



## WISCONSIN

**Each state has different requirements for getting a civil domestic violence protection order. Because it makes protection orders reasonably accessible to teens, Wisconsin's grade for protecting teen victims of domestic and dating violence is a B.**

### Do I Qualify for a Restraining Order in Wisconsin?<sup>i</sup>

#### Type of Relationship

In order to qualify for a restraining order, the abuser must be someone:

- You are dating or used to date<sup>1</sup>
- You live with or used to live with<sup>2</sup>
- You have a child with<sup>3</sup>
- You are married to or used to be married to<sup>4</sup>
- You are related to by blood or adoption<sup>5</sup>
- Who has abused<sup>6</sup> or harassed<sup>7</sup> you)

#### Type of Abuse<sup>8</sup>

A judge may issue you a restraining order when your abuser has:

- Physically abused you
- Sexually abused or assaulted you
- Attempted or threatened to physically or sexually abuse you
- Stalked you
- Criminally damaged or threatened to damage your property
- Repeatedly harassed or intimidated you

#### Age

If you are 18 years old or older, you may get any restraining order on your own without an adult's permission. If you are under 18 years old, you do not qualify for a Domestic Abuse Restraining Order, however you may file for a Child Abuse Restraining Order or a Harassment Restraining Order by yourself, without an adult or your parent's permission. The court may choose to appoint a guardian ad litem for you.

### How Do I Get a Restraining Order?

If you qualify for a restraining order, you can go to court to file for a temporary restraining order. A judge can give you a temporary order that day and will also schedule a full hearing within 14 days of issuing a the order.<sup>9</sup> After the hearing, the judge may grant you a Domestic Abuse Restraining Order or a Harassment Restraining Order, which last up to 4 years<sup>10</sup>, or a Child Abuse Restraining Order, which lasts up to 2 years or until you turn 18.<sup>11</sup>

### What Can I Ask for in a Restraining Order?

You may ask the court for the following in a restraining order:

- Abuser cannot abuse, harass, or contact you<sup>12</sup>
- Abuser must stay away from your residence and other places you often go to<sup>13</sup>
- Temporary, exclusive use of property<sup>14</sup>
- Abuser must not use and must surrender any firearm(s)<sup>15</sup>

### How Much Will It Cost?

It is free.

<sup>i</sup> 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.

You have the right to a safe and healthy relationship...  
free from violence and free from fear.

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<sup>1</sup> Wis. Stat. Ann. §813.12(1)(ag) (2006).

<sup>2</sup> *Id.* §813.12(1)(c).

<sup>3</sup> *Id.* §813.12(1)(b).

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> *Id.* §813.122.

<sup>7</sup> *Id.* §813.125.

<sup>8</sup> *Id.* §813.12(1)(am); *Id.* §813.122(1)(a); *Id.* §813.125(1).

<sup>9</sup> *Id.* §813.12(3)(a),(c); *Id.* §813.122(4)(a),(c); *Id.* §813.125(3)(a),(c).

<sup>10</sup> *Id.* §813.12(4)(c)(1); *Id.* §813.125(4)(c).

<sup>11</sup> *Id.* §813.122(5)(d)1.

<sup>12</sup> *Id.* §813.12(4)(a); *Id.* §813.122(5)(a); *Id.* §813.125(4)(a).

<sup>13</sup> *Id.*

<sup>14</sup> *Id.* §813.12(4)(am); *Id.* §813.125(4)(am).

<sup>15</sup> *Id.* §813.12(4m); *Id.* §813.122(5m); *Id.* §813.125(4m).

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