessment Report* identified two issues that could be addressed in this bill.

A. First, the report found that:

Some counties require the petitioner to bring proof of service with them to the injunction hearing. If proof is not obtained, the hearing is continued. In several counties the clerk's office calls the sheriff's department to confirm service. Participants suggested that clerks of court should be responsible for verifying proof of service and maintain a list of phone numbers for civil process in their county. This would alleviate reliance upon the petitioner.

✓ Therefore, WCADV requests that ss. 813.12, 813.122, 813.123, 813.125 state that the court shall inform the petitioner which agency the petitioner should contact to verify proof of service. ✓

B. Second, the report indicated that:

The amount of time it takes for a petitioner to receive the forms, fill them out and obtain a decision from a court official varies greatly statewide. In the majority of counties (43), this process takes 2 hours or less; However, five counties reported the process taking more than 6 hours and one county reported that it can take up to 3 days. In many counties, the availability of a court official is a major factor in this timeframe. While some counties have a designated person available to review petitions, smaller counties are only able to review petitions when the judge/commissioner has a break in their calendar. In many one-judge counties, clerk staff will call around to neighboring counties to see if someone is available to review a petition via fax. Clerks reported this as a problem especially when it happens late in the day or on Friday afternoons. Petitioners are often asked to leave their paperwork and come back the next day.

Requiring victims to wait up to three days is an unacceptable risk to their safety and lives.

WCADV requests that ss. 813.12, 813.122, 813.123, and 813.125 state that the court shall review the petition within 2 hours, during normal business hours, or make arrangements for the petition to be reviewed by another court.

Thank you again for your work on these important improvements to Wisconsin's restraining order laws.



**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

4 Regen

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1 within 15 <sup>working</sup> ~~business~~ days after the circuit court commissioner issued the order and the  
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 16 consent is filed with the sheriff or other appropriate local law enforcement agency  
 17 that has jurisdiction over the petitioner's premises. Contact may not be commenced  
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 22 respondent is a party or has any current <sup>circuit</sup> court order <sup>judgments or proceeding in which the</sup> that involves the respondent,  
 23 the name <sup>of type</sup> of the action and the court where the <sup>proceeding</sup> action is pending, or the name of the  
 24 court that issued the court order <sup>or judgment</sup> and the date on which the order was issued.

25 SECTION 6. 813.12 (5g) of the statutes is created to read:

insert ✓  
2-24

1 813.12 (5g) STIPULATION. If the parties enter into a stipulation to convert a  
2 petition under this section to a petition for a temporary restraining order or  
3 injunction under s. 813.125, the court may not approve that stipulation unless all of  
4 the following occur:

5 (a) Either or both parties submit <sup>an</sup> a written request <sup>oral</sup> for the conversion <sup>on the record</sup> explaining why the conversion of the petition is requested.

6 ~~(c)~~ The court includes on the record the court's explanation as to why the  
7 granting of a temporary restraining order or injunction under this section is not  
8 appropriate.  
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\*\*\*\*NOTE: This provision requires the submittal of a written request with an explanation for the change of a domestic abuse petition to a harassment petition. It also requires the court to include on the court record an explanation of why the domestic abuse petition is not appropriate.

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15 retain the address in a confidential file.

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insert 3-6

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2 unsuccessful because the respondent is avoiding service by concealment or  
3 otherwise, the judge or circuit court commissioner shall inform the petitioner that  
4 he or she may serve the respondent by publication of a summary of the petition as  
5 a class 1 notice, under ch. 985, and by mailing or sending a facsimile if the  
6 respondent's post-office address or facsimile number is known or can with due  
7 diligence be ascertained. The mailing or sending of a facsimile may be omitted if the  
8 post-office address or facsimile number cannot be ascertained with due diligence.  
9 A summary of the petition published as a class 1 notice shall include the name of the  
10 respondent and of the petitioner, notice of the temporary restraining order, and  
11 notice of the date, time, and place of the hearing regarding the injunction. <sup>insert 4-10 ✓</sup> Section  
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Insert 5-4

5

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11

813.125 (4) (d) 1. An injunction granted under this subsection is not voided if  
12 the petitioner allows or initiates contact with the respondent or by the admittance  
13 of the respondent into a dwelling that the injunction directs the respondent to avoid.

14

2. If an injunction is granted under this subsection, the respondent may not  
15 contact the petitioner unless the petitioner consents in writing and that written  
16 consent is filed with the sheriff or other appropriate local law enforcement agency  
17 that has jurisdiction over the petitioner's premises. Contact may not be commenced  
18 less than 24 hours before the written consent is filed with the sheriff or other  
19 appropriate local law enforcement agency.

20 ✓

SECTION 14. 813.125 (5) (a) 4. of the statutes is created to read:

Insert 5-21

21

813.125 (5) (a) 4. Whether the petitioner has any other actions pending in  
22 which the respondent is a party or has any current court orders that involve the  
23 respondent and a description of the type of action or order and of the court in which  
24 the action is pending or which issued the order.

