

Domestic Abuse and Harassment Restraining Order Comparison

To start the filing process for a temporary restraining order, petitioners should go to the Legal Resource Center located in Room L1007 on Lower Level One of the Dane County Courthouse (215 S. Hamilton Street in Madison). The Legal Resource Center is open Monday through Friday from 8:30 AM to 4:30 PM. Call 608-266-6316 for more information. Petitioners may file as early as 7:45 AM by going to Court Records on the first floor of the courthouse.

Updated: Nov. 2012	Harassment Restraining Order	Domestic Abuse Restraining Order
Cost to File & Serve	\$164.50, but automatic fee waivers available for petitions alleging stalking, sexual assault, and conduct that is considered domestic abuse under 813.12. Fee waiver available for other cases if petitioner is indigent. If no fee waiver granted, petitioner must pay for service of restraining order.	Free to file and serve.
Abusive Behavior Respondent Engaged In	<ol style="list-style-type: none"> 1. Striking, shoving, kicking, or otherwise subjecting someone to physical contact; engaging in an act that would constitute abuse under 48.02 (1), sexual assault under 940.225, or stalking under 940.32; or attempts or threats to do the same 2. Engaging in a course of conduct or repeatedly committing acts which harass or intimidate and which serve no legitimate purpose 	<ol style="list-style-type: none"> 1. Intentional infliction of physical pain, physical injury, or illness 2. Intentional impairment of physical condition 3. Sexual contact or sexual intercourse without consent (see 940.225 (1) (2) or (3)) 4. Criminal damage to property 5. A threat of any of the above
Relationship Between Petitioner & Respondent	Can be between any two adults, a minor petitioner against an adult respondent, or can be filed on behalf of minors (see 813.125); separate forms for filing a Harassment Restraining Order against a minor respondent	Must be a current or former domestic relationship between two adults, including dating relationships, roommates, and adult family or adult household members. Also includes guardians filing on behalf of someone who is adjudicated incompetent in WI—may be filed against an adult caregiver providing in-home or community care to an adult. (See 813.12)
Firearms Surrender & Prohibition	Optional order; petitioner must show by clear and convincing evidence that the respondent may use a firearm to cause physical harm to another or to endanger public safety	Automatic order; judge must order respondent to surrender firearms in all cases where an injunction is granted
Breadth of No Contact	<p style="text-align: center;">Less complete no contact order</p> <p>The respondent can be ordered to:</p> <ul style="list-style-type: none"> • Cease or avoid the harassment of the petitioner • Avoid the residence and/or any premises temporarily occupied by the petitioner. • Avoid contact that harasses or intimidates the petitioner. Contact includes: contact at petitioner’s home, work, school, public places, in person, by phone, in writing, by electronic communication or device, or in any other manner. 	<p style="text-align: center;">More complete no contact order</p> <p>The respondent can be ordered to:</p> <ul style="list-style-type: none"> • Refrain from committing acts or threats of domestic abuse against the petitioner • Avoid the petitioner's residence and/or any location temporarily occupied by the petitioner. • Avoid contacting or causing any person other than a party's attorney or law enforcement officer to contact the petitioner unless the petitioner consents in writing. Contact includes: contact at petitioner’s home, work, school, public places, in person, by phone, in writing, by electronic communication or device, or in any other manner.

