

Harassment Temporary Restraining Order and Injunction Checklist:

Wis. Stat. § 813.125

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1. What type of abuse must be alleged in the petition to obtain a harassment TRO or injunction?

See §§[813.125\(1\)](#), [\(3\)](#), [\(4\)](#), [\(5\)](#), and [§947.013](#). See [2005 WI Act 272](#).

1. Striking, shoving, kicking or subjecting another to physical contact;
2. Engaging in an act that would constitute abuse under [§48.02\(1\)](#) [child abuse];
3. Sexual assault under [§940.225](#) [1st, 2nd, 3rd degree];
4. Stalking under [§940.32](#); or
5. Attempting or threatening to do any of the above.
6. Engaging in a course of conduct or repeatedly committing acts which harass or intimidate another person and which serve no legitimate purpose.

NOTE: A petitioner can also request: 1) respondent not be allowed to engage in abuse of a household pet; 2) order from court to allow petitioner out of family wireless phone service contract plan. See [§813.125\(3\)\(a\)](#) and [§813.125\(4g\)](#).

2. How old does the petitioner (person filing the petition) and the respondent (person who the petition is filed against) have to be? See [§813.125](#). See [2005 WI Act 272](#).

1. Any of the following can file a petition for a harassment restraining order:
 - a. Any adult or child* who has been harassed (see definitions above);
 - b. The parent of a child* who has been harassed;
 - c. The stepparent of a child* who has been harassed; or
 - d. The legal guardian of a child* who has been harassed. [§813.125\(2\)\(b\)](#).
**Note: The court may appoint a guardian ad litem if the child is found to be in need of protection. [§813.125\(2g\)](#).*
2. A respondent can be a child or an adult. See [§§757.69\(1\)\(g\)](#) and [48.14\(10\)](#).

3. In what county can a harassment restraining order petition be filed? See [§801.50\(5s\)](#).

Where petitioner resides; or where respondent resides; or where incident occurred.

4. What will it cost to file a harassment restraining order? See [§814.61\(1\)\(e\)](#).

If the party filing for a temporary restraining order [petitioner] is stating conduct which fits under [§813.12](#) (domestic abuse restraining orders) or fits under stalking behavior, there is no cost. If the person is **NOT** stating conduct that fits either of these, the petitioner must pay a civil filing fee, court costs and the costs for process of service as well as travel costs to serve the petition. See [§§814.86\(1\)](#), [814.85\(1\)\(a\)](#), & [814.70](#).

5. What is a temporary restraining order (TRO)? See [§813.125\(3\)](#).

A TRO is the first step to obtain a “permanent” order, known as an injunction. The petitioner files a TRO petition, and if granted, the TRO is effective until the date an injunction is issued. The injunction hearing is held within 14 days of getting the TRO, unless an extension is granted.

6. How does one file a TRO petition/injunction? See [§§813.125\(3\) & \(4\)](#).

Go to the courthouse in any county and ask for a harassment petition. Forms are also available at:

https://www.wicourts.gov/forms1/circuit/ccform.jsp?FormName=&FormNumber=&beg_date=&end_date=&StatuteCite=&Category=20&SubCat=Harassment%20Restraining%20Orders/Injunctions. Fill out the petition. As directed, take the petition to a judge or court commissioner, who is to sign it if one or more types of abuse listed above have occurred. You can appear *ex parte* (one party only) to file a TRO. However, domestic abuse programs can assist one to file a TRO. The respondent must receive a copy of the petition which contains notice of the hearing, and may, but is not required, to appear at the injunction hearing.

7. What will happen at the injunction hearing? See [§§813.125\(3\) & \(4\)](#).

The respondent must receive a copy of the petition which contains notice of the hearing, and may, but is not required, to appear. The parties can appear on their behalf, with counsel or with an advocate. Most courts allow both parties to testify and cross-examine the other party. Based on what is said at the hearing, the court will deny or grant an injunction for up to 4 years. If the court orders an injunction against the respondent, the court is to order the person from no longer engaging in the harassing behavior which the petitioner noted and/or from having contact. The court can also order the respondent to avoid the petitioner's residence or any other premises.