Emergency Order of Protection

Court Ph. _____

Court _____ JUDICIAL CIRCUIT

County _____ State of ILLINOIS

Case No. _____

PETITIONER

First Middle Last

Petitioner's ☐ Address/ ☐ Alternative Address:

_____

_____

(file stamp)

☐ Petitioner
And/or on behalf of other protected person(s) listed below:
☐ Child(ren) as noted on page 6, Part C of this order
☐ Dependent _____(name)
☐ High Risk Adult _____(name)

RESPONDENT

First Middle Last

Relationship to Petitioner: _____

Respondent's Address:

_____

(Home)

_____

(Work) (Work Hours:_____)

RESPONDENT IDENTIFIERS

SEX	RACE	DOB	HT.	WT.
EYES	HAIR	SOCIAL SECURITY (last 4#s)		
		XXX-XX-		
DRIVER'S LIC. #		STATE	License Plate #	

Distinguishing Features (scars, marks, tattoos, martial arts):

_____

_____

Caution indicators:

☐ (A) Considered armed and /or dangerous
☐ (S) Suicidal
☐ (Y) Considered armed, dangerous and suicidal

THE COURT FINDS:

That it has jurisdiction over the Petitioner and subject matter and the Respondent will be provided with reasonable notice and an opportunity to be heard within the time required by Illinois law.

THE COURT ORDERS: (Additional terms are set forth herein)

☐ That Respondent is prohibited from further acts/threats of abuse on protected persons. (See **R01**)
☐ That Respondent is ordered to stay away from Petitioner and/or other protected persons. (See **R03**)
☐ That the Circuit Clerk is ordered to send within 24 hours Daycare / School Notice(s). (See page 7)

The terms of this Order shall be effective until _____ (Date) _____ (Time am/pm)

A hearing on the entry of a Plenary/Interim Order of Protection is set for: _____ (Date) at _____ (Time)

at the _____ in Courtroom: _____.

A PLENARY (FINAL) ORDER OF PROTECTION MAY BE ENTERED AGAINST YOU BY DEFAULT IF YOU FAIL TO APPEAR AT SUCH HEARING.

Form approved by the Conference of Chief Circuit Judges.
Effective November 1, 2004
Use required after July 1, 2005

NOTICES CONCERNING THIS EMERGENCY ORDER OF PROTECTION

WARNING TO RESPONDENT

Violating this Order of Protection is punishable by imprisonment or fine or both, and can cause your bond to be revoked, result in a contempt of court citation against you, or the filing of a criminal charge.

This protection order is enforceable, even without registration, in all 50 states, the District of Columbia, tribal lands, and the U.S. Territories pursuant to the Violence Against Women Act (18 U.S.C. § 2265). Violating this order of protection may subject you to federal charges and punishment. 18 U.S.C. §§ 2261-2262.

Only the court can change this order. The Petitioner cannot give you legal permission to change this order. If you go near the Petitioner, even with the Petitioner's consent, you may be arrested. Unless the court modifies/dismisses this order, you can be arrested for violating this Emergency Order of Protection. You act at your own risk if you disregard this WARNING.

You have been served with notice that the Petitioner has filed for a Plenary or Interim Order of Protection (effective for up to two years), and have been provided with a date on which you must appear in court if you wish to contest entry of the order. If you fail to appear, an Order of Protection may be issued in your absence.

NOTICE TO PETITIONER

You cannot change the terms of this order by your words or actions. If the Court has ordered no contact or exclusive possession of the residence, only the Court can allow the Respondent to contact you or return to the residence. If you and the Respondent want to resume your relationship, you **must** ask the Court to modify or dismiss this Order of Protection.

If you wish to ask the court for an Interim or Plenary (Final) Order of Protection (effective for up to two years), you must appear in court on the date set for a hearing.

NOTICE TO ALL LAW ENFORCEMENT AGENCIES AND OFFICERS

This Order of Protection is enforceable, even without registration, in all 50 states, the District of Columbia, tribal lands, and the U.S. Territories pursuant to the Violence Against Women Act (18 U.S.C. § 2265), provided notice of this Emergency Order of Protection has been provided to the Respondent. Violating this Order of Protection may subject the Respondent to state and/or federal charges and punishment. 18 U.S.C. §§ 2261-2262.

NOTICE TO RESPONDENT

Any knowing violation of an order of protection forbidding physical abuse, neglect, exploitation, harassment, intimidation, interference with personal liberty, willful deprivation, or entering or remaining present at specified places when a protected person is present, or granting exclusive possession of the residence or household or granting a stay away order is a Class A misdemeanor and a second or subsequent violation is a Class 4 felony. The granting of exclusive possession of the residence or household shall constitute notice forbidding trespass to land. Any knowing violation of an order awarding legal custody or physical care of a child or prohibiting removal or concealment of a child may be a Class 4 felony. Stalking is a Class 4 felony for a first offense and a Class 3 felony for a subsequent offense. Any willful violation of any order is contempt of court. Any violation may result in fine or imprisonment.

FINDINGS [Jurisdiction]

The Court, having reviewed the verified petition and having examined the petitioner under oath or affirmation, finds that:

1. Good cause exists for granting the remedy or remedies requested without prior service of process or notice because:

A. ☐ The harm that Remedies 1, 3, 5, 8, 9, 11, 14, 15, and 17 are intended to prevent would be likely to occur if the Respondent were given prior notice, or greater notice than was actually given, of the Petitioner's efforts to obtain judicial relief.

B. ☐ For Remedy 2, the immediate danger of further abuse of Petitioner by Respondent, if Petitioner chooses or had chosen to remain in the residence or household while Respondent was given any prior notice or greater notice than was actually given or of Petitioner's efforts to obtain judicial relief, outweighs the hardships to Respondent of an Emergency Order granting Petitioner exclusive possession of the residence or household.

C. ☐ For Remedy 10, improper disposition of the personal property would likely occur if the Respondent were given any prior notice, or greater notice than was actually given, of the Petitