

	<b>DOMESTIC ABUSE SECTION 813.12</b>	<b>CHILD ABUSE SECTION 813.122</b>	<b>INDIVIDUALS AT RISK SECTION 813.123</b>	<b>HARASSMENT SECTION 813.125</b>
<b>1. Who May Petition?</b>	<p>1. Adult Family Member*</p> <p>2. Adult Household Member*</p> <p>3. Adult Former Spouse</p> <p>4. Adult with whom have child in common</p> <p>5. Adult with whom have or have had a dating relationship*</p> <p>6. Adult under a caregiver’s supervision *</p> <p>7. Adult guardian of an incompetent individual § 813.12(5)(d)</p> <p>NOTE: The petitioner must be the victim with the exception of the guardian for an incompetent person §813.12(5)(d)</p> <p><b>An adult</b> is a person 18 years of age or older. §48.02(1d); a <b>child</b> is a person under 18 years. 48.02(2)</p> <p><b>*See definitions on last pages</b></p> <p><b>NOTE: The petition can only be filed by an adult victim against another adult; however, a guardian may file on behalf of an incompetent adult.</b></p>	<p>1. Child victim</p> <p>2. Parent of child victim</p> <p>3. Stepparent of child victim</p> <p>4. Guardian of child victim §813.122(2) for 1-4.</p> <p>5. Guardian ad litem in a matter involving a child found to be in need of protection or services. §48.235(4)(a)6</p> <p>6. If a proceeding is brought under §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. §48.25(6)</p> <p>NOTE: As of 4/96, there are two forms for possible use when filing a child abuse TRO petition. Form CV-412 is most commonly used. Form JC-1690 is only used when the child victim is involved in a CHIPS (Children in Need of Protection or Services) action or when the respondent is a child.</p> <p><b>Note: The petition can be filed by certain adults or the child victim against a child or an adult.</b></p>	<p>1. Individual at risk*</p> <p>2. Any person acting on behalf of an individual at risk, an elder-adult-at-risk agency*, or an adult-at-risk agency*</p> <p>3. If the petition is filed by a person other than the individual at risk, the petitioner shall serve a copy of the petition on the individual at risk. §813.123(2)(a)</p> <p>Note: If anyone other than the individual at risk petitions for the restraining order, the court must appoint a guardian ad litem.</p> <p><b>*See definitions on last pages</b></p> <p><b>Note: The petition can be filed by an adult only against an adult only.</b></p>	<p>1. Any person who has been harassed. The statute refers to the petitioner as "person" but does not specify whether petitioner must be an adult. The practice of allowing a child to petition varies from county to county. A parent may wish to bring an action on behalf of his/her minor child to be safe. A guardian ad litem should be appointed if the petitioner is a minor. Sec. 803.01(3)(a).</p> <p>2. Guardian ad litem in a matter involving a child found to be in need of protection or services. Sec. 48.235(4)(a)6</p> <p>3. If a proceeding is brought under Sec. 48.13 [child alleged to be in need of protection or services], any party or any governmental or social agency involved in the proceeding. Sec. 48.25(6)</p> <p>NOTE: As of 11/99, there are two forms for possible use when filing a harassment TRO/injunction petition. Form CV-407 is most commonly used. Form JC-1693 is only used when the child victim is involved in a CHIPS (Children in Need of Protection or Services) action or when the respondent is a child.</p> <p><b>Note: The petition can be filed by anyone who alleges harassment and can be filed against a child or an adult.</b></p>

