

What is an Order of Protection?

With an Order of Protection, you can ask a judge to protect you from your abuser. For example, a judge can order the abuser to:

- Stop abusive acts
- Not contact you
- Stay away from your home, school, or work
- Attend counseling
- Pay child support
- Move out of a home you share

How do I get an Order of Protection?

You can ask for an Order of Protection by:

- Contacting a local domestic violence program and asking for help at 309-837-5555
- Going to your local Circuit Clerk's office to file a petition on your own in civil court;
- Asking a lawyer to file a request for an Order of Protection in court or as part of an existing case like a divorce; or
- Requesting a criminal Order of Protection once criminal charges are filed by the State's Attorney.

Who is the petitioner in an Order of Protection case?

The person who is asking the judge for an Order of Protection against their abuser is called the petitioner.

Who is the respondent in an Order of Protection case?

The person who an Order of Protection has been filed against is called the respondent.

How much does an Order of Protection cost?

Nothing. There is no fee to file for an Order of Protection. Also, the Sheriff won't charge you to deliver a copy of your court papers to the other respondent.

Can I have a lawyer help me?

You can choose to hire a lawyer, but you don't need one to get an Order of Protection. You can file for an Order of Protection on your own.

Most courthouses offer free legal help for you to file a case. For more information, visit the Illinois Coalition Against Domestic Violence's website, www.ilcadv.org

Who can I get an Order of Protection against?

You can get an Order of Protection against:

- Anyone in your family or household including anyone you are related to by blood or by marriage;
- People you have a relationship with through a child. For example, the child's grandparent; and
- People you are currently dating or living with.
- People who have acted violently to one of your employees while at work or who are threatening to act violently to one of your employees while at work.

How soon can I get an Order of Protection?

You can ask the court for an Emergency Order of Protection if you can convince the judge that you are in immediate danger. The abuser does not need to be in court.

What should I write in my petition asking for an Order of Protection?

Your petition tells the judge what you are asking for and why you are asking for it. Use this court form to ask for an Order of Protection. Court forms are available in the "Letters/Forms" section.

You are asked to write a description about past acts of abuse that you experienced. It is important to include as many details about past abuse that you can remember. The judge will read your petition and decide whether to give you an Order of Protection based what you write.

When writing about past events, you may want to include information about:

- What your abuser did and said
- The approximate date and time of day of the abuse
- Where the abuse occurred
- Who saw the abuse, especially if your children were there
- If you suffered any injuries from the abuse
- If the police were called
- How the abuse made you feel

I'm afraid to give my home address. Do I have to include it in my court papers?

No. If you feel that giving your home address will put you or any people you live with at a risk of abuse, you do not have to put your address on your court papers.

You do have to put an address where you can receive mail in case the respondent files any court papers. You can use a P.O. Box, work address, or the address of a family member or friend that the respondent knows.

What can I ask for in my Order of Protection?

There are many things that you can ask the judge to order as part of your Order of Protection. For example, you can ask the judge to order that the respondent:

- Have no contact with you or other household members
 - Does not abuse or harass you anymore
 - Leave your home
 - Stay away from other addresses, such as your work or your child's school
- To learn more about what you can ask from the court, see the information in the "Related Articles" section.

We live together. Can I keep the abuser out of our home?

If you live with your abuser, you can ask for "exclusive possession" of the home. This means the abuser will have to leave and stay away from the home.

If the abuser has a legal right to be in the home, the judge will need to decide whether it is more difficult for you or the abuser to leave. The judge may ask you if you have another place to stay, if the respondent has another place to stay, if any children live with you, if both of you work, and if your home is near your workplace or your children's school.

If the judge orders exclusive possession, call the police and ask that they escort you home. Make sure to tell the police officer that you have an Order of Protection and need the respondent removed from your home. The police will meet you at your home and tell the abuser they have to leave.

