

**REVIEW PRIOR TO FILING TEMPORARY RESTRAINING ORDER (“TRO”)
AND PETITION FOR HARASSMENT INJUNCTION**

1. **What is a TRO?** A TRO is an order that prohibits or stops certain behavior from the time of the filing of the Petition until the Injunction hearing is held.
2. **What would cause my TRO to be turned down or denied?** Courts can’t grant TROs based on a hunch. You must provide a factual basis for granting a TRO.
3. **What is a factual basis?** This is a written statement plus other evidence (photos/texts/emails/other documents) that show what happened between the Respondent and you. The facts of your written statement and other evidence must provide a valid reason for granting a TRO.
4. **What kind of facts and evidence would provide a valid reason for granting a TRO?** The facts and evidence in the Petition must show the Respondent’s behavior falls into one of the categories listed in the harassment definition. For this reason, it is important to understand how the law defines “harassment”.
5. **What is “harassment”?** “Harassment is defined as: (a) Striking, shoving, kicking or otherwise subjecting the person to physical contact; or (b) Engaging in an act that would constitute child abuse under §48.02(1); or (c) Sexual assault under §940.225; or (d) Stalking under §940.32; or attempts or threats to do same; or (e) Engaging in a course of conduct or repeatedly committing acts which harass or intimidate the person and which serve no legitimate purpose.”

Some conduct may appear to be harassing but is not. For example, it isn’t harassment if someone calls you 30 times when you failed to return *his* truck. The caller would have a legitimate purpose—getting his property back. Another example: Your ex-spouse texts you multiple times after you ignored the placement schedule and took the kids to the Dells on *her* placement day. Your ex-spouse would have a legitimate reason for sending numerous texts if you violated a court order.

6. **Now that I understand the definition of “harassment,” I’m ready to write my statement. What details should I include?**
 - a. Respondent’s name and how you know him or her.
 - b. When it happened: month/date/year or general timeframe—such as July 2019 or Fall 2019.
 - c. Where it happened.
 - d. What happened: (Give examples: “On 5/1/20, she punched me in the eye.”). Did the Respondent do, attempt to do, and/or threaten to do any of the below to you:
 1. Strike, shove, kick or otherwise subject you to physical contact.
 2. Engage in an act that would constitute child abuse.
 3. Sexually assaulted you.
 4. Stalk you.

5. Engage in a course of conduct or repeatedly commit acts which harassed or intimidated you and which served no legitimate purpose.
(Bad behavior by Respondent's family or friends is not relevant and should not be included.)

7. **What if there was more than one incident?** You should include a description of each event. Insert all the details listed in Paragraph 5 in your written statement.
8. **The TRO petition only provides two lines to write my statement. Does this mean I should limit my description to this amount of space?** No. The TRO form indicates you should attach additional pages if necessary to describe the concerning behavior. If you chose to add extra pages, find the box in Paragraph 1 at the lower right side and insert a check mark.

Look for: **See attached**

9. **Can my TRO and/or Injunction prevent the Respondent from engaging in behavior against others besides me?** No. Both the TRO and Injunction can cover only one Petitioner and one Respondent. Each person who is an eligible victim must file his or her own petition. However, the Court may hear two petitions at the same injunction hearing, if the respondent is the same person.
10. **Does my written statement have to be typed?** No. A typed document is easier to read but not required. If you handwrite your statement, please make sure it is legible and written in BLACK ink. Your document will be scanned into an electronic court file. Ink in different colors does not scan well, and your document will be difficult to read if you use blue, red or other colored ink. Do not use pencil for the same reasons.
11. **Should I attach more than my written statement to the TRO/Petition?** Documentation that supports the factual basis of your TRO should be attached to your Petition. Photos, emails, and text messages can be considered as evidence at the Injunction hearing. Police reports and CCAP entries alone are not evidence.
12. **Should I bring copies of my Petition attachments (photos/screenshots of text messages/emails) or other evidence to the Injunction hearing?** Yes. You should bring THREE copies of each item that you plan to use as your evidence. Three copies are necessary, because they will be distributed to the court official, the respondent, and you will want a copy for yourself.

If you want the court to review video or audio recordings, you will need to bring a laptop to play this information used in court. For security reasons, the Court will not insert any device for viewing/listening into its computer. Please bring a USB flash drive with the exact recording used in court. This device will be kept by the court if the recording is deemed admissible evidence.