



2024 - 2025

COURT WATCH REPORT

Provided by:

Domestic Abuse
Intervention Services
(DAIS)

DAIS
DOMESTIC ABUSE INTERVENTION SERVICES

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DAIS MISSION:

“Empower those affected by intimate partner violence and advocate for social change through support, education, and outreach.”

The DAIS Legal Advocacy Program provides support, information, advocacy, and court accompaniment to people who are experiencing intimate partner violence or stalking. DAIS legal services include assistance with restraining orders, family law, criminal law, immigration, and other legal matters.

Legal Advocates work with people by phone, in individual meetings, in court, and assist victims with safety planning, information, and referrals to community partners.

Legal Advocates also provide information and referrals to victims of other types of abuse and concerned community members. Legal Advocates are not attorneys and cannot give legal advice.

CONTACTING THE LEGAL ADVOCACY PROGRAM

To reach the DAIS Legal Advocacy Program, call the 24-Hour DAIS Help Line at [\(608\) 251-4445](tel:6082514445), or Text Line at [\(608\) 420-4638](tel:6084204638). A Help Line Advocate can offer support, resources, and general legal information, and can connect you to the Legal Advocacy Program. A Legal Advocate will contact you between the hours of 8:30 a.m. to 4:30 p.m., Monday-Friday.

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GLOSSARY OF TERMS

Dismissal with prejudice: When a lawsuit is dismissed with prejudice, the court has made a final determination on the merits of the case, and the plaintiff is therefore forbidden from filing another lawsuit based on the same grounds.

Dismissal without prejudice: When a case is dismissed without prejudice, the plaintiff is free to bring another suit based on the same grounds.

Elder at Risk (§46.90(1)(br)): An elder at risk is anyone age 60 or older who has experienced, is currently experiencing, or is at risk of experiencing abuse, neglect, self-neglect, or financial exploitation.

Firearm Surrender: Respondent must surrender any firearms they own or possess if firearm surrender order is issued. Domestic abuse and child abuse injunctions contain a mandated firearm surrender provision (§813.1285).

Hearing: A hearing is a proceeding before a court for the purpose of resolving disputed issues through presentation of testimony, offers of proof and argument.

Individual at Risk (§55.06): An individual at risk is any adult who has a physical or mental condition that substantially impairs their ability to care for their needs and who has experienced, is currently experiencing, or is at risk of experiencing abuse, neglect, self-neglect, or financial exploitation.

Injunction: An injunction is a court order forbidding someone from committing an act.

Petitioner: A person who seeks a restraining order is called a petitioner because that individual “petitions” the court to order another person to stay away from them.

Pro Se: A person is *pro se* when they represent themselves during a legal action/proceeding without the assistance of an attorney.

Respondent: The person who receives the petition, which indicates that they are to stay away from the petitioner, is called the respondent because they have the opportunity “to respond” to the court regarding what is claimed in the petition.

Restraining order: A restraining order or protective order is a legal order issued by a state court that requires one person to stop harming, stalking or contacting another. In Wisconsin, there are restraining orders based on domestic abuse, child abuse, harassment, and for individuals at risk.

Service: Delivery of a legal document such as a writ, process, or summons, notifying a person that legal action is being taken against them[1]. Temporary restraining orders are served through the Dane County Sheriff’s Department.

Service by Publication (§813.12(2)(a)): When a legal action is initiated against a defendant, and that defendant cannot be found to accept personal service of legal documents, service by publication may be permitted by a judge’s order. This process refers to official notification published in the newspaper in the municipal area of the respondent’s residence.

Service Representative (§895.45(c)): An individual member of an organization or victim assistance program who provides counseling or support services to complainants or petitioners and charges no fee for the services provided.

Stipulation: An agreement between the parties.

Temporary Restraining Order (TRO) (§813.12(3)): A judge’s order forbidding some action on a temporary basis before an injunction hearing can be held to decide whether to grant a longer-term order.

[1] “GLOSSARY OF TERMS: RESTRAINING ORDERS CHAPTER 813”, END DOMESTIC ABUSE WISCONSIN LEGAL DEPARTMENT, 2018, [HTTP://WWW.WIDVLEGALMANUAL.ORG/WP-CONTENT/UPLOADS/2019/01/GLOSSARY-OF-TERMS-CHAPTER-813.PDF](http://www.widvlegalmanual.org/wp-content/uploads/2019/01/GLOSSARY-OF-TERMS-CHAPTER-813.PDF)

TYPES OF RESTRAINING ORDERS

Domestic Abuse (§813.12): Intentional infliction of or threat to inflict physical pain, physical injury, or illness; impairment of physical condition; damage to personal property; stalking; or sexual contact or sexual intercourse without consent, or a threat to do any of the described behavior. There must be facts showing an imminent danger of physical harm before a temporary restraining order can be issued.

Harassment (§813.125): (a) Striking, shoving, kicking or otherwise subjecting the person to physical contact; or (b) Engaging in an act that would constitute child abuse under §48.02(1); or (c) Sexual assault under §940.225; or (d) Stalking under §940.32; or attempts or threats to do the same; or (e) Engaging in a course of conduct or repeatedly committing acts which harass or intimidate the person, and which serve no legitimate purpose.

Child Abuse (§813.122): (a) Physical injury inflicted on the child by other than accidental means; (b) Sexual intercourse or (c) sexual exploitation of the child; (d) Permitting, allowing, or encouraging the child to violate prostitution laws; (e) Intentionally causing the child to view sexual activity; (f) Exposing genitals or pubic area to the child; (g) Causing the child to expose genitals or pubic area; (h) Emotional damage to the child; (i) Manufacturing methamphetamine in the physical presence of the child, in the child's home, or where the child may see, smell, or hear the drug being made.

Individual at Risk (§813.123): Interfered with, or based upon prior conduct of the respondent, may interfere with: 1) an investigation of the individual at risk; or 2) the delivery of protective services to the individual at risk; or 3) the delivery of protective placement to the individual at risk; or 4) the delivery of services to the elder at risk, and that the interference complained of, if continued, would make it difficult to determine whether physical abuse, emotional abuse, sexual abuse, treatment without consent, unreasonable confinement or restraint, financial exploitation, neglect, or self-neglect has occurred, is occurring, or may occur; OR engaged in or threatened to engage in with the individual at risk: physical abuse, emotional abuse, sexual abuse, treatment without consent, financial exploitation, unreasonable confinement or restraint, neglect or harassment.

INTRODUCTION & OVERVIEW

The Domestic Abuse Intervention Services (DAIS) Court Watch Program observes Dane County injunction hearings to establish a data-driven analysis of the Circuit Court system's advancement of victim [2] safety and perpetrator accountability in intimate partner violence cases. The Court Watch Program aims to:

- Improve the experience of survivors of intimate partner violence who seek restraining orders.
- Provide information to legal system stakeholders regarding trends in the court system's handling of Domestic Abuse and Harassment injunction cases.
- Identify recommendations for improved trauma-informed and victim-centric responses to Domestic Abuse and Harassment injunction cases.
- Further inform legal system stakeholders about the role of service representatives in the court process.

This report gives an overview of key observations from October 2024 to October 2025, observed best practices, areas of improvement, and recommendations for consideration.

HISTORY

Court Watch programs exist throughout the United States. Some programs operate from community-based victim service agencies such as DAIS, while others exist as separate non-profit organizations. DAIS has maintained a Court Watch program on an intermittent basis since 2003. The program has been primarily staffed by DAIS Court Watch volunteers and DAIS Legal Advocacy Program staff. The most recent period of injunction hearing observations prior to the one summarized in this report occurred between 2023-2024. The Court Watch Report and findings are shared with key community groups including the Dane County Domestic Violence and Sexual Assault Community Coordinated Response Task Force of the Commission on Sensitive Crimes as well as the regular Dane County Circuit Court Judges' meeting and other community stakeholders. This report is also available to the public on the DAIS website. In December of 2024, DAIS announced that in this year's report, judges' names would be associated with quotes that reflected concern or criticism identified by DAIS. This decision was based on feedback from our community partners and advisory group on the need for transparency and accountability in order to create substantial improvements for the experiences of survivors in Dane County.

[2] NOTE: THE TERMS "VICTIM" AND "SURVIVOR" WILL BE USED INTERCHANGEABLY THROUGHOUT THIS REPORT.

2024-2025 COURT WATCH SCOPE

The DAIS Court Watch program is specifically focused on Domestic Abuse and Harassment injunctions because the responsiveness of the court system in these hearings is so closely tied to victim safety. The Court Watch program does not have the capacity to observe hearings in other legal forums, such as criminal, family, and small claims courts because the DAIS Legal Advocacy Program does not have specific funding for an expansion of this nature.

METHODS

During a twelve-month observation period between October 2024 and October 2025, DAIS Legal Advocacy Program volunteers and staff – hereafter referred to as observers – attended 739 injunction hearings. During this period, observers gathered both subjective and objective data. The objective information consisted of case demographics and outcomes while the subjective information spoke to observers' notes about judges' demeanors, courtroom safety, and trauma-informed, victim-centric best practices. Twenty Circuit Court judges were observed during the observation period; some of whom were substitute judges. The average number of injunction hearings per judge was thirty-seven hearings, with a range of five and eighty-one hearings per judge.

DAIS Legal Advocacy Program staff receive extensive and ongoing training regarding temporary restraining orders and injunctions, courtroom protocol, and trauma-informed advocacy.

Prior to beginning their observer roles, DAIS Court Watch Program volunteers also received training in these areas, which included:

- Completing the DAIS New Advocate Training (approx. twenty-six hours).
- Completing the DAIS Court Watch Training (approx. three hours), including an overview of important legal terms, types of restraining orders, and the process of obtaining an injunction.
- Completing at least six hours of practice observations with supervision from the DAIS Community Advocacy Manager.

The data collection tool ([Appendix, pg. 46-47](#)) that is used by observers was originally developed in 2003 and is derived from Wisconsin state statutes, Legal Advocates' concerns, and feedback from DAIS' advisory group and DAIS clients. The version used for observations during the 2024-2025 period included revisions made after the DAIS Legal Advocacy Program analyzed data from the previous Court Watch cycle and presented the findings to community partners. Quantitative data and narrative comments from the forms were compiled and analyzed by the DAIS Community Advocacy Manager. Due to the program's limited capacity, observers did not review each temporary restraining order petition. However, retroactive review was conducted in certain cases to provide clarity on the demographics of the litigants, specific elements of the petition, or circumstances of a proceeding. Additionally, observers reviewed each granted injunction petition, to determine whether the petitioner requested a ten-year injunction. This additional information was collected from the Court Records room at the Dane County Courthouse. It is important to note that the names of the parties and their attorneys were not collected to ensure confidentiality and impartiality.



DISCLAIMER ON JUDICIAL QUOTES AND CASE OUTCOMES

Quotes included in this report that reflect concerns or criticism identified by DAIS were cross-referenced with the official court transcript to verify the exact wording before being attributed to a specific judge. Due to limited resources and the absence of dedicated funding for the Court Watch program, transcripts were not obtained for every hearing observed. As a result, if a quote was not verified against the official transcript, the judge was not identified by name. Positive quotes and observations may be attributed to a judge regardless of whether the transcript was reviewed.

Case outcomes reflected in this report should not be used to evaluate or compare judges. Judicial decisions are shaped by legal standards, evidence, and procedural requirements. Petitions may be denied for many reasons, including lack of sufficient evidence, failure of a party to appear, or legal or procedural constraints. Judges are required to rule within the bounds of the law.



OBJECTIVE OBSERVATIONS & OUTCOMES

739 injunction hearings were observed by the DAIS Court Watch Program. Of that number, 229 (thirty-one percent) were Domestic Abuse injunctions, 502 (sixty-eight percent) were Harassment injunctions, and eight (one percent) were Individual at Risk injunctions. It is worth noting that Individual at Risk and Child Abuse injunction hearings are often closed to the public due to the sensitive nature of these cases. Therefore, the DAIS Court Watch Program is unable to consistently observe these types of restraining orders and report on their proceedings. However, Court Watch volunteers were permitted to stay in the courtroom for eight Individual at Risk injunction hearings, so the information gathered during those hearings is included in this report.

