

Glossary of Terms

Clerk of Courts – the place where restraining order documents are filed and assigned a case number.

Injunction – court order restraining someone from committing a particular act against another person.

Continuance – a delay or postponement of a court hearing

Domestic Abuse – intentional physical harm or threat of physical harm, physical injury or illness, impairment of physical condition, damage to property, sexual contact or intercourse without consent.

Petitioner – the person who requests the order, the person seeking safety, the person requesting the court for the order.

Respondent – the person the order is against, the person the petitioner is seeking protection from.

Stalking – Intentionally engaging in a course of conduct directed at a specific person that would cause a reasonable person under the same circumstances to suffer serious emotional distress or to fear bodily injury to or the death of himself or herself or a member of his or her family or household. See Sec. 940-32, WI Stats.

Sexual Assault – the act of having sexual contact or sexual intercourse with another person without consent of that person. See Sec. 940.225(1), (2), (3), (3m), WI Stats.

Temporary Restraining Order (TRO) – Judge's order forbidding some action on a temporary basis before an injunction hearing can be held to decide whether to grant a longer term order. See Sec. 81312(3), WI Stats.

Waive – to give up

To Serve – deliver a copy of the court paperwork to the respondent.

The Family Crisis Center offers

FREE and Confidential services:

- Temporary shelter for all genders of victims and their children
- 24 hour phone response
- Walk-in crisis counseling
- Assistance with restraining orders
- Support group

Family Crisis Center Shelter

1616 W. River Dr.

Stevens Point, WI 54481

1-800-472-3377

Family Crisis Center Outreach

Office – Wautoma

CAPsell

205 E Main St

Wautoma, WI 54982

920-787-3889

Family Crisis Center Outreach

Office - Stevens Point

1608 W. River Dr.

Stevens Point, WI 54481

715-343-7129



*Transforming People
and Communities*

About Restraining Orders

Information about two kinds of
Restraining Orders:

- Domestic Abuse
- Harassment

(There are other restraining orders not listed)

Family Crisis Center

Outreach Office

101 Tower Rd

Waupaca, WI 54981

715-258-9575

Family Crisis Center Shelter and 24 Hour Crisis
Line: 1-800-472-3377

EVERYONE Has a Right to be Safe!

Three Step Process

Temporary Restraining Order (TRO) -

A temporary order (injunction) granted on the written statement of the person (petitioner) who files the document alleging abuse. A hearing date and time is set at the time of the TRO being granted. The TRO does not go into effect until the person who the TRO is against (respondent) is served with a copy of the order, which is usually delivered by law enforcement.

Injunction (Restraining Order) Hearing –

The petitioner must attend the hearing or the case is dismissed. The respondent has the choice to attend or not. This is to give both the petitioner and the respondent an opportunity to tell their sides of the story. You must be prepared to testify, it may be required. The judge or court commissioner will use the law to determine if there is reasonable evidence for an injunction to be issued. The length of most restraining orders is up to four years. This time frame is determined by the petitioner.

Enforcement of the Restraining Order -

The petitioner is responsible for reporting violations of the restraining order. If violations occur, it should be reported to law enforcement.

"In order for an injunction to be ordered, the court must find there is imminent danger to you by the person you want restrained from you. Wisconsin Law does not allow restraining orders to award property or custody placement decisions. The order is only for the petitioner and does not cover children or other family. Each person must show they are in danger and file their own order.

DOMESTIC ABUSE INJUNCTION

The petitioner must be an adult or a guardian of an adult incompetent person. The respondent must be an adult and one of the following: a spouse, former spouse, parent, child, blood or adapted relative, someone the petitioner lives or lived with, have a shared child, a person who provides in-home care or has/had a dating relationship with.

A judge or court commissioner will look for specific criteria that must be met to determine you are in danger.

A petitioner should include:

- Intentional cause of pain or injury
- Threat of intentional cause of pain or injury
- Sexual assault
- Damage to personal property

If you are seeking the maximum four year order it is recommended you refer to Sec. 813.12(4)(c). WI Stats.

Most Domestic Abuse Restraining Orders are "no contact orders" meaning the abusive person (respondent) is to have no contact with you (petitioner).

There is no charge to file a Domestic Abuse Restraining Order.

Important: *The respondent (person being served) will be able to see the statement written that is submitted for the request of the restraining order.*

Important: *If a Domestic Abuse Restraining Order is granted the respondent (person being served) will be ordered to surrender all firearms.*

HARASSMENT INJUNCTION

Harassment orders are for those who do not meet the criteria of a Domestic Abuse Restraining Order. The petitioner (person alleging harassment) can be an adult or a minor as can the respondent (person the order is against).

The process is the same as a Domestic Abuse Injunction, however, the judge or court commissioner uses different criteria.

The following are needed for this type of order:

- A violent assault (hitting, shoving, or attempting or threatening to do so)
- Acts repeated in a manner which harass or intimidate another person and serve no legitimate purpose
- Sexual assault

-Information about the harassing behaviors, dates and times occurred should be provided in the statement.

-Harassing behaviors could include repeated phone calls, stalking, driving by, or threats.

-Fees may be required except in the following; the petitioner alleges the respondent engaged in behavior that is defined as domestic abuse or stalking.

-If granted, the judge or court commissioner will define the terms of the order in writing.

-Restraining orders do not guarantee safety. Safety planning with an advocate about your safety and your children's safety is recommended.

-It is a good idea for you to keep your copy or the TRO and/or injunction with you at all times to prove an order exists.