

# Expanded Venue for Restraining Orders:

## Better Protection for Some Victims of Domestic Abuse





## Expanded venue options for certain victims of domestic abuse might encourage more victims to obtain restraining orders and thereby save lives.

BY KARI L. NIESEN-LASCALA

In 2013, a woman who had been a longtime advocate for domestic abuse victims and the interim director of Rainbow House Domestic Abuse Services in Marinette County (hereinafter Rainbow House) was murdered by her boyfriend.<sup>1</sup> She had dedicated years to working with and helping other victims of domestic abuse before violently dying at the hands of an intimate partner.<sup>2</sup>

Devastated, her Rainbow House colleagues began to wonder how things might have been different and what, if anything, could have possibly protected their late friend and colleague.<sup>3</sup> They thought that if she had had the opportunity to seek a restraining order in a county other than the one where she lived and worked, which could have provided her with more anonymity, she might have chosen that option.<sup>4</sup>

Unfortunately, many victims<sup>5</sup> of domestic abuse feel shame and embarrassment about the abuse even though it is not their fault.<sup>6</sup> Those feelings can be exacerbated for victims in this line of work who help others.

To honor this victim and to protect other similarly situated victims, her friends and colleagues determined that broader venue laws in restraining order cases could help other advocates who are experiencing abuse.<sup>7</sup> But their aim was wider because they understood that other actors in the court system – and those with certain relationships to them – may also be experiencing abuse and could also benefit from more expansive venue laws, including certain legal professionals, law enforcement officers, and employees of the county court system.<sup>8</sup>

In collaboration with End Domestic Abuse Wisconsin (hereinafter End Abuse), the statewide coalition against domestic violence, Rainbow House

advocated for and was the driving force behind the changes in the restraining order venue laws that were signed into law by then Governor Scott Walker and became effective on April 18, 2018.<sup>9</sup>

### Expanded Venue Law for Domestic Abuse, Harassment, and Child Abuse Restraining Orders

There are four types of restraining orders in Wisconsin, each with requirements and remedies: domestic abuse,<sup>10</sup> harassment,<sup>11</sup> child abuse,<sup>12</sup> and individuals at risk.<sup>13</sup> Venue to file a temporary restraining order or injunction is generally in the county in which the cause of action arose, the county in which the petitioner or the respondent resides, or the county in which the petitioner is temporarily living, depending on the type of restraining order sought.<sup>14</sup>

However, 2017 Wis. Act 302 provides an expanded venue in domestic abuse, harassment, and child abuse restraining orders for the groups listed below. The relevant part of these statutes is the following<sup>15</sup>:

“... except that venue may be in any county within a 100-mile radius of the county seat of the county in which the petitioner resides or in any county in which the petitioner is temporarily living if the petitioner is any of the following:

- (a) A victim advocate, as defined in s. 905.045 (1) (e).
- (b) An employee of the county court system.
- (c) A legal professional practicing law, as defined in SCR 23.01.
- (d) A current or former law enforcement officer, as defined in s. 102.475 (8) (c).
- (e) The spouse of a person listed in

par. (a), (b), (c), or (d).

(f) A person who is currently or has been in a dating relationship, as defined in s. 813.12 (1) (ag), with or a person who has a child in common with a person listed in par. (a), (b), (c), or (d).

(g) An immediate family member, as defined in s. 97.605 (4) (a) 2., of a person listed in par. (a), (b), (c), or (d).

(h) A household member, as defined in s. 813.12 (1) (c), of a person listed in par. (a), (b), (c), or (d)."

This is an important and potentially lifesaving law. It provides victim advocates, employees of the county court system, legal professionals practicing law (that is, attorneys practicing law in Wisconsin), and current and former law enforcement officers a broader venue in which to file a restraining order that can provide more anonymity. Like advocates, attorneys and the others specified under these laws might be deterred from petitioning for and litigating a restraining order in the county in which they live, especially if they would have to do so in front of familiar court personnel or colleagues.

Importantly, these restraining order venue laws provide the same expanded venue opportunity for petitioners with certain relationships to those listed above; specifically, spouses, immediate family members, and household members of and individuals who are or were in a dating relationship with or have a child in common with a victim advocate, a county court system employee, a legal professional practicing law, or a current or former law enforcement officer.<sup>16</sup>

By way of example, a spouse of an



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abusive law enforcement officer can file a petition within a 100-mile radius of the county seat of the county in which that spouse resides or is temporarily living. A victim in this situation may be more likely to seek a restraining order in a location that not only provides more anonymity but could also alleviate concerns that there will be bias or inequity in a courtroom in cases in which their abusive spouse is well known or well

liked and respected by colleagues and court officials.