25

SECTION 15. 813.125 (5g) (c) of the statutes is created to read:



1 insert 2-24:

2 SECTION 1. 813.06<sup>x</sup> of the statutes is amended to read:

3 **813.06 Security for damages.** In proceedings under s. 767.225 the court or  
4 judge may, and in all other proceedings except proceedings under ss. 813.12, 813.122,  
5 813.123, 813.125<sup>↓</sup> and 823.113 the court or judge shall, require a bond of the party  
6 seeking an injunction, with sureties, to the effect that he or she will pay to the party  
7 enjoined such damages, not exceeding an amount to be specified, as he or she may  
8 sustain by reason of the injunction if the court finally decides that the party was not  
9 entitled thereto. Copies of such bond, affidavit or other pleading shall be served upon  
10 the party enjoined and the officer serving the same shall, within 8 days after such  
11 service, file his or her return in the office of the clerk of the court.

12 History: Sup. Ct. Order, 67 Wis. 2d 585, 760 (1975); Stats. 1975 s. 813.06; 1979 c. 32 s. 92 (4); 1983 a. 204; 1985 a. 234 s. 8; 1989 a. 122; 2005 a. 443 s. 265.

SECTION 2. 813.12 (2) (a) of the statutes is amended to read:

13 813.12 (2) (a) No action under this section may be commenced by complaint and  
14 summons. An action under this section may be commenced only by a petition  
15 described under sub. (5) (a). The action commences with service of the petition upon  
16 the respondent if a copy of the petition is filed before service or promptly after service.  
17 If the judge or a circuit court commissioner extends the time for a hearing under sub.  
18 (3) (c) and the petitioner files an affidavit with the court stating that personal service  
19 by the sheriff or a private server under s. 801.11 (1) (a) or (b) was unsuccessful  
20 because the respondent is avoiding service by concealment or otherwise, the judge  
21 or circuit court commissioner shall inform the petitioner that he or she may serve the  
22 respondent by publication of a summary of the petition as a class 1 notice, under ch.  
23 985, and by mailing or sending a facsimile if the respondent's post-office address or

↓

1 facsimile number is known or can with due diligence be ascertained. The mailing or  
 2 sending of a facsimile may be omitted if the post-office address or facsimile number  
 3 cannot be ascertained with due diligence. A summary of the petition published as  
 4 a class 1 notice shall include the name of the respondent and of the petitioner, notice  
 5 of the temporary restraining order, and notice of the date, time, and place of the  
 6 hearing regarding the injunction. The court shall inform the petitioner as to which  
 7 agency the petitioner should contact to verify the proof of service of the petition. ✓

✓ History: 1983 a. 204, 540; 1985 a. 29, 135; 1989 a. 193; 1993 a. 319; 1995 a. 71, 306; 1999 a. 162; 2001 a. 61, 109; 2003 a. 321; 2005 a. 387; 2005 a. 443 s. 265; 2007 a. 20, 124.

8 **SECTION 3. 813.12 (5) (a) 4.** of the statutes is created to read:

9 813.12 (5) (a) 4. If the petitioner knows of any other court proceeding, order,  
 10 or judgment in which the petitioner or a member of the petitioner's family was or is  
 11 the alleged victim, any of the following that are known by the petitioner: ✓

12 a. The name or type of the court proceeding. ✓

13 b. The name and location of the court where the proceeding occurred or is  
 14 pending. ✓

15 c. The name and location of the court where the order or judgment was issued. ✓

16 d. The date on which the order or judgment was issued. ✓

\*\*\*NOTE: I am not sure if you want this to apply only to cases that are currently pending in court, or to all current and past court proceedings involving the petitioner or petitioner's family members as victims. You suggest using the term "victim," by which I think that you are trying to limit what kind of cases are subject to this paragraph. But the term "victim" is not defined. Do you want to limit this paragraph to cases involving domestic abuse? If so, I could add "of domestic abuse" after the word "victim" in the introductory sentence.

(end ins)

17 insert 3-6:

18 A (b) The court informs the petitioner on the record of all of the following: ✓

19 1. The requirements for granting a domestic abuse injunction as specified  
 20 under sub. (4) (a). ✓



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2. The definition of domestic abuse under sub. (1) (am).

3. The requirements for granting a harassment injunction as specified under s. 813.125 (4) (a).

4. The definition of harassment under s. 813.125 (1).

5. The amount of time that a domestic abuse injunction may be in effect under sub. (4) (c).

6. The amount of time that a harassment injunction may be in effect under s. 813.125 (4) (c).

7. The orders that may be made under sub. (4) and that shall be made under sub. (4m) upon granting a domestic abuse injunction.

