

## What is a...

### Temporary Restraining Order/Injunction?

A temporary restraining order/injunction is a court order that orders someone to not hurt you, to stay away from you, move out of the house, have no contact with you or stop harassing you. The temporary restraining order is good up to 2 weeks, the injunction, if granted, is valid for up to four years.

### Petitioner?

The petitioner is the person seeking the protection.

### Respondent?

The respondent is the person you want protection from.

### You may be eligible for a temporary restraining order/injunction if you are a victim of...

- Domestic Abuse
- Sexual Assault
- Stalking
- Sexual Abuse

### Types of Temporary Restraining Orders/Injunctions

- Domestic Abuse (no cost)
- Harassment (cost - unless behavior is domestic abuse or stalking related)
- Child Abuse (no cost)
- Individual at risk

If you are in need of a temporary restraining order/injunction, please contact Harbor House Domestic Abuse Programs for assistance.

**920-849-7819**  
**1-800-970-1171**

We have office locations in Chilton and Appleton.

An advocate may be available to assist you with obtaining, filing, and completing the forms.

Calumet County Clerk of Courts

920-849-1414

The forms are available online at <http://www.wicourts.gov>

# Obtaining a Temporary Restraining Order/Injunction in Calumet County



# How do I get a Temporary Restraining Order/Injunction Order?

## Step 1: Apply for an order

Call Harbor House Domestic Abuse Programs, go to your local clerk of courts office or online at <http://www.wicourts.gov>



Complete petition. Include information that supports your claim of being in danger of physical harm, being stalked, or harassed.



The completed forms must be filed with the Clerk of Courts office. Your signature will be notarized and a judge or court commissioner will review your petition, and if approved, s/he will sign it and issue a temporary order that will be in effect until the scheduled injunction hearing date, which will be held within 14 days.



## Step 2: Serve respondent

If the temporary restraining order is granted, petitioner must now provide service to the respondent of the temporary restraining order and the date of the injunction hearing. The Clerk of Courts staff will give you copies of your petition and instructions for having the respondent served. The temporary restraining order is **NOT IN EFFECT** until the respondent is served. If the temporary restraining order is not granted, a hearing may be scheduled to determine the need for a temporary restraining order, or you may proceed to injunction hearing, but will not have protection of a temporary restraining order.

## Step 3: During the next two weeks

- If the respondent violates the temporary restraining order, call the police immediately
- Connect with an advocate from Harbor House if you have not done so already to help you prepare for court and to assist you in creating a safety plan



## Step 4: The Injunction Hearing (about 2 weeks after you file)

- Court asks who is present. Petitioner must attend hearing; respondent has option to attend.
- You are eligible for a victim service representative such as an advocate from Harbor House.
- Petitioner testifies. Petitioner or his/her attorney present evidence of alleged abuse or harassment.
- Testimony might be limited to only what is stated in the petition unless new evidence is submitted.
- Respondent (if present) or his/her attorney has the right to cross-examine (ask questions) of the petitioner.
- Petitioner can have witnesses testify on their behalf. The respondent (or his/her attorney) can cross examine petitioner (ask questions).
- Respondent testifies; petitioner or his/her attorney can cross examine respondent (ask questions).
- Witnesses for respondent testify; petitioner or his/her attorney can cross examine witnesses. (ask questions).
- Cross examination is to be limited to ONLY what was said by the party during testimony.
- Common objections during testimony or cross examination: 1. Not relevant (outside scope of testimony); 2. Hearsay (statements made by 3rd party outside of court). Allow the court to rule on an objection before you respond or testify.
- After all testimony is heard, the court makes a decision to deny or grant the order. The Clerk will make copies of the order and your advocate will assist you with distributing the copies of the order. You will receive a copy for yourself which is to be kept with you at all times.



## Step 5: After the hearing

Report any violations (which could be in writing, by phone, in person, through electronic means, or through a third party) to your local police department immediately. A violation can result in prosecution by the District Attorney's Office. Keep a journal of any violations of the injunction. Any changes in the injunction must be approved by the judge or court commissioner.