

HOW TO ASK FOR AN ORDER OF PROTECTION

Who can ask the court for an *Order of Protection*?

- People who have been abused by a family or household member, caregiver, current or ex-boyfriend, current or ex-girlfriend, or current or ex-spouse, a person with whom you live or used to live, or someone who is the other parent of your child; OR
- People filing on behalf of any person who has been abused but is unable to file on their own.

NOTE: The court cannot grant an *Order of Protection* if Respondent is not a family member, caregiver, or a current or ex-boyfriend, girlfriend, or spouse.

Different protection laws may apply where there has been:

- Stalking: illinoislegalaid.org/stalkingnocontact
- Sexual Assault: illinoislegalaid.org/civilnocontact

Who else can be protected by my *Order of Protection*?

- Anyone who lives or works in your house;
- Your minor children, even if they don't live with you;
- High risk adults with disabilities; AND
- Your animals.

What forms do I need to fill out to seek an *Order of Protection*?

- *Petition for Order of Protection*: gives the court information to decide if you can get an *Order of Protection*.
- When you file the *Petition*, ask the Clerk if you need to fill out any other forms.

Where can I find the forms I need?

You can get printed forms from the Circuit Clerk at your local courthouse. You can also get them at:

illinoiscourts.gov/Forms/approved/Circuit.asp

What if I need help filling out my forms?

- If you need help with the writing or filing of the *Petition*, ask the Circuit Clerk for assistance.
- Advocates may be available to assist you. If you want to speak with an advocate, call the Illinois Statewide Domestic Violence Hotline at 877-863-6338.

What costs will I need to pay to file my forms and have them served on (delivered to) Respondent?

- None.

What do I do after I fill out my forms?

Step 1: File your forms with the Circuit Clerk in the county where your court case should be filed.

- File your case in the county
 - where you live;
 - where Respondent lives;
 - where the abuse occurred; OR
 - where you are staying to avoid abuse.
- You qualify for an exemption from e-filing because you are filing for an order of protection.
 - Fill out a *Certification for Exemption from E-Filing* found here: illinoiscourts.gov/Forms/approved/default.asp.
 - File the original and 1 copy of your form, and the *Certification*, with the Circuit Court Clerk office in person or by mail.
- However, you have the option to e-file. To e-file create an account with an e-filing service provider.
 - Visit efile.illinoiscourts.gov/service-providers.htm to select a service provider. Some service providers are free while others charge a processing fee.
 - For instructions on how to e-file for free with Odyssey eFileLL, see the self-help user guides here: illinoiscourts.gov/CivilJustice/Resources/Self-Represented_Litigants/self-represented.asp
- If you do not have access to a computer, or if you need help e-filing, take your form to the Circuit Clerk's office where you can use a public computer terminal to e-file your forms.
 - You can bring your form on paper or saved on a flash drive.
 - The terminal will have a scanner and computer that you can use to e-file your form.

Step 2: Ask for a court date.

- Ask the Circuit Clerk if you have to schedule a court date or if one will be scheduled automatically.
- You have the option to
 - request an *Emergency Order of Protection* now and you will have a date for the *Plenary Order of Protection* later; OR
 - you can request only a date for the *Plenary Order of Protection* and Respondent will get a copy of the *Petition* before that date but no order will be in place until that court date.

GETTING READY FOR YOUR EMERGENCY ORDER OF PROTECTION COURT DATE

Step 1: Get ready for your court date.

- Your hearing for the *Emergency Order of Protection* may happen immediately after filing the *Petition*.
- Decide:
 - What you want the judge to do for you;
 - What you will say to the judge if asked to tell your side of the case (including a reason why you need an order before Respondent gets notice of your request); AND
 - Questions you have for witnesses, if there are any.

Gather and make copies of pictures and documents you want the judge to see. Bring the original for the judge and one copy for you.

Step 2: Go to your court hearing.

- Get to the courthouse at least 30 minutes early.
- Go to the courtroom number listed on your court form. If your forms do not have a courtroom number look for a list of cases at the courthouse or ask the Circuit Clerk.
- Check in with the courtroom staff and wait for your name and case number to be called.
- When your case is called, walk to the judge and introduce yourself.

Step 3: How do you present your case to the judge?

- The judge may require you to give your side of the case and answer questions.
- Bring evidence including documents and photos.
 - Give a copy to the judge. Be prepared to explain why the document or photo is important.
- Bring and question witnesses.
 - Tell the judge the name of your witnesses.
 - Ask the witnesses questions you prepared in advance.
 - The judge and Respondent, if present, may ask questions of you and your witnesses.

Step 4: A decision will be made at your court date.

- The judge has to make a decision. The decision is called a court order.
- If granted:
 - If the judge decides there was abuse, an *Emergency Order of Protection* will be entered and start as soon as Respondent is notified by law enforcement. If the judge grants your request for an *Emergency Order of Protection*, you will receive a copy of the *Order*. This *Order* can last up to 21 days. Another court date will be scheduled.

