

Facts about Temporary Restraining Orders & Injunctions

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

Things to Know Before You File

Temporary Restraining Order (TRO)—a type of restraining order that orders one person to avoid having contact or certain kinds of contact with another person. TROs usually do not last more than two weeks.

Injunction—a type of restraining order that orders one person to avoid having contact or certain kinds of contact with another person. In Dane County, judges grant injunctions at a court hearing that happens after a TRO is served to a respondent. Most injunctions can be in place for up to four years.

Petitioner—the person protected by the TRO or injunction. Sometimes another person, such as a parent, can file and go to court on behalf of a petitioner.

Respondent—the person who has the TRO or injunction against him or her and is ordered to not contact the petitioner.

Petition—a written statement of facts about why the petitioner needs a restraining order. This must be written before a petitioner can receive a TRO.

- To start the filing process for a temporary restraining order, petitioners should go to the **Legal Resource Center (LRC)** located in **Room L1007 on Lower Level One** of the **Dane County Courthouse** (215 S. Hamilton Street in Madison). The LRC is open Mon. to Fri. from 8:30 AM to 4:30 PM. Call 608-266-6316 for more information. **Note:** Petitioners may file as early as 7:45 AM by going to **Court Records** on the first floor of the courthouse.
- There are **different types** of restraining orders and a petitioner may qualify for more than one kind. Different restraining orders offer different orders of no contact. A petitioner must decide which restraining order is best.
- Getting a long-term restraining order is a **two-part process**. A petitioner who wants an injunction will need to come back to court after she or he gets a TRO and may have to testify in a hearing that is open to the public.
- Domestic Abuse, Child Abuse, and Individual at Risk TROs are free to file and serve. Oftentimes, filing and service fees for Harassment TROs are waived depending on what is written in the petition.
- Restraining orders are **between two people** only. Children **are not** protected by an adult's TRO or injunction.
- The respondent will see a copy of the petition that the petitioner wrote. Most of the documents in a restraining order case are publicly available at Court Records.
- A TRO **must** be hand-delivered to the respondent by a police officer or process server before it is in effect.
- A restraining order **does not** make the police check either on the petitioner or the respondent to make sure the order is being followed.
- If a respondent violates a TRO or injunction, he or she may be arrested and charged with a crime if the police are contacted about the violation. **Only** a respondent can violate the TRO or injunction.
- Having a restraining order against a respondent does not prevent a petitioner from being arrested for committing other types of crimes against the respondent.
- The law **does not** require petitioners to have had police contact or witnesses in order to get a TRO.

Things to Know When Writing a Petition

- Providing **details** about what happened, how the petitioner felt, and when incidents occurred can be helpful to a court commissioner reviewing a petition to fully understand why the TRO is needed. Petitions may be typed.
- A petitioner **can include** abusive or harassing incidents that happened in the past. The law does not require petitioners to write only about recent incidents.
- Petitioners should try to focus petitions on incidents that fit the definitions of abuse or harassment.
- The court **does not** have access to police records or criminal case files.