

Restraining Orders

WHAT IS A RESTRAINING ORDER?

It is a court order against someone who has abused or harassed you. That person is ordered either not to abuse you or not to have contact with you.

WILL IT PROTECT ME?

A restraining order helps to protect you, but it does not guarantee your safety. You need to follow a safety plan, especially if you believe that being arrested is not going to stop your abuser from trying to hurt you.

HOW MUCH DOES A RESTRAINING ORDER COST?

A domestic abuse restraining order is free. A fee is charged for a harassment order, but you can ask the court to waive the fee if you live on a low income.

WHAT ARE THE PENALTIES FOR VIOLATING A RESTRAINING ORDER?

If an abuser violates the order, s/he has committed a crime. The maximum penalty for violating a domestic abuse restraining order is nine months in jail, a \$1,000 fine, or both. The maximum penalty for violating a harassment order is ninety days in jail, a \$1,000 fine, or both.

WHEN DOES THE RESTRAINING ORDER TAKE EFFECT?

Before it can be enforced, the order must be served (officially delivered to the person who has harmed you) by the Sheriff's Department or a private process server.

HOW DO I GET A RESTRAINING ORDER?

Go to Room 711 at the Milwaukee County Courthouse (901 North Ninth Street). Advocates from the Task Force on Family Violence will take you step-by-step through the process. Walk-ins are welcome Monday through Friday at 9, 10, & 10:45 a.m., and 1 & 2 p.m. The whole process will take a few hours.

HOW TO FILE A HARASSMENT RESTRAINING ORDER:

Room 711, Courthouse -- 901 North Ninth Street

Room 209, Safety Building -- 821 West State Street

Your Police Station District

PLEASE FOLLOW THESE STEPS

1. Go to Room 711, Courthouse. File restraining order papers and get case number assigned. Show fee waiver paperwork. Have copies made here.
2. See a court commissioner to have the temporary order signed. The court commissioner will decide if you need to pay a fee. Get the date to return for your final hearing.
3. Go to Room 209, Safety Building. Take the restraining order and description of the abuser to the Sheriff's Department. They will enter it into their computer and try to serve the order to the abuser. Pay serving fee if necessary.
4. Go to your police station. Take copies of restraining order to local police departments where you live and work. Keep two copies for yourself, and always keep a copy with you.

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| District #1, 749 W. State Street | 935-7212 |
| District #2, 234 W. Lincoln | 935-7222 |
| District #3, 4715 W. Vliet | 935-7232 |
| District #4, 6929 W. Silver Spring | 935-7242 |
| District #5, 2920 N. 4th Street | 935-7252 |
| District #6, 3006 S. 27th Street | 935-7262 |
| District #7, 3626 W. Fond du Lac | 935-7272 |

5. Return for your final hearing within seven days. The date and time will be on your temporary restraining order. Gather evidence, ask witnesses to come, and get ready to testify. Talk to your advocate, who will accompany you to the hearing.

SERVING AND ENFORCING YOUR RESTRAINING ORDER

Your temporary restraining order must be served (officially delivered) to make it enforceable. It also must be served to let your abuser know about the court date for a final injunction. Call the Sheriff's Department (278-4717) to learn whether your abuser has been notified or to give the sheriff new information about where your abuser can be found.

If the sheriff can't find your abuser, you can hire a private process server to deliver the restraining order (look under "Process Servers" in the Yellow Pages). Ask your advocate about other ways to serve the restraining order.

If your abuser comes to find you, call the police immediately! Keep a copy of your restraining order with you at all times. If the police arrive and discover that the abuser has not been served, an officer can serve one of your extra copies. If you need the police to serve your papers, ask the officer to write the following information on the copy you are going to keep:

- ◆ The date
- ◆ The police officer's name and badge number
- ◆ The type of papers served
- ◆ The abuser or harasser's name

- ◆ Ask the officer to notify the Sheriff's Department by phone and/or in writing that the abuser has been served.

If your abuser violates the restraining order, call the police immediately -- a crime has been committed! Ask the police to have the district attorney review the case for charges even if no arrest is made. You may call the District Attorney's Office (278-4792) to offer information or to learn whether the abuser has been charged.