- If denied:
 - If the judge decides there was no abuse, you will not get an *Order of Protection* and the case will be over.
 - If the judge decides there is no emergency, but you may need an order, they will schedule another court date for a hearing whether you will get a *Plenary Order of Protection*. This means that you do not have an *Order of Protection* yet. Before the next court date, Respondent will be served with a copy of your *Petition*.
 - If you do not want Respondent to be served if you do not have an *Emergency Order of Protection*, you can drop your *Petition*.

GETTING READY FOR YOUR PLENARY ORDER OF PROTECTION COURT DATE

Step 1: The sheriff in the county where Respondent resides will serve Respondent with copies of your forms and notice of the court date without charge.

Fill out a *Summons (Protective Orders)*. A *Summons (Protective Orders)* tells Respondent that you have asked for an *Order of Protection* against them. Staple the *Summons* to the front of the copy of your forms (including notice of the court date if your emergency order is denied).

- Find the *Summons (Protective Orders)* form at: illinoiscourts.gov/Forms/approved/.
- Get the name, address, and telephone number of the sheriff for the county or the state where Respondent lives.
- If Respondent lives in the county you are in, the Circuit Clerk will tell you how to get copies of it to the sheriff.
- If Respondent does not live in the same county or state where the case was filed:
 - Call the Sheriff in that county or state to find out:
 - If it is the correct Sheriff's Department for the address where you want Respondent served;
 - The address where you should bring or mail your *Summons* and forms; and
 - The number of copies of the *Summons* and forms to bring or send.
 - Include the *Letter to the Sheriff* found at: illinoiscourts.gov/Forms/approved/.
 - Include a self-addressed and stamped envelope for the Sheriff to mail the Affidavit of Service to you.

Step 2: Get ready for your court date.

- Decide:
 - What you want the judge to do for you;
 - What you will say to the judge if asked to tell your side of the case; AND
 - Questions you have for witnesses, if there are any.

- Gather and make copies of pictures and documents you want the judge to see such as receipts, text messages, and photos. Bring the original for the judge and one copy for you and Respondent.
- If you want the judge to hear from other people, those people will have to come to court and be witnesses (in most cases, you cannot bring in written statements of witnesses).

Step 3: Return on your next court date.

- Bring these items with you to court:
 - Copies of all the documents you filed with the Circuit Clerk; AND
 - Any witnesses or other evidence you have to show that your story is true, such as receipts, text messages, and photos.
- Get to the courthouse at least 30 minutes early.
- Go to the courtroom number listed on your court form. If your forms do not have a courtroom number look for a list of cases at the courthouse or ask the Circuit Clerk.
- Check in with the courtroom staff and wait for your name and case number to be called.
- When your case is called, walk to the judge and introduce yourself.

If the sheriff has NOT given papers to Respondent:

- The judge may ask if you know a better address where the sheriff can deliver the papers and court notice.
- If you have an *Emergency Order of Protection*, the judge may extend it and give you a court date to return. The sheriff will again try to give notice of the *Order* to Respondent.
- If the sheriff can't find Respondent to deliver the papers, you can ask the judge to allow service by publication in a newspaper.

If the sheriff has given papers to Respondent there will be a court hearing:

- If Respondent does not come to court, the judge may grant you a *Plenary Order of Protection*.
- If Respondent comes to court, Respondent may agree to an *Order* or may ask for a hearing.
- The judge can either hold the hearing immediately, or give you or Respondent more time to try to find a lawyer or gather evidence.

Step 4: How do you present your case to the judge?

- Tell the judge your side of the case and answer questions.
- Use other evidence including documents and photos that you bring.
 - Give a copy to the judge. Be prepared to explain why the document or photo is important.
- Question witnesses.
 - Tell the judge the name of your witnesses.
 - Ask the witnesses questions you prepared in advance.
 - The judge and Respondent can ask questions of you and your witnesses when you are done.

Step 5: What do I do when Respondent presents their case?

- Respondent will also get to present their case by testifying, giving the judge evidence, and questioning witnesses.
- You will get to see any documents and photos Respondent brings to court. If you do not think the judge should consider them in making a decision about your case, tell the judge why.
- You may ask questions of Respondent and their witnesses. Write down your questions while they are speaking to Respondent or judge.

Step 6: Will a decision be made at my hearing?

- The judge has to make a decision. The decision is called a court order.
- After the hearing, the judge will either GRANT or DENY you a *Plenary Order of Protection*.

Step 7: If the judge gives you an *Order of Protection*.

- The *Order* has to be given to Respondent. Ask the Circuit Clerk who will give the *Order* to Respondent.
 - If Respondent does not come to court, Respondent must be served with the *Order*. To serve Respondent, follow the instructions under Step 1 (Getting Ready for Your Plenary Order of Protection Court Date) above.
- Read through the *Order* to make sure nothing is wrong or missing.
- Always keep a copy of the *Order* with you.
- Give copies of the *Order* to anyone else who should have it, such as your workplace, child's school, childcare provider, or local police department.
- If Respondent violates any part of the *Order*, call the police immediately.