

# Child Abuse Restraining Orders

## Juvenile Court

### Juvenile Court Contact information

**County of Waukesha: Juvenile Court**  
**521 Riverview Ave.**  
**Waukesha, WI 53188**  
**262-548-7449**  
**Open: Mon-Fri 8 am - 4:30 pm**  
<http://circuitcourts.waukeshacounty.gov>

### Overview

This packet is to be used to request a child abuse restraining order in Juvenile Court.

This type of restraining order is heard in Juvenile Court because the respondent (person **from whom** protection is sought) is

- 17 years of age or younger, or
- if there is a pending CHIPs action in the Juvenile Court involving the child victim.

The petitioner (person seeking the restraining order) can be either an

- adult filing as the alleged victim, or
- a parent, attorney, or other adult filing on the behalf an alleged child victim.

The court reviews the request for a temporary restraining order, may grant it and then sets it for a hearing to be held within 14 days of the date the temporary restraining order was granted. If after the hearing, the court grants the petitioner's request, the temporary restraining order becomes an Injunction that can remain in effect for up to four years. If protection is necessary for more than four years, the petitioner must file a new request.

Juvenile Child Abuse Restraining Orders are filed in the county in which the child abuse occurred or where the petitioner or the respondent resides.

More information can be found in Wisconsin Statutes §§48.25(6) and 813.122 which can be accessed on-line [here](#).

Please remember, court staff are only allowed to answer basic procedural questions and may not give legal advice. If at anytime you feel overwhelmed or confused, you may want to consider consulting with or hiring an attorney. Please go to the Legal Assistance section at <http://circuitcourts.waukeshacounty.gov> for more information on finding an attorney or other legal resources.

## SERVICE

### Required parties:

The Respondent must be served.

### Time limits:

No later than **10 business days** before the hearing.

### Allowable methods:

This type of action may only be served by a sheriff's department. There is a fee associated with this service unless you have qualified for a fee waiver with form CV-410. **Note:** The Waukesha County Sheriff's Department will only serve respondents who live within Waukesha County.

## FEES

The Juvenile Court accepts cash, check, cashier's check, or charge (Master Card or Visa)

<i><b>Fee</b></i>	<i><b>Payable to</b></i>	<i><b>When required</b></i>
N/A	N/A	No filing fees required.

## Procedural Checklist

- Complete the **Petition for TRO and/or Injunction (Child Abuse)** JC-1690. If you are requesting the filing fee be waived also complete the **Petition and Waiver of Fees/Costs, Affidavit of Indigency and Order** CV-410.
- File the forms above in the Juvenile Court reception area. Be sure to take with you a picture ID so the staff can notarize your form(s).
- Court staff will take the forms to be reviewed by a court official. You can either wait or have staff contact you when it is ready for you to pick up.
- If the court official grants the temporary restraining order (TRO) and accepts the case for filing, the court staff will:
  - Set if for a hearing for within 14 days
  - Provide four (4) copies to you for service
  - Fax the TRO to the county in which the respondent lives
  - Appoint a GAL for each of the minors involved in the case.
- No later than **10 business days** before the hearing, you must have the other party(s) **personally** served by a sheriff's department. Take all copies provided to the court to the sheriff's department in the county in which the respondent lives
- After service is complete, "proof of service" must be filed in the Waukesha County Juvenile Court or the court **may** not proceed with the final hearing and **may** reschedule it.

**Please Note:** If the Waukesha County Sheriff's Department served the respondent, the "proof of service" will be filed by the Sheriff's Department after service. If not served by Waukesha County, you are responsible for obtaining the proof of service from the sheriff's department that served the documents and file them with the Juvenile Court.

7.  Before the hearing, gather any evidence and contact any witnesses you want to appear on your behalf (witnesses must appear in person).
8.  Go to your assigned court room no later than 15 minutes before your court time and let the bailiff know for what case you are appearing. Be sure to have with you any evidence or witnesses that you will be presenting in your case.
9.  When your case is called the bailiff will direct you where to sit. Be prepared to present your case (witnesses and evidence) and testify under oath.
10.  The court will make a ruling. If the court official grants the Injunction, he or she will provide more information to the parties about how to proceed and staff will send a copy to the Sheriff's Department.

**Please note:** It will be up to the petitioner to contact the sheriff's department to report any violations. If violated, the respondent may be sentenced to jail.