CHART ONE: CASES OBSERVED BY TYPE OF RESTRAINING ORDER



LITIGANT DEMOGRAPHICS

Of the 739 injunction hearings observed, seventy-five percent of petitioners were female^[3] (558), twenty-four percent of petitioners were male (175), and in one percent of cases (six cases), the petitioner was either a business, identified as another gender identity, or the observer was unable to determine the gender identity of the petitioner. The gender demographics of the respondents in the observed hearings were sixty-five percent male (482) and twenty-five percent female (256).

[3] THE DANE COUNTY COURTHOUSE ONLINE FILING SYSTEM ALLOWS PETITIONERS TO SELECT ONLY "MALE" OR "FEMALE" WHEN FILING RESTRAINING ORDER PETITIONS ELECTRONICALLY. SIMILARLY, THE WI CIRCUIT COURT SYSTEM DATABASE (CCAP) INCLUDES ONLY THE SAME TWO OPTIONS FOR GENDER. FOR THESE REASONS, IN THE DATA COLLECTION, OBSERVERS NOTED THE GENDER THAT IS IDENTIFIED ON THE COURT FORMS OR IN THE COURT ROOM, AND IN SOME CASES HAD TO ASSUME THE GENDER OF THE PARTIES BASED ON PRONOUNS, CLOTHING, SPEECH, NAMES, AND OTHER FACTORS. HOWEVER, THE DAIS LEGAL ADVOCACY PROGRAM RECOGNIZES THAT THERE ARE DIFFERENT GENDER IDENTITIES THAT ARE NOT REFLECTED IN THIS DATA.

Fifty-two percent of petitioners (387) disclosed being in an intimate partner relationship with the respondent and identified their relationship as one of the following: 1) spouse or former spouse of the petitioner, 2) a person in a current or former live-in relationship with the petitioner, 3) a person with whom the petitioner has a child in common, or 4) a person with whom the petitioner has or had a dating relationship. Of the petitioners who were in an intimate partner relationship, sixty-nine percent (120) were observed to have minor children in common with the respondent. This is the number of times children were explicitly discussed during the hearing; however, it is likely that the actual number of cases in which the parties shared a minor child is higher. Forty-eight percent of cases (352) involved an individual with whom the petitioner was not in an intimate relationship currently or in the past.

Approximately ninety percent of petitioners (667) were observed as self-represented or *pro se*. The number of *pro se* respondents was eighty-eight percent (650). Ten percent of petitioners (72) had representation from an attorney, and fourteen percent (101) were accompanied by a service representative/advocate (WI Statute §895.45) at the counsel table. Twelve percent of respondents (89) had attorney representation.

CHART TWO: PETITIONER GENDER

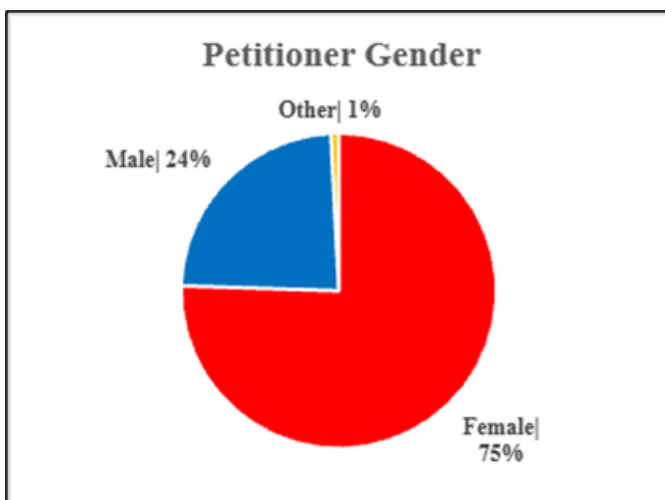


CHART THREE: RESPONDENT GENDER

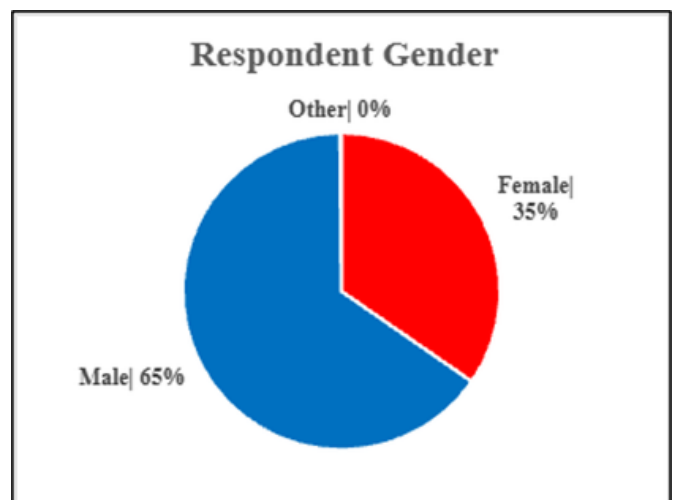
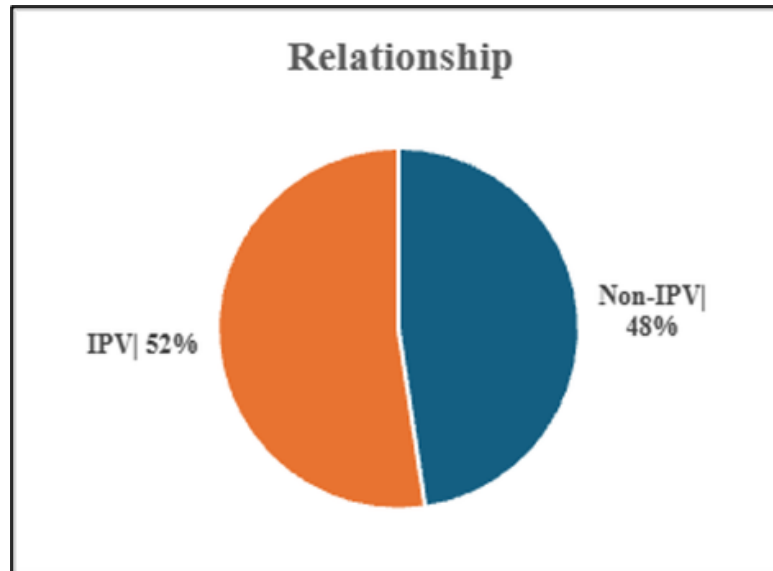
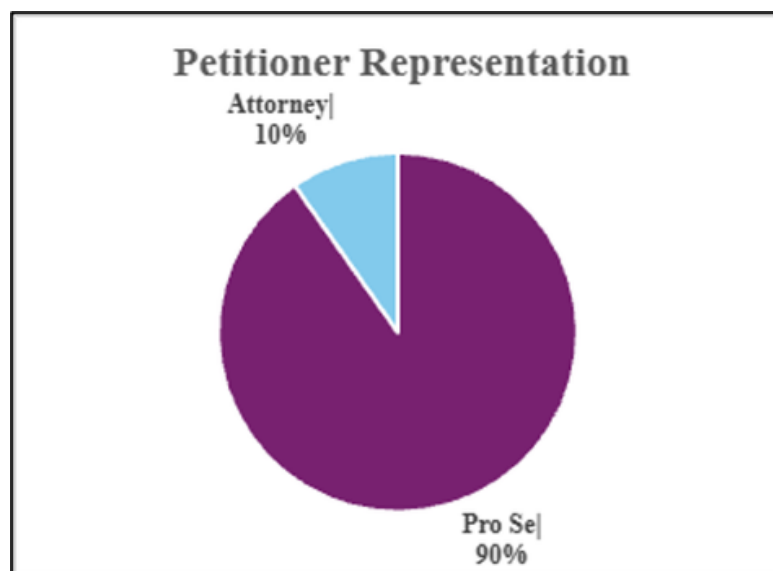
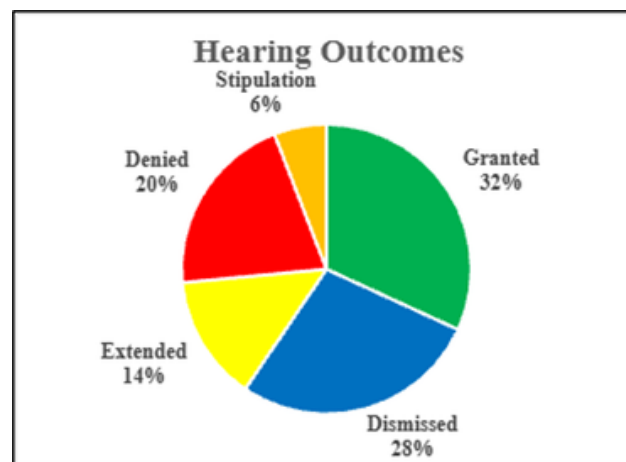


CHART FOUR: RELATIONSHIP BETWEEN PETITIONER AND RESPONDENT**CHART FIVE: PETITIONER REPRESENTATION**

I. CASE OUTCOMES

Of the 739 hearings observed, thirty-two percent of injunctions were granted (250), six percent (forty-six) were dismissed by stipulation of the parties, twenty-eight percent (217) were dismissed for another reason, twenty percent (162) were denied, and fourteen percent (110) were extended.

CHART SIX: HEARING OUTCOMES



II. CASES DISMISSED

Of the 217 cases that were dismissed, the judge clearly ordered the dismissal based on failure to prosecute in sixty-two percent (135) of the cases, meaning that the petitioner did not appear at the hearing to pursue their injunction. Nine percent (nineteen) of the dismissed cases were due to lack of service, meaning the Sheriff's Department was unable to locate the respondent to personally serve them with the temporary restraining order and notice of injunction hearing. Nine percent (twenty) were dismissed at the petitioner's request. Twelve percent of cases (twenty-six) were dismissed by stipulation of the parties, meaning the parties or their attorneys came up with a written agreement to dismiss the injunction, typically with a "no contact" agreement.

III. CASES DENIED

Twenty percent of cases (162) were denied by the judge for the following reasons: the petitioner did not meet the requirements (ninety-three or fifty-seven percent), the petitioner failed to prove the case (fifty-seven or thirty-five percent), both failure to meet requirements and failure to prove case (four), or other reasons (three). In four cases, the judge explicitly stated that they were dismissing the case with prejudice, meaning the court made a final determination on the merits of the case, and the petitioner may not file another petition on the same grounds. In the rest of the denied cases, the judge did not indicate whether they were denying the injunction with or without prejudice. This information would be helpful for judges to state on the record, especially for pro se litigants, so they know whether they may refile with the same facts or not.

IV. EXTENDED PETITIONS

In 110 hearings, the Temporary Restraining Order was extended in lieu of entering an injunction, often due to lack of service on the respondent (ninety-nine cases). In seventy-two percent of that subset, the judge mentioned the option of service by publication (WI Statute §813.12(2)(a)), which means that in cases where all other service options have been exhausted, the petitioner may publish a notice in the major newspaper associated with the respondent's residence to give the respondent adequate notice. In addition, in eleven cases, the judge also mentioned reaching out to a community resource, such as DAIS or the Law Library, for assistance in service by publication.

In twenty-eight percent of extended cases, the judge did not mention the option of service by publication, leaving twenty-eight percent of *pro se* petitioners with the question of how to proceed

Observers saw a number of cases in which there was confusion around service by publication because of a recent decision in the Wisconsin Court of Appeals (23AP1498), in which the court upheld that in order to proceed with service by publication, a petitioner must 1) exercise due diligence to get the respondent served and 2) the respondent must be "concealing themselves" (see "**Observer Concerns**" p.31).

V. CASES GRANTED

Thirty-two percent of injunctions (250) were granted. In seventy-one percent of granted Harassment and Domestic Abuse injunctions (178), the judge granted the injunction for four years. There were many observed cases in which the judge opted to grant the injunction for less than four years either at the petitioner's request or at the judge's discretion. Two judges opted to grant injunctions for less than four years so that the parties could have a "cooling off period" (see **"Observer Concerns" p.31**).