The court can order that you or the respondent be able to go into the house without the police to get clothing, medicine, or other items you need.

What happens to my children if I get an Order of Protection?

The judge can add all your children as "protected persons" on the Order of Protection, meaning that they will be protected by the order.

If you have minor children in common with your abuser, the judge may give you temporary physical care and control and/or custody of your children.

The court may also limit or deny the abuser's visitation. The judge may do this if the abuser has done, or is likely to do, any of the following:

- Abuse or cause danger to the children during visitation
 - Use visitation as an opportunity to abuse or harass you and your family members
 - Hide the children or keep them from you
 - Act in a way that is not in the best interests of the children
- The court may order the abuser to meet the children at a place other than your house. The judge will consider restrictions on visitation only if you ask for it in your petition.

The judge can also order the respondent to pay temporary child support.

Can I protect my pets from the abuser?

You may ask the judge in the petition to grant you any animals owned by you, the abuser, or any minor child living in either household. The judge can order the abuser to stay away from the animal and to not hurt, sell, or hide the animal.

If I share personal property, like a car, with the abuser who gets it?

You can ask the court to give you any property that you have a legal right to. If you are or were married, you and your spouse both have a legal right to all property either of you bought during the marriage. If you are not an owner of the property, the judge will not give it to you. You can also ask the judge to order the abuser not to sell, hide, or damage any property that you own.

Remember that for any of this to happen, you must ask for it in your petition for an Order of Protection.

What if the abuser has access to a gun?

If you can convince the judge that there is any danger of you being harmed with a gun, the judge can order that the abuser's guns and Firearm Owner's Identification Card (FOID) be turned over to local law enforcement. If the respondent is not in court, the Judge can issue a warrant for these items.

How will the abuser find out I filed for an Order of Protection?

The Sheriff will serve the petition on the abuser (the respondent), along with the Emergency Order of Protection, if one was granted. The abuser must obey the Emergency Order of Protection once they know about the order or receive the papers from the Sheriff.

You will have a court date later to decide if you should be given a Plenary Order of Protection, which can last for up to two years.

How long does an Order of Protection last?

The length of time an Order of Protection lasts depends on the type of order. There are three types of orders:

- **Emergency Order of Protection:** The court can issue this order on the same day you ask for it. The Emergency Order lasts for 14 to 21 days. The judge may give you an Emergency Order of Protection without your abuser knowing about the case beforehand.
- **Interim Order of Protection:** The judge may give you an Interim Order after the abuser has been served or if several attempts have been made to serve the abuser. This order may last for up to 30 days.
- **Plenary Order of Protection:** A plenary order is given after the abuser is served by the Sheriff and has a chance to go to court. This order can last for up to two years. The expiration (end) date will be listed on your Order of Protection.

What happens if my abuser violates the Order of Protection?

If the Respondent violates the Order, you should call the police and make a police report.

An abuser who disobeys an Order of Protection, can be arrested and charged with a crime.

You can also file other court papers to enforce your Order of Protection in civil court.

Do I need to have a copy of the Order of Protection with me to get the abuser arrested?

No. If you do not have a copy of it with you, an officer can check in their computer system and see if there is an Order. But it is best to keep a copy of the order with you at all times.

Can I talk to the person I got the Order of Protection against?

An Order of Protection forbids actions by the abuser only. The order does not forbid you from contacting the abuser.

But, such contact can be harmful to you. For example, if the judge learns you have been contacting the abuser, this may affect his or her decision to give you a longer Order of Protection or extend the time period of your current order. The Judge may have concerns about your reasons for getting the Order, and whether you really need the Court's protection.

What if I need to change or dismiss my Order of Protection?

You can go to court and file a Motion to Modify or Motion to Terminate your Order of Protection. The Clerk will set a court date, and you will have to mail the Respondent a copy of your Motion. When you return to court, the Judge will decide if he or she will modify (change) or terminate (end) the order.

