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## Are You Considering An Order of Protection? (Rev 12/27/07)

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### What is an Order of Protection (OP)?

An Order of Protection (OP) is a court order that is designed to protect victims of domestic violence. It is issued by a judge and tells the Respondent (the person accused of abuse) what he/she can or cannot do. It is enforceable in all 50 states.

If you are unsure whether you are a victim of domestic abuse, go to [www.familyshelterservice.org/assess.html](http://www.familyshelterservice.org/assess.html) for a Checklist of Abusive Behaviors.

### Who can ask for an OP?

The victim (or Petitioner) must have, or have had in the past, a familial or dating relationship with the abusive person (or Respondent). Qualifying relationships include:

- Spouse or former spouse
- Current or past dating relationship
- Having a child together
- Parent, child, stepchild, or other family relationship
- Current or former roommate
- Personal assistant/caretaker of person with disabilities

If you do not have one of these types of relationships with the Respondent, a private attorney may be able to assist you with a Civil Restraining Order. For a Legal Resources List, go to [www.familyshelterservice.org/pdf/court\\_legalresourceslist.pdf](http://www.familyshelterservice.org/pdf/court_legalresourceslist.pdf).

### What are the guidelines for obtaining an Emergency OP?

Each case is unique, and the judge will always have the final decision. However, there are a few factors that the judge will look for:

- Abusive or threatening incident within the past 3 business days or so
  - Incidents can include verbal attacks, threats of harm, harassment, stalking, or physical abuse.
  - Incidents do NOT need to have been reported to the police.
- History of such behaviors that are escalating
- Fear that the abuse would escalate if the Respondent knew you were taking legal action.

### In what County can I petition?

A Petitioner can file in the County where:

- The Petitioner lives or, if having fled the abuse, now temporarily resides
- The Respondent lives
- The abuse occurred

### Where do I get an OP?

If filing in DuPage County, there are three ways to obtain an OP:

1. If you are being represented in a Divorce or Family case, consult your attorney about an OP. He/she may assist you or direct you to the agencies listed below.

2. If Respondent has been arrested or there is a warrant, contact the State's Attorneys Office in the Judicial Annex, 2nd floor (phone # 630-407-8000). For more information about how the court handles criminal cases, go to [www.familyshelterservice.org/pdf/court\\_case\\_of\\_arrest.pdf](http://www.familyshelterservice.org/pdf/court_case_of_arrest.pdf).

3. Otherwise, you may contact:

- The Family Shelter Service Court Advocate office, 3rd floor directly in front of the escalator (phone # 630-407-8813).
- The DuPage County Clerk's Office, 1<sup>st</sup> floor (phone # 630-407-8700)

Petitioning for an OP usually requires coming to the DuPage County Courthouse, located at 505 N. County Farm Road, Wheaton, IL 60187.

\*\*\*Important Note: **No camera phones** are allowed in the courthouse.

## When should I petition for an OP?

It is usually best to petition as soon as possible after the most recent abusive incident, preferably within 3 business days. The DuPage County Courthouse & the Family Shelter Service Court Advocate Office are open Monday through Friday. The best times to come are:

- Mornings, 8:00 – 10:00 (the judge leaves the bench at 11:30 a.m.)
- Afternoons, 1:30 – 2:00 (the judge leaves the bench at 3:30 p.m.)

Petitioning usually takes about 2-3 hours if there are no delays.

## How much does an OP cost?

There is no cost for filing, serving, or getting certified copies of an OP. However, a private attorney may charge for his/her assistance in obtaining an OP.

## What should I bring?

- A detailed list of abusive incidents beginning with the most recent. For more information on how to write your statement go to [www.familyshelterservice.org/pdf/court\\_writing\\_your\\_statement.pdf](http://www.familyshelterservice.org/pdf/court_writing_your_statement.pdf) & use the downloadable Statement Pages at [www.familyshelterservice.org/pdf/court\\_statement\\_page.pdf](http://www.familyshelterservice.org/pdf/court_statement_page.pdf).
- Any evidence of abuse, like harassing letters or emails, voice mail messages, photos of injuries, etc.
- An address where it is safe for you to receive mail.
- An address where the Respondent can be served copies. This can be either a home or work address.
- A description of the Respondent, including date of birth, Social Security Number, hair & eye color, approximate height & weight, etc.
- The addresses to be protected, like your residence, work, school, & children's schools /daycares.

## Should I bring my children?

It is usually best not to bring children. Children are not allowed in the courtroom. If you are unable to make other child care arrangements, there is a FREE childcare center on the 1<sup>st</sup> floor of the DuPage County Courthouse, called Safe Harbor. For more information, go to [www.dupageco.org](http://www.dupageco.org) and click Safe Harbor Children's Waiting Room. It is best to first drop off your children at Safe Harbor before proceeding to other locations in the building.

## How long will the OP last?

An Emergency Order of Protection (EOP) is the first step in the Order of Protection process. Emergency Orders are temporary, lasting 14-21 days. After this, extensions may be requested. For more information about the rest of the OP process, go to [http://www.familyshelterservice.org/pdf/court\\_op\\_process.pdf](http://www.familyshelterservice.org/pdf/court_op_process.pdf).

## What can an OP do?

An OP provides a variety of protections for your safety. You may request any remedies which apply to your situation. You may disregard any remedies which do not apply or which you do not desire. The Judge will consider the circumstances & has the final decision about which remedies to grant.

The following remedies appear on an Order of Protection:

- Forbid Respondent from committing further acts or threats of abuse, harassment, or stalking
- Remove Respondent from your residence.
- Prohibit Respondent from being present in your home while under the influence of drugs/alcohol
- Order Respondent to stay away from you, including direct contact (like phone calls & emails) & indirect contact (like getting a message to you through a third party)
- Prohibit Respondent from entering your place of employment, school, etc.
- Prohibit Respondent from taking or damaging your property
- Prohibit Respondent from taking the children or require Respondent to return the children
- Restrict or deny Respondent's visitation with the children
- Order Respondent to pay temporary support
- Order Respondent to pay you for losses due to abuse, like medical bills, attorney's fees, property damage, etc.
- Order Respondent to turn over firearms to law enforcement
- Order Respondent to participate in counseling. For more information on DuPage County's Partner Abuse Intervention Program, go to [www.dupageco.org/psych](http://www.dupageco.org/psych) and click on Domestic Violence Program.