



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2007 Assembly Bill 242

**Assembly
Amendment 1**

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Under *current law*, there are four types of restraining orders: domestic abuse, child abuse, for individuals at risk, and harassment. For each petition for a restraining order, the court must first hold a hearing to determine whether to issue a temporary restraining order (TRO) and later must hold a hearing to determine whether to issue an injunction. TROs are effective until the court holds the hearing to determine whether to issue an injunction. If the court issues a child abuse injunction, an injunction for an individual at risk, or harassment injunction, the injunction is effective once the subject of the injunction is served with the injunction. If the court issues a domestic abuse injunction, however, it is effective as soon as the court issues it as long as the subject was served with the petition and the notice of the time for the hearing on the injunction.

Assembly Bill 242 makes a child abuse injunction, injunction for an individual at risk, or harassment injunction effective as soon as the court issues it as long as the subject was served with the petition and the notice of the time for the hearing on the injunction.

Assembly Amendment 1 requires a judge to hold a hearing on an injunction for an individual at risk within 14, instead of seven, days after the TRO is issued, unless the time is extended upon the written consent of the parties or extended once for 14 days upon a finding that the respondent has not been served with a copy of the TRO although the petitioner has exercised due diligence. This modification makes the time limits for hearings on injunctions for individuals at risk consistent with the time limits for domestic abuse, child abuse, and harassment injunctions.

Legislative History

Assembly Amendment 1 was offered by Representative Staskunas. The Assembly Committee on Criminal Justice recommended adoption of the amendment and passage of the bill, as amended, on votes of Ayes, 11; Noes, 0.

AS:ksm