

Facts about Temporary Restraining Orders & Injunctions

1. The restraining order procedure in Wisconsin is a two step process:
 - a. Complete Petition for Temporary Restraining Order
 - i. Temporary restraining orders only last for a short period of time, generally less than two weeks
 - b. Request Injunction Hearing
 - i. The person requesting a long-term restraining order will need to come back and may have to testify in a hearing that is open to the public.
2. The Petitioner may file for a temporary restraining order/injunction in the county where the Petitioner resides; or where the Respondent resides; or where the incident occurred.
3. There are five different types of restraining orders and a Petitioner may qualify for more than one kind.
 - a. The Petitioner must decide which restraining order is best. Court staff cannot provide legal advice.
4. Attaching a detailed statement to the petition about what happened, how the Petitioner felt, and when incidents occurred can be helpful to a court official reviewing a petition to fully understand why a temporary restraining order is needed.
 - a. A Petitioner can include abusive or harassing incidents that happened in the past. The law does not require Petitioner to write only about recent incidents.
 - b. Petitioner should try to focus on incidents that fit the definition of the type of restraining order requested.
 - c. Supporting documentation (i.e. photographs, police reports, etc.) can be attached.
 - i. The Court does not have access to police reports or criminal case files.
5. The Respondent will see a copy of the Petitioner's petition and any supporting documents filed with the court. Most of the documents are public record.
6. Restraining orders are between two people only. There is one Petitioner and one Respondent per case. If there is one Petitioner but two Respondents, two separate petitions must be filed by the Petitioner.
7. Children are not protected by an adult's temporary restraining order or injunction.
8. A temporary restraining order/injunction does not require the police check either on the Petitioner or Respondent to make sure the order is being followed.
9. Having a temporary restraining order/injunction against a Respondent does not prevent a Petitioner from being arrested for committing other types of crimes against the Respondent.
10. If a Respondent violates a temporary restraining order/injunction, he or she may be arrested and charged with a crime, if police are contacted about the violation.
11. If a Petitioner violates an Injunction, the Respondent may request a hearing to have the injunction dismissed.