

GLOSSARY OF TERMS

Glossary Term	Definition	Where Found in statute or other Sources
<p>Abuse, under 813.12 (abuse as defined in the domestic abuse restraining order)</p>	<p>Domestic abuse is defined as an adult engaging in the following behavior against an adult:</p> <ol style="list-style-type: none"> 1. Intentional infliction of physical pain, physical injury or illness; <i>or</i> 2. Intentional impairment of physical condition; <i>or</i> 3. Violation of 1st, 2nd or 3rd degree sexual assault under §§940.225(1), (2) or (3); <i>or</i> 4. Violation of stalking under §940.32(1)(a); <i>or</i> 5. Intentional damage to physical property belonging to the individual (petitioner) under §943.01; <i>or</i> 6. Threat to engage in conduct under 1,2,3,4, 5. §813.12(1)(am)6. 	<p>§§813.12(1)(am), 943.01, 940.32(1)(a)</p>
<p>Abuse, under 813.122 (abuse as defined in the child abuse restraining order)</p>	<ol style="list-style-type: none"> 1. Physical injury inflicted on child by other than accidental means; <i>or</i> 2. Sexual intercourse or sexual contact under §940.225 [1st, 2nd, 3rd or 4th degree sexual assault], §948.02 [1st, or 2nd degree sexual assault of child], <i>or</i> §948.025 [repeated acts of sexual assault]; <i>or</i> 3. Sexual exploitation of child; <i>or</i> 4. Permitting, allowing or encouraging child to engage in prostitution; <i>or</i> 5. Causing a child to view or listen to sexual activity; <i>or</i> 6. Causing child to expose or exposing genitals or pubic area to child; <i>or</i> 7. Manufacturing methamphetamines with a child physically present during the manufacture, in or on the premises of a child's home or in a motor vehicle located on the premises of a child's home, or under any other circumstances in which a reasonable person should have known that the manufacture would be seen, smelled, or heard by a child; <i>or</i> 8. Emotional damage; <i>or</i> 9. Threat to engage in conduct above. 	<p>§§813.122(1)(a); 48.02(1)(a) & (b) to (gm)</p>

Glossary Term	Definition	Where Found in statute or other Sources
<p>Abuse, under 813.123 (abuse as defined in the individual at risk restraining order)</p>	<p>“Abuse” includes the following: physical abuse, emotional abuse, and sexual abuse, treatment without consent, and unreasonable confinement or restraint.</p> <ol style="list-style-type: none"> 1. <u>Physical abuse</u>: intentional or reckless infliction of bodily harm. §46.90(1)(fg) 2. <u>Emotional abuse</u>: language or behavior that serves no legitimate purpose and is intended to be intimidating, humiliating, threatening, frightening, or otherwise harassing, and that does or reasonably could intimidate, humiliate, threaten, frighten, or otherwise harass the individual to whom the conduct or language is directed. §46.90(1)(cm) 3. <u>Sexual abuse</u>: violation of §§ 940.225(1), (2), (3), or (3m) (criminal sexual assault law). §46.90(1)(gd). 4. <u>Treatment without consent</u>: the administration of medication to an individual who has not provided informed consent, or the performance of psychosurgery, electroconvulsive therapy, or experimental research on an individual who has not provided informed consent, with the knowledge that no lawful authority exists for the administration or performance. §46.90(1)(h) 5. <u>Unreasonable confinement or restraint</u>: includes the intentional and unreasonable confinement of an individual in a locked room, involuntary separation of an individual from his or her living area, use on an individual of physical restraining device, or the provision of unnecessary or excessive medication to an individual, but does not include the use of these methods or devices, in entities regulated by the department - if the methods or devices are employed in conformance with state and federal standards governing confinement and restraint. §46.90(1)(i). 	<p>§§46.90(1)(a), 55.01(1)</p>

