

Facts about Injunction Hearings

Prepared by the Dane County Coordinated Community Response to Domestic Violence Legal Issues Subcommittee

Things to Know When Getting Ready for the Injunction Hearing

- The injunction hearing **date and location** is on the top of the second page of the Temporary Restraining Order (TRO). If the petitioner does not show up to the hearing, the case will be dismissed.
- The respondent may come to the injunction hearing and may contest (not agree with) the restraining order a petitioner has requested. If this happens, the petitioner will need to testify.
- Evidence **may** include, but is **not** limited to, text messages, voicemails, emails, pictures of injuries or damage to property, stalking warning letters, other types of official documents and records, or testimony given by a petitioner, respondent, or witness while under oath.
- Before the court date, petitioners should make copies of all evidence they want to show the judge.
- The judge **cannot** access police reports, other case files inside or outside of Dane County, or other types of records. If there is something a petitioner wants a judge to know about, she or he must bring it to court and present it to the judge at the hearing. Judges **do not** research cases.
- Petitioners should bring all evidence to court that they want the judge to see. The judge **is not likely** to re-schedule a hearing because a petitioner is not prepared.
- Police reports **may not** be admissible as evidence. Statements written by other people who do not come to court to testify (even if the statements are notarized) **may not** be admissible as evidence.
- Arrangements can be made for witnesses to testify by phone if they cannot come to court.
- At an injunction hearing a judge **cannot** make orders about property, custody and placement of children, or orders that protect people other than the petitioner.
- A petitioner who has children in common with the respondent should think about how to safely exchange the children. Who is a third party that can help arrange the exchanges? If requested, sometimes judges can make exceptions to the injunction to allow the respondent to contact the petitioner through email, text message, or phone in order to arrange for exchanges.
- Petitioners and respondents are allowed, but not required, to be represented by an attorney in court. Petitioners without attorneys represent themselves. The judge **cannot** give legal advice.
- Petitioners should make arrangements for child care before court.

Things to Know About the Injunction Hearing

- Petitioners should show up to the courtroom early and check in with a bailiff (wearing a grey coat).
- Petitioners with safety concerns can contact a bailiff for help. There are two at every hearing.
- Up to twelve injunction hearings may be scheduled for the same morning at the same time and the order of the hearings is not determined until the morning of the hearing. Petitioners should be prepared to wait part or all of the morning and should park in a parking ramp to avoid a ticket.
- Petitioners and respondents will both have a chance to present their own testimony, evidence, and witnesses to the judge during the injunction hearing. Petitioners usually testify first.
- Generally petitioners and respondents may question each other and any witnesses the other may have. The judge or an attorney for either party may also question the petitioner and respondent.
- Respondents who are in jail may still come to court.
- Petitioners usually leave the courtroom before the respondent, even if they do not get the injunction, and can request that a bailiff help them leave the building safely.