If your abuser is on probation or parole, give a copy of your restraining order to the parole agent and report any violations. To find out who the agent is, call Probation and Parole Records (227-4546) with the full name and date of birth of your abuser.

APPEARING IN COURT TO REQUEST A TWO YEAR INJUNCTION (FINAL RESTRAINING ORDER)

Be on time! If your case is called and you don't answer, your restraining order will be dropped. If you are going to be late, call the Task Force (278-5079) to see if an advocate can get the court to wait for you. The date or time of your hearing will not be changed. If you miss your court date, you may need to show that there has been a new incident of violence in order to file again.

If you and your abuser appear in court, you both will testify before the court makes a decision on your injunction. If your abuser has been served with a notice to appear but does not come to court, the hearing will be based on your testimony alone.

You will be under oath. Take your time and admit if you don't remember something. Tell the court if you are afraid of your abuser, have defended yourself or called the police. Also tell the court if your abuser has been arrested or charged for abusing you or has violated the restraining order. Be polite and don't interrupt the abuser's testimony. When that person is finished, you'll have a chance to respond or ask the abuser questions, such as "Isn't it true that you. . .?"

Focus on the following issues when you testify in court:

- ◆ When and where the abuse took place -- place, time and date of each incident starting with the most recent.
- ◆ Physical abuse -- hitting, choking, slapping, kicking, forcing sex, etc.
- ◆ Threats of physical harm -- threats of violence or killing you, slicing your throat, burning down the house, etc.
- ◆ Injuries or pain -- bruises, scratches, pain from being punched in the head, etc.
- ◆ Weapons -- guns, knives, broomsticks, or any other object that was used to hurt or threaten
- ◆ Evidence -- pictures, medical records, police reports, etc.
- ◆ Witnesses -- anyone who has heard or seen this person threaten or harm you

If you are filing a harassment restraining order, you may also testify about:

Harassment -- unwanted and repeated phone calls, visits and/or contact which you have asked this person to stop. Be specific about how often and how long you have been harassed. In Wisconsin, the term "harassment" can describe unwanted contact, physical abuse, or threats of violence (as described above).

SAFETY CONCERNS & PROTECTION PLANS

According to Department of Justice crime statistics, 85% of battered women who are killed by an abusive partner are killed when trying to leave the relationship. You must be especially careful about your safety at this time -- don't let a restraining order give you a false sense of security.

These are signs which may predict deadly behavior:

- ◆ Obsession over you; the abuser says s/he can't live without you
- ◆ Depression and talk of suicide
- ◆ Threats to kill you, your children, or your relatives
- ◆ Kidnapping attempts on you or your children
- ◆ Fantasies of homicide or suicide
- ◆ Increased violence or severe incidents of abuse
- ◆ Possession of weapons or threats to use them
- ◆ Increased use of drugs or alcohol
- ◆ Unpredictable changes in behavior

If you recognize any of these behaviors, take them very seriously. Reach out for help and make a confidential call to the Task Force on Family Violence at 278-5079, where staff can direct you to resources for help. You may also call a 24-hour hotline at 933-2722.

Remember--if your abuser can't find you, s/he can't kill or hurt you. But careful safety planning is necessary for avoiding surprise attacks. Consider the suggestions listed here that make sense for your set of circumstances. Take extra precautions when weapons are present and always be prepared and alert!

SAFETY FOR AN EXPLOSIVE INCIDENT

- ◆ If you can see an argument coming, try to go to an area near an exit. Stay away from the bathroom (hard surfaces), kitchen (knives), or any room with weapons.
- ◆ Stay in a room with a phone so you can call 911, the police, a family member, friend, or neighbor. Memorize important phone numbers.
- ◆ Walk through your house, room by room. Identify the best escape routes (doors, windows, elevator, stairwell). Practice

and time how long it takes to get out of your home safely. Review your plan often.