Glossary Term	Definition	Where Found in statute or other Sources
<p>Abuse, under 813.125 (abuse as defined in the harassment restraining order)</p>	<ol style="list-style-type: none"> 1. Striking, shoving, kicking or subjecting another to physical contact or attempting or threatening to do the same; 2. Engaging in course of conduct or repeatedly committing acts which harass or intimidate another person & which serve no legitimate purpose. §813.125(1). 3. Child Abuse under §48.02, which includes: <ol style="list-style-type: none"> a. Physical injury inflicted on child by other than accidental means; <i>or</i> b. Sexual intercourse or sexual contact under §940.225 [1st, 2nd, 3rd or 4th degree sexual assault], §948.02 [1st, or 2nd degree sexual assault of child], <i>or</i> §948.025 [repeated acts of sexual assault]; <i>or</i> c. Sexual exploitation of child; <i>or</i> d. Permitting, allowing or encouraging child to engage in prostitution; <i>or</i> e. Causing a child to view or listen to sexual activity; <i>or</i> f. Causing child to expose or exposing genitals or pubic area to child; <i>or</i> g. Manufacturing methamphetamines with a child physically present during the manufacture, in or on the premises of a child's home or in a motor vehicle located on the premises of a child's home, or under any other circumstances in which a reasonable person should have known that the manufacture would be seen, smelled, or heard by a child; <i>or</i> h. Emotional damage; <i>or</i> i. Threat to engage in conduct above. 4. Sexual intercourse or sexual contact under §940.225 [1st, 2nd, 3rd or 4th degree sexual assault] 5. Stalking under §940.32 [Intentionally engaging in a course of conduct directed at a specific person that would cause a reasonable person under similar circumstances to suffer serious emotional distress or fear of bodily injury] 	<p>§813.125(1)</p>

Glossary Term	Definition	Where Found in statute or other Sources
Abuse, under 968.075 (domestic abuse as defined in the mandatory arrest law)	<p>"Domestic abuse" means any of the following engaged in by an adult person against his or her spouse or former spouse, against an adult with whom the person resides or formerly resided or against an adult with whom the person has a child in common:</p> <ol style="list-style-type: none"> 1. Intentional infliction of physical pain, physical injury or illness. 2. Intentional impairment of physical condition. 3. A violation of §§940.225 (1), (2) or (3) [1st, 2nd, or 3rd degree sexual assault]. 4. A physical act that may cause the other person reasonably to fear imminent engagement in the conduct described under subdivision 1., 2. or 3. See 968.075(1)(a). <p><u>Mandatory Arrest Law</u></p> <p>A law enforcement officer shall arrest and take a person into custody if:</p> <ol style="list-style-type: none"> 1. The officer has reasonable grounds to believe that the person is committing or has committed domestic abuse (see definitions above) and that the person's actions constitute the commission of a crime; and 2. Any of the following apply: <ol style="list-style-type: none"> a. The officer has a reasonable basis for believing that continued domestic abuse against the alleged victim is likely. b. There is evidence of physical injury to the alleged victim. c. The person is the predominant aggressor. 	<p>§§968.075(1)(a), 1, 2, 3, 4.</p> <p>§968.075(2)</p>
Adult at Risk	<p>Any adult who has a physical or mental condition that substantially impairs his or her ability to care for his or her needs who has experienced, is currently experiencing, or is at risk of experiencing abuse, neglect, or financial exploitation.</p>	<p>§55.01(1e)</p>
Adult-at-risk Agency	<p>The agency designated by the county board of supervisors to receive, respond to, and investigate reports of abuse, neglect, or financial exploitation.</p>	<p>§55.01(1f)</p>