WI Statute §813.12(4)(c) requires that a Domestic Abuse injunction be granted for the amount of time that the petitioner requests. Both cases in which the judge cited the "cooling off" period were Harassment injunctions, however perpetuating the myth of a "cooling off" period in cases involving intimate partner violence is concerning (see **"Observer Concerns" p.31**). In eighty-five percent (sixty-three out of seventy-three) of granted Domestic Abuse injunctions, the judge asked the petitioner how long they would like the injunction granted. However, in fifteen percent of Domestic Abuse injunctions, the judge did not ask the petitioner how long they would like the injunction to last, in contrast to WI Statute §813.12(4)(c).

It is extremely helpful, especially for *pro se* litigants, when judges clearly explain their order to both parties. This helps the petitioner know how to report violations and informs the respondent of the consequences for a violation. Judges clearly explained their order in ninety-one percent of granted injunctions.

As previously mentioned, the overwhelming majority of petitioners (ninety percent or 667) appeared *pro se* at their injunction hearing. Only ten percent had attorney representation. Similarly, only fourteen percent of petitioners (101) appeared with a service representative, such as a DAIS Legal Advocate, and eighty-eight percent (638) did not.

In observed cases where the petitioner had an attorney, injunctions were granted forty-four percent of the time, meaning that petitioners were thirty-eight percent more likely to have their injunction granted when they had attorney representation.

In observed cases where the petitioner had a service representative, injunctions were granted sixty-six percent of the time, meaning that petitioners were 106% more likely to have their injunction granted when they had a service representative with them.

CHART SEVEN: LENGTH OF TIME FOR GRANTED INJUNCTIONS (DOMESTIC ABUSE & HARASSMENT)

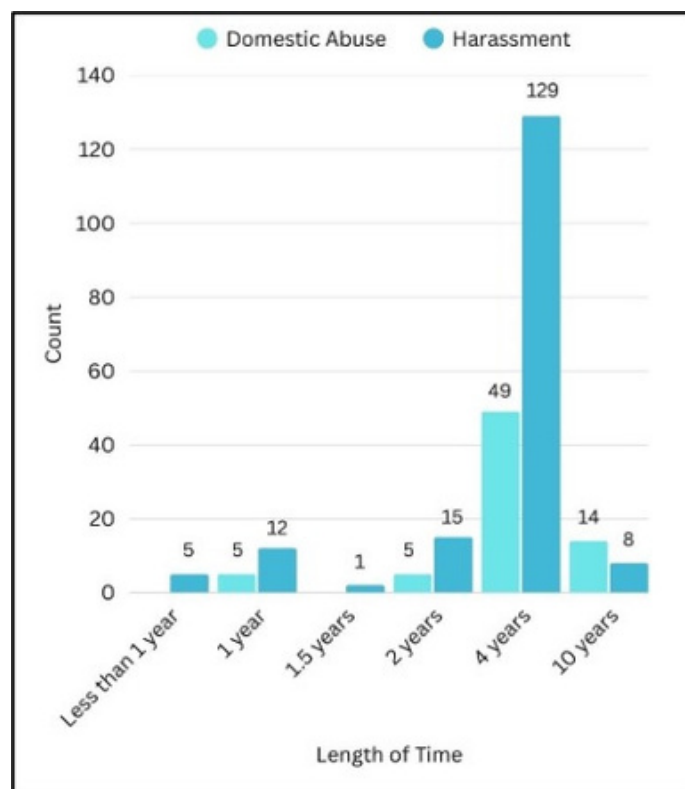
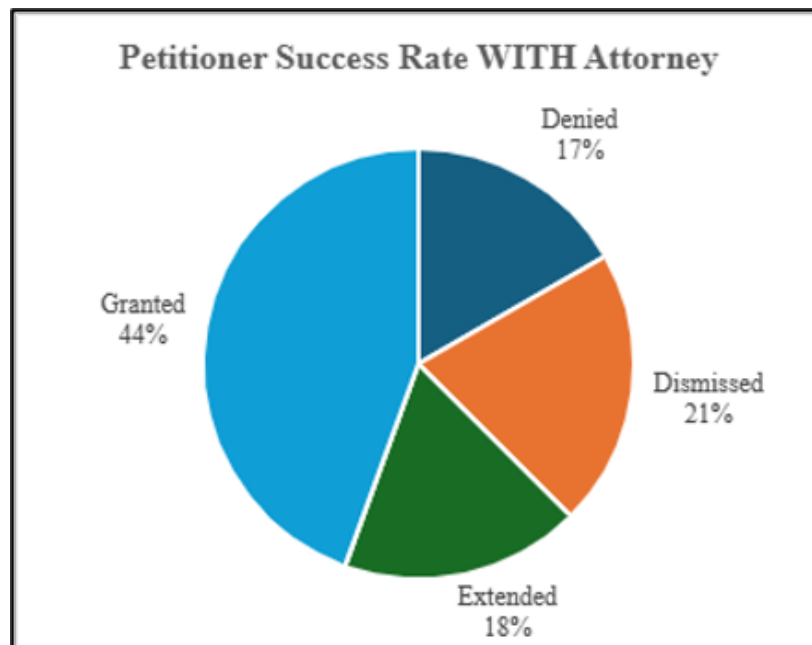
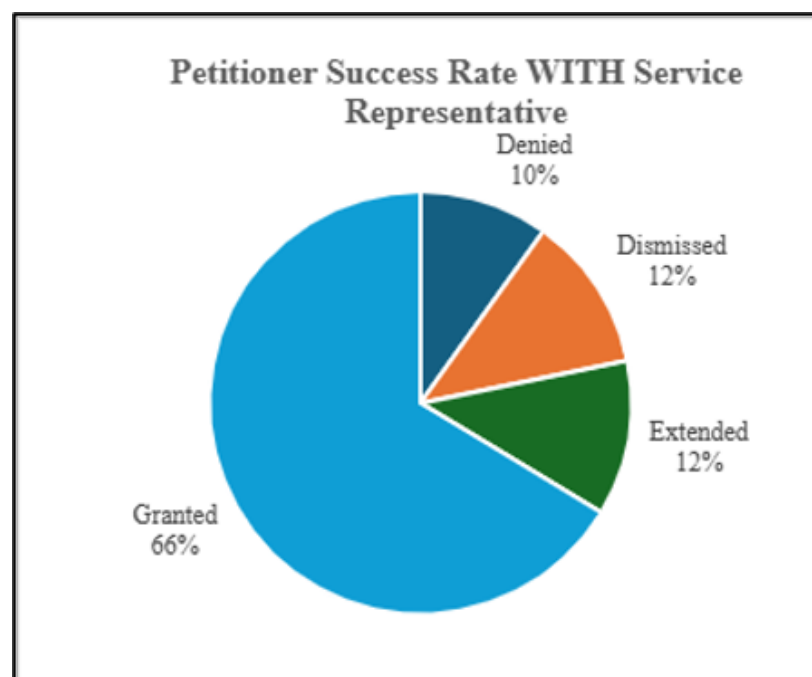


CHART EIGHT: PETITIONER SUCCESS RATE WITH ATTORNEY**CHART NINE: PETITIONER SUCCESS RATE WITH SERVICE REPRESENTATIVE**

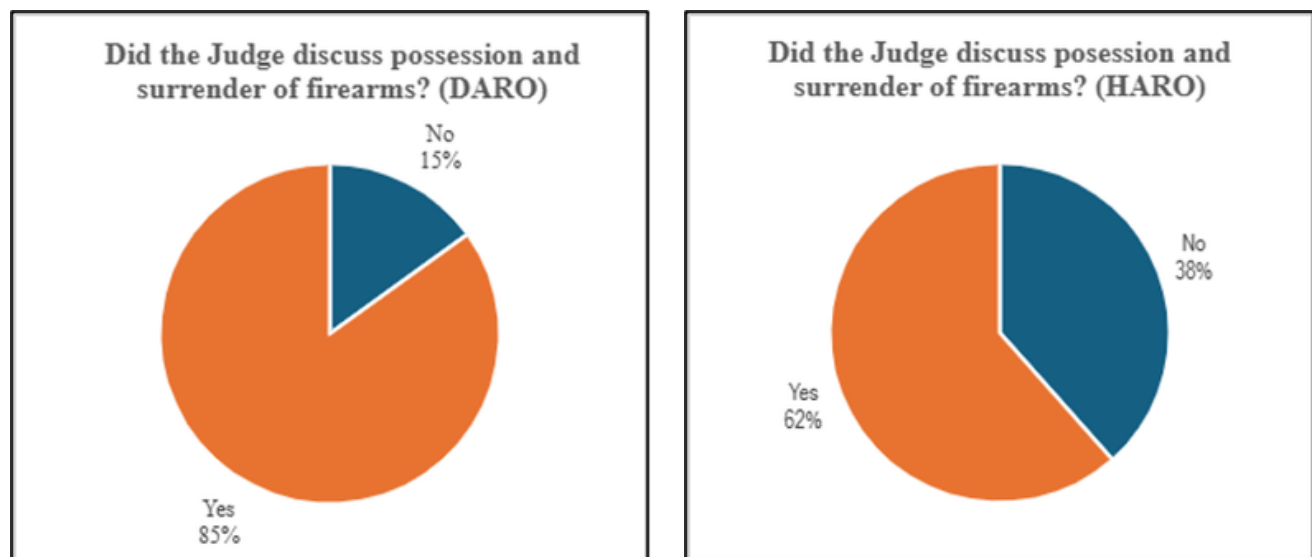
VI. TEN-YEAR INJUNCTIONS

Under WI Statute §813.12(4)(d)1, a judge may order an injunction be in place for up to ten years, if the court finds that there is a substantial risk that the respondent may commit first or second-degree intentional homicide, or first, second, or third-degree sexual assault against the petitioner. Court Watch volunteers retroactively collected data to determine whether petitioners indicated in their “Petition for Temporary Restraining Order” that they were requesting their injunction be granted for ten years. A total of twenty-two ten-year injunctions were granted. Of the sixty-six granted injunctions in which a petitioner requested a ten-year injunction, judges granted that request twenty-one percent (fourteen) of the time. There were an additional eight cases in which the petitioner did not originally request a ten-year injunction, but the judge felt it was warranted based on the facts of the case. In forty-seven percent (thirty-one) of the cases in which the petitioner requested a ten-year injunction in their petition, the judge did not mention or honor this request during the hearing (**see “Observer Concerns” p.31**). There were also several cases in which the petitioner requested a ten-year injunction, and the judge discussed it, but they did not feel that the facts of the case warranted granting the request for a ten-year injunction. This took place thirty-two percent of the time.

VII. FIREARM SURRENDER PROTOCOLS AND COURTROOM PROCEDURE

WI Statute §813.1285 requires a mandatory surrender of firearms for Domestic Abuse injunctions. The law also requires a surrender of firearms for Harassment injunctions if the court finds clear and convincing evidence that the respondent may use a firearm to cause physical harm to another person or endanger physical safety. When filling out the “Petition for Temporary Restraining Order”, the petitioner can denote whether they believe the respondent should surrender their firearms. Judges will often use this important piece of information to decide if they should order a firearm surrender hearing.

Judges discussed firearm possession in eighty-five percent (sixty-two out of seventy-three) of granted Domestic Abuse injunction hearings, which is lower than the last two years’ findings, which was ninety-two percent in 2024 and eighty-nine percent in 2022. Although there is a higher burden of proof needed to order a firearm surrender in a Harassment injunction, having a conversation about firearms can help judges understand the totality of the situation and lethality risk factors that may be involved. Judges discussed firearm surrender in sixty-two percent (109 out of 177) of granted Harassment injunction hearings, which is an improvement from last year, which was fifty-eight percent.

CHART TEN: DISCUSSION OF FIREARMS

VIII. CHILDREN IN COMMON

In twenty percent (fifty-one) of granted cases, it was explicitly brought up by either the parties or the judge that there were children in common. In fifty-five percent of these cases (twenty-eight), the judge wrote in an exception to the order that allowed for limited contact regarding the shared child(ren), such as through the co-parenting app, “Our Family Wizard” or wrote “except as ordered by family court” or something similar. Observers did note several times that judges felt the issues raised in the injunction petition were better handled in family court; for example, if the contact from the respondent to the petitioner was for a “legitimate purpose” to communicate about the shared child(ren).