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<p><b>2. What type of abuse must be alleged in the petition to obtain the TRO or injunction?</b></p>	<p>1. Intentional infliction of physical pain, physical injury or illness; or  2. Intentional impairment of physical condition; or  3. Violation of 1st, 2nd or 3rd degree sexual assault under §§940.225 (1), (2) or (3); or  4. Intentional damage to physical property belonging to the individual (petitioner) under §943.01; or  5. Threat to engage in conduct under 1, 2, 3, 4 §§ 813.12(1)(am), 943.01</p>	<p>1. Physical injury inflicted on child by other than accidental means; <i>or</i>  2. Sexual intercourse or sexual contact under §940.225 [1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> or 4<sup>th</sup> degree sexual assault], §948.02 [1<sup>st</sup>, or 2<sup>nd</sup> 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. §§ 813.122(1)(a); 48.02(1)</p>	<p>1. Interference with, or based on prior conduct of the person may interfere with, an investigation of the individual at risk, the delivery of protective services to the individual at risk under §55.05, the delivery of protective placement under §55.06, or the delivery of services to an elder adult at risk under §46.90(5m);  2. The interference complained of, if continued, would make it difficult to determine whether physical abuse, emotional abuse, sexual abuse, treatment without consent, and unreasonable confinement or restraint, financial exploitation*, neglect*, or self-neglect* has occurred, is occurring, or may recur.  3. Physical abuse, emotional abuse, sexual abuse, treatment without consent, and unreasonable confinement or restraint, financial exploitation*, neglect*, harassment*, or stalking* of an individual at risk or the mistreatment of an animal*.</p> <p>§§ 813.123(4)(a)2.a. &amp; (4)(a)2.b.</p> <p><b>*See definitions on last pages</b></p>	<p>1. Striking, shoving, kicking or subjecting another to physical contact or attempting or threatening to do the same; or  2. Engaging in course of conduct or repeatedly committing acts which harass or intimidate another person &amp; which serve no legitimate purpose. §813.125(1); or  3. Child Abuse under §48.02. [See §813.122 for the definitions of child abuse §48.02 on this page, two columns to the left.]; or  4. Sexual intercourse or sexual contact under §940.225 [1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> or 4<sup>th</sup> degree sexual assault]; or  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> <p>*** “Injunctions must be specific as to the prohibited acts and conduct in order for the person being enjoined to know what conduct must be avoided.”  <u>Bachowski</u>, 139 Wis.2d. at 414.</p>

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<p><b>3. What must the court find in order to grant the petition for the temporary restraining order (TRO)?</b></p>	<p>1. The petition alleges the necessary facts as set out in <u>§813.12(5)(a)</u> <i>and</i></p> <p>2. There are reasonable grounds to believe the respondent has engaged in, or based on prior conduct of the petitioner and the respondent, may engage in domestic abuse of the petitioner. <u>§813.12(3)(a)</u></p> <p>3. Petitioner is in imminent danger of harm. <u>Blazel v. Bradley</u>, 698 F. Supp. 756 (W.D. Wis. 1988).</p> <p>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. See <u>§813.12(3)(aj)</u></p>	<p>1. The petition alleges the elements set forth in <u>§813.122(6)(a)</u> <i>and</i></p> <p>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. <u>§813.122(4)(a)</u></p>	<p>1. Reasonable grounds to believe that the respondent has interfered with, or based on prior conduct of the respondent may interfere with, an investigation of the individual at risk, the delivery of protective services under <u>§55.05</u> or a protective placement under <u>§55.06</u>, or delivery of services to an elder adult at risk under <u>§46.90 (5m)</u>; <i>and</i> that the interference complained of, if continued, would make it difficult to determine whether physical abuse, emotional abuse, sexual abuse, treatment without consent, and unreasonable confinement or restraint, financial exploitation, neglect, or self-neglect has occurred, is occurring, or may recur.</p> <p>2. Respondent engaged in the physical abuse, emotional abuse, sexual abuse, treatment without consent, and unreasonable confinement or restraint, financial exploitation, neglect, harassment, or stalking of an individual at risk or mistreatment of an animal. <u>§813.123(4)(a)1., 2a., 2b.</u></p>	<p>1. The petition alleges the elements set forth in <u>§813.125(5)(a)</u>; and</p> <p>2. There are reasonable grounds to believe the respondent has engaged in harassment with intent to harass or intimidate the petitioner.</p>

