



2005 SENATE BILL 413

November 1, 2005 – Introduced by Senators DARLING and A. LASEE, cosponsored by Representatives STONE, KESSLER, HINES and HAHN. Referred to Committee on Judiciary, Corrections and Privacy.

1 **AN ACT to amend** 813.122 (4) (c) and 813.125 (3) (c) of the statutes; **relating to:**
2 time for service of court documents in child abuse and harassment injunction
3 cases.

Analysis by the Legislative Reference Bureau

Under current law, in actions to obtain a restraining order and injunction against child abuse or harassment, the judge is required to hold the hearing on the request for an injunction within seven days after the temporary restraining order is issued unless the time is extended with consent of the parties or extended for an additional seven 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 diligent in attempting to serve the order.

This bill changes those seven-day periods to 14 days.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 **SECTION 1.** 813.122 (4) (c) of the statutes is amended to read:
5 813.122 (4) (c) The temporary restraining order is in effect until a hearing is
6 held on issuance of an injunction under sub. (5). A judge shall hold a hearing on

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1 issuance of an injunction within ~~7~~ 14 days after the temporary restraining order is
2 issued, unless the time is extended upon the written consent of the parties or
3 extended once for ~~7~~ 14 days upon a finding that the respondent has not been served
4 with a copy of the temporary restraining order although the petitioner has exercised
5 due diligence.

6 **SECTION 2.** 813.125 (3) (c) of the statutes is amended to read:

7 813.125 **(3)** (c) The temporary restraining order is in effect until a hearing is
8 held on issuance of an injunction under sub. (4). A judge or circuit court
9 commissioner shall hold a hearing on issuance of an injunction within ~~7~~ 14 days after
10 the temporary restraining order is issued, unless the time is extended upon the
11 written consent of the parties or extended once for ~~7~~ 14 days upon a finding that the
12 respondent has not been served with a copy of the temporary restraining order
13 although the petitioner has exercised due diligence.

14 (END)