DAIS Legal Advocates shared anecdotal examples of cases where judges were reluctant to grant injunctions when there were children in common, despite the facts of the case otherwise aligning with the applicable statute. One example of this is in a harassment injunction, where the respondent sent multiple text messages and phone calls insulting and verbally berating the petitioner. Despite the harassing language in the messages, the court found that there was a “legitimate purpose” in the contact because the two shared a child and needed to discuss custodial decisions.

IX. INTERPRETERS

WI Statute §885.38(3)(a) requires the court to appoint an interpreter if the court determines that a party to the case has limited English proficiency and needs an interpreter to understand the proceedings. Overall, the court was consistent in providing interpreters and allocating a similar amount of time to cases involving an interpreter. There were thirty-seven cases where one or both of the parties spoke a language other than English and had an interpreter at the hearing that was provided by the court. For the most part, judges were very accommodating and made sure to speak clearly and slowly to ensure adequate space for accurate interpretation. There were no cases observed in which the court was unable to provide an interpreter. There was one case in which a party had to wait thirty minutes for an interpreter to arrive, and no one was able to explain what was happening.

X. COURTROOM SAFETY

In the majority of cases, Dane County court officials ensured the parties were kept separate and maintained a safe courtroom. In ninety-seven percent of cases (366), there were two bailiffs either in the courtroom or coming in and out (to check people in or manage the hallway). In ninety-four percent of cases in which both parties were present, and the respondent was not in custody, bailiffs ensured that the petitioner was allowed to leave the courtroom first.

BEST PRACTICES, OBSERVER CONCERNS & RECOMMENDATIONS FOR FUTURE PRACTICE

An important component of the DAIS Court Watch program is the anecdotal information collected by observers regarding judges' behavior and comments in the court room. This information includes whether statutory requirements that are meant to offer certain protections for survivors are being followed, and efforts are being made to move towards a more trauma-informed judicial response to intimate partner violence.

As individuals in positions of power, judges can either empower a survivor through their words and actions or cause a survivor to feel retraumatized by the court system. For many victims, an injunction hearing is their first and only experience with the legal system; therefore, the experience they have in court may impact whether they choose to seek support through law enforcement and/or the legal system in the future. Throughout the observation period, observers noted many times that judges made affirming comments to survivors that very well may have made them feel validated and heard by the legal system. Observers also noted some potentially concerning practices that could have re-traumatized survivors or put their physical safety at greater risk. This report will highlight examples of excellent trauma-informed responses from Dane County judges as well as areas for improvement and recommendations for best practices.

ROLE OF SERVICE REPRESENTATIVE

WI Statute §895.45 allows an adult who alleges they have been a victim of abusive conduct or are a victim of a crime to select a service representative from an organization or victim assistance program to attend hearings, depositions, and court proceedings (both civil and criminal) with them. DAIS Legal Advocates, as well as advocates from UNIDOS, RCC Sexual Violence Resource Center, Freedom Inc., and Project Respect, are considered service representatives; therefore, victims of abuse have the right to have an advocate from one of these agencies with them at court proceedings. Advocates can sit next to a petitioner/respondent at the counsel table if they are not represented by an attorney. Additionally, a survivor may confer orally or in writing with their service representative while they are not testifying, and the advocate may address the court if permitted to do so. However, service representatives are not attorneys, so they cannot give legal advice or speak on behalf of the victim in court.

While many Dane County judges are familiar with the service representative statute, there are some inconsistencies with how the statute is interpreted and what is allowed amongst judges. There are a few judges who have verbally admonished advocates or survivors for asking/answering clarifying questions during proceedings. The statute states that,

“the service representative selected by the complainant has the right to sit adjacent to the complainant and confer orally and in writing with the complainant in a reasonable manner during every hearing, deposition or court proceeding and related interviews and meetings, except when the complainant is testifying or is represented by private counsel.”

Because the majority of petitioners represent themselves at injunction hearings, it is not always clear what is considered “testimony” during injunction hearings. Wisconsin law requires that a witness must be sworn in under oath ([WI Stat. §906.03](#)), have personal knowledge of the matter ([WI Stat. §906.01](#)), and testimony must be factual, or in the form of opinions or inferences that are rationally based on perception ([WI Stat. §907.01](#)). Based on this definition of “testimony”, the DAIS Legal Advocacy Program, along with the majority of Dane County judges, interprets the service representative statute to mean that victims may confer orally or in writing except when they are providing factual knowledge to the court about their reasons for seeking an injunction or providing evidence to the court. When asked a procedural question by the judge or when the respondent is testifying, it can be extremely helpful for survivors to confer with their advocate, for purposes such as clarifying legal language used by the judge or opposing counsel, or to emotionally regulate themselves during testimony from the individual who caused them harm.

TRAUMA & COURTROOM TESTIMONY

In her book, *Trauma and Recovery: The Aftermath of Violence – From Domestic Abuse to Political Terror*, Dr. Judith Herman describes the triad of trauma responses that often show up in individuals who experienced domestic abuse – hyperarousal, intrusion, and constriction. Hyperarousal, or being on “permanent alert, as if the danger might return at any moment”, can persist “long after the actual danger is over” [4]. Intrusion, or reliving the traumatic experience, “often returns with all the vividness and emotional force of the original event” [5]. The third common trauma response, constriction, is numbing, or disassociating from reality and can look like emotional detachment [6].

[4] JUDITH HERMAN, *TRAUMA AND RECOVERY: THE AFTERMATH OF VIOLENCE—FROM DOMESTIC ABUSE TO POLITICAL TERROR* (NEW YORK: BASIC BOOKS, 1992), 34.

[5] JUDITH HERMAN, *TRAUMA AND RECOVERY: THE AFTERMATH OF VIOLENCE—FROM DOMESTIC ABUSE TO POLITICAL TERROR* (NEW YORK: BASIC BOOKS, 1992), 37.

[6] JUDITH HERMAN, *TRAUMA AND RECOVERY: THE AFTERMATH OF VIOLENCE—FROM DOMESTIC ABUSE TO POLITICAL TERROR* (NEW YORK: BASIC BOOKS, 1992), 43.

In a courtroom setting, where a victim is required to provide detailed testimony about abuse, reliving these traumatic memories can feel like the survivor is literally experiencing the events at that very moment. Although the memories may feel as though they are happening in real time, the impact trauma has on the brain makes it challenging to put feelings and emotions into logical sequences of events. In his studies of brain scans on individuals who had experienced trauma, Dr. Bessel van der Kolk found that when participants were shown images recreating their past traumatic event, a region in the left frontal lobe of the brain, called Broca's area, which is one of the speech centers of the brain, changed colors, indicating a significant decrease in activity. Without a functioning Broca's area, you cannot put your thoughts and feelings into words [7]. Trauma activates the right hemisphere of the brain, which is responsible for intuition, sight and emotions, but deactivates the left hemisphere of the brain, which impacts the capacity to turn experiences and feelings into words or organize experiences into logical sequences of events [8]. Courts use detailed descriptions and clear timelines during testimony to gauge credibility, so when the areas of the brain that control these functions are damaged due to trauma, it may make a survivor seem less credible or even combative to judges and court personnel that do not have an understanding of the impact trauma has on survivors.

Roughly seventy percent of the population has experienced a form of trauma in their lifetime [9] whether it be the loss of a loved one, witnessing violence in war, gun violence, car accidents, or family violence. Many survivors of intimate partner violence have experienced more than one type of traumatic event, and because domestic violence often follows a cycle, these experiences are repeated over time, with little time to heal between incidents. Additionally, around ninety percent of criminal justice involved individuals have experienced traumatic events, often beginning in childhood [10]. Because of the prevalence of trauma in both survivors and those who cause harm, it is essential that judges consistently stay educated on trauma-informed practices, so that all individuals that interact with the court system are treated with dignity and respect.

DAIS Legal Advocates are available as part of their role in advancing the mission of DAIS, which is to empower those affected by domestic violence and advocate for social change, to facilitate conversations and offer judicial training to further improve victims/survivors' experiences in legal proceedings and to promote trauma-informed literacy for legal system stakeholders. Anyone interested can contact the Community Advocacy Manager, Kianna Hanson, at 608-251-1237 ext. 376 or kiannah@abuseintervention.org.

[7] BESSEL VAN DERK KOLK, *THE BODY KEEPS THE SCORE: BRAIN, MIND, AND BODY IN THE HEALING OF TRAUMA* (NEW YORK: PENGUIN BOOKS, 2015), 43.

[8] BESSEL VAN DERK KOLK, *THE BODY KEEPS THE SCORE: BRAIN, MIND, AND BODY IN THE HEALING OF TRAUMA* (NEW YORK: PENGUIN BOOKS, 2015), 45.

[9] C. BENJET, E. BROMET, E. G. KARAM, R. C. KESSLER, K. A. MCLAUGHLIN, A. M. RUSCIO, V. SHAHLY, ET AL., "THE EPIDEMIOLOGY OF TRAUMATIC EVENT EXPOSURE WORLDWIDE: RESULTS FROM THE WORLD MENTAL HEALTH SURVEY CONSORTIUM," *PSYCHOLOGICAL MEDICINE* 46, NO. 2 (2016): 327–43, [HTTPS://DOI.ORG/10.1017/S0033291715001981](https://doi.org/10.1017/S0033291715001981).

[10] CENTER FOR JUSTICE INNOVATION, "RECKONING WITH TRAUMA IN COURT," MAY 14, 2025, [HTTPS://WWW.INNOVATINGJUSTICE.ORG/UPDATES/HOW-COURTS-CAN-ADDRESS-TRAUMA/](https://www.innovatingjustice.org/updates/how-courts-can-address-trauma/).

BEST PRACTICES

“If we can share our story with someone who responds with empathy and understanding, shame can’t survive. Self-compassion is also critically important, but because shame is a social concept – it happens between people – it also heals best between people. A social wound needs a social balm, and empathy is that balm.” – Brené Brown

I. USE OF LETHALITY RISK ASSESSMENT

In the 2023-2024 Court Watch report, DAIS highlighted concerns about requests for ten-year injunctions in cases where petitioners provided testimony and evidence of lethality risk factors but were denied the protection of a ten-year injunction because some judges did not believe the situation rose to the level of a “substantial risk” of homicide or sexual assault, as permitted under WI Stat. §813.12(4)(d)1.

Many survivors who have experienced severe violence request their injunction be in place for the maximum amount of time and request a ten-year injunction. There are many risk factors that put individuals at a higher risk of being killed by their intimate partner, including stalking, previous police contact, forced sex, respondent’s threats to kill the victim or commit suicide, access to firearms and strangulation [11]. Additionally, pregnant people are at an increased risk of homicide; according to a 2022 study, homicide is the leading cause of death for pregnant women in the United States [12].

Based on research studies conducted by Dr. Jacquelyn Campbell of John Hopkins University, the Danger Assessment tool was created to assess the likelihood of lethality in cases of intimate partner violence [13]. This tool is used by law enforcement and victim advocates across the country to determine the level of danger a survivor is in and decide what referrals and safety measures are appropriate. This tool has been included in previous DAIS Court Watch Reports as a recommendation for judges to use when determining homicide risk.

[11] JACQUELYN C. CAMPBELL, DANIEL WEBSTER, JANE KOZIOL-MCLAIN, CAROLYN BLOCK, DORIS CAMPBELL, MARY ANN CURRY, FAYE GARY, ET AL., “RISK FACTORS FOR FEMICIDE IN ABUSIVE RELATIONSHIPS: RESULTS FROM A MULTISITE CASE CONTROL STUDY,” AMERICAN JOURNAL OF PUBLIC HEALTH 93, NO. 7 (2003): 1089–97, [HTTPS://DOI.ORG/10.2105/AJPH.93.7.1089](https://doi.org/10.2105/AJPH.93.7.1089).

[12] REBECCA B. LAWN AND KARESTAN C. KOENEN, “HOMICIDE IS A LEADING CAUSE OF DEATH FOR PREGNANT WOMEN IN US,” BMJ 379 (2022): 02499, [HTTPS://DOI.ORG/10.1136/bmj.02499](https://doi.org/10.1136/bmj.02499).

