

2010

State Law Report Card



Wisconsin

Access to Restraining Orders¹

In Wisconsin, minors can obtain Restraining Orders (ROs),² but the law does not specify whether ROs can be granted against minor abusers. Adults in dating relationships can seek ROs against their adult abusers.³

Procedure

State law allows minors to petition for an RO on their own behalf;⁴ however, the law does not specify the age at which a minor may do so. A parent, step-parent or guardian may also petition on the minor's behalf.⁵ Wisconsin law does not specify whether the parent or guardian of the minor will be notified about the RO.

Definition of Abuse

A judge may issue an RO if the respondent has physically abused, threatened to physically abuse or sexually abused the petitioner.⁶ The statute fails to explicitly recognize stalking and harassment as qualifications for relief. The statute may recognize other forms of abuse not specifically listed here.

Relief Available

The court may order⁷ the respondent to:

- stay away from the petitioner;
- not possess a gun; and/or
- if the petitioner is an adult; grant other relief within the court's discretion.

The statute may allow other forms of relief not specifically listed here. The Restraining Order is modifiable.⁸

Minors' Access to Sensitive Services⁹

All minors can consent to:

- STI testing and treatment

Minors can access abortion services with parental consent.

School Response to Dating Violence

Wisconsin law does not provide for a school response to dating violence.

Recommendations for Immediate Policy Change

In order to improve Wisconsin's response to teen dating violence, the following changes are recommended:

- Explicitly state that individuals can seek restraining orders against minor abusers.
- Allow victims of intimate partner stalking and harassment to access ROs.
- Allow all minors to access all sensitive services, including contraceptive services, prenatal care, adoption, and medical care for a minor child, without parental involvement.
- Expand the types of relief available to individuals who seek ROs.
- Mandate dating violence education in all middle schools and high schools.

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References

¹ Wisconsin law provides for restraining orders under four separate statutes, three of which are addressed in this report card: Domestic Abuse Restraining Orders, Child Abuse Restraining Orders, and Harassment Restraining Orders. Domestic Abuse Restraining Orders are available only to petitioners over 18; Child Abuse and Harassment Restraining Orders are not limited by the age of the petitioner.

² WIS. STAT. § 813.122(2) (2009).

³ *Id.* § 813.12(1)(am).

⁴ *Id.* § 813.122(2).

⁵ *Id.*

⁶ *Id.* § 813.122(1)(a).

⁷ *Id.* §§ 813.122(5)(a)-(b), (e); 813.122(5m)(2); 813.122(7).

⁸ *Id.* § 813.122(9)(b).

⁹ Guttmacher Institute, An overview of minors' consent law, *State Policies in Brief*, New York: Guttmacher Institute, 2009, http://www.guttmacher.org/statecenter/spibs/spib_OMCL.pdf, accessed December 1, 2009.

Break the Cycle

Empowering Youth to End
Domestic Violence

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