Of note, the expanded venue does not apply to petitioners seeking individual-at-risk restraining orders. Venue in those restraining order cases is in the county where the claim arose<sup>17</sup> (that is, the abuse occurred) or the county in which the respondent resides.<sup>18</sup> Although beyond the scope of this article, depending on the situation, a

petitioner seeking an individual-at-risk restraining order may also be eligible for either a domestic abuse or a harassment restraining order. In that case, if venue is a concern, the petitioner could consider either of those other two restraining order options.

This law acknowledges that anyone can be a victim,<sup>19</sup> even advocates who work with survivors or who are attorneys, county court employees, or in law enforcement. “Anyone can be a victim of domestic violence. Those of us working in these professions are not exempt. We deserve the same anonymity and confidentiality of services as anyone else,” said Courtney Olson, director of Rainbow House.

### Domestic Violence and Its Devastating Impact

Domestic violence is a significant public health crisis<sup>20</sup> that affects individuals

throughout the U.S., regardless of age, gender, gender identity, economic status, race, religion, or educational level.<sup>21</sup>

It is a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner.<sup>22</sup> It occurs in both opposite-sex and same-sex relationships, whether people are married, living together, or dating or have a child in common.<sup>23</sup>

In the U.S., an average of three women are killed by a current or former intimate partner every day.<sup>24</sup> Survivors of color and survivors who are immigrants face increased barriers to accessing safety and resources.<sup>25</sup> These communities have a more challenging and complex historical relationship with the legal system and law enforcement. A 2019 survey found that 76% of advocates reported that many immigrant survivors fear seeking police protection

### Additional Resources

End Abuse is not a crisis hotline or agency; it does not provide shelter, safety planning, or other direct services. However, the “Get Help” map on its website, <https://www.endabusewi.org/get-help/>, can assist with finding domestic violence agencies throughout Wisconsin.

Attorneys and other professionals working with victims of domestic abuse can also reach out to End Abuse’s Legal Team for legal technical assistance: LegalTA@endabusewi.org or (608) 255-0539, ext. 5.

Additionally, one can also call the 24/7 National Domestic Violence Hotline at (800) 799-7233. **WL**

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or help in the court system and would rather suffer through the abuse than risk being deported and separated from their children.<sup>26</sup>

End Abuse's annual homicide report indicates that in 2023, 85 deaths in Wisconsin were attributed to domestic abuse.<sup>27</sup> Firearms were the most common means of perpetrating domestic violence homicides.<sup>28</sup> Since End Abuse began tracking domestic-violence-related homicides in 2000, at least 1,353 individuals in Wisconsin have been killed in domestic violence homicides.<sup>29</sup> These are not just statistics – these victims were people's family members, friends, and colleagues.

Domestic violence is more than just physical abuse and can include sexual, emotional, economic, psychological, or technological actions or threats or other patterns of coercive behavior.<sup>30</sup> It is not uncommon for victims of domestic abuse to share little about what they are experiencing or even to remain silent

about it. Many victims feel shame and embarrassment about the abuse they are experiencing, but perhaps just as devastating, they often worry nobody will believe them.

Unfortunately, society – and the legal system – can reinforce those beliefs. Many people do not understand the dynamics of domestic violence and might wonder why a person would not just leave a relationship if they were being abused.

However, there is a myriad of reasons why it is so challenging for a victim to “just leave,” including, but not limited to, economic dependence on the abusive person, housing insecurity, lack of resources, cultural or religious constraints, isolation, and even feelings of love for that abusive person and the hope that they will change.<sup>31</sup> The much better question is, “Why does someone abuse another person?”

Crucially, the time when a victim is making a plan to leave an abusive relationship or is in the midst of leaving

is often the most dangerous time for victims, their children, and even their pets. Domestic violence is about power and control and when abusive people realize they are losing this grasp, it is not uncommon for them to retaliate and escalate the abuse, including by murdering the victim and, sometimes, other people.<sup>32</sup>

## Conclusion

Victims of domestic abuse face many challenges. Although a restraining order is a piece of paper and not an iron shield, it can be a strong tool to help keep victims safe. The expanded venue laws can provide attorneys practicing law in Wisconsin, or any client who may fit into one of those specified categories, with a more accessible means of seeking a restraining order. **WL**

## ENDNOTES

<sup>1</sup>Rainbow House, *About Us*, <https://therainbowhouse.us/about-us/> (last visited Nov. 8, 2024).

<sup>2</sup>*Id.*

<sup>3</sup>Interview with Courtney Olson & Jessica Honish of The Rainbow House Domestic Abuse Services in Marinette County, Wis., Oct. 30, 2024.

