



JERRY PETROWSKI

WISCONSIN STATE SENATOR

Senate Bill 490: Forwarding of Restraining Orders
Senate Committee on Judiciary and Public Safety
January 13, 2016

Mr. Chairman and committee members; thank you for taking the time to hear Senate Bill 490. This bill is a very simple bill that can have a large impact on victims of domestic abuse, stalking and violence.

Turning to an attorney and the court to seek a restraining order can be incredibly overwhelming, especially after a victim has endured whatever incident led to the restraining order. Current law, as it plays out practically, sometimes puts the burden on the victim to forward temporary restraining orders, among other orders, to law enforcement. This bill is simple and requires that a clerk of court forward the orders, notices and documents directly to law enforcement.

In addition to lifting that burden off of the victim, this bill makes some minor, technical tweaks to the restraining order process. Currently, sheriff's departments have a form they ask petitioners to fill out that gives information that is helpful for service, for example, where the respondent resides. This bill instead directs the clerks of court to provide this form to the petitioner.

Further, this draft authorizes the electronic transmission of the completed form from the clerk to the sheriff to execute service. Once service is accomplished, law enforcement may use a notification system administered by the Department of Corrections to provide more timely and efficient notification to the victim of service. The result will be a less confusing and burdensome process for victims and greater peace of mind during a stressful time.

This bill was drafted at the request of the Department of Justice and in conjunction with End Domestic Abuse Wisconsin. It is also supported by the Wisconsin Sheriffs and Deputy Sheriffs Association.

Thank you again for the opportunity to speak on this bill. I would be happy to answer any questions you may have.

29TH SENATE DISTRICT

STATE CAPITOL: P.O. BOX 7882 • MADISON, WISCONSIN 53707-7882
SEN.PETROWSKI@LEGIS.WISCONSIN.GOV • TELEPHONE: (608) 266-2502 • FAX: (608) 282-3569



Amy Loudenbeck

REPRESENTING WISCONSIN'S 31ST ASSEMBLY DISTRICT

**Testimony of Rep. Amy Loudenbeck
Assembly Bill 615
Assembly Committee on Criminal Justice and Public Safety
January 13, 2016**

Thank you to Chairman Kleefisch and my colleagues in the Assembly for the opportunity to provide testimony on Assembly Bill 615 relating to serving certain documents relating to restraining orders and injunctions.

There are roughly 30,000 domestic abuse incidents that are addressed by Wisconsin law enforcement agencies each year.¹ This number is truly surprising when you consider that many incidents are never even reported to law enforcement. When a victim of domestic abuse decides to stand-up and empower themselves through the court system, we need to ensure that the laws that are on the books are clear, concise, and do not place any unnecessary and unintended impediments in the way of a temporary restraining order being properly and expeditiously served.

Restraining orders and temporary restraining orders are not perfect, but they are the best tool to end or reduce the abuse and harassment of domestic violence victims. A 2009 study found that obtaining a restraining order was associated with an elimination of violence in 50% of cases within 6 months. Two studies from Seattle found that women with restraining orders were less likely to be abused, when compared to those who did not obtain them.^[2] In addition, 86% of women with restraining orders report the order either stopped or reduced the abuse.^[3]

While current law directs the sheriff to actually serve the temporary restraining order and other paperwork on the accused perpetrator (respondent), it is currently the victim's responsibility to take the court papers to the county sheriff and verify that the service has occurred. Having the victim personally deliver the paperwork to law enforcement is a confusing and unnecessary procedural requirement when victims may be in a life or death situation.

Under Assembly Bill 615, courts will automatically forward the documents to sheriffs' departments to execute service. Once service of the accused perpetrator (respondent) is accomplished, sheriffs' departments will be directed to use the online Wisconsin Statewide Victim Notification service (VINE) system, which can provide more timely and efficient notification to the victim. Quite simply, this common-sense modification to the process will be less confusing, time-consuming, and burdensome for victims while providing them with greater peace of mind during a very stressful and possibly traumatic time in their life.

I believe it is important to note that this legislation is supported by the Wisconsin Sheriffs and Deputy Sheriffs Association, as well as, the Wisconsin Coalition Against Domestic Violence.

¹ <http://www.widvplan.com/#lwi/c18ng>

² Hotaling, G., and E. Buzawa. "Victim Satisfaction with Criminal Justice Case Processing in a Model Court Setting." Final report for National Institute of Justice, grant number 2000-WT-VX-0019. Washington, DC: U.S. Department of Justice, National Institute of Justice, January 2003, NCJ 195668. <http://www.ncjrs.gov/App/Publications/abstract.aspx?ID=195668>

³ Ptacek, J. *Battered Women in the Courtroom: The Power of Judicial Responses*. Northeastern Series on Gender, Crime, and Law. Boston, MA: Northeastern University Press, 1999, NCJ 183008. <http://www.ncjrs.gov/App/Publications/abstract.aspx?ID=183008>

testimony



To: Members of the Assembly Committee on
Criminal Justice
Date: January 13, 2016
From: Tony Gibart, Public Policy Director

Wisconsin Coalition Against Domestic Violence
1245 East Washington Avenue, Suite 150
Phone: (608) 255-0539 Fax: (608) 255-3560
tonyg@endabusewi.org

Chairman Kleefisch and Members of the Committee, thank you for the opportunity to provide testimony in support of Assembly Bill 615. I want to thank Representative Loudenberg and Senator Petrowski for bringing this legislation forward. My name is Tony Gibart, and I am with End Domestic Abuse Wisconsin. We are the statewide voice for local domestic violence victim service providers and survivors in Wisconsin. Our members serve victims in all of the state's 72 counties and 11 tribes.

We enthusiastically support AB 615. This bill streamlines the process by which legal documents are transferred from the clerks of court's offices to the sheriffs' departments for service during the restraining order process. We urge the committee to recommend passage because these relatively simple and commonsense changes will make the process more efficient and, more importantly, make it easier for domestic violence victims to navigate the legal system and obtain needed protection.

Restraining orders are a legal mechanism by which victims can begin to regain control and achieve a measure of protection. While there are limits to the protections offered by a restraining order alone, research has shown restraining orders are effective in many, if not most, cases. A 2009 study found that obtaining a restraining order was associated with an elimination of violence in 50% of cases within 6 months. Two studies from Seattle found that women with restraining orders were less likely to be abused, compared to those who did not obtain them.¹ In addition, 86% of women with restraining orders report the order either stopped or reduced the abuse.²

Under current law, petitioners for restraining orders must physically take documents (such as the restraining order itself) from the courthouse to the sheriff's department for the sheriff's department to legally serve the document's on the respondent. Under the bill, these documents will be electronically transferred between the two offices. Therefore, victims, many of whom are already dealing with intense emotions, trauma and safety concerns, will not be forced to act as document couriers. Again, we strongly support relieving victims of this burden.

Thank you again for the opportunity to provide testimony. I want to reiterate our appreciation to Loudenberg and Senator Petrowski. I would be happy to answer any questions from the committee.

¹ Hotelling, G., and E. Buzawa. "Victim Satisfaction with Criminal Justice Case Processing in a Model Court Setting." Final report for National Institute of Justice, grant number 2000-WT-VX-0019. Washington, DC: U.S. Department of Justice, National Institute of Justice, January 2003, NCJ 195668.<http://www.ncjrs.gov/App/Publications/abstract.aspx?ID=195668>

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