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<p><b>4. What can the respondent be ordered to do if a temporary restraining order (TRO) is issued?</b></p>	<p><b>1.</b> Refrain from committing acts of domestic abuse against the petitioner.  <b>2.</b> Avoid the petitioner's residence or any other location temporarily occupied by the petitioner or both.  <b>3.</b> 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.  <b>4.</b> Any combination of these remedies.  <b>5.</b> Court can order any other appropriate remedy not inconsistent with the remedies requested in the petition.  <u>§813.12(3)(a)</u></p>	<p><b>1.</b> Avoid the child victim's residence or any residence temporarily occupied by the child victim or both.  <b>2.</b> Avoid contacting or causing any person other than a party's attorney to contact the child victim unless the petitioner consents in writing <b>and</b> the court agrees that the contact is in the child victim's best interest.  <u>§813.122(4)(a)</u></p>	<p>Unless the individual at risk, guardian or guardian ad litem consents in writing and the court agrees that contact is in the best interest of the individual at risk, the respondent can be ordered to do one or more of the following:  <b>1.</b> Avoid interference with an investigation of the elder adult at risk under <u>§46.90</u> or the adult at risk under <u>§55.043</u>, the delivery of protective services to the individual at risk under <u>§55.06</u>, or the delivery of services to the elder adult at risk under <u>§46.90(5m)</u>.  <b>2.</b> Cease engaging in or threatening to engage in the physical abuse, emotional abuse, sexual abuse, treatment without consent, and unreasonable confinement or restraint, financial exploitation, neglect, harassment, or stalking of an individual at risk or mistreatment of an animal.  <b>3.</b> Avoid the residence of the individual at risk or any other location temporarily occupied by the individual at risk, or both.  <b>4.</b> Avoid contacting or causing any person other than a party's attorney or a law enforcement officer to contact the individual at risk.  <b>5.</b> Engage in any other appropriate remedy not inconsistent with the remedies requested in the petition.  <u>§§ 813.123(4)(a) &amp; (ar)</u></p>	<p><b>1.</b> Cease the harassment of another person. <u>§813.125(3)(a)</u>  <b>2.</b> Avoid the harassment of another person. <u>§813.125(3)(a)</u>  <b>3.</b> Avoid the petitioner's residence or any premises temporarily occupied by the petitioner or both. However, if the petitioner &amp; respondent are not married, the respondent owns the premises where the petitioner resides &amp; the petitioner has no legal interest in the premises, the court may order the respondent to avoid the premises for a reasonable length of time until the petitioner relocates &amp; shall order the respondent to avoid the new residence for the duration of the order.  <u>§813.125(3)(a)(intro) and (3)(am)</u>  <b>4.</b> Any combination of these remedies.  <u>§813.125(3)(a)(intro)</u></p>

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<p><b>5. What must the court find in order to grant an injunction at the injunction hearing?</b></p>	<p>1. Petition has been filed alleging certain elements; <b>and</b>  2. Petitioner serves petition &amp; notice of time of hearing on respondent <b>or</b> respondent serves notice of time for hearing upon petitioner; <b>and</b>  3. Court finds there are reasonable grounds to believe the respondent a) has engaged in domestic abuse of the petitioner or b) based on prior conduct of the petitioner and the respondent, may engage in domestic abuse of the petitioner.  <u>§813.12(4)(a)</u>  4. In determining whether to grant the injunction, court shall consider the potential danger posed to petitioner &amp; the pattern of abusive conduct of respondent but may not base decision solely on length of time since last domestic abuse or length of time since relationship ended.  <u>§813.12(4)(aj)</u>  5. The judge or circuit court commissioner may not dismiss or deny granting any injunction 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. <u>§813.12(4)(aj)</u></p>	<p>1. Petition has been filed alleging certain elements; <b>and</b>  2. Petitioner serves petition &amp; notice of time for hearing on respondent or respondent serves notice of time for hearing upon petitioner; <b>and</b>  3. Court finds reasonable grounds to believe a) respondent has engaged in or b) based upon prior conduct of the child victim &amp; respondent may engage in abuse of the child victim. <u>§813.122(5)(a)</u></p> <p>NOTE: If the respondent is the parent of the child victim, the judge shall provide reasonable visitation rights, unless the judge finds to do so would endanger the child's physical, mental or emotional health. Visitation may be supervised. <u>§813.122(5)(b)</u>.</p>	<p>1. Petition has been filed alleging certain elements; <b>and</b> 2. Petitioner serves petition &amp; notice of hearing on respondent or respondent serves notice of time for hearing on petitioner; <b>and</b> 3. Court finds reasonable cause to believe <b>any of these:</b>  <b>a.</b> The respondent has interfered with or, based upon prior conduct, may interfere with an investigation of the elder adult at risk under <u>s. 46.90</u> or the adult at risk under <u>s. 55.043 and</u> that the interference complained of, if continued, would make it difficult to determine if abuse, financial exploitation, neglect, harassment, or stalking of an individual at risk or mistreatment of an animal is occurring or may recur; <b>and</b> that the interference complained of, if continued, would make it difficult to determine whether abuse, financial exploitation, neglect, or self-neglect has occurred, is occurring, or may recur.  <b>b.</b> The respondent has interfered with the delivery of protective services or a protective placement under <u>ch. 55</u> after the offer of protective services/placement has been made and the individual at risk or his/her guardian, has consented to receipt of the protective services/ placement; or that the respondent has interfered with the delivery of services to an elder adult at risk under <u>s. 46.90 (5m)</u>.  <b>c.</b> That the respondent has engaged in or threatened to engage in the abuse, financial exploitation, neglect, harassment, stalking, or the mistreatment of an animal.  <u>§813.123(5)(a)</u></p>	<p>1. The petition alleges the elements set forth in <u>§ 813.125(5)(a)</u>.  <u>§813.125(4)(a)1</u>  2. Court finds reasonable grounds to believe the respondent has engaged in harassment with intent to harass or intimidate the petitioner.</p>

