

Interjurisdictional Service in Wisconsin A Resource from the Pandemic Rapid Response Team

December 2022



| | Ex Parte Protective Order (Temporary/Emergency) | Final Protective Order |
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| Statute | Wisconsin Statutes § 813.12 & 813.128 | |
| Terminology | Temporary Restraining Order | Injunction |
| Length of Order | Up to 14 days after petition submission, unless extended by the court. | Up to 4 years, or up to 10 years if the court finds there is a substantial risk of intentional homicide or sexual assault, or permanent if the respondent was convicted of sexual assault against the petitioner. |
| Available Relief | <ul style="list-style-type: none"> • Ordering that the defendant: <ul style="list-style-type: none"> ○ Refrain from committing acts of domestic abuse; ○ Avoid petitioner’s residence and/or any other location temporarily occupied by the petitioner; ○ Avoid contacting or causing anyone other than their attorney or law enforcement to contact the petitioner; ○ Refrain from removing, hiding, damaging, harming, mistreating, or disposing a household pet; ○ Allow the petitioner or household member of the petitioner to retrieve a household pet. | <p>In addition to relief provided by temporary restraining order:</p> <ul style="list-style-type: none"> • If the petitioner and the respondent are not married, the respondent owns the premises where the petitioner resides and the petitioner has no legal interest in the premises, the respondent may be ordered to avoid the premises for a reasonable time until the petitioner relocates; • Order a wireless telephone service provider to transfer to the petitioner the right to continue to use a phone number(s) and the financial responsibility associated with the number(s); • Require the respondent to surrender any firearms that he or she owns or in his or her possession to the sheriff or to another person designated by the respondent. |

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| Protected Parties | <ul style="list-style-type: none"> • Spouse • Parent • Child¹ • Person related by blood or adoption • Persons currently or formerly residing together • Persons in a romantic or intimate social relationship (not including a casual relationship or an ordinary fraternization in a business or social context) • A provider of in-home or community care to an individual through regular and direct contact |
| Requirements for Service | <ul style="list-style-type: none"> • The clerk of the circuit court will forward the order or injunction to the sheriff, and the sheriff will serve the order or injunction on the respondent. The petitioner may, at his or her expense, elect to use a private server. • If served by the sheriff, the clerk of circuit court shall provide a form to the petitioner to provide information about the respondent that may be useful for serving on the respondent. The clerk will forward the completed form to the sheriff. • Within one business day after an order or injunction is issued, the clerk of will send a copy of the order or injunction to the sheriff or other local law enforcement agency which has jurisdiction over the petitioner's premises. • No later than 24 hours after receiving the information, the sheriff or other local law enforcement agency will enter the information concerning an order or injunction into the transaction information for management of enforcement system. Using a verification system, the sheriff or other local law enforcement agency will also provide information on the existence and status of any order or injunction. • Electronic transmission may be used in processing this information for service. |
| Registration Required for Enforcement | Not required. |
| Military Jurisdictions | <p>Military Bases:</p> <ul style="list-style-type: none"> • 115FW • 128 ARW • Fort McCoy • USAREC, Milwaukee Battalion <p>Processes on Military Jurisdictions: Contact the individual military jurisdiction for service process details.</p> |

¹ Children can't be parties in domestic abuse or individual at risk cases in Wisconsin.

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| <p><u>Tribal Jurisdictions</u></p> | <p>Federally Recognized Tribe:</p> <ul style="list-style-type: none"> • Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation • Forest County Potawatomi Community • Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin • Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin • Ho-Chunk Nation of Wisconsin • Menominee Indian Tribe of Wisconsin • Oneida Nation • Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin • Sokagon Chippewa Community • St. Croix Chippewa Indian • Stockbridge Munsee Community <p>Processes on Tribal Jurisdictions: Contact the individual tribal jurisdiction for service process details.</p> |
| <p>Other Information</p> | <p>None</p> |

Out of State Service Fees¹:

None

For more information, please contact State Point of Contact Amber Peterson (amber.peterson@wicourts.gov).

If you would like to provide suggestions/feedback on this Profile, visit:
https://ncsc2.iad1.qualtrics.com/jfe/form/SV_eQzzYccGK38Q64C

¹ Courts should not charge a victim of domestic violence, dating violence, stalking, or sexual assault any costs associated with the filing, issuance, registration, or service of protection orders, whether issued by civil or criminal courts, including intra- and inter-jurisdictional orders. This no-cost provision also applies to any fees or costs associated with a criminal matter related to domestic violence, stalking, dating violence, and sexual assault (42 U.S.C. § 3796 hh(c)(4)). Charging any of these costs will render a jurisdiction ineligible for certain VAWA funds.