Glossary Term	Definition	Where Found in statute or other Sources
Arrest Warrant	When a domestic abuse or child abuse injunction is granted, an order for surrender of firearms is mandatory. An order for surrender of firearms is discretionary when a harassment injunction is granted, if petitioner requests firearm surrender and court finds the respondent may use a firearm to cause physical harm to another or to endanger public safety.	See §813.1285 ; see also §§: 813.12(4m) , 813.122(5m) , 813.123(5m) , 813.125(4m) .
Canadian Domestic Violence Protection Order	A judgment or order issued in a civil proceeding by a court of Canada which relates to domestic violence and prohibits the respondent from doing any of the following: 1. Being in physical proximity to the protected individual 2. Directly or indirectly contacting the protected individual 3. Being within a certain distance of specified places associated with the protected individual 4. Annoying, harassing, or engaging in threatening conduct	§813.1283(2)(a)
Caregiver	An individual who provides in-home or community care to another through regular and direct contact.	§§813.12(1)(ad) , 46.90(1)(an)
Child	A person under 18 years of age. For purposes of investigating or prosecuting a person who is alleged to have violated a state or federal law, a child does not include a person who has reached 17 years of age.	§48.02(2)
Children In Need of Protection and/or Services (CHIPS)	CHIPS stands for children in need of protection and/or services. Courts have exclusive jurisdiction over children alleged to be in need of protection or in need of services which can be provided by court order AND who meet the criteria under §48.13. CHIPS proceedings allow the court to appoint a guardian or create a permanent placement plan if necessary.	§48.13 , §48.977
Constructive Knowledge	The respondent's knowledge of the existence of the injunction based on him or her being served with a copy of the petition and notice of the time for injunction hearing, regardless of whether the respondent has been served with a copy of the injunction. Constructive knowledge occurs because the respondent has been served with the petition and time of injunction hearing and is responsible to learn what happened at the injunction if did not attend.	§813.12(7)(c) , §813.122(10)(c) , §813.123(9)(c) , §813.125(6)(c)
Damage to Physical Property	Intentionally causing damage to the physical property of another without the person's consent.	§943.01

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Dating Relationship	<p>A romantic or intimate social relationship between two adults, but not including a casual or business-related fraternization between two individuals in a business or social context. Courts shall determine whether a dating relationship existed by considering the length of the relationship, the type of the relationship, and the frequency of the interaction between the adult individuals involved in the relationship.</p> <p>Although the statute does not define "romantic," the statute is not unconstitutionally vague.</p>	<p>§813.12(1)(ag)</p> <p>State v. Koenig, 2003 WI App. 12.</p>
Elder Adult at Risk	<p>A person age 60 or older who has experienced, is currently experiencing, or is at risk of experiencing abuse, neglect, self-neglect, or financial exploitation.</p>	<p>§46.90(1)(br)</p>
Elder-adult-at-risk Agency	<p>The agency designated by the county board of supervisors to receive, respond to and investigate reports of abuse, neglect, or financial exploitation.</p>	<p>§46.90(1)(bt)</p>
Emotional Abuse	<p>Language or behavior that serves no legitimate purpose and is intended to be intimidating, humiliating, threatening, frightening, or otherwise harassing, and that does or reasonably could intimidate, humiliate, threaten, frighten, or otherwise harass the individual.</p>	<p>§46.90(1)(cm)</p>
Emotional Damage	<p>Behavior by parent, guardian, or legal custodian who has neglected, refused, or been unable for reasons other than poverty to obtain necessary treatment or take steps to improve symptoms. These symptoms can include harm to a child's psychological or intellectual functioning evidenced by one or more of the follow characteristics exhibited to a severe degree: anxiety; depression; withdrawal; outward aggressive behavior; or a substantial and observable change in behavior, emotional response or cognition that is not within the normal range for the child's age and stage of development. Case law says that emotional damage does not include name-calling, threats against a child's parent, or dislike of a parent when they have been drinking.</p>	<p>§§48.02(5j), 48.02(1)(gm)</p> <p>In the Interest of H.Q. and P.Q., 449 N.W.2d 75(1989).</p>
Ex Parte	<p>One party only; one party files a motion or an action without notice to the other.</p>	<p>Qs 1 & 85, Legal Information Institute</p>
Family Member	<p>A spouse, parent, child, or person related by blood or adoption to another person.</p>	<p>§813.12(1)(b)</p>
Farm Animal	<p>Any warm-blooded animal normally raised on farms in the United States and used or intended for use as food or fiber.</p>	<p>§951.01(3)</p>