[13] JACQUELYN C. CAMPBELL, DANIEL WEBSTER, NANCY GLASS, “THE DANGER ASSESSMENT,” J INTERPERS VIOLENCE (2009): 653-674, [HTTPS://PMC.NCBI.NLM.NIH.GOV/ARTICLES/PMC7878014/](https://pmc.ncbi.nlm.nih.gov/articles/PMC7878014/).

DAIS was gratified to see excellent examples of judges using information from the Dr. Campbell Danger Assessment Tool in their assessment of “substantial risk” of homicide or sexual assault in cases in which a ten-year injunction was requested. **Judge Nilsestuen** consistently asked specific questions to determine a petitioner’s eligibility for a ten-year injunction, such as whether there had been strangulation, “because your risk goes up”. In many of these high-risk cases, **Judge Nilsestuen** also asked petitioners if they were in contact with DAIS, demonstrating his understanding of lethality risk factors and the need for additional support when these dynamics are involved.

Another judge who asked questions to determine lethality risk was **Judge McNamara**, even in cases where the petitioner had not originally asked for ten years. Both **Judge Nilsestuen** and **Judge McNamara** asked lethality risk screening questions in a natural, conversational way, to determine eligibility for a ten-year injunction, which is likely easier for survivors to understand, rather than using legal jargon unfamiliar to the average person.

End Domestic Abuse WI releases an annual Homicide Report each year and in 2024, there were the most domestic abuse homicides (110), since they first released the report in 2000 [14]. This number has increased significantly since the first homicide report (see Chart Eleven). Although restraining orders will not eradicate domestic abuse homicides completely, studies have shown that they are an effective tool for reducing violence. For half of the women in a 2011 study, a restraining order stopped the violence completely, and for the other half, a restraining order significantly reduced violence and abuse [15]. One essential step in reducing the rate of domestic violence homicides in our community is by using evidence-based research conducted by experts in the field to understand the types of behaviors that put a person at a heightened risk, and DAIS encourages all Dane County judges to utilize the Dr. Campbell Danger Assessment tool when evaluating “substantial risk” in requests for ten-year injunctions.

[14] END DOMESTIC ABUSE WISCONSIN, END DOMESTIC ABUSE WISCONSIN HOMICIDE REPORT 2024 (OCTOBER 2025), [HTTPS://EDAW-WEBINARS.S3.US-EAST-2.AMAZONAWS.COM/WP-CONTENT/UPLOADS/2025/10/06182334/2024-FINAL-END-DOMESTIC-ABUSE-WISCONSIN-HOMICIDE-REPORT-1.PDF](https://edaw-webinars.s3.us-east-2.amazonaws.com/wp-content/uploads/2025/10/06182334/2024-FINAL-END-DOMESTIC-ABUSE-WISCONSIN-HOMICIDE-REPORT-1.PDF).

[15] T. K. LOGAN AND ROBERT WALKER, “CIVIL PROTECTIVE ORDERS EFFECTIVE IN STOPPING OR REDUCING PARTNER VIOLENCE: CHALLENGES REMAIN IN RURAL AREAS WITH ACCESS AND ENFORCEMENT” (2011), [HTTPS://DOI.ORG/10.34051/P/2020.131](https://doi.org/10.34051/P/2020.131).

CHART TEN: DISCUSSION OF FIREARMS**II. COMPASSION & VALIDATION FROM JUDGES**

In *Truth and Repair: How Trauma Survivors Envision Justice*, Dr. Judith Herman emphasizes the critical role that validation plays in survivors' healing. A common theme among the survivors Herman interviewed, when asked about what justice would look like to them was, "acknowledgement of the truth not from the perpetrators but also from the bystanders who were actively or passively complicit, and sometimes this kind of acknowledgement felt as important as the perpetrator's confession, or even more important" [16].

For many victims of intimate partner violence, an injunction hearing is the first time they publicly speak about the abuse they endured, and often the first time they verbalize it at all. The act of testifying forces a survivor to relive their trauma in a courtroom with their abuser and strangers present, which can lead to dissociation, emotional numbness, or reactions that stray from societal expectations of how a victim "should" behave. In those moments, court officials have the unique opportunity to offer compassion and validation while creating a safer environment for victims to share their stories.

Observers noted several trauma-informed statements used by judges, such as **Judge Trammell**, who offered support while a victim was struggling to get through their testimony, saying, "I know this can be very, very difficult", "Thank you for taking the time to lay the foundation. I know this can be detrimental to relive", and "I hope this feeds you some comfort and support". In another hearing, **Judge Trammell** told a petitioner, "I want you to know that you matter, you are worth something and take care of yourself".

[16] JUDITH HERMAN, *TRAUMA AND RECOVERY: THE AFTERMATH OF VIOLENCE – FROM DOMESTIC ABUSE TO POLITICAL TERROR* (NEW YORK: BASIC BOOKS, 1992), 79.

Other judges showed compassion and respect for individuals' gender identities by asking the parties what their pronouns were (**Judge Frost** and now WI Supreme Court **Justice Crawford**, substitute judge).

Compassion and validation can be shown even in cases where a victim does not meet the statutory grounds for an injunction. For example, one observer noted that **Judge Berz** “admonished racist behavior even though it didn’t meet the grounds for an injunction”, and **Judge Genovese** said, “I’m sorry this happened. It must have been really scary. What happened was not acceptable, but there isn’t enough here to show a pattern. If [it happens again], it could become a pattern and then it could be harassment”. Simply acknowledging that what the victim experienced was unacceptable and verbally informing the respondent that their behavior is not okay, can allow a victim to feel heard and that they can come back to court in the future should they need to.

III. UNDERSTANDING DYNAMICS OF DOMESTIC ABUSE

Intimate partner violence is the intentional use of power and control tactics by one intimate partner over the other to create an environment of fear and intimidation [17]. This can include using coercion and threats, emotional abuse, isolation, minimizing and blaming, using children, privilege, and economic abuse reinforced by violent threats with the goal of gaining power and keeping the victim in the relationship (**see Duluth Power & Control Wheel in the Appendix**). Violence often follows a cycle that can begin with the tension building phase, where survivors may describe feeling like they are “walking on eggshells”, then the explosion phase which can include physical, emotional, or verbal violence, followed by the honeymoon phase in which the abusive partner may apologize and promise to change [18]. It can be confusing and challenging to get out of this cycle, and on average, it takes a victim seven times to leave the relationship [19]. In order to effectively gauge credibility in injunction hearing cases, it is essential that judges understand the complicated dynamics of intimate partner violence, and how these dynamics can impact the way a victim responds to abuse or shows up in court.

[17] NATIONAL DOMESTIC VIOLENCE HOTLINE, “UNDERSTANDING RELATIONSHIP ABUSE,” THE HOTLINE, 2021, [HTTPS://WWW.THEHOTLINE.ORG/IDENTIFY-ABUSE/UNDERSTAND-RELATIONSHIP-ABUSE/](https://www.thehotline.org/identify-abuse/understand-relationship-abuse/).

[18] LENORE E. WALKER, THE BATTERED WOMAN (NEW YORK: HARPER & ROW, 1979).

[19] NATIONAL DOMESTIC VIOLENCE HOTLINE, “UNDERSTANDING RELATIONSHIP ABUSE,” THE HOTLINE, 2021, [HTTPS://WWW.THEHOTLINE.ORG/IDENTIFY-ABUSE/UNDERSTAND-RELATIONSHIP-ABUSE/](https://www.thehotline.org/identify-abuse/understand-relationship-abuse/).

This Court Watch period highlights numerous instances demonstrating certain Dane County judges' strong understanding of the dynamics of domestic violence. When one respondent argued that a petitioner was lying because they had not contacted the police, **Judge Genovese** stated, "[The petitioner] not contacting the police is not enough for me to find her not credible". There are many reasons a victim might not contact law enforcement for help, including fear of retaliation, financial dependence, negative past experiences with police or the legal system, or cultural differences [20]. By rejecting the idea that a victim who chose not to call the police is less credible, **Judge Genovese** was able to debunk this common myth about domestic violence.

Another excellent example of a judge who demonstrated an understanding of the dynamics of domestic violence is **Judge Nilsestuen**, who stated, "I don't believe in a 'cooling off period'. Things tend to escalate". As will be discussed in "Observer Concerns", the notion that issuing a short-term restraining order allows both parties to "cool-off" is problematic because it suggests mutual responsibility, rather than recognizing the behavior as a deliberate exercise of power and control. **Judge Nilsestuen's** statement demonstrates that he understands that leaving an abusive relationship is often the most dangerous time for survivors of abuse and that violence may intensify during this period rather than de-escalate [21].

Victim blaming is an unfortunate, yet common practice in domestic violence and sexual assault cases, and can arise during respondents' testimony and opposing counsel's cross-examination of the victim, despite Wisconsin's rape shield law (WI Stat. §972.11), under which the Wisconsin Supreme Court has held that evidence of prior sexual conduct between a complainant and defendant is inadmissible [22]. There were examples of judges rejecting victim blaming strategies from respondents and attorneys. One observer noted that, "[opposing counsel] asked [the] petitioner about sending naked pictures [to the respondent] and [**Judge McNamara**] interrupted and said it was not relevant to sexual assault allegation". Ninety percent of survivors who report sexual abuse to law enforcement experience secondary victimization throughout the criminal justice process, which is a factor that leads to underreporting [23], so it is important for judges to admonish victim-blaming arguments that attempt to discredit a survivor based on their sexual history.

[21]JACQUELYN C. CAMPBELL, KATHRYN SPEARMAN, AND NANCY GLASS, "INTIMATE PARTNER HOMICIDE, LETHALITY ASSESSMENT, AND SAFETY PLANNING," IN INTIMATE PARTNER VIOLENCE (2026), 326–60, [HTTPS://DOI.ORG/10.1093/OSO/9780197758991.003.0013](https://doi.org/10.1093/oso/9780197758991.003.0013).

[22] STATE V. SARFRAZ, 2014 WI 78, 356 WIS. 2D 460, 851 N.W.2D 235.

[23]JACEY PASSMORE, "THE UNDERREPORTING AND DISMISSAL OF SEXUAL ASSAULT CASES AGAINST WOMEN IN THE UNITED STATES," BALLARD BRIEF, JUNE 2023, [HTTPS://BALLARDBRIEF.BYU.EDU/ISSUE-BRIEFS/THE-UNDERREPORTING-AND-DISMISSAL-OF-SEXUAL-ASSAULT-CASES-AGAINST-WOMEN-IN-THE-UNITED-STATES](https://ballardbrief.byu.edu/issue-briefs/the-underreporting-and-dismissal-of-sexual-assault-cases-against-women-in-the-united-states).

Additionally, several Dane County judges demonstrated their understanding of how trauma responses show up in court and worked towards providing a patient, safe space for victims to share their experiences, while acknowledging that doing so can be highly emotional. **Judge Nilsestuen** told a petitioner, “You’re doing all the right things, but give yourself some time to recover from this trauma.” An observer noted that **Judge Conway**, “didn’t allow for unnecessary testimony from [the] respondent [and] gave the petitioner the space to speak and take her time when she was clearly very triggered.” Trauma responses can vary and can cause a survivor to struggle to testify to the timelines of events in a chronological, organized way. When judges are patient, allow victims to take breaks when they are overwhelmed, allow them to talk to their service representative if they have one, and offer words of sympathy, rather than deeming the survivor “less credible” for showing emotion in court, it shows that they understand that trauma responses are normal in cases of intimate partner violence.

IV. CLEAR EXPLANATIONS OF COURT PROCESSES AND PROCEDURES

As previously mentioned, ninety percent of petitioners in the hearings observed by DAIS Court Watch volunteers appeared *pro se*, representing themselves in court. Hourly rates for attorneys in Wisconsin range from \$200 to \$500 [24], and it is extremely challenging to find free or low-cost legal representation due to high demand and limited resources. Because of this, marginalized and low-income groups are less likely to receive adequate legal support in civil court [25]. Given the overwhelming lack of legal representation in restraining order cases, as well as the emotional nature of cases involving intimate partner violence, it is imperative that court practices are consistent and clear.

