



DCLRC Docket

October 2005

A Publication of the Dane County Legal Resource Center

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DVAM 2005: Domestic Violence and the Law

October is **Domestic Violence Awareness Month** and we are featuring guest columnist [Kristin Hoffschmidt](#), Legal Systems Coordinator at Domestic Abuse Intervention Services (DAIS) who describes below some legal options available to victims of domestic abuse.

Legal professionals can provide important information to clients who are experiencing domestic abuse. However, not all victims of abuse will decide to pursue a legal remedy. Timing is very important, because calling law enforcement or filing for a civil restraining order may sometimes increase the risk of harm to the victim. Safety planning and support are critical for all people who are experiencing domestic abuse, and a good place to start is to put the client in touch with a domestic violence program. National Domestic Violence Hotline: 1-800-799-SAFE (7233)
Dane County Domestic Violence Hotline: 1-800-747-4045

What options do victims of domestic violence have in the legal system?

Civil Restraining Orders

A person experiencing domestic abuse may seek a civil restraining order as part of their safety plan. In Wisconsin, a Domestic Abuse Restraining Order (§ 813.12) can order any combination of the following remedies: that the respondent not commit acts of domestic abuse against the petitioner; avoid the petitioner's residence or any location temporarily occupied by the petitioner; and/or avoid any contact with the petitioner. A Harassment Restraining Order (§ 813.125) can order the respondent to avoid the petitioner's residence or any location temporarily occupied by the petitioner, and/or to cease the harassing behavior named in the petition.

Obtaining a civil restraining order is a two step process: first, the petitioner must fill out the paperwork, get the petition approved by a Family Court Commissioner, file with the Clerk of Courts, and serve the respondent. Second, the petitioner must attend a hearing (usually a week later) in which a Judge reviews the testimony and decides whether or not to grant the order. Domestic Abuse Restraining Orders are free, and Harassment Restraining Orders are free if the petition describes behaviors that meet the criteria of § 940.32 (stalking) or § 813.12 (Domestic Abuse Restraining Orders). Also, if the petitioner is low income, s/he may qualify for a fee waiver.

Legal Advocates at Domestic Abuse Intervention Services can help victims of domestic abuse with support, safety planning, information, and advocacy about legal issues. The Legal Advocates can help people fill out and file paperwork and provide accompaniment to court hearings. We welcome questions from the community, as well. Please contact us through our help and crisis line (1-800-747-4045 or 608-251-4445) or visit our website at www.abuseintervention.org

Read more of Kristin's article on the DCLRCBlawg:

<http://dclrcblawg.blogspot.com/2005/09/october-is-dvam.html>

October Used Book Sale

Boo! **All Mystery and Horror books** are 50 cents off in our ongoing used book sale held in the library. New titles arrive each week. Be sure to stop in regularly to view our selection! Cleaning out your home library? Donate your books to DCLRC! We'll accept all books for our monthly book sale: Hardcover, novels, nonfiction, and paperbacks. Drop off your donations in room 315 any time we're open.

We also serve as a drop off location for softcover books and magazines that are donated to Dane County jail inmates.

DVAM 2005



News & Upcoming Events

New DCLRC Staff

Lisa Winkler has joined the staff as Library Associate. Lisa is a recent UW graduate in French and International Studies. She replaces Gretchen Treu. Welcome!



“Law and...” Series: October Topic

The topic for October is “*Domestic Violence Awareness Month*” and features information about domestic violence, prevention and crisis awareness, and several resources provided by the Domestic Abuse Intervention Services. Pictures of the displays and handouts listing relevant web links or a bibliography are [online](#).



DCLRC Librarian **Paula Seeger** and WSL Librarian **Connie Von Der Heide** hosted a poster session at the South Central Library System’s Annual System Celebration in Middleton on Sept. 15. The poster featured new pictures of the courthouse and web updates, as well as handouts and brochures listing each library’s services.

Have you *Blawg’d* us lately?

Don’t forget to check the [DCLRC Blawg](#) for all the local legal news, interviews, and research tips that are posted in between monthly newsletters! Visit us regularly or sign up for our notifier services when you’re on the blawg site.



October Legal Research Quiz

Answers will be published in next month’s newsletter.

1. What is the citation for the federal law named “TRAFFICKING VICTIMS PROTECTION ACT OF 2000”?
2. What Dane County court office processes domestic abuse temporary restraining orders?
3. The current domestic abuse arrest law [ss.939.621 and 968.075, Stats.] was created by what 1987 Wisconsin Act?
4. What is the citation for the federal law named “Violence Against Women Act of 2000”?



Answers to September’s Quiz:

1. Hon. Shelley Gaylord (while she was still Madison Municipal Court Judge)
2. *Ashcroft v. Free Speech Coalition* (198 F.3d 1083)
3. *The Chocolate War*
4. Supreme Court Justice Potter Stewart, dissenting *Ginzberg v. US* (383 US 463) 1966

End Notes

If you no longer wish to receive this newsletter via email, reply to this message with “no thanks” in the message.

Comments about this newsletter are welcome. Please contact the library at (608) 266-6316 or Paula.seeger@wicourts.gov. If you think others would enjoy this newsletter, feel free to forward it.