- ◆ Pack a bag with extra keys, money, medications, legal documents (birth certificate, car title, restraining order, etc.) and other important items. Keep it hidden in a handy place. Better yet, leave the bag elsewhere (a trusted friend or family member's house, a locker, at work, etc.) in case your house is searched or you have to leave unexpectedly.
- ◆ Think of a code word to use with your children and others to communicate when you need the police NOW! Tell them what they should do (call 911, get out of the house, run to the neighbor's etc.)
- ◆ Decide where you will go if you have to leave home (even if you hope you won't have to). Stay with someone you trust, and preferably someone your abuser does not know.
- ◆ Do not tell your abuser that you are leaving.
- ◆ Safety in your home (if the abuser does not live with you)
- ◆ Change the locks on your doors as soon as possible. Buy additional locks and safety devices (bars, bolts) to secure your windows. Consider installing or increasing your outside lighting. If you have been the victim of a crime, there are federal Victims of Crime Assistance funds available that may help you pay for these security measures. Ask your advocate for assistance.
- ◆ If you have young children, grandchildren, or other dependents living with you, prepare a protection plan. They should know important phone numbers and escape routes. Tell them not to let strangers or your abuser into the house. Inform schools, daycare centers, etc. about who does and does not have permission to pick up children.
- ◆ Inform family, neighbors and your landlord that your abuser no longer lives with you and that they should call the police if they see the abuser near your home.

SAFETY IN PUBLIC (AT SCHOOL, WORK, OR RECREATIONAL ACTIVITIES)

- ◆ Decide who you will inform about your situation. This could include your teachers, co-workers, boss, or building security. Tell them what they should do if a violent incident occurs (call

the police). Describe your abuser and provide a picture if possible.

- ◆ Have an answering machine or another person screen your calls.
- ◆ Think ahead and devise a safety plan for public places. Do not walk alone. Ask someone to escort you to the bus, taxi, or your car. Use a variety of routes to go home.

YOUR SAFETY AND EMOTIONAL HEALTH

- ◆ If you are thinking of returning to a potentially abusive situation, discuss an alternative plan with someone you trust.
- ◆ If you have to communicate with your abuser, arrange to do so in the way that makes you feel most safe -- through his/her attorney, by mail or fax.
- ◆ Think positive thoughts about yourself and be assertive with others about your needs.
- ◆ Read books, articles, and poems to give you strength.
- ◆ Decide whom you can call to talk to freely and openly, and who can give you the support you need. Consider calling a domestic violence crisis helpline.
- ◆ Attend a women's or victims' support group for at least two weeks to gain support from others and learn more about yourself and the relationship.
- ◆ Trust your instinct and judgment. If your situation is very dangerous, consider any action that might calm things down and give you time to ensure your safety.
- ◆ Always remember that you don't deserve to be hit or threatened!

IMPORTANT PHONE NUMBERS

EMERGENCY ASSISTANCE AND SHELTER SERVICES

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| Police | 911 |
| Sojourner Truth House (Shelter/Domestic Violence Hotline) | 933-2722 |
| Milwaukee Women's Center Refuge | 671-6140 |
| Suicide Prevention | 257-7222 |
| Sexual Assault Treatment Center | 937-5555 |

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| Child Protective Services | 289-6444 |
| Parenting Network Hotline | 671-0566 |
| Elder Abuse Helpline | 276-4488 |

COUNSELING SERVICES

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| Asha Family Services | 875-1511 |
| The Counseling Center | 271-4610 |
| Family Service of Milwaukee | 342-4560 |
| Jewish Family Services | 390-5800 |
| Milwaukee Women's Center | 272-6199 |

LEGAL SERVICES

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| Task Force on Family Violence: | |
| Restraining Orders/Advocacy | 278-5079 |
| Centro Legal por Derechos Humanos | 384-7900 |
| District Attorney's Office | 278-4646 |
| Legal Action of Wisconsin | 278-7722 |
| Legal Aid | 765-0600 |
| Lawyer Referral Service | 1-800-362-9082 |
| Divorce Pro Se | 643-6215 |
| Victim Assistance Program | 643-8444 |

TASK FORCE ON FAMILY VIOLENCE OF MILWAUKEE, INC.

Restraining Orders/Advocacy
Milwaukee County Courthouse
901 North Ninth Street, Room 711
Milwaukee, WI 53233
Phone 278-5079 Fax 223-1807