Ways in which judges and court personnel can make the legal system less intimidating and simpler for a *pro se* litigants to navigate include clearly explaining court processes and procedures in layman’s terms, allowing questions, and following similar practices across all court branches. Many judges allow parties to testify from counsel table when they are unrepresented by an attorney, and DAIS recommends that all judges follow this practice. Testifying from counsel table prevents the parties from making direct eye contact during testimony, which prevents non-verbal intimidation tactics such as staring down the petitioner while they testify. Additionally, when judges allow parties to testify from counsel table, victims can sit next to their service representative, who can offer emotional support during challenging moments.

[24] CLIO, “HOW MUCH DOES A LAWYER CHARGE IN WISCONSIN?” 2021, [HTTPS://WWW.CLIO.COM/RESOURCES/LEGAL-TRENDS/COMPARE-LAWYER-RATES/WI/](https://www.clio.com/resources/legal-trends/compare-lawyer-rates/wi/).

[25] LEGAL SERVICES CORPORATION, THE JUSTICE GAP REPORT: EXECUTIVE SUMMARY (2022), [HTTPS://JUSTICEGAP.LSC.GOV/RESOURCE/EXECUTIVE-SUMMARY/](https://justicegap.lsc.gov/resource/executive-summary/).

Another way judges can set clear expectations is by explaining the order in which cases will be called, laying “ground rules” such as no interrupting or cell phone usage, and informing parties of the order in which testimony will be heard (e.g. “the petitioner will testify first, then the respondent will have the opportunity to ask questions, then I will hear testimony from the respondent”). **Judge Ehlke** and **Judge Hilton**, for example, consistently explain the process and expectations to all individuals in the courtroom before starting the hearings that morning. In other cases, bailiffs will make an announcement before hearings commence.

Additionally, several judges clearly outlined the statutory criteria applicable to the petition filed, ensuring that the parties understood what information was relevant to their testimony. Similarly, it is helpful when judges explicitly state the reason for granting or denying an injunction during their ruling, so that individuals know what is required of them should they need to come back to court for continued abuse or harassment. When judges extend a temporary restraining order and set the hearing over due to lack of service, explaining the process for service by publication ensures that a survivor is able to proceed with their request for an injunction rather than having their petition dismissed at the next hearing (see “**Observer Concerns**” p.31).

Having clear and consistent protocols and procedures promotes preparedness among petitioners, respondents, service representatives, and attorneys, regardless of which judge’s courtroom they are in. After leaving an abusive and unpredictable relationship, many survivors are navigating ongoing fear, uncertainty, and trauma. Knowing what to expect during court proceedings can help restore a sense of stability and control, reduce anxiety, and minimize the risk of additional retraumatization from the legal system.

OBSERVER CONCERNS/ AREAS OF IMPROVEMENT

I. INCONSISTENCIES AROUND SERVICE BY PUBLICATION REQUIREMENTS

WI Stat. §813.125(2)(a) and §813.12(2)(a) allow petitioners to serve respondents by publication if the petitioner exercised due diligence in attempting to have the respondent personally served by the Sheriff's department and personal service was unsuccessful because the respondent is avoiding service. This pathway to legal service is vital for many survivors of intimate partner violence to be able to obtain legal protection from the court when their abusive partner is avoiding service or is unable to be located. During the observation period, nine percent of all dismissed cases were dismissed due to lack of service, although this number is likely higher, since petitioners who are unaware of service options may opt not to appear at the next hearing (sixty-two percent of dismissed cases were due to non-appearance by the petitioner). According to a Seattle study, forty-two percent of all temporary restraining orders sent to the Seattle Police Department were not successfully served [26].

For many survivors, service by publication may be the only viable means of obtaining the safety protections afforded by a restraining order. However, discussions regarding service by publication remain inconsistent across courtrooms and, in some cases, do not occur at all. Further complicating this, a 2024 Wisconsin Appeals Case decision (23AP1498), has placed a higher burden on a petitioner than previously practiced by judges, and has been interpreted differently by different judges. This confusion has made it more difficult than ever for petitioners to know how to proceed when they are unable to accomplish service via the Sheriff's Department, leading to more injunctions being dismissed. In this case, the Wisconsin Appellate Court sided with the respondent's assertion that due diligence was not exercised because the Sheriff's Department had made only one attempt to serve him and the respondent was not "concealing himself".

[26] NATALIE SINGER, "LEGAL DELAYS ADD TO VICTIMS' FEARS," THE SEATTLE TIMES, OCTOBER 6, 2007, [HTTPS://WWW.SEATTLETIMES.COM/SEATTLE-NEWS/LEGAL-DELAYS-ADD-TO-VICTIMS-FEARS/](https://www.seattletimes.com/seattle-news/legal-delays-add-to-victims-fears/).

The court's decision is extremely concerning to DAIS because in Dane County, petitions for Temporary Restraining Orders are sent directly to the Sheriff's Department by the Clerk of Court, so *pro se* petitioners often do not know what attempts the Sheriff's Department has made and should not be held responsible for the Sheriff's Department's lack of efforts to serve. The Court of Appeals asserts that "*pro se* litigants are bound by the same procedural requirements as litigants who are represented by counsel" [27]. There is a severe lack of affordable legal representation for victims seeking injunctions, and the case law referenced in this argument is from the dissenting opinion of a case related to property tax. Additionally, the Court of Appeals looks to 2009 case law (2009AP747 Loppnow v. Bielik) to define "reasonable diligence" as "the diligence to be pursued and shown by affidavit is that which is reasonable under the circumstances and not all possible diligence which may be conceived" [28]. There is no case law prior to the 2024 appeals case that sets forth what is "reasonable" in a restraining order case. Loppnow v. Bielik holds that the plaintiff's failure to contact the defendant's relatives to find out the defendant's whereabouts failed to "exhaust with due diligence any leads of information reasonably calculated to make personal service possible" [29], however this case involved two parties with attorneys (it was a criminal case in which defendants have the right to counsel) who could follow up on leads and contact family members of the defendant. In cases involving *pro se* litigants who are abuse victims, it is the position of DAIS that it is not reasonable to expect survivors to jeopardize their physical safety by engaging with their abuser's family members or go searching for them.

Regardless of the problematic nature of the Court of Appeals decision, it has created confusion and discrepancies amongst Dane County Circuit Court judges on the best way to handle these situations.

Court watch observers have witnessed hearings in which the judge at the first injunction hearing told the petitioner that they could serve by publication, but the next judge said that the first judge was incorrect because they did not make a specific finding that the petitioner had attempted reasonable diligence in personally serving the respondent, and therefore they dismissed the petitioner's request for an injunction due to this error.

[27] WAUSHARA COUNTY V. GRAF, 166 WIS. 2D 442, 480 N.W.2D 16 (1992).

[28] LOPPNOW V. BIELIK, 2010 WI APP 66, 324 WIS. 2D 803, 783 N.W.2D 450.

[29] LOPPNOW V. BIELIK, 2010 WI APP 66, 324 WIS. 2D 803, 783 N.W.2D 450.

From the cases that DAIS Legal Advocacy Program staff and volunteers have observed, the best practice for cases involving service by publication is the following: 1) At the first hearing, if the petitioner is unrepresented, the judge asks them questions to make a record that they have exercised reasonable diligence (for example, “There is an Affidavit of Non-Service that was submitted by the Sheriff’s Department that states they made three attempts to serve the respondent, at their home and work, and that the respondent appeared to be at home because their car was in the driveway, but they did not answer the door) and that the respondent is concealing themselves (for example, “[Petitioner], do you believe that this individual is avoiding service?”). 2) After making this record, the judge explicitly states that because the petitioner has exercised reasonable diligence, the petitioner may proceed with publication. 3) At the next injunction hearing, the second judge sees in the case record that reasonable diligence was exhausted and that the petitioner had permission to serve by publication, and 4) assuming the petitioner has successfully published the notice in the newspaper most likely to circulate at the respondent’s last known address and brings proof to the hearing, the injunction is granted.

In order for this process to work effectively, it is important that the first judge have a conversation about service by publication. However, in twenty-seven percent of cases, the judge did not mention the option of service by publication, leaving twenty-seven percent of *pro se* petitioners unsure how to proceed. While the majority of judges discussed service by publication in their hearings, there are certain judges that rarely or never discussed this option in cases observed by DAIS, which makes it extremely challenging for the second judge to be able to accept proof of publication since there was no conversation around reasonable diligence made on the record.

Even for individuals working with an attorney or a service representative, without clear expectations and a consensus amongst the judges on how to interpret this appeals decision, it is impossible for advocates or attorneys to adequately prepare the survivors they are working with.

II. VERY FEW SAME SEX IPV FILINGS

Another concern highlighted in the court watch data is the minimal number of restraining orders involving same-sex intimate partners. The data shows that there were only seven cases involving male same-sex partners and sixteen cases involving female same-sex partners. These numbers are concerning when compared to the national statistics of intimate partner violence experiences, which show that bisexual women are about seventy-four percent more likely, and lesbian women are about twenty-six percent more likely to experience intimate partner violence than heterosexual women [30]. Additionally, more than half of transgender and non-binary people have experienced intimate partner violence in their lifetime [31]. Those who perpetrate abuse often take advantage of existing social and economic vulnerabilities to maintain control over their victim [32], and LGBTQ+ survivors may face additional abuse tactics, such as the threat of being “outed” by their partner [33].

There are many possible reasons that so few LGBTQ+ survivors in Dane County utilize injunctions to achieve safety from their abusive partner, the most likely being general distrust of the legal system [34]. Judges that promote a safe environment for LGBTQ+ survivors can encourage survivors of all backgrounds to seek protection through the court should they need it. Unfortunately, observers noted at least one case in which a party made it clear to the court that they used “they/them” pronouns, yet the judge repeatedly referred to the individual as “she”. Ways that judges can create a welcoming, safe space, include attending ongoing trainings on issues related to intimate partner violence in the LGBTQ+ community, asking and respecting individuals’ pronouns, and not making assumptions about gender or sexual orientation.

[30] CENTERS FOR DISEASE CONTROL AND PREVENTION, “NATIONAL INTIMATE PARTNER AND SEXUAL VIOLENCE SURVEY (NISVS),” 2024, [HTTPS://WWW.CDC.GOV/NISVS/ABOUT/INDEX.HTML](https://www.cdc.gov/nisvs/about/index.html).

[31] SANDY E. JAMES, JODY L. HERMAN, SUSAN RANKIN, MARA KEISLING, LISA MOTTET, AND MA’AYAN ANAFI, THE REPORT OF THE 2015 U.S. TRANSGENDER SURVEY (WASHINGTON, DC: NATIONAL CENTER FOR TRANSGENDER EQUALITY, 2016), [HTTPS://TRANSEQUALITY.ORG/SITES/DEFAULT/FILES/DOCS/USTS/USTS-FULL-REPORT-DEC17.PDF](https://transequality.org/sites/default/files/docs/usts/usts-full-report-dec17.pdf).

[32] HRC FOUNDATION, “UNDERSTANDING INTIMATE PARTNER VIOLENCE IN THE LGBTQ+ COMMUNITY,” 2022, [HTTPS://WWW.HRC.ORG/RESOURCES/UNDERSTANDING-INTIMATE-PARTNER-VIOLENCE-IN-THE-LGBTQ-COMMUNITY](https://www.hrc.org/resources/understanding-intimate-partner-violence-in-the-lgbtq-community).

[33] NATIONAL LGBT HEALTH EDUCATION CENTER, RECOGNIZING AND ADDRESSING INTIMATE PARTNER VIOLENCE IN RELATIONSHIPS OF LGBTQ PEOPLE: A PRIMER FOR HEALTH CENTERS, [HTTPS://WWW.LGBTQIAHEALTHEDUCATION.ORG/WP-CONTENT/UPLOADS/2020/04/TFIR-158_INTIMATE-PARTNER-VIOLENCE-BRIEF_WEB_SPREADS.PDF](https://www.lgbtqihealtheducation.org/wp-content/uploads/2020/04/TFIR-158_INTIMATE-PARTNER-VIOLENCE-BRIEF_WEB_SPREADS.PDF).

[34] NATIONAL LGBT HEALTH EDUCATION CENTER, RECOGNIZING AND ADDRESSING INTIMATE PARTNER VIOLENCE IN RELATIONSHIPS OF LGBTQ PEOPLE: A PRIMER FOR HEALTH CENTERS.