Glossary Term	Definition	Where Found in statute or other Sources
Financial Exploitation	<p>Any of the following:</p> <ol style="list-style-type: none"> 1. Obtaining an individual's money or property by deceiving or enticing the individual, or by forcing, compelling, or coercing the individual to give, sell at less than fair market value, or in other ways convey money or property against his or her will without his or her informed consent. 2. Theft, as prohibited in § 943.20 3. The substantial failure or neglect of a fiscal agent to fulfill his or her responsibilities. 4. Unauthorized use of an individual's personal identifying information or documents, as prohibited in § 943.201 5. Unauthorized use of an entity's identifying information or documents, as prohibited in § 943.203 6. Forgery, as prohibited in § 943.38 7. Financial transaction card crimes, as prohibited in § 943.41 	§46.90(1)(ed)
Financial Responsibility (for telephone services)	Includes monthly service costs and costs associated with any mobile device associated with the number. Eff. 7/1/16.	§813.12(4g) §813.122(5c) §813.123(5c) §813.125(4g)
Firearm Surrender	Respondent must surrender any firearms they own or possess if firearm surrender order is issued. Domestic abuse and child abuse injunctions contain a mandated firearm surrender provision.	See §§813.12(4m) , 813.122(5m) , 813.123(5m) , 813.125(4m) , 813.1285 .
Firearm(s)	<p>Weapon which acts by force of gunpowder. In State v. Radon 185 Wis.2d 701, 706 (Ct. App. 1994), the court held the term firearm is appropriately defined as a weapon that acts by force of gunpowder to fire a projectile irrespective of whether it is inoperable due to a disassembly.</p> <p>Wisconsin Statute §939.22(10) defines a “dangerous weapon” as any firearm, whether loaded or unloaded.</p>	§167.31(1)(c) §939.22(10)

Glossary Term	Definition	Where Found in statute or other Sources
Full Faith and Credit	The authority for one jurisdiction to enforce an order issued by another court as if it were issued by their own court and as their own order, regardless of who issued the order. Restraining orders subject to full faith and credit include all orders issued in a United States court, tribal court, a U.S. Territory or U.S. Possession and protective orders issued in Canada.	§813.128 , §813.1283
Global Positioning System (GPS) Tracking	<p>Tracking using a system that actively monitors and identifies a person's location and timely reports or records the person's presence in an exclusion zone.</p> <p>An order for GPS tracking is made pursuant to the court's criminal authority under Chapter 301, and is not part of certain Chapter 813 civil orders.</p> <p>The court can order GPS tracking if the court finds the respondent is more likely than not going to seriously harm the petitioner, and knowingly violates any of the following:</p> <ol style="list-style-type: none"> 1. Domestic Abuse TRO-§813.12 2. Domestic Abuse Injunction-§813.12 3. Harassment TRO-§813.125 4. Harassment Injunction-§813.125 <p>Even if the court determines that a person is more likely than not going to cause serious bodily harm to the petitioner, the court may decide other alternatives, such as imprisonment, are more likely to protect the petitioner.</p> <p>2013 Assembly Bill 40, if approved, may provide an additional, separate system implementing GPS tracking.</p>	<p>§301.49(1)(b)</p> <p>§301.49, §813.129</p> <p>§813.129(1),(2)</p> <p>§813.129(5)</p>
Guardian Ad Litem (GAL)	Attorney who represents the best interest of the child.	§48.235(3)(a)
Guardian	<p>A person appointed by the court to manage the income and assets and provide for the essential requirements for health and safety and the personal needs of a minor, an individual found incompetent under §54.01(16), or a spendthrift under §54.01(31).</p> <p>A person given responsibility or authority by the court in place of a parent in the case of a minor who is alleged to have a developmental disability Chapter 55.</p>	<p>§54.01(10)</p> <p>§55.03(3)</p>