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<p><b>6. What can the respondent be ordered to do if an injunction is granted at the injunction hearing?</b></p>	<p>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. However, if the petitioner &amp; respondent are not married, the respondent owns the premises where the petitioner resides &amp; the petitioner has no legal interest in the premises, the court may order the respondent to avoid the premises for a reasonable length of time until the petitioner relocates &amp; shall order the respondent to avoid the new residence for the duration of the order.  <u>§813.12(4)(am)</u>  4. 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.  5. Any combination of these remedies.  6. Order any other appropriate remedy not inconsistent with the remedies requested in the petition.  7. If an injunction is granted firearms surrender is mandated.</p>	<p>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 <b>and</b> the court agrees that the contact is in the child victim's best interest.  <u>§813.122(5)(a)</u>  3. If an injunction is granted firearms surrender is mandated.</p>	<p>1. Avoid interference with an investigation of the elder adult at risk under <u>§46.90</u> or the adult at risk under <u>§55.043</u>, the delivery of protective services to the individual at risk under <u>§55.05</u> or a protective placement of the individual at risk under <u>§55.06</u>, or the delivery of services to the elder adult at risk under <u>§46.90 (5m)</u>.  2. Cease engaging in or threatening to engage in the physical abuse, emotional abuse, sexual abuse, treatment without consent, and unreasonable confinement or restraint, financial exploitation, neglect, harassment, or stalking of an individual at risk or the mistreatment of an animal.  3. Avoid the residence of the individual at risk or any other location temporarily occupied by the individual at risk, or both.  4. Avoid contacting or causing any person other than a party's attorney or a law enforcement officer to contact the individual at risk.  5. Any other appropriate remedy not inconsistent with the remedies requested in the petition</p> <p><u>§813.123(5)(ar)</u></p>	<p>1. Cease the harassment of another person. <u>§813.125(4)(a)</u>  2. Avoid the harassment of another person. <u>§813.125(4)(a)</u>  3. Avoid the petitioner's residence or any premises temporarily occupied by the petitioner or both. However, if the petitioner &amp; respondent are not married, the respondent owns the premises where the petitioner resides &amp; the petitioner has no legal interest in the premises, the court may order the respondent to avoid the premises for a reasonable length of time until the petitioner relocates &amp; shall order the respondent to avoid the new residence for the duration of the order.  <u>§§ 813.125(4)(a) &amp; (am)</u>  4. Any combination of these remedies. <u>§813.125(4)(a)</u>  5. If requested, prohibit from possessing a firearm* if it is determined the respondent may use a firearm* to cause physical harm to another or to endanger public safety. <u>§813.125(4m)(a)</u></p> <p><b>NOTE:</b> In <u>Bachowski v. Salamone</u>, 139 Wis. 2d 397, 414 (1987), the court said only the acts which form the basis of the judge's finding of harassment or substantially similar conduct can be enjoined.</p> <p><b>*See definitions on last pages</b></p>

