

AFTER THE INJUNCTION HEARING

Victims are advised to keep a copy of the injunction with them at all times. Any violations of the injunction should be reported to the police. Upon making a complaint concerning a violation of an injunction, victims should show their copy of the injunction to law enforcement. This will help to define the specific terms of the injunction and differentiate it from other court orders (i.e. family and criminal court orders).

Violation of a TRO or injunction may result in immediate arrest and is punishable by imprisonment not to exceed 9 months or a fine not to exceed \$1000, or both, and payment of filing and service fees.

FIREARM RESTRICTIONS

As of April 1, 1996, all individuals against whom a Domestic Abuse Injunction is issued must surrender their firearms to the Dane County Sheriff's Department or other court approved third party.

Possession of a firearm in violation of the injunction is a Class G Felony, punishable by a maximum of 10 years in prison or up to \$25,000 in fines, or both.

The firearms prohibition is also mandatory when child abuse injunctions are ordered. However, in Harassment Injunctions, the firearms prohibition is limited to cases where the judge finds clear and convincing evidence that a firearm may be used by the respondent to cause physical harm.

When the injunction is dismissed or has expired, a respondent will need to petition the court to have firearms returned.

QUICK FACTS ABOUT INJUNCTIONS



Forms available at:

Probate Office
215 South Hamilton Street
Dane County Courthouse Room 1000
Madison, WI 53703

TEMPORARY RESTRAINING ORDERS & INJUNCTIONS

Petitioner: The person who is filing for the temporary restraining order/injunction

Respondent: The person against whom the temporary restraining order/injunction is filed.

Temporary Restraining Order (TRO): a temporary order that is in place from the date of the filing to the injunction hearing

Injunction Hearing: A hearing in which the court determines if there are reasonable grounds for an injunction to be granted.

Injunction: A court order to avoid contact with a person and/or person's residence, or to prohibit harassing behavior.

WHAT IS THE DIFFERENCE BETWEEN THE TYPES OF INJUNCTIONS?

DOMESTIC ABUSE:

Respondent **MUST BE:**

- A current or former spouse or adult family member related by blood or adoption or
- A person who currently or formerly resided with the petitioner or
- A person with whom the petitioner has a child or
- A person who provides in-home or community care for the petitioner or
- A person with whom the petitioner has, or had, a dating relationship or
- The guardian of the petitioner, an incompetent person, who is one of the above

Petitioner must show that the respondent engaged in physical abuse, sexual assault, impairment of physical condition, criminal damage to property or the threat to do one of these.

COST: No Cost

HARASSMENT:

Petitioner must show the respondent engaged in a pattern of behavior that is harassing, intimidating and has no legitimate purpose or that the respondent has subjected the victim to physical contact or has attempted or threatened to do so.

NOTE: Some victims of domestic violence may petition for a harassment injunction if there has been no physical injury or threat to physical safety.

COST: \$155.00

CHILD ABUSE:

The petitioner **MUST BE:**

- A child victim, or a parent, step-parent or legal guardian of the victim

Petitioner must show emotional, physical or sexual abuse of the child committed by the respondent.

COST: No Cost

The Court Commissioner has been empowered to waive fees on Harassment Petitions where there are threats of, or

acts of, physical violence, where there has been non-consensual sexual contact, or where stalking behaviors are present. The Court Commissioner will determine whether to waive the fees based upon what is written by the Petitioner in the Statement of Facts.

HOW DOES SOMEONE RECEIVE A TEMPORARY RESTRAINING ORDER AND INJUNCTION?

The proper forms are available at the Probate Office, Dane County Courthouse, 215 S Hamilton Street, Madison, WI. Instruction sheets are also available. **TRO's and injunctions may not be obtained over the phone.**

Domestic Abuse Intervention Services is available to assist you and to answer questions about the injunction process ((608) 251-1237). Domestic Abuse Intervention Services will help with the paperwork and can also accompany the petitioner to the injunction hearing to provide moral support.

Once the forms are completed and notarized, the Court Commissioner will schedule an injunction hearing and issue a TRO if it is appropriate. The TRO is in effect until the injunction hearing is held. This hearing must be within fourteen days of the TRO being issued.

The petitioner must file the appropriate paperwork with the Clerk of Courts' Office in Room 1000 of the Dane County Courthouse. The petitioner will then take the forms to the Sheriff's Department to have the TRO served. If the petitioner wishes, a private process server may also serve the forms.

The petitioner must appear at the injunction hearing. If he/she fails to appear, the petition will be dismissed. At the hearing, the petitioner will testify about the respondent's conduct. The respondent will be given an opportunity to respond. Both parties may bring witnesses and an attorney if they choose.

***** If the court finds that domestic abuse, child abuse, or harassment has occurred, it may order an injunction for as long as the petitioner requests, but not to exceed four years for Domestic Abuse or Harassment Injunctions, or two years for Child Abuse Injunctions.**

For Harassment cases where fees have not been waived, you must make copies at your own expense of the Notice of Hearing and Petition.