



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2005 Wisconsin Act 272
[2005 Assembly Bill 636]

**Child Abuse and Harassment
Restraining Orders**

2005 Wisconsin Act 272 makes several changes relating to restraining orders.

First, the Act modifies the definition of “harassment” for purposes of harassment restraining orders. Under the Act, “harassment” is defined as striking, shoving, kicking, or otherwise subjecting another person to physical contact; engaging in an act that would constitute child abuse under s. 48.02, sexual assault under s. 940.225, or stalking under s. 940.32, Stats.; or attempting or threatening to do the same. Under prior law, “harassment” was defined only as striking, shoving, kicking, or otherwise subjecting another person to physical contact or attempting or threatening to do the same.

The Act also expands the amount of time that a temporary restraining order may remain in effect. Under the Act, the judge is required to hold a hearing on the request for a child abuse or harassment restraining order within **14 days** after the temporary restraining order is entered unless the time is extended with the consent of the parties or is extended for an additional 14 days upon a finding that the person who is the subject of the restraining order has not been served with a copy of the restraining order although the petitioner has exercised due diligence in attempting to serve the order. Under *prior law*, the judge was required to hold a hearing on the request for a child abuse or harassment restraining order within **seven days** after the temporary restraining order is entered unless the time was extended with the consent of the parties or for an additional seven days, as described above.

The Act also extends the amount of time that a harassment restraining order may remain in effect from two years to four years.

Finally, the Act provides that no filing fee may be charged for commencing an action seeking a child abuse or vulnerable adult restraining order. The fee is collected from the respondent, however, if he or she is convicted of violating a child abuse or vulnerable adult injunction or restraining order. Under prior law, the fee was not collected from the petitioner if the petition alleged that the respondent had committed certain acts, including intentional infliction of personal injury to the petitioner, sexual

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/>.

assault, or stalking. In those cases, the fee was collected from the respondent if he or she was convicted of violating the injunction or restraining order.

Effective Date: Act 272 takes effect on April 20, 2006.

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