



Restraining Order/Courthouse Advocacy
 8:30 – 10:30 a.m.; 1:00 – 2:30 p.m.;
 evenings and weekends by appointment

Milwaukee County Courthouse
 901 North 9th Street, Room 711
 Milwaukee, WI 53233
 414-278-5079 • Fax 414-223-1807

Legal Emergency Assistance Program (LEAP)

Childrens Advocacy & Child Witness to Domestic Violence Programs

Ending Violence through Education

When Family Violence Comes to Work

1400 North 6th Street
 Milwaukee, WI 53212
 414-276-1911 • Fax 414-276-5001

www.tffv.org • info@tffv.org

Advocate's Name:

Telephone Number:

Individuals at Risk Restraining Orders

Who can file this kind of restraining order?

- An “**adult** at risk”
 An “adult at risk” is a legal adult (18 years or older) who has a physical or mental condition that substantially impairs their ability to care for themselves
 - An “**elder** at risk”
 An “elder at risk” is a person aged 60+
 - Any individual or agency acting on behalf of the adult/elder at risk.
 - An attorney can file for an adult or elder at risk.
- Whoever files the restraining order is called the “petitioner”.

Who can they be filed against?

- Anyone—relationship to the adult/elder at risk does not matter.
- Whoever the restraining order is against is called the “respondent”.

What does the court look for to give you this restraining order?

- That the adult/elder has experienced or is at risk of experiencing:
 - Physical Abuse
 - Emotional Abuse
 - Sexual Abuse
 - Treatment without consent
 - Unreasonable confinement or restraint
 - Financial Exploitation
 - Neglect
 - Harassment
 - Stalking
 - Mistreatment of an animal
 - Interference of/potential interference of:
 - Investigation of the individual at risk
 - Delivery of protective services to the individual at risk
 - Protective placement of the individual at risk
 - Delivery of service to the elder at risk
- **The court must also believe that the above interference would make it difficult to determine if grounds listed above (physical abuse, etc.) are occurring, have occurred or could occur.

These reasons are called the “grounds” for the restraining order.

continued on next page...

Individuals at Risk Restraining Orders Continued...

What are the fees for this order?

- There are no fees to file this order or to have this order served by the Sheriff's Department or for the Guardian ad Litem, if one is appointed.

What happens if I want to file this restraining order?

- You will meet with an advocate to help you fill out the legal paperwork and learn more about this restraining order.
- You will meet with a judge to see if they will give you the restraining order for 7 days. This is called the temporary restraining order or "TRO".
- You will be given a date to come back to court so the judge can hear your case and decide if they will give you the restraining order for a longer period of time. This longer restraining order is called the "injunction" and it can be given for up to four years.

What if the adult/elder at risk can't come to the court date?

- The judge would really like for the adult/elder at risk to be at the court date.
- If coming to court would be hard because of a disability talk to your advocate to see what help is available.
- If the adult/elder at risk cannot come to court for other reasons, it is up to the judge to decide if this is okay and the judge could decide to get a GAL to help with the case.

What is a GAL and when does the court decide to get a GAL to help with the restraining order?

- GAL stands for "Guardian ad Litem". A GAL is a lawyer and their job is to help the judge know what is going on and to decide what is best to do for the adult/elder at risk. They may ask questions or look for more information to help the judge decide.
- The judge MUST get a GAL to help with the restraining order if the adult/elder at risk is not the person filing it.
- The judge can also get a GAL to help with the case if they feel one is needed.

Are there other restraining orders I could file instead of this one?

- Maybe—talk with your advocate to see if you could file a Domestic Abuse or Harassment restraining order instead of the Individual at Risk order. Ask your advocate what is different about all of these orders.

Can I bring evidence or witnesses to court?

- **Yes!** Evidence or witnesses can help you prove your case. Talk to your advocate about how to do this.

Where else can I find help if I am being abused?

- Talk with your advocate to make a plan to be safe even if you get a restraining order.
- These numbers could also help:
 - Elder Abuse Helpline (for elder adults). You can call this number to report abuse against yourself or an elderly person: 414.289.6874
 - Adult Protective Services. You can call this number to find out about help for yourself or someone else with a disability between the ages of 18 - 59: 414.289.6660
 - Independence First (for adults with disabilities). You can call this number to find out about help for yourself or a person with a disability: 414.291.7520
 - Milwaukee Women's Center (for shelter). You can call this number if you need a safe place to stay or other help: 414.671.6140
 - Sojourner Truth House (for shelter). You can call this number if you need a safe place to stay or other help: 414.933.2722