Glossary Term	Definition	Where Found in statute or other Sources
Household Member	<p>Person currently or formerly residing in a place of abode with another person.</p> <p>A continuous living arrangement is required to establish that parties are or were household members.</p>	<p>§813.12(1)(c)</p> <p>Petrowsky v. Krause, 223 Wis. 2d (Ct. App. 1998).</p>
Household Pet	<p>A domestic animal that is not a “farm animal” and is kept, owned, or cared for by the petitioner or by a family member or a household member of the petitioner.</p> <p>A “farm animal” means any warm-blooded animal normally raised on farms in the United States and used or intended for use as food or fiber.</p>	<p>§813.12 (1)(ce) §813.122(1)(e) §813.123(1)(ek) §813.125(1)(bm) §951.01(3)</p>
Imminent Danger of Harm	<p>The risk of injury is very near at hand; petitioner is in immediate or foreseeable danger.</p> <p><i>Blazel v. Bradley</i> states that when courts issue an <i>ex parte</i> TRO which can remove a respondent from his/her residence, there must be four constitutionally required procedural safeguards in place. One of these safeguards is the requirement that the petition include information which indicates he or she is at risk of immediate and irreparable harm. Thus, a court must find imminent danger of harm before it can order a domestic abuse TRO. The domestic abuse petition for TRO/Injunction includes a checkbox which a petitioner must check to indicate the petitioner is in imminent danger of harm.</p>	<p>Blazel v. Bradley, 698 F. Supp. 756 (W.D. Wis. 1988)</p>
Impairment of Physical Condition	<p>Diminished capacity to perform physical tasks; placing a person in a life-threatening situation.</p>	<p>§813.12(1)(am)2</p>
Incompetent Individual	<p>A person adjudged by a court as meeting the requirements of Sec. 54.10(3). The court must find by clear and convincing evidence that:</p> <ol style="list-style-type: none"> 1. The individual is at least 17 years and 9 months; and 2. For purposes of appointment of a guardian of the person, the individual meets the requirements of §54.10(3)(a)2; and 3. For purposes of appointment of a guardian of the estate, the individual meets the requirements of §54.10(3)(a)3; and 4. The individual’s need for assistance in decision making or communication is unable to be met effectively through other means, as explained by §54.10(3)(a)4. 	<p>§54.01(16)</p>

Glossary Term	Definition	Where Found in statute or other Sources
Individual at Risk	<p>An adult at risk or an elder adult at risk.</p> <p><u>Adult at Risk</u>: Any adult who has a physical or mental condition that substantially impairs his or her ability to care for his or her needs who has experienced, is currently experiencing, or is at risk of experiencing abuse, neglect, or financial exploitation.</p> <p><u>Elder Adult at Risk</u>: A person age 60 or older who has experienced, is currently experiencing, or is at risk of experiencing abuse, neglect, self-neglect, or financial exploitation.</p>	<p>§813.123(1)(ep)</p> <p>§55.01(1e)</p> <p>§46.90(1)(br)</p>
Mistreatment of an animal	Cruel treatment of any animal owned by or in service to an individual at risk.	§813.123(1)(fm)
Neglect	The failure of a caregiver, as evidenced by an act, omission, or course of conduct, to endeavor to secure or maintain adequate care, services, or supervision for an individual, including food, clothing, shelter, or physical or mental health care, and creating significant risk or danger to the individual's physical or mental health. "Neglect" does not include a decision that is made to not seek medical care for an individual, if that decision is consistent with the individual's previously executed declaration or do-not-resuscitate order under Chapter 154 , a power of attorney for health care under Chapter 155 , or as otherwise authorized by law.	§§46.90(1)(f) & 55.01(4r)
Pet	See "Household Pet," page 64.	Household Pet found in §951.01(3)
Pro Se	A person represents him or herself during a legal action/proceeding without the assistance of an attorney.	Questions 89 & 90