III. PERPETUATION OF HARMFUL MYTHS REGARDING IPV

As previously discussed, many of the Dane County judges did an excellent job ensuring survivors felt heard and validated in their courtroom. However, the DAIS Court Watch Program also observed cases in which judges perpetuated harmful myths about the dynamics of domestic violence. One such myth is the idea that there is a “cooling off period” in domestic violence cases that begins when the survivor ends the relationship. This idea is problematic because it downplays the increased danger a survivor is in when they choose to leave their abusive partner. Leaving an abusive relationship is one of the most dangerous times for a victim. According to the National Institute of Justice Journal, seventy-five percent of homicide victims and eighty-five percent of women who had experienced severe but nonfatal violence had left or tried to leave in the past year [35]. Additionally, the idea of a “cooling off period” suggests that domestic violence is a consequence of poor anger management rather than an intentional choice to harm one’s partner using power and control tactics.

One example of a judge issuing a shorter than average injunction under the fallacy of the “cooling off period”, is a case in which **Judge Ehlke** stated, “He’s said in court that he really wants to have no contact with you going forward so my inclination is to grant a shorter injunction, something like six months”. Later in his ruling, **Judge Ehlke** said, “I think a six-month cooling off period here, if you want to call it that, or a harassment injunction put in place is enough to hopefully let both of these people go on about their lives without any further problems”. Despite the petitioner attempting to end the relationship four years prior, the respondent continued contacting her and engaging in abusive conduct, including, according to the petitioner’s testimony, “[the respondent] has choked me over three times”, “he has pulled my hair from my scalp”, “he has pulled a gun out”, “[he has threatened] that he’ll kill both of us”, and “[he] threw me on the bed, jumped on me, and squeezed my arm”. The idea that despite four years of being told the relationship is over, a six month restraining order would be enough for the respondent to “cool off”, significantly undermines the severity of the respondent’s behavior and the safety of the petitioner, especially considering the allegations included strangulation, which increases the risk of homicide tenfold [36].

Additionally, there continue to be observed cases in which judges have preconceived expectations about how a “typical” victim should behave or what they should ask for. For example, one judge stated that “no petitioner has ever asked for contact [with the respondent]” after the petitioner asked for some contact to be permissible to communicate about the shared child. On the contrary, abuse victims are often ordered by family court to have some level of communication with the other parent, whether it be via a co-parenting app, such as “Our Family Wizard”, or through a third party.

[35] CAROLYN BLOCK, “HOW CAN PRACTITIONERS HELP AN ABUSED WOMAN LOWER HER RISK OF DEATH?” NIJ JOURNAL, NO. 250 (2003): 4–7, [HTTPS://NIJ.OJP.GOV/LIBRARY/PUBLICATIONS/HOW-CAN-PRACTITIONERS-HELP-ABUSED-WOMAN-LOWER-HER-RISK-DEATH](https://nij.ojp.gov/library/publications/how-can-practitioners-help-abused-woman-lower-her-risk-death).

[36] JACQUELYN C. CAMPBELL, DANIEL WEBSTER, JANE KOZIOL-MCLAIN, CAROLYN REBECCA BLOCK, DORIS CAMPBELL, MARY ANN CURRY, FAYE GARY, ET AL., “ASSESSING RISK FACTORS FOR INTIMATE PARTNER HOMICIDE,” NIJ JOURNAL, NO. 250 (NOVEMBER 2003), [HTTPS://WWW.OJP.GOV/PDFFILES1/JR000250E.PDF](https://www.ojp.gov/pdffiles1/jr000250e.pdf).

IV. UNDERMINING SERIOUS LETHALITY RISKS

As previously discussed, there are certain risk factors that statistically put a victim at a higher risk of homicide. These include strangulation, non-consensual sex, threats to kill the victim, stalking, previous police contact, and access to firearms [37].

The Dr. Campbell Danger Assessment Tool was included in the appendix of the last two DAIS Court Watch Reports with the recommendation that judges utilize this evidence-based tool when determining whether to grant a ten-year injunction, when petitioners allege that there is a risk the respondent may commit homicide or sexual assault against them. Despite this, there continue to be observed cases in which judges undermine serious lethality risk factors, and either determine that the facts do not rise to the lethality risk level necessary for a ten-year injunction or decide to deny the injunction altogether.

One concerning example of a case in which lethality risk factors were minimized, and abusive conduct was normalized, was a harassment injunction hearing held by **Judge Conway**. The petitioner testified that after she had made it clear that she was leaving the relationship, the respondent, her soon to be ex-husband, “attempted to cuddle or be intimate with me” and when she attempted to move, he “placed his hand around my neck and he had me pinned...and was yelling...at me”. On another occasion, she alleged that the respondent had sexual intercourse with her without her consent, which **Judge Conway** did not require her to go into detail about because it was already discussed in her petition. There had also been instances in which the respondent called her phone and rang her doorbell repeatedly, kicked her, obtained her phone records, contacted her employer, and threatened to kill her friends. In his ruling to deny the harassment injunction, **Judge Conway** stated, “When a marriage breaks down for whatever reason, and I’m not blaming either of you, but for whatever reason a marriage breaks down, it is a very, very hard thing...and nobody going through these processes ever comes out not doing things that they regret doing.”

Given the increased risk of homicide in cases involving strangulation and non-consensual sex, there may have been grounds to grant the injunction for a period of ten years. Instead, **Judge Conway’s** statement appears to normalize extremely abusive behavior when it occurs in the context of a divorce. He ultimately denied the harassment injunction, even though the petitioner only needed to prove that the respondent engaged in a course of conduct that harassed or intimidated the petitioner and served no legitimate purpose – a lower burden of proof than that required for a domestic abuse injunction.

[37] CAMPBELL ET AL., “RISK FACTORS FOR FEMICIDE,” 1089–97.

There were also cases in which judges granted a four-year injunction but failed to discuss the option of a ten-year injunction despite lethality risks. On example is a case in which the court watch observer noted, “The petition include[d] testimony about strangulation while pregnant and the petitioner checked [the] box [on the Petition for TRO requesting the] ten-year [injunction], but [the] judge did not discuss that option [and] told [the] petitioner she could have [the injunction] up to four years”.

In Dane County, about one in five homicides are related to intimate partner violence [38]. In working to reduce domestic abuse homicides in our community, it is imperative that judges, as elected officials entrusted with significant authority, take threats, patterns of abuse, and known lethality risk factors seriously when making decisions that directly impact victim safety. Failing to recognize these warning signs can leave survivors without meaningful legal protection and undermine efforts to prevent future violence.

[38] BRANDON TAYLOR, “DANE COUNTY BOARD RECOGNIZES OCTOBER AS DOMESTIC VIOLENCE AWARENESS MONTH,” WKOW, OCTOBER 24, 2025, [HTTPS://WWW.WKOW.COM/NEWS/HEALTH/DANE-COUNTY-BOARD-RECOGNIZES-OCTOBER-AS-DOMESTIC-VIOLENCE-AWARENESS-MONTH/ARTICLE_39A08190-F0D2-47DE-A419-AD65D4F6F755.HTML](https://www.wkow.com/news/health/dane-county-board-recognizes-october-as-domestic-violence-awareness-month/article_39A08190-F0D2-47DE-A419-AD65D4F6F755.HTML).

V. INCONSISTENT EXPECTATIONS AND PROCEDURES

An ongoing concern noted by DAIS observers and advocates is the lack of consistency in how injunction hearings are conducted. For trauma survivors, knowing what to expect during court proceedings can improve their experience during an injunction hearing and reduce the retraumatization they experience. DAIS Legal Advocates work hard in their role to ensure that survivors are as prepared as possible for court, by explaining the order in which testimony is heard, how to submit evidence, what kind of evidence is admissible, etc. However, this can be challenging when there are seventeen circuit court judges in Dane County who all handle cases slightly differently. While DAIS understands that each judge may have a unique style and flow to how they handle injunction hearings, there are several inconsistencies noted by observers that may be harmful to victims of intimate partner violence.

One example is whether judges chose to have parties testify from the witness stand or permit them to stay at the counsel table. The majority of Dane County judges allows parties to testify from counsel table, which is a more trauma informed approach that DAIS would recommend all judges put into practice. Having to testify from the witness stand places the petitioner in the direct line of sight as the respondent, which may allow the respondent to use non-verbal intimidation tactics, such as staring the victim down. Additionally, when parties are allowed to testify at counsel table, they are able to remain seated next to their advocate, which can provide emotional comfort during an emotionally heightened time. Allowing survivors to sit next to their advocate gives the advocate the ability to help ground the victim, such as reminding them to breathe, or placing a hand on their shoulder. These small strategies can ultimately help a hearing run more smoothly and minimize emotional outbursts.

Another inconsistency is whether judges allow cross examination during cases in which both parties are unrepresented by an attorney. It is extremely traumatizing for abuse survivors to be questioned directly by the person who caused them harm. The more trauma-informed approach taken by many judges is to either direct any questions to the judge who will determine if the other party needs to answer, or to not allow cross examination when parties are *pro se*. If they opt not to allow cross examination, it is important that both parties have ample time to respond to the statements made by the other, and to allow the petitioner to have the final word.

There is also a lack of consistency in admission of evidence in injunction hearing cases, particularly video and audio evidence. There are some judges in Dane County who will not accept video/audio evidence because “there is no way to put it into the court record”, even in cases where the litigant brings three identical flash drives containing the evidence. Other judges take a much more informal approach, sometimes allowing *pro se* individuals to show the judge their phone to view the evidence.

Observers noted that not all courtrooms seemed to be equipped to view videos or audios on projectors, despite this being a common practice in criminal jury trials. It would be extremely helpful for judges to come to a consensus on how to accept video or audio evidence, and for the Dane County Legal Resource Center to offer an instruction sheet along with the restraining order packet, so that parties are prepared ahead of the hearing. Video and audio evidence can be the most essential evidence in an injunction hearing, and it is unfortunate that observers have witnessed many cases be dismissed due to the lack of the technical capabilities to view this evidence.

As discussed previously, there are several inconsistencies around service by publication discussions, which is a vital option for survivors to obtain legal protections in the event that the respondent is uncooperative with court proceedings. DAIS strongly recommends that Dane County implement standard procedures for handling cases in which service has not been accomplished at the first injunction hearing.

CONCLUSIONS & RECOMMENDATIONS

In summary, the 2024-2025 DAIS Court Watch period identified the following key findings:

- Noted gender disparities among petitioners and respondents. Seventy-five percent of petitioners were female and sixty-five percent of respondents were male.
- An overwhelming majority of petitioners were *pro se* (ninety-percent), meaning they did not have attorney representation. This is an increase from previous years.
- Fifty-two percent of injunction hearings were between parties who were in an intimate partner relationship.
- Petitioners who had accompaniment from a service representative were 110% more likely to have their injunction granted.
- Inconsistencies around service by publication requirements and ten-year injunctions.
- Very few filings involving same-sex IPV relationships.
- Opportunities for future training and understanding around lethality risk factors and dynamics of domestic abuse.

CONCLUSIONS AND RECOMMENDATIONS

The 2024-2025 DAIS Court Watch Report makes the following recommendations:

1. Consistency around service by publication requirements, including creating a clear handout for judges to give to petitioners at the set over hearing AND a clear handout available online when individuals file for Temporary Restraining Orders.
2. Continued education around dynamics of domestic violence and trauma responses. Concerning trends have continued, such as the fallacy of the “cooling off period” or expecting victims to behave a certain way. Because judges only handle injunction hearings a few times a year, it is important to stay educated on DV dynamics and statutory protections for victims.
3. Increased familiarity and understanding of resources that can support survivors, such as DAIS, Freedom Inc., Project Respect, RCC Sexual Violence Resource Center, and UNIDOS.
4. Create a more welcoming courtroom for LGBTQ+ survivors, such as putting up signs and asking and respecting pronouns.
5. Clear and consistent procedures and expectations, including allowing parties who are unrepresented to testify from counsel table, putting in place guardrails for cross-examination during pro se hearings, and having a standardized procedure for admission of evidence.

