

Temporary Restraining Orders

What is a Temporary Restraining Order?

- A court order that prohibits contact between the person requesting the order (**Petitioner**) and the person whom the restraining order is against (**Respondent**)
- These orders do not affect child visitation rights, unless ordered by the judge

Types and Cost of Restraining Orders

Domestic Abuse: no fees

Harassment: \$136 + “Service of Process” fees

Child Abuse: no fees

Vulnerable Adult: \$136 + “Service of Process” fees

Juvenile (Respondent): available in Probate office

Step 1: Get the Forms for Filing

1. You can get the forms you need from:

- The Clerk of Court’s office
- The DA’s Victim/Witness program
- Your local domestic abuse shelter
- www.co.saint-croix.wi.us

NEED HELP?

If you cannot fill out the forms on your own, your county’s “Victim-Witness” program in the District Attorney’s office can help you, or your local domestic abuse shelter

2. Filling out the forms takes about an hour

3. You need the address of the person against whom you want the order

4. It is helpful to have a list of the dates the abuse or harassment occurred, what happened, and who did what to whom

Step 2: What Forms do you Need?

You must get:

1. A “*Petition for Temporary Restraining Order and/or Injunction*”, AND
2. A “*Notice of Hearing: Temporary Restraining Order*” for the right type of order

Which Type of Order do you Need?

Domestic Abuse, if:

- there was intentional infliction of or threat to inflict physical pain, physical injury or illness; impairment of physical condition, damage to personal property; or sexual contact or sexual intercourse without consent. There must be facts showing an imminent danger of physical harm before a temporary order can be issued.
- an adult or the guardian of an adult incompetent person is filing against
 - spouse, former spouse, parent, child, or a person related by blood or adoption to me
 - a person currently or formerly residing in a place of abode with me
 - a person with whom I have a child in common
 - a person who provides in home or community care for me
 - a person with whom I have or had a dating relationship

Harassment, if:

- there was striking, shoving, kicking or other physical contact, or attempting or threatening to do the same OR
- there was a course of conduct or repeated acts that harass or intimidate, serving no legitimate purpose
- an adult or minor child is filing against any other adult or minor child
 - filing against a minor child must be filed through the Register in Probate’s office

Child Abuse, if:

- there was infliction of physical injury on the child by other than accident, OR
- there was sexual intercourse, contact, or exploitation of the child, OR
- the person permitted, required, or encouraged the child to violate prostitution laws, OR

- the person forced the child to view sexual activity
- the person exposed genitals or pubic area to the child
- the person caused the child to expose genitals or pubic area
- the person is involved in conduct that caused the child emotional damage, OR
- a threat to do any of the above
 - child, parent, stepparent, or legal guardian

Vulnerable Adult, if:

The Respondent interfered with, or based on prior conduct of the respondent, may interfere with:

- an investigation of the vulnerable adult by the county protective services agency
- the delivery of protective services to the vulnerable adult OR
- a protective placement of the vulnerable adult
 - the vulnerable adult
 - a parent of the vulnerable adult
 - an adult sibling of the vulnerable adult
 - the legal guardian of the vulnerable adult
 - the county protective services agency

Juvenile (Respondent): available in Probate office

What Conduct Does an Order Prohibit?

- Acts of domestic abuse
- Coming to or around the residence or any location temporarily occupied by the Petitioner (except harassment orders)
- Having any contact or causing any person other than a party’s attorney or law enforcement officer to have contact with the person requesting the order (except harassment orders)
- Harassment of the person filing the order
 - includes but is not limited to contacting your residence, workplace, school, public places, by phone, e-mail, facsimile, or in writing

Step 3: Fill out the “Petition” and return to the Clerk of Court’s office

1. Complete the “Petition” and the top portion of the “Notice of Hearing”.
 - YOU are the “Petitioner” and the “Alleged Victim”. The person you are requesting the order against is the “Respondent”.
 - List ALL the times of abusive or harassing behavior, as the judge may not let you talk about times not listed on the “Petition” at your hearing.
 - Check the boxes of the things you want the court to grant.
2. **WAIT!!** You must wait to sign the forms until you are at the Clerk of Court’s office. You must sign the forms in front of a notary.

Step 4: The Clerk of Courts Office will get the Court Commissioner’s signature and a hearing date.

- If you have met the requirements, the commissioner will give you a temporary restraining order that lasts 7 days.
- The commissioner will schedule a hearing for you to get a permanent order (or “injunction”) within the next 7 days.
- The Clerk of Court’s Office will keep the originals, assign a case number, and give you 3 copies of each document. Keep your copy with you at all times.

Step 5: Have the forms you filled out “served”, or delivered, to the person you are requesting an order against

“Served or Service of Process” means the Respondent, person against whom you are requesting the order, must receive notice of the hearing when the court may grant the order; the Sheriff’s Department will make the “service” for a fee.

****IMPORTANT****
Restraining orders are not valid, and offer no legal protection, until they are served on the other party

- Take 2 of the stamped copies to the Sheriff’s Department. They will “serve” the person you are asking for an order against. Call their office at to make sure the papers have been served by the day of your hearing. **You must have the “Affidavit of Service” they will give you before your hearing.**
- Contact the court to reschedule the hearing for any reason. If the papers have not been served by the time the extension is up, the action will be dismissed. The fee you paid at the start is non-refundable.

Step 6: Attend the hearing

If you do not attend your hearing, your request for an order will be dismissed.

1. Bring with you:
 - Proof of “service” the Sheriff’s Department gave you (“Affidavit of Service”)
 - A list of the dates and locations of the abusive or harassing behavior
 - A list of what happened on those dates
 - Any police or medical reports that detail things about the abuse or harassment
 - Eyewitnesses to the abuse or harassment
2. You will need to testify. Tell the judge why you need this order. Your eyewitnesses can also testify.
3. The person who you are requesting an order against will testify. You may question him/her if you want. The person who you are requesting an order against may also bring eyewitnesses to testify. You may also question these eyewitnesses if they testify.
4. The judge may ask questions. Based on the testimony in the hearing, the judge will either grant or deny your request for an order. The order, or “injunction” can be good for up to 2 years.
5. You will receive copies of the order the judge signs. If the person who you requested an order against did not come to the hearing, you must arrange to have the judge-signed order “served” to him/her.

Step 7: After the hearing

1. File a copy of the judge-signed order with your local police department.
2. Keep a copy of the judge-signed order with you at all times.
3. Report any violations of the order to the local police immediately. It is helpful to keep a list yourself of the violations.
4. **DO NOT** contact the person who you requested an order against in any of the ways they are prohibited from contacting you.
5. Child visitation must be arranged through a 3rd party.

Step 8: Changing or dropping the order

If you decide you no longer need or want the restraining order you must send your request in writing to: **Clerk of Court**

St. Croix County Wisconsin
Government Center
1101 Carmichael Rd
Hudson, WI 54016

The Clerk of Courts office will submit a “Dismissal Order-Injunction” for the court’s review. If approved the Clerk of Courts office will forward a copy of the signed order to all parties involved.

RESOURCES AVAILABLE TO ASSIST VICTIMS:	
EMERGENCY	911
LEGAL ADVOCACY:	
St. Croix County Victim/Witness	381-4393
DOMESTIC ABUSE SHELTERS:	
Turning Point (River Falls)	425-6751 800-345-5104
Bolton Refuge House (Eau Claire)	800-252-4357
The Bridge (Menomonie)	(715)235-9074