

# ***HOW TO GET A RESTRAINING ORDER***

## *STEP ONE: GETTING THE FORMS*

[Forms are available online](#) or go to the Legal Resource Center in Room L1007 on Lower Level 1 at the Dane County Courthouse, located at 215 S. Hamilton St. in Madison (Open 8:30 am-4:30 pm, M-F), and ask for the restraining order forms. Forms are also available as early as 7:45 am M-F at the Court Records Office on the First Floor of the courthouse. See the [Restraining Order Grid](#) on the Legal Help page to help you decide which type of restraining order to file. Legal advocates can also help you understand what restraining order options are available to you.

## *STEP TWO: COMPLETING THE FORMS*

- The forms should come with detailed instructions. The links on the Legal Help page may also be useful to you. Follow the instructions carefully and fill the forms out as completely as possible.
- On the petition form, write a statement of facts about the domestic abuse or harassment. Be as specific and detailed as possible.
- You are the “petitioner” on all the forms and the abuser is the “respondent”.
- The forms must be signed in front of a notary (someone who can formally witness your signature). Do not sign them until you are in front of a notary or until you file them at the Court Records Office.

## *STEP THREE: FILING THE FORMS*

- Take the completed forms to the clerk at the Court Records Office. You will need to show the clerk photo identification if you need the forms notarized. If you don't have ID, another person can vouch for your identity, or a court commissioner can ask you about your identity under oath.
- A court commissioner will look over the papers, and if you have met the criteria for a temporary restraining order (TRO), s/he will sign the temporary order, make photocopies, and schedule a date for the injunction hearing (no more than 14 days after the TRO is granted).
- If you are filing for a Harassment Restraining Order, the filing fee may be waived automatically due to the type of abuse (domestic abuse, sexual assault or stalking). If you do not qualify for an automatic fee waiver, you may request a

fee waiver from the court based on your income. There is no fee for a Domestic Abuse Restraining Order.

- Take all the papers to the Clerk of Courts in Room 1000 across the lobby from the Court Records Office. Go to any open window and hand the clerk the papers. The clerk will assign a case number and create a case file.

#### *STEP FOUR: SERVICE*

- Temporary restraining orders must be personally served (given) to the person who the restraining order is against. The temporary restraining order is not in effect until it is served to the person you filed the restraining order against. The Dane County Sheriff's Office can serve temporary restraining orders.
- Go to the Dane County Sheriff's Office - Civil Process window on the 2nd floor of the Public Safety Building at 115 W. Doty St. located on the same block as the Courthouse, on the corner of Doty and Carroll Streets, and give them the forms. Keep one copy for yourself.
- If you filed for a Harassment Restraining Order and received a fee waiver, you will need to show the waiver form if you did not receive an automatic fee waiver. If you do not show them the form, you will be billed for the service fee.
- Keep your copy of the TRO with you at all times. The date and time of the injunction hearing are on the top of the second page of your copy of the TRO. You can report any violations of the TRO to the police, even if the TRO has not been served.
- Before your hearing, you can call Civil Process to see if the TRO has been served (284-6824 M-F from 7:45 AM to 4:30 PM or 266-9038 after business hours and on weekends). Civil Process will not call you to tell you that a restraining order has been served.