

CHILD ABUSE

Who May Petition?	<ol style="list-style-type: none"> 1. Child Victim (under 18 years old) 2. Parent of child victim 3. Stepparent of child victim 4. Guardian of child victim Sec. 813.122(2) for 1-4 5. Guardian ad litem in a matter involving a child found to be in need of protection or services. Sec. 48.235(4)(a)6 6. If a proceeding is brought under Sec. 48.13 [child alleged to be in need of protection or services], any party to or any governmental or social agency involved in the proceeding. Sec. 48.25(6) <p>NOTE: Form JC-1690 should be used if the child victim is involved in a CHIPS action or when the Respondent is a child.</p>
Against whom may the Petitioner bring an action?	<ol style="list-style-type: none"> 1. An adult or a child who engages in child abuse. Sec. 48.14(10) & Sec. 757.69(1)(g) 2. Claim of emotional damage can be brought against parent, guardian, or legal custodian who has neglected, refused or been unable for reasons other than poverty to take steps to ameliorate the symptoms. Sec. 48.02(1)(gm) <p>NOTE: Form JC-1690 should be used if the child victim is involved in a CHIPS action or when the Respondent is a child.</p>
What type of abuse must be alleged in the Petition to obtain the TRO or Injunction?	<ol style="list-style-type: none"> 1. Physical injury inflicted on a child by other than accidental means; or 2. Sexual intercourse or sexual contact under 940.225, 948.02 or 948.025; or 3. Sexual exploitation of a child; or 4. Permitting, allowing or encouraging child to engage in prostitution; or 5. Causing a child to view or listen to sexual activity; or 6. Causing a child to expose or exposing genitals or pubic area to a child; or 7. Emotional damage; or 8. Threat to engage in conduct under 1-7 above. Sec. 813.122(1)(a); 48.02(1)
Where can the Petition be filed (venue)?	<ol style="list-style-type: none"> 1. County where Petitioner resides 2. County where Respondent resides 3. County where cause of action arose (where incident occurred)
What will it cost to file a Petition?	No fee may be collected to file the Petition, to serve the Petition or for the cost of travel to serve the Petition .

How long is a TRO in effect?	Until a hearing is held on the issuance of an Injunction. The hearing shall be within 14 days after the TRO is issued, unless an extension is granted. Sec. 813.122(4)(c)
When can the court extend a TRO?	<ol style="list-style-type: none"> 1. Written consent of parties or 2. Once for 14 days upon a finding that the Respondent has not been served with a copy of the TRO although the Petitioner has exercised due diligence. Sec. 813.122(4)(c)
What must the Court find in order to grant the TRO?	<ol style="list-style-type: none"> 1. The Petition alleges the elements set forth in Sec. 813.122(6)(a) and 2. There are reasonable grounds to believe the Respondent has engaged in, or based on prior conduct of the child victim and the respondent, may engage in abuse of the child victim. Sec. 813.122(4)(a)
What can the Respondent be ordered to do if a TRO is issued?	<ol style="list-style-type: none"> 1. Avoid the child victim's residence or any residence temporarily occupied by the child victim or both 2. Avoid contacting or causing any person other than a party's attorney to contact the child victim unless the Petitioner consents in writing and the Court agrees that the contact is in the child victim's best interest. Sec. 813.122(4)(a)
Can the Court issue a dual TRO?	No. A TRO may be entered only against the Respondent named in the Petition. Sec. 813.122(4)(b)
Are there any other laws which might assist a Petitioner?	<ol style="list-style-type: none"> 1. Sec. 895.73-Victim Service Representative 2. Chapter 950-Rights of victims and witnesses of crime, if Respondent is charged with a crime 3. Chapter 949-Crime Victim Compensation, if victim has reported the crime and it is compensable
How does a Petitioner drop a TRO or Injunction?	In Dunn County, to drop a TRO, you must appear on the date set for your hearing and ask the Judge to drop the Order. To drop an Injunction, you must make a written request, a hearing will be set and you must appear at the hearing and ask the Judge to vacate the Injunction.