

DOMESTIC ABUSE

Who May Petition?	<ol style="list-style-type: none"> 1. Adult (age 18 & over) Family Member* 2. Adult Household Member* 3. Adult Former Spouse 4. Adult with whom have child in common 5. Adult with whom have or have had a dating relationship* 6. Adult under a caregiver's supervision* 7. Adult guardian of an incompetent individual Sec. 813.12(1)(a) <p>NOTE: The petitioner must be the victim with the exception of the guardian for an incompetent person. Sec. 813.12(5)(a)1</p> <p>* See Definitions on last page</p>
Against whom may the Petitioner bring an action?	<ol style="list-style-type: none"> 1. Adult (age 18 & over) Family Member* 2. Adult Household Member* 3. Adult Former Spouse 4. Adult with whom have a child in common 5. Adult with who have or have had a dating relationship* 6. Adult Caregiver* Sec. 813.12(1)(a) & (5)(a)2 <p>*See definitions on last page</p>
What type of abuse must be alleged in the Petition to obtain the TRO or Injunction?	<ol style="list-style-type: none"> 1. Intentional infliction of physical pain, physical injury or illness 2. Intentional impairment of physical condition 3. Violation of 1st, 2nd, or 3rd degree sexual assault under Sec. 940.225(1), (2) or (3) 4. Intentional damage to physical property belonging to the individual (petitioner) Sec. 943.01 5. Threat to engage in conduct under 1, 2, 3, 4 Sec. 813.12(1)(a), 813.12(1)(am), 943.01
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) 4. County where Petitioner is temporarily residing Sec. 801.50(5r)
What will it cost to file a Petition?	<p>No fee may be collected to file the Petition, to serve the Petition or for the cost of travel to serve the Petition. See Sec. 814.61(1)(d) and 70.</p> <p>If service by publication is necessary [See Sec. 813.12(2)], the fee is paid by the Petitioner</p>
How long is a TRO in effect?	<p>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. 813.12(3)(c)</p>

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. 813.12(3)(c)
What must the Court find in order to grant the TRO?	<ol style="list-style-type: none"> 1. The petition alleges the necessary facts as set out in Sec. 813.12(5)(a) and 2. There are reasonable grounds to believe the Respondent has engaged in, or based on prior conduct of the Petitioner and Respondent, may engage in domestic abuse of the Petitioner. Sec. 813.12(3)(a) 3. Petitioner is in imminent danger of harm 4. A TRO may not be dismissed or denied because of the existence of a pending action or of any other court order that bars contact between the parties, nor due to the necessity of verifying the terms of an existing court order. Sec. 813.12(3)(aj)
What can the Respondent be ordered to do if a TRO is issued?	<ol style="list-style-type: none"> 1. Refrain from committing acts of domestic abuse against the Petitioner. 2. Avoid the Petitioner's residence or any other location temporarily occupied by the Petitioner or both 3. Avoid contacting or causing any person other than a party's attorney or a law enforcement officer to contact the Petitioner unless the Petitioner consents in writing 4. Any combination of these remedies 5. Court can order any other appropriate remedy not inconsistent with the remedies requested in the Petition. Sec. 813.12(3)(a)
Can the Court issue a dual TRO?	No. A TRO may be entered only against the Respondent named in the Petition. Sec. 813.12(3)(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.