Can I renew my Order of Protection when it expires?

Yes. If you are still afraid of the abuser, you can ask the Court to extend your Order of Protection. You must ask to extend your order before it ends. You will need to go to Court a few weeks before it ends and file a Motion to Extend your Order of Protection. The Clerk will set a court date, and you will have to mail the Respondent a copy of your motion. When you return to court, the Judge will decide if he or she will extend your Order of Protection.

Is my Order of Protection good outside of Illinois?

Yes, all states and the District of Columbia must enforce each other's Orders of Protection under the Federal Violence Against Women Act.

If you are living outside of Illinois, you should tell the local police about the Order of Protection to make sure that they know about it.

What is workplace violence?

Workplace violence is when an employee is a victim of violence at work or is under threat of violence at work. An employer can get an Order of Protection to protect their employees from workplace violence.

Forms/Letters

You may use these forms and instructions to help you solve your problem. To find out where to file court forms and if there are any fees to file the forms, check with your county Circuit Clerk. To find out how to contact your Circuit Clerk, visit the Illinois Courts' website, http://www.state.il.us/court/CircuitCourt/CircuitCourtJudges/CCC_County.asp

- Order of Protection Information Checklist - Use this checklist when getting ready complete the Order of Protection interview http://www.illinoislegalaid.org/index.cfm?fuseaction=home.dsp_content&contentID=5896
- Order of Protection HOTDOCS - A form preparation program to help you create documents asking the court to order someone to stop harming or threatening harm to you and/or other household members. Not for use in Cook County. https://www.lawhelpinteractive.org/login_form?template_id=template.2012-12-12.2755462068&set_language=en
- Request for Time Off from Work Due to Domestic Violence A2J - A form preparation program to help you create a letter requesting time off of work to deal with problems caused by domestic violence or sexual violence. https://www.lawhelpinteractive.org/login_form?template_id=template.2012-12-19.0624321533&set_language=en

Instructions

1. Complete your court forms
2. File Your Petition and Attend the Hearing

Complete your court forms

Court forms are available online under the "Forms/Letters" tab.

File Your Petition and Attend the Hearing

1. File your petition for with the Circuit Clerk's Office. Remember, you will not be charged a filing fee.
2. The clerk will file your court papers and tell you the judge who will be hearing your petition for an Emergency Order of Protection.

3. The Judge will hear your case for an Emergency Order without the abuser present. The judge will read your petition for an Order of Protection. The judge may ask you questions about the abuser, about details of the abuse, and about your children. The judge will then determine if an emergency order is necessary. He or she will also set a date for a full court hearing for a plenary (long-term) Order of Protection.

4. The Clerk will take the court documents to the county sheriff's office. The Sheriff will serve the Petition and Summons to the abuser. If an Emergency Order of Protection was issued, it will be sent to the Respondent as well. The Sheriff's office keeps a copy of the order on file.

5. Hearing for the Plenary Order of Protection

You must attend your court date. If you do not appear, the judge may cancel your Order of Protection and you will have to start over. The judge may not be as willing to grant you another Order of Protection if you failed to appear at your first court date.

At your hearing, you and the abuser (respondent) will be allowed to talk to the judge. You can bring witnesses or evidence to help you explain why you need your Order of Protection to continue. Examples of useful evidence are medical records from an emergency room visit or pictures showing abuse, like holes in a wall, or bruises. If you win your hearing, the judge will enter a Plenary Order of Protection.

If the abuser does not come to court, the judge may decide to go forward with a hearing and extend your Order of Protection. The judge may also decide to continue your case and reschedule the hearing. If the judge does continue your case, the judge will extend your Order of Protection until the next court date.

Reference: Illinois Legal Aid Online. (2001-2015). Retrieved from

http://www.illinoislegalaid.org/index.cfm?fuseaction=home.dsp_content&contentID=5177&zipcode=61462&criteria=domestic%20violence&print=yes