TERMS	DEFINITIONS	WHERE DEFINITION IS FOUND IN STATUTES
<p><b>Abuse, under 813.123</b> (for purposes of individuals at risk)</p>	<p>“Abuse” includes the following: physical abuse, emotional abuse, sexual abuse, treatment without consent, and unreasonable confinement or restraint.</p> <ul style="list-style-type: none"> <li>○ <u>Physical abuse</u>: intentional or reckless infliction of bodily harm. See §46.90(1)(fg)</li> <li>○ <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. See §46.90(1)(cm) * A legitimate purpose is “one that is protected or permitted by law...a determination that must of necessity be left to the fact finder, taking into account all the facts and circumstances.” <u>Welytok v. Ziolkowski</u>, 312 Wis.2d 435, 455 (citing <u>Bachowski v. Salamone</u>, 139 Wis.2d 397, 408 (1987)).</li> <li>○ <u>Sexual abuse</u>: violation of §§ 940.225(1), (2), (3), or (3m) (criminal sexual assault law). See §46.90(1)(gd)</li> <li>○ <u>Treatment without consent</u>: the admission 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. See §46.90(1)(h)</li> <li>○ <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. See §46.90(1)(i)</li> </ul>	<p>§§ <a href="#">46.90(1)(a)</a> &amp; <a href="#">55.01(1)</a></p>
<p><b>Adult at Risk</b></p>	<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>§ <a href="#">55.01(1e)</a></p>
<p><b>Adult-at-risk Agency</b></p>	<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>§ <a href="#">55.01(1f)</a></p>
<p><b>Caregiver</b></p>	<p>An individual who provides in-home or community care to another through regular and direct contact</p>	<p>§ <a href="#">813.12(1)(ad)</a> § <a href="#">46.90(1)(an)</a></p>

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<b>Constructive Knowledge</b>	The respondent's knowledge of the existence of the injunction based on him 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	§ <a href="#">813.12(7)(c)</a> §813.122(10)(c); 2007 WI Act 124 §813.123(9)(c); 2007 WI Act 124 §813.125(6)(c); 2007 WI Act 124
<b>Damage to Physical Property</b>	Intentionally causing damage to the physical property of another without the person's consent.	§ <a href="#">943.01</a>
<b>Dating Relationship</b>	<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.</p> <p>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>	§ <a href="#">813.12(1)(ag)</a>
<b>Elder Adult at Risk</b>	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.	§ <a href="#">46.90(1)(br)</a>
<b>Elder-adult-at-risk Agency</b>	The agency designated by the county board of supervisors to receive, respond to, and investigate reports of abuse, neglect, or financial exploitation.	§ <a href="#">46.90(1)(bt)</a>
<b>Family member</b>	A spouse, a parent, a child, a person related by blood or adoption.	§ <a href="#">813.12(1)(b)</a>



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<b>Financial Exploitation</b>	<p>Any of the following:</p> <ol style="list-style-type: none"> <li>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.</li> <li>2. Theft, as prohibited in <a href="#">§943.20</a></li> <li>3. The substantial failure or neglect of a fiscal agent to fulfill his or her responsibilities.</li> <li>4. Unauthorized use of an individual's personal identifying information or documents, as prohibited in <a href="#">§943.201</a></li> <li>5. Unauthorized use of an entity's identifying information or documents, as prohibited in <a href="#">§943.203</a></li> <li>6. Forgery, as prohibited in <a href="#">§943.38</a></li> <li>7. Financial transaction card crimes, as prohibited in <a href="#">§943.41</a>.</li> </ol>	§ <a href="#">46.90(1)(ed)</a>
<b>Firearm(s)</b>	Weapon which acts by force of gunpowder. In <u>State v. Radon</u> , 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. 185 Wis.2d 701, 706 (Ct. App. 1994)	§ <a href="#">167.31</a>
<b>Guardian Ad Litem (GAL)</b>	Attorney who represents the interest of the child.	§ <a href="#">48.235</a>
<b>Guardian</b>	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 s. <a href="#">54.01(16)</a> , or a spendthrift under s. <a href="#">54.01(31)</a> .	§ 54.01(10)
<b>Harassment</b>	<p>Harassment means any of the following:</p> <p>(a) Striking, shoving, kicking or otherwise subjecting another person to physical contact; engaging in an act that would constitute abuse under <a href="#">s. 48.02 (1)</a> (, sexual assault under <a href="#">s. 940.225</a>, or stalking under <a href="#">s. 940.32</a>; or attempting or threatening to do the same.</p> <p>(b) Engaging in a course of conduct or repeatedly committing acts which harass or intimidate another person and which serve no legitimate purpose*.</p> <p>* A legitimate purpose is “one that is protected or permitted by law... a determination that must of necessity be left to the fact finder, taking into account all the facts and circumstances.” <u>Welytok v. Ziolkowski</u>, 312 Wis.2d 435, 455 (citing <u>Bachowski v. Salamone</u>, 139 Wis.2d 397, 408 (1987)).</p>	§ <a href="#">813.125(1)</a>
<b>Household Member</b>	Person currently or formerly residing in a place of abode with another person	§ <a href="#">813.12(1)(c)</a>

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<b>Incompetent Individual</b>	<p>A person adjudged by a court as meeting the requirements of Sec. <a href="#">54.10(3)</a>. The court must find by clear and convincing evidence that:</p> <ol style="list-style-type: none"> <li>1) The individual is at least 17 years and 9 months; and</li> <li>2) For purposes of appointment of a guardian of the person, the individual meets the requirements of <a href="#">54.10(3)(a)2</a>; and</li> <li>3) For purposes of appointment of a guardian of the estate, the individual meets the requirements of <a href="#">54.10(3)(a)3</a>; and</li> <li>4) The individual's need for assistance in decision making or communication is unable to be met effectively through other means, as explained by <a href="#">54.10(3)(a)4</a>.</li> </ol>	§ <a href="#">54.01(16)</a>
<b>Individual at Risk</b>	An adult at risk or an elder adult at risk. (See above)	§ <a href="#">813.123(1)(ep)</a>
<b>Maltreatment of Animals</b>	Cruel treatment of any animal owned by or in service to an individual at risk.	§ <a href="#">813.123(1)(fm)</a>
<b>Neglect</b>	<p>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 <a href="#">ch. 154</a>, a power of attorney for health care under <a href="#">ch. 155</a>, or as otherwise authorized by law.</p>	§§ <a href="#">46.90(1)(f)</a> & <a href="#">55.01(4r)</a>
<b>Self-neglect</b>	"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.	§§ <a href="#">46.90(1)(g)</a> & <a href="#">55.01(6u)</a>

TERMS	DEFINITIONS	WHERE DEFINITION IS FOUND IN STATUTES
<b>Stalking</b>	<p>Engaging in a course of conduct – 2 or more acts carried out over time, however short or long, that show a continuity of purpose – including any of the following:</p> <ol style="list-style-type: none"> <li>1. Maintaining a visual or physical proximity to the victim.</li> <li>2. Approaching or confronting the victim.</li> <li>3. Appearing at the victim's workplace or contacting the victim's employer or coworkers.</li> <li>4. Appearing at the victim's home or contacting the victim's neighbors.</li> <li>5. Entering property owned, leased, or occupied by the victim.</li> <li>6. Contacting the victim by telephone or causing the victim's telephone or any other person's telephone to ring repeatedly or continuously, regardless of whether a conversation ensues.</li> <li>6m. Photographing, videotaping, audiotaping, or, through any other electronic means, monitoring or recording the activities of the victim. This subdivision applies regardless of where the act occurs.</li> <li>7. Sending material by any means to the victim or, for the purpose of obtaining information about, disseminating information about, or communicating with the victim, to a member of the victim's family or household or an employer, coworker, or friend of the victim.</li> <li>8. Placing an object on or delivering an object to property owned, leased, or occupied by the victim.</li> <li>9. Delivering an object to a member of the victim's family or household or an employer, coworker, or friend of the victim or placing an object on, or delivering an object to, property owned, leased, or occupied by such a person with the intent that the object be delivered to the victim.</li> <li>10. Causing a person to engage in any of the acts described in subsections 1 to 9.</li> </ol>	§ <a href="#">940.32(1)(a)</a>

Wisconsin Temporary Restraining Order (TRO), Injunction Petitions and Related Forms can be located at [http://www.courts.state.wi.us/circuit/search\\_forms.html](http://www.courts.state.wi.us/circuit/search_forms.html)