

ORDERS OF PROTECTION - INFORMATION SHEET

HANOVER PARK POLICE DEPARTMENT SOCIAL SERVICES

What Is An Order Of Protection?

An Order of Protection is a written court order available to family members, spouses, household members, people in dating relationships, or people who have children with an abuser. An Order of Protection prohibits the abuser from doing certain things or orders the abuser to take certain actions. An Order of Protection can order any or all of the following remedies:

1. forbid any further abuse, threats, or exploitation
2. ban the abuser from the home temporarily
3. order the abuser to stay away from the victim and the victim's place of employment, school, etc.
4. order the abuser to pay child support, medical costs, and legal expenses
5. award child custody, determine visitation, and prohibit child abduction
6. require the abuser to undergo counseling
7. forbid the abuser from taking or destroying the victim's property

There are basically two kinds of courts, criminal court and civil court. Criminal court deals with people who have been arrested by the police for committing crimes. Civil court handles non-criminal matters, such as a divorce and child custody. An Order of Protection is available in either criminal or civil court.

Criminal Orders of Protection

If you agree to sign criminal complaints against the abuser (press charges), or if an officer signs complaints on your behalf, the state will prosecute the abuser for commission of the crime and a court date will be set for a hearing. Prior to this court date, you may request an Emergency Order of Protection.

Contact the State's Attorney's Office as soon as possible (preferably within 72 hours) after the date of the crime. The State's Attorney's Office will advise you on the steps to take to obtain an Order of Protection. The State's Attorney will prosecute the criminal charge and assist you in obtaining the Order of Protection without any cost to you. You may also attend the abuser's bond hearing (usually held the morning after the arrest) and get an Order of Protection at that time. Be sure to bring any documentation (police reports, medical records, photographs) with you to court that may assist in verifying abusive incidents.

State's Attorney's Offices:

Cook County - Victim Witness Program: (847) 818-2326

DuPage County – Victim Services Unit: (630) 407-8009

Civil Orders of Protection (non-criminal process)

If you do not want to press criminal charges against the abuser, but do want and need legal protection, you can ask for an Order of Protection in civil court. No fees are charged and you do not need an attorney. Be sure to bring any documentation (police reports, medical records, photographs) with you to court that may assist in verifying abusive incidents. You can go to Court and complete the forms yourself.

For court advocacy services and assistance in completing the forms, you may contact the following organizations, which have offices in the courthouse:

Cook County: Between Friends: 847-818-8900

DuPage County: Family Shelter Service: 630-682-6777

If you have a pending divorce, separation, paternity, or child support case, you may ask your attorney to file for an Order of Protection in conjunction with that case. However, you do not need to have pending court cases or an attorney to get a civil Order of Protection. You can get a civil Order of Protection as an action by itself.

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How Long Does An Order of Protection Last?

There are three kinds of Orders of Protection:

1. Emergency: an Emergency Order of Protection can be obtained just on your testimony and court appearance. The abuser is not there to tell his/her side of the story. Emergency Orders of Protection can last from 14 to 21 days. At the time the Emergency Order of Protection is granted you will be given a return court date. You must go back to court to request that the Order of Protection be extended. You must appear in court on the return court date or the Order will be dropped. At the return court date, the abuser will also be present to tell his/her side of the story.
2. Interim: an interim Order of Protection is granted in cases where the abuser has been notified of the court hearing but has not necessarily been personally served with all the legal papers. Interim Orders are also granted when there is a hearing date already set for a criminal charge so that the judge can hear the criminal case and the Order of Protection hearing at the same time. An interim Order of Protection is good for up to 30 days, and can be extended one or more times.
3. Plenary: a plenary, or full Order of Protection, is available when all the legal requirements for the abuser have been satisfied, and the abuser is allowed to tell his/her side of the story in court. A plenary Order can last up to two years and it can be extended for up to two years longer.

What To Do After You Have An Order of Protection

Once the judge grants you an Order of Protection, it needs to be served to the abuser. If the abuser is in court with you when you get the Order, the deputies in the courtroom will serve him/her with the Order at that time. If the abuser is not in court, the sheriffs will serve the abuser with the Order at his/her home or at work, usually within 72 hours. The Order cannot be enforced until the abuser is served with a copy or has been verbally told by a judge, sheriff's deputy, or police officer that there is an Order of Protection against him/her. If the abuser comes to your home before he/she is served with the Order, you may dial 911. When the police respond to your home, give the police officer a copy of the Order, and the officer can serve it to the abuser at that time. The best way to find out if the abuser has been served is to call the courthouse where you received the Order. Calling the abuser or his/her family may jeopardize your safety.

To find out if an abuser has been served, call:

Cook County: Civil Service Desk (847) 818-2097

DuPage County: Clerk's Office (630) 682-7100 or register with VINE Service (866) 559-8030

After you are granted an Order of Protection, get several copies made. Keep one copy with you at all times, and another copy in a safe place. It is a good idea to give copies of the Order of Protection to your local police department, employer, and to your children's school or daycare provider. If the abuser violates the Order of Protection by abusing you again, or by coming onto your property when the Order forbids him/her to do so, call the police and show them the order. If there is proof of the Order's violation, the police should arrest the abuser for violating the Order of Protection.

If you want to go back to your partner after the court has issued an Order of Protection forbidding his/her entry into the home, you should go back to court to modify the Order. Request that the "vacate" order be stricken, but the remedies preventing further abuse remain.

In Conclusion

The legal process can be a lengthy, confusing, and frustrating one. However, you are entitled to its protection and assistance. The threat of arrest or being in contempt of court can be a very effective way to prevent the abuser from continuing his or her violence toward you.

For additional information on domestic violence, shelter assistance, or counseling, please call one of the following:

Cook County: Community Crisis Center: 847-697-2380 (24 hrs.) or WINGS: (847) 221-5680 (24 hrs.)

DuPage County: Family Shelter Service: 630-469-5650 (24 hrs.)

Hanover Park Police Department Social Worker: Tricia Rossi at 630-372-4417