

WHAT HAPPENS AT THE HEARING?

The judge or court commissioner will listen to the evidence. The parties and any witnesses may be sworn to give their version of the events. If there are facts to support the petition, the court will grant the injunction. If there are not enough facts, the court will dismiss the petition.

If the injunction is granted, it can be issued for up to four years. If the respondent appears in court, he/she will be served with a copy of the injunction. If the respondent does not appear, the petitioner will need to have the respondent served with a copy of the injunction.

AFTER THE HEARING

If the injunction is granted, you need to return to the Clerk of Courts office to receive authenticated copies, which will be provided to you for delivery to the Sheriff's Department and your local police agency. If you work in another county, you may wish to provide copies to the Sheriff's Department in that county.

WHAT SHOULD I DO IF THE RESPONDENT VIOLATES THE INJUNCTION?

Immediately call the police. In life-threatening emergencies, dial 911.

WHO ELSE CAN I CONTACT FOR HELP?

If this involves a domestic relationship, you may contact Friends of Abused Families at 334-5598 or their crisis lines at 334-7298.

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M\FORMS\GF\GF1116 HARASSMENT
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RESTRAINING ORDERS & INJUNCTIONS

WHAT THEY ARE & HOW THEY WORK

Harassment



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WHAT IS HARASSMENT?

Harassment is defined in the law as:

- Striking, shoving, kicking or otherwise subjecting another person to physical contact; engaging in an act that would constitute child abuse under Sec. 48.02(1), sexual intercourse or sexual contact under Sec. 940.225 or stalking under Sec. 940.32; or attempts or threatens to do the same.
- Engaging in a course of conduct or repeatedly commits acts which harass or intimidate the person and which serve no legitimate purpose.

WHAT CAN THE COURT ORDER?

The court can require the person to cease or avoid engaging in harassment. Since the type of activity that may be harassment in each case is different, the court must create an order that is specifically tailored to what the individual is doing that is considered harassment.

The court may order the respondent not to possess a firearm while the injunction is in effect if the court believes the respondent may use a firearm to cause physical harm to another or endanger public safety.

HOW DOES THE ACTION GET STARTED?

A petition is filed in the Circuit Court of the county where the petitioner resides, the respondent resides or where the incident(s) of harassment occurred.

A petition must be filed by the alleged victim or, if the victim is a minor, by an adult on behalf of the alleged victim. The person who is asking the court to grant them some type of relief is the “*petitioner*.” The person against whom the petition is brought is called the “*respondent*.” The “*victim*” is the person who is the object of the harassment.

IS THERE A FEE?

The court must review the petition and determine whether the conduct alleged is the same as or similar to conduct that is prohibited by law. If it is, there is no filing fee.

If the conduct is not the same as or similar to conduct that is prohibited by law, there is a filing fee of \$164.50

WHERE DO I GET THE FORMS?

The forms are available in the Clerk of Court’s office and when completed are filed with the Clerk of Courts.

WHAT ABOUT SERVICE OF THE DOCUMENTS?

The documents that are filed must be *served* on the respondent. Someone other than the petitioner must do service. Generally, the sheriff will serve the documents, but a private process server can also do it.

The sheriff cannot charge for service if no filing fee is required when starting the action. If a filing fee is required, the sheriff can also charge the petitioner a service fee. A private process server will always charge a service fee.

WHAT IS AN “AFFIDAVIT OF SERVICE?”

The individual who serves the papers must provide an *affidavit of service* for filing with the court. The affidavit of service is a form prepared and signed under oath by the person who serves the papers on the respondent. The affidavit must recite how, when, where, and on whom service was made.

This form must be filed with the court before the hearing or made available to the court at the hearing. The court requires proof that the respondent knows of the restraining order and the hearing. Without that proof—from an unbiased source—the court will not proceed.