



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2007 Wisconsin Act 124
[2007 Senate Bill 124]

Injunctions

Under prior law, a respondent in a domestic abuse dispute who did not appear at a hearing at which an injunction was ordered was considered to have constructive knowledge of the existence of the injunction if he or she was served with a copy of the petition for an order and a notice of the time for the hearing. This person could have been arrested for a violation of the injunction regardless of whether he or she had been served with a copy of the document. *Wisconsin Act 124* provides that the constructive knowledge rule applicable in a domestic abuse dispute also will apply to injunctions ordered in cases involving child abuse, individuals at risk, or harassment.

Also, under prior law, a judge in a domestic abuse, child abuse, or harassment case was required to hold a hearing on the issuance of an injunction within 14 days after a temporary restraining order was issued, unless the time was extended upon the written consent of the parties or extended once for 14 days upon a finding that the respondent had not been served with a copy of the temporary restraining order although the petitioner had exercised due diligence. With respect to an individual at risk, the prior law provided for a hearing within seven days and an extension of seven days. *Wisconsin Act 124* provides that the time periods applicable in a domestic abuse, child abuse, or harassment case will apply to a case involving an individual at risk.

Effective Date: The Act takes effect on April 4, 2008 and first applies to actions commenced on that date.

Prepared by: Ronald Sklansky, Senior Staff Attorney

April 1, 2008

RS:ksm

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.