The DAIS Legal Advocacy Program would like to commend the judges who demonstrated exemplary conduct and allowed victim/survivor voices to be heard in their courtrooms. For the Dane County Court system to provide an effective, meaningful response to victims/survivors, it is important that judges have a strong understanding of the dynamics of domestic violence and its effects. The primary objective of the DAIS Court Watch Program and the Legal Advocacy Program is to improve the experience of victims of intimate partner violence who seek protection in the judicial system, therefore the DAIS Legal Advocacy Program is committed to continuing to advocate for the voices of victims/survivors in the courtroom.

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APPENDIX

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2024-2025 Court Watch

Date: _____

Observer: _____

Judge: _____

Case Number: 20__CV__

Time spent on case: start _____ end _____ Minutes _____

PETITIONER	Type of TRO	RESPONDENT
Appearance: ☐ Present ☐ Absent ☐ In Custody ☐ via Zoom	☐ Domestic Abuse ☐ Harassment ☐ Individual at Risk	Appearance: ☐ Present ☐ Absent ☐ In Custody ☐ via Zoom
Gender: ☐ Male ☐ Female ☐ Other _____	Relationship*: ☐ IPV ☐ IPV with children ☐ Non IPV	Gender: ☐ Male ☐ Female ☐ Other _____
Represented? ☐ Yes ☐ No ☐ Service Representative ☐ GAL (Guardian ad Litem)	Courtroom Safety: Were two bailiffs present in the courtroom? ☐ Yes/coming in and out ☐ No Was the petitioner allowed to leave first? ☐ Yes ☐ No ☐ N/A	Represented? ☐ Yes ☐ No ☐ Service Representative ☐ GAL (Guardian ad Litem)
☐ Interpreter Language: _____		☐ Interpreter Language: _____

**An intimate partner is any of the following: a) spouse, b) former spouse, c) person in a current or former dating relationship, d) current or former live in relationship, e) a person with whom the petitioner has a child in common*

Was the Injunction:

☐ **Dismissed**☐ Petitioner's request☐ Lack of service☐ No petitioner/failure to prosecute☐ Stipulation of parties☐ **Extended** (lack of service) or other: _____☐ Did the judge mention service by publication?☐ Did the judge mention service by mail?☐ Did the judge mention a community resource?☐ **Denied**☐ With prejudice☐ Without prejudice☐ Doesn't meet requirements☐ Failure to prove case☐ Other☐ **Granted** (length of time: _____)☐ Granted by default:☐ Respondent was served but did not appear☐ Petitioner filed proof of service by publication

If the injunction was granted, did the petitioner request a 10-year restraining order in their petition? (Please check the courthouse computers)

☐ Yes ☐ No ☐ N/A

STATUTE & LAW: Did the Judge:

Y / N / NA

- ☐ ☐ ☐ Deny the injunction based on the amount of time since last incident
- ☐ ☐ ☐ Dismiss or deny the injunction because of another court action
- ☐ ☐ ☐ Extend the TRO in lieu of issuing an injunction (for a reason other than lack of service)
- ☐ ☐ ☐ Discuss issuing the injunction for 10-years. If so, was it granted? ☐ Yes ☐ No
- ☐ ☐ ☐ Discuss possession and surrender of firearms

**If granted,

Did the Judge ask the petitioner the length of time they would like the injunction to last? ☐ Yes ☐ No ☐ N/A

Did the Judge explicitly explain the order to the parties? ☐ Yes ☐ No ☐ N/A

*** Only select "N/A" if the injunction was not granted*

CHILDREN IN COMMON:

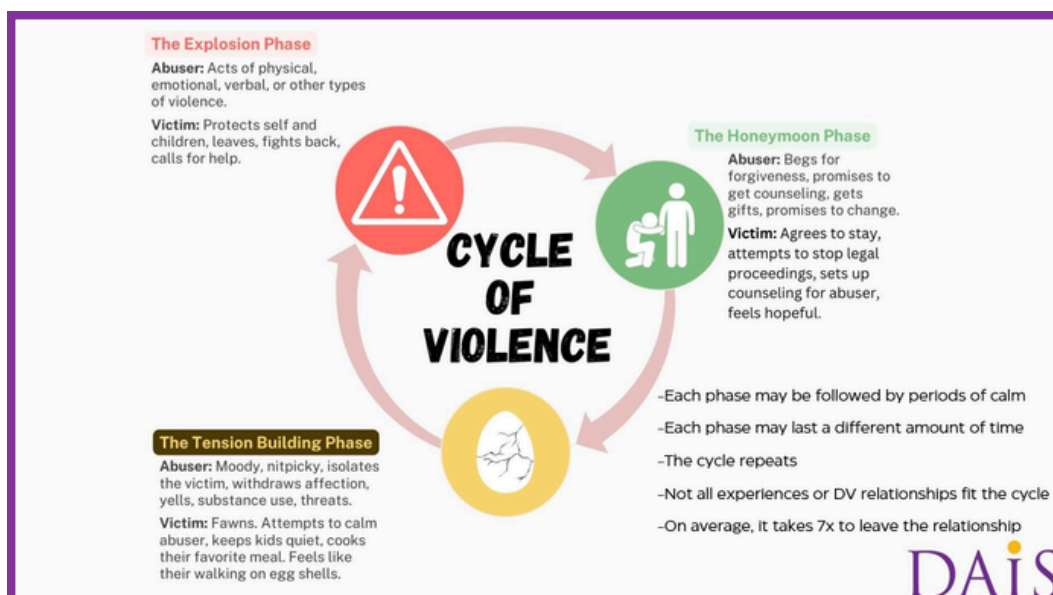
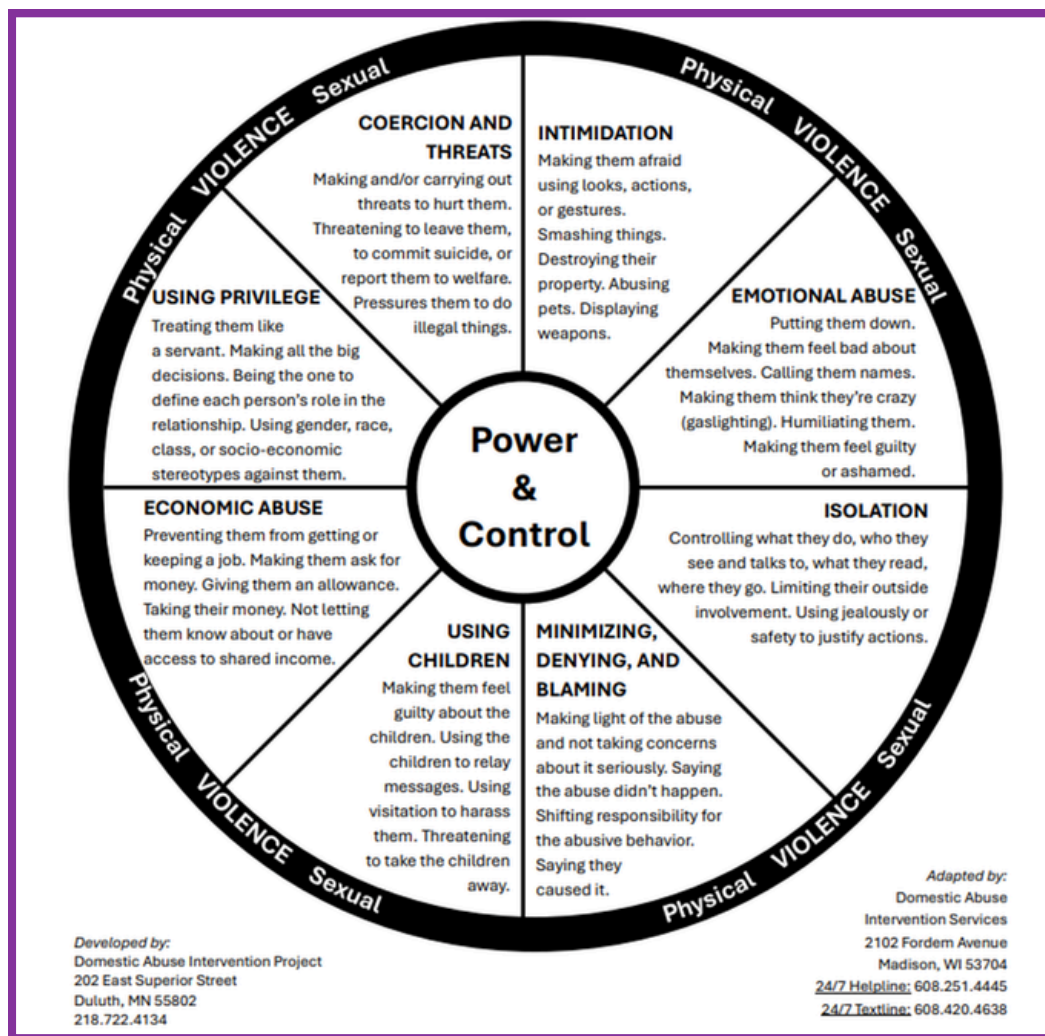
How did the Judge deal with the issue of children in common? (check all that apply)

- ☐ Didn't write about it in the order
- ☐ Wrote "except as ordered by family court" or something similar
- ☐ Used it as a basis for denying the injunction
- ☐ Talked to the parties about setting up communication (3rd party, email, etc.)
- ☐ Wrote a specific placement order

JUDGES BEHAVIORS & STATEMENTS:

Reasons given by Judge to dismiss/deny/grant the injunction:

Additional Comments/Best Practices/Judicial Manner/Quotes:



DANGER ASSESSMENT

Jacquelyn C. Campbell, PhD, RN

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www.dangerassessment.com

Several risk factors have been associated with increased risk of homicides (murders) of women and men in violent relationships. We cannot predict what will happen in your case, but we would like you to be aware of the danger of homicide in situations of abuse and for you to see how many of the risk factors apply to your situation.

Using the calendar, please mark the approximate dates during the past year when you were abused by your partner or ex partner. Write on that date how bad the incident was according to the following scale:

1. Slapping, pushing; no injuries and/or lasting pain
2. Punching, kicking; bruises, cuts, and/or continuing pain
3. "Beating up"; severe contusions, burns, broken bones, miscarriage
4. Threat to use weapon; head injury, internal injury, permanent injury, miscarriage
5. Use of weapon; wounds from weapon

(If **any** of the descriptions for the higher number apply, use the higher number.)

Mark **Yes** or **No** for each of the following.

("He" refers to your husband, partner, ex-husband, ex-partner, or whoever is currently physically hurting you.)

Yes	No		
		1.	Has the physical violence increased in severity or frequency over the past year?
		2.	Does he own a gun?
		3.	Have you left him after living together during the past year?
		3a.	(If have <i>never</i> lived with him, check here ____)
		4.	Is he unemployed?
		5.	Has he ever used a weapon against you or threatened you with a lethal weapon?
		5a.	(If yes, was the weapon a gun? ____)
		6.	Does he threaten to kill you?
		7.	Has he avoided being arrested for domestic violence?
		8.	Do you have a child that is not his?
		9.	Has he ever forced you to have sex when you did not wish to do so?
		10.	Does he ever try to choke you?
		11.	Does he use illegal drugs? By drugs, I mean "uppers" or amphetamines, "meth", speed, angel dust, cocaine, "crack", street drugs or mixtures.
		12.	Is he an alcoholic or problem drinker?
		13.	Does he control most or all of your daily activities? (For instance: does he tell you who you can be friends with, when you can see your family, how much money you can use, or when you can take the car?
			(If he tries, but you do not let him, check here: ____)
		14.	Is he violently and constantly jealous of you?
			(For instance, does he say "If I can't have you, no one can.")
		15.	Have you ever been beaten by him while you were pregnant?
			(If you have never been pregnant by him, check here: ____)
		16.	Has he ever threatened or tried to commit suicide?
		17.	Does he threaten to harm your children?
		18.	Do you believe he is capable of killing you?
		19.	Does he follow or spy on you, leave threatening notes or messages on answering machine, destroy your property, or call you when you don't want him to?
		20.	Have you ever threatened or tried to commit suicide?
		Total "Yes" Answers	

Thank you. Please talk to your nurse, advocate or counselor about what the Danger Assessment means in terms of your situation.