



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2013 Wisconsin Act 322
[2013 Assembly Bill 176]

**Temporary Restraining Orders
and Injunctions**

Under current law, a person (petitioner) may request that a judge or circuit court commissioner issue a temporary restraining order (TRO) or injunction ordering a respondent to refrain from certain behavior. Chapter 813, Stats., provides specific TROs and injunctions that pertain to: (1) domestic abuse; (2) child abuse; (3) individuals-at-risk; and (4) harassment.

2013 Wisconsin Act 322 makes a number of changes to the procedures relating to these types of TROs and injunctions. Generally, the Act:

- Provides that a court may not order the child victim or any parent, stepparent, or legal guardian of the child victim who is not a party to the action, in a proceeding for a child abuse TRO or injunction, to pay part of the compensation of the guardian ad litem.
- Excludes from child abuse TRO and injunction proceedings all persons who are not essential to the proceedings and provides that any records of these actions are available only to essential persons.
- Adds stalking or threatening to stalk to the definition of domestic abuse for the purpose of domestic abuse TROs and injunctions.
- Creates provisions applicable to individual-at-risk and child abuse TROs and injunctions that parallel provisions applicable to domestic abuse and harassment TROs and injunctions requiring the address of the victim to be kept confidential.
- Creates a provision applicable to harassment TROs and injunctions that parallels provisions applicable to domestic abuse and child abuse TROs and injunctions authorizing a court to order the respondent to avoid contacting or causing any

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.wisconsin.gov>.

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person other than a party's attorney or a law enforcement officer to contact the petitioner without the petitioner's written consent.

- Provides that a court may not extend a TRO in lieu of ruling on the issuance of an injunction.
- Provides that when a request to substitute a new judge is granted, a domestic abuse, child abuse, individual-at-risk, or harassment TRO is extended until the newly assigned judge holds a hearing on the issuance of an injunction.
- Specifies that when a party seeks to have a judge conduct a new hearing of a determination, order, or ruling entered in an action relating to a domestic abuse, child abuse, individual-at-risk, or harassment TRO, any determination order or ruling entered by a court commissioner remains in effect until the judge in the new hearing issues his or her final determination, order, or ruling.

Effective date: April 18, 2014.

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