<sup>4</sup>*Id.*

<sup>5</sup>In this article, the word “victim” is used instead of “survivor.” Some people may identify as a victim while others prefer the word survivor. When working with people who have experienced domestic abuse, the best practice is to ask their preference.

<sup>6</sup>A. Rachel Camp, *From Experiencing Abuse to Seeking Protection: Examining the Shame of Intimate Partner Violence*, Georgetown U. L. Ctr. (2022), [https://scholarship.law.georgetown.edu/cgi/viewcontent.cgi?params=/context/facpub/article/3498/&path\\_info=From\\_Experiencing\\_Abuse\\_to\\_Seeking\\_Protection\\_\\_Examining\\_the\\_Shame5.24.pdf](https://scholarship.law.georgetown.edu/cgi/viewcontent.cgi?params=/context/facpub/article/3498/&path_info=From_Experiencing_Abuse_to_Seeking_Protection__Examining_the_Shame5.24.pdf).

<sup>7</sup>Olson & Honish interview, *supra* note 3.

<sup>8</sup>*Id.*

<sup>9</sup>Wisconsin Legislative Council Act Memo, 2017 Wisconsin Act 302 [2017 Assembly Bill 581], *Venue Requirements for Domestic Abuse, Child Abuse, and Harassment Restraining Orders and Injunctions* (April 25, 2018) [hereinafter Wis. Leg. Council Act Memo], <https://docs.legis.wisconsin.gov/2017/related/lcactmemo/act302.pdf>.

<sup>10</sup>Wis. Stat. § 813.12.

<sup>11</sup>Wis. Stat. § 813.125.

<sup>12</sup>Wis. Stat. § 813.122.

<sup>13</sup>Wis. Stat. § 813.123.

<sup>14</sup>See Wis. Leg. Council Act Memo, *supra* note 9.

<sup>15</sup>See Wis. Stat. § 801.50(5r), (5s); Wis. Leg. Council Act Memo, *supra* note 9. For reference, here is a list of the county seats in Wisconsin: <https://www.wicounties.org/the-counties/>.

<sup>16</sup>Wis. Stat. § 801.50(5r), (5s).

<sup>17</sup>Wis. Stat. § 801.50(2)(a).

<sup>18</sup>See Wis. Stat. § 801.50(2)(c).

<sup>19</sup>Off. on Violence Against Women (OVW), U.S. Dep't of Just., *Domestic Violence*, <https://www.justice.gov/ovw/domestic-violence> (last visited Nov. 8, 2024) [hereinafter OVW].

<sup>20</sup>CDC Intimate Partner Violence Prevention, *About Intimate Partner Violence*, <https://www.cdc.gov/intimate-partner-violence/about/index.html> (last visited Nov. 8, 2024).

<sup>21</sup>Nat'l Network to End Domestic Violence, *Domestic and Sexual Violence Fact Sheet* (updated June 2022), <https://nnedv.org/wp-content/uploads/2022/07/DVSA-Fact-Sheet-Updated-71222.pdf> [hereinafter Nat'l Network]; OVW, *supra* note 19.

<sup>22</sup>OVW, *supra* note 19.

<sup>23</sup>*Id.*

<sup>24</sup>Nat'l Network, *supra* note 21.

<sup>25</sup>*Id.*

<sup>26</sup>Asian-Pac. Inst. on Gender Based Violence et al., *May 2019 Findings: Immigrant Survivors Fear Reporting Violence*, <https://www.tahirih.org/wp-content/uploads/2019/06/2019-Advocate-Survey-Final.pdf>.

<sup>27</sup>End Domestic Abuse WI, *End Domestic Abuse Wisconsin Homicide Report 2023* (Oct. 2024), <https://edaw-webinars.s3.us-east-2.amazonaws.com/wp-content/uploads/2024/10/08013817/2023-Wisconsin-Domestic-Violence-Homicide-Report.pdf>.

<sup>28</sup>*Id.*

<sup>29</sup>*Id.*

<sup>30</sup>OVW, *supra* note 19.

<sup>31</sup>Nat'l Domestic Violence Hotline, *Why People Stay*, <https://www.thehotline.org/support-others/why-people-stay-in-an-abusive-relationship/> (last visited Nov. 8, 2024).

<sup>32</sup>*Id.*; Domestic Violence Servs. Network Inc., *Why It's Not Always Safe/Right to Leave an Abuser* (July 14, 2022), <https://www.dvsn.org/july-2022-why-its-not-always-safe-right-to-leave-an-abuser/>.

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