

## Respondent's Rights & Responsibility

It is the respondent's responsibility to avoid any and all contact with the petitioner. A respondent has the right to contact local law enforcement if the petitioner is making contact with the respondent. The petitioner cannot violate his/her own OP, but harassment or continued contact may be a basis to ask a judge to modify or dismiss the OP. A notice of hearing must be filed with the court to ask that the OP be modified or dismissed.

Contact by the respondent with the petitioner of the OP may result in arrest for the charge of Violation of Order of Protection (VOOP). Persons arrested for VOOP charges are held in jail until they are seen by a judge and a bond is set.

A respondent should read all of the OP paperwork that is served to him/her. The OP will provide the respondent information on each remedy granted by the judge. A respondent is eligible to file for a notice of hearing with the court to ask for a change in a remedy that has been granted.



Opinions in this document are those of the authors and do not necessarily represent the views of the Council as a whole nor the judiciary. Funding for this material was provided through the Illinois Violence Prevention Authority. The views and statements expressed herein do not necessarily reflect the views and opinions of the IVPA.

## ORDERS OF PROTECTION

### What is an Order of Protection?

An Order of Protection (OP) is a court order signed by a judge to prevent further abuse. If a judge finds there has been recent abuse (physical or sexual) or threats of harm, an Emergency Order (EOP) may be granted. The EOP is valid for 14 to 21 days. A return hearing will take place, which allows the person that the OP is against to be present. At that time the judge may grant another Order for up to two years.

### Who is eligible for an Order of Protection?

There should be at least one recent incident of abuse and/or a history of abusive behaviors or threats to qualify for an Order of Protection (OP).

OPs are not to be used as a bargaining tool for child custody or to gain access to personal possessions!

There *must also* be a relationship between the parties from the following categories:

- \* Boyfriend/girlfriend (current or past dating relationship)
- \* Child in common (parties not married)
- \* Grandchild
- \* In-law
- \* Personal assistant or care giver to person with disability
- \* Person responsible for high-risk adult
- \* Step-child
- \* Step-parent
- \* Ex-spouse
- \* Child
- \* Shared/common dwelling
- \* Grandparent
- \* Parent
- \* Person with a disability
- \* Sibling (brother/sister)
- \* Spouse
- \* Step-sibling
- \* Other related by blood or marriage

### Who is the Petitioner and Who is the Respondent?

The person *filing* the petition for the OP is known as the *petitioner* and the party who *has committed the alleged abuse* is the *respondent*.

## Procedures for filing and obtaining Orders of Protection

The first section of the Order of Protection packet is the actual *Petition*. The facts about the abuse are written out in the Petition for the court.

- It is important to provide information in the written statement about what abuse has occurred, what has happened recently and why an Emergency Order of Protection (EOP) is necessary.
- The petitioner must check all the remedies he/she is requesting for the Order of Protection (OP) on the Petition (see remedy section in the Petition).
- The petitioner must sign the Petition at the Circuit Clerk's office and then the Circuit Clerk (CC) will file the Petition, prepare a court file for an EOP and direct the petitioner to the appropriate courtroom.
- A judge will read the Petition, swear in the petitioner, and hear testimony. When giving testimony, the petitioner can tell the judge about all of the abuse that has occurred and his/her fears.
- The judge will make a decision to grant or deny the EOP based on the above information.
- If *granted*, a return hearing will be set and written on the EOP. The petitioner will be directed back to the CC's office to wait for a certified copy of the EOP and to provide the Clerk with as much information as possible about the respondent to locate him/her to serve the EOP. Extra copies may be requested for additional protected persons or stay-away locations listed on the EOP.
- Once an Order is signed, the Sheriff's Department or Circuit Clerk must serve the EOP and Petition to the respondent.
- Any violations of the OP should be reported to the police as soon as possible. Request a written report on all violations, with or without an arrest. If the EOP *has not* been served, an arrest *may not* occur if the respondent violates the EOP.
- *Any changes to the OP, including dropping it, MUST be ordered by a judge.*

## More Information

There is no cost to file for an OP. Nor is there a cost for the local Sheriff's Department to serve the Order. However, there may be other costs associated with an Order such as those incurred with retaining a private attorney, subpoenaing witnesses, service by private process servers or possibly out of state services.

For more information or free, confidential assistance, contact the closest domestic violence program in the 9<sup>th</sup> Judicial Circuit listed below:

### Fulton-Mason Crisis Service

309-647-8311-Canton, IL

309-543-6706-Havana, IL

Serving Fulton & Mason Counties

### Safe Harbor Family Crisis Center

309-343-7233-Galesburg, IL

Serving Knox County

### Victim Services

309-837-5555-Macomb, IL

Serving Hancock, Henderson, McDonough  
& Warren Counties

### Illinois Domestic Violence Helpline

1-877-863-6338

This brochure created by:  
9<sup>th</sup> Circuit Family Violence Coordinating Council's  
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