8. The orders that may be made under s. 813.125 (4) and (4m) upon granting a harassment injunction.

9. The petitioner's right to refuse to enter into a stipulation to convert a petition under this section to a petition under s. 813.125 and to continue under this section.

(end ins)

insert 3-15:

**SECTION 4.** 813.122 (2) of the statutes is amended to read:

**813.122 (2) COMMENCEMENT OF ACTION AND RESPONSE.** No action under this section may be commenced by complaint and summons. An action under this section may be commenced only by a petition described under sub. (6) (a). The action commences with service of the petition upon the respondent if a copy of the petition is filed before service or promptly after service. The child victim or a parent, stepparent or legal guardian of the child victim may be a petitioner under this section. Section 813.06 does not apply to an action under this section. The respondent may respond to the petition either in writing before or at the hearing on



1 the issuance of the injunction or orally at that hearing. The court shall inform the  
2 petitioner as to which agency the petitioner should contact to verify the proof of  
3 service of the petition.

History: 1985 a. 234; 1987 a. 332 s. 64; Sup. Ct. Order, 151 Wis. 2d xxv (1989); 1991 a. 276; 1993 a. 227, 318; 1995 a. 71, 275, 306, 456; 1997 a. 292; 2001 a. 61; 2005 a. 155, 272; 2005 a. 443 s. 265; 2007 a. 20, 124.

4 SECTION 5. 813.123 (2) (a) of the statutes is amended to read:

5 813.123 (2) (a) No action under this section may be commenced by complaint  
6 and summons. An action under this section may be commenced only by a petition  
7 described under sub. (6). The action commences with service of the petition upon the  
8 respondent if a copy of the petition is filed before service or promptly after service.  
9 The individual at risk, any person acting on behalf of an individual at risk, an  
10 elder-adult-at-risk agency, or an adult-at-risk agency may be a petitioner under  
11 this section. If the petition is filed by a person other than the individual at risk, the  
12 petitioner shall serve a copy of the petition on the individual at risk. Section 813.06  
13 does not apply to an action under this section. The respondent may respond to the  
14 petition either in writing before or at the hearing on the issuance of the injunction  
15 or orally at that hearing. The court shall inform the petitioner as to which agency  
16 the petitioner should contact to verify the proof of service of the petition.

History: 1993 a. 445; 1995 a. 71, 306; 1997 a. 27; 2001 a. 61; 2005 a. 264, 387, 388; 2007 a. 45, 96, 124.

(end ins)

18 insert 4-10:

19 ~~NO~~ The court shall inform the petitioner as to which agency the petitioner should  
20 contact to verify the proof of service of the petition. ~~NO~~

22 insert 5-4:

23 SECTION 6. 813.125 (3) (d) of the statutes is created to read:



1 813.125 (3) (d) The judge or circuit court commissioner shall advise the  
2 petitioner of the right to serve the respondent the petition by published notice if with  
3 due diligence the respondent cannot be served as provided under s. 801.11 (1) (a) or  
4 (b). The clerk of circuit court shall assist the petitioner with the preparation of the  
5 notice and filing of the affidavit of printing.

6 (end ins)

7 ✓ insert 5-21:

8 NO If the petitioner knows of any other court proceeding, order, or judgment in  
9 which the petitioner or a member of the petitioner's family was or is the alleged  
10 victim, any of the following that are known by the petitioner:

- 11 a. The name or type of the court proceeding.
- 12 b. The name and location of the court where the proceeding occurred or is  
13 pending.
- 14 c. The name and location of the court where the order or judgment was issued.
- 15 d. The date on which the order or judgment was issued.

\* \*\*\*\*NOTE: see the \*\*\*\* Note to s. 813.12 (5) (a) 4.

16 insert 6-6: Ent (CS) (end ins)

17 SECTION 7. 813.126 of the statutes is created to read:

18 **813.126 Review of petitions and hearing before a judge.** (1) If a person

19 seeks to submit a petition to the court under s. 813.12, 813.122, 813.123, 813.125, or

20 813.127, the clerk of circuit court shall assist the person in correctly completing the

21 necessary forms. The clerk of circuit court shall assist the person and review the

22 completed forms within 2 normal business hours after receipt of a request for

23 assistance by a person who seeks to submit a petition to the court under s. 813.12,

24 813.122, 813.123, 813.125 or 813.127. If the clerk of circuit court is unable to provide





1 the assistance and complete the review within the <sup>✓</sup>2-hour period, the clerk shall  
2 make arrangements for the provision of the assistance and review by another court  
3 within the 2-hour period.

4 (2) If a party to an action under s. 813.12,<sup>✓</sup> 813.122,<sup>✓</sup> 813.123,<sup>✓</sup> 813.125<sup>✓ or</sup> 813.127  
5 seeks a de novo hearing before the <sup>✓</sup>judge of a court commissioner's determination, the  
6 procedure under s.<sup>✓</sup>757.69 (8) shall be followed.

7  
8 (end ins)