Glossary Term	Definition	Where Found in statute or other Sources
Property	<p>“Property” means real or personal property</p> <p><u>Personal Property</u>: includes all goods, wares, merchandise, chattels, and effects, of any nature or description, having any real or marketable value, and not included in the term "real property," as defined in §70.04. Any moveable or intangible thing that is subject to ownership and not classified as real property</p> <p><u>Real Property</u>: includes not only the land itself but all buildings and improvements thereon, and all fixtures and rights and privileges appertaining thereto, except that for the purpose of time-share property, as defined in §707.02(32), real property does not include recurrent exclusive use and occupancy on a periodic basis or other rights, including, but not limited to, membership rights, vacation services and club memberships.</p>	§§70.02, 70.03, 70.04,
Self-neglect	<p>Self-neglect means a significant danger to an individual's physical or mental health because the individual is responsible for his or her own care but fails to obtain adequate care, including food, shelter, clothing, or medical or dental care.</p>	§§46.90(1)(g), 55.01(6)
Service Representative	<p>An individual member of an organization or victim assistance program who provides counseling or support services to complainants or petitioners and charges no fee for the services provided.</p>	§895.45(1)(c)
Spendthrift	<p>Spendthrift means a person who, because of the use of alcohol or other drugs or because of gambling or other wasteful course of conduct, is unable to manage effectively his or her financial affairs or is likely to affect the health, life, or property of himself, herself, or others so as to endanger his or her support and the support of his or her dependents, if any, or expose the public to responsibility for his or her support.</p>	§54.01(31)

Glossary Term	Definition	Where Found in statute or other Sources
Unpublished Court Opinion	Pursuant to §809.23(1)(a) of appellate procedure, an unpublished opinion is of no precedential value and for this reason may not be cited in any court of the state as precedent or authority except to support a claim of res judicata [<i>claim preclusion</i>], collateral estoppel [<i>issue preclusion</i>], or law of the case. In addition to these purposes, an unpublished opinion issued on or after July 1, 2009, that is authored by a member of a three-judge panel or by a single judge under §752.31(2) may be cited for its persuasive value. A per curiam opinion, memorandum opinion, summary disposition order, or other order is not an authored opinion for purposes of this subsection. Because an unpublished opinion cited for its persuasive value is not precedent, it is not binding on any court of this state. A court need not distinguish or otherwise discuss an unpublished opinion and a party has no duty to research or cite it.	§809.23
Venue	The county in which proceedings can legally be held. Generally, venue is in the county where the claim arose, a county where there is real or personal property, or the county in which the defendant resides. However, domestic abuse orders include venue in the county where the victim temporarily resides. In addition, there is a 100-mile radius venue under §801.50(5r) for victim advocates, court officials, legal professionals, and law enforcement officers who are victims of domestic abuse.	§801.50(2) , §801.50(5r)
VINE (Victim Information Notification Everyday)	VINE is a free, anonymous telephone and online service that provides the public with information and notifications. A person must register with VINE to receive notifications. VINE monitors the status of offenders in WI's county jails and provides access to offender custody status.	https://www.vinelink.com/vinelink/siteInfoAction.do?siteId=50100
VPO (VINE Protective Order)	VPO is a computer data base which automatically notifies a person who has registered with VPO when a restraining order [TRO, injunction, and/or when respondent surrenders firearms to local law enforcement] is served on the respondent. VPO provides toll-free, 24 hour access to information about the status of restraining orders. See Question 38 .	https://registervpo.com/RegisterVPO/mapInitAction.do