



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2009 Assembly Bill 680

**Assembly Substitute
Amendment 1 and Assembly
Amendment 1 to the Substitute
Amendment**

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Contact: Anne Sappenfield, Senior Staff Attorney (267-9485)

Assembly Bill 680 makes changes to current law relating to domestic abuse and harassment temporary restraining orders (TROs) and injunctions, including the following:

- Allows minors to seek harassment injunctions.
- Makes the procedures for domestic abuse and harassment injunctions more consistent.
- Clarifies the procedures and time limits for circuit court reviews of court commissioner rulings on injunctions.

Assembly Substitute Amendment 1 makes the following changes to the bill:

- Deletes the provision requiring the court to inform the petitioner of several items relating to domestic abuse and harassment injunctions when the parties to an injunction proceeding enter into a stipulation to convert a petition for a domestic abuse injunction to a petition for a harassment injunction. Instead, under the amendment, the court must address the petitioner personally and determine that the petitioner entered into the stipulation voluntarily and with an understanding of the differences between domestic abuse and harassment injunctions.
- Provides that a proceeding for a harassment injunction is a two-part procedure, as is the procedure for domestic abuse injunction proceedings, only if the petition alleges conduct that constitutes domestic abuse or stalking.
- Deletes the provision requiring the clerk of circuit court to provide a person who inquires about a TRO or injunction with a document prepared by the Director of State Courts that

informs the person about the various types of TROs and injunctions and the differences among them.

- Deletes the provision requiring the court to review, rule on, and return a petition for a TRO within two normal business hours.

Assembly Amendment 1 to the substitute amendment authorizes a court or court commissioner to appoint a guardian ad litem (GAL) for a child who is a party to a harassment injunction proceeding when justice requires. The substitute amendment authorizes the court or court commissioner to appoint a GAL only for a child who is the petitioner.

The amendment requires a person who seeks to have a circuit court judge conduct a hearing of a determination, order, or ruling entered by a court commissioner in a TRO or injunction proceeding to file a motion within 30 days instead of within 15 days of the date the determination, order, or ruling was issued.

Legislative History

Assembly Substitute Amendment 1 and Assembly Amendment 1 to the substitute amendment were offered by Representative Hraychuk. On March 11, 2010, the Assembly Committee on Corrections and the Courts unanimously recommended adoption of Assembly Substitute Amendment 1 and Assembly Amendment 1 to the substitute amendment and passage of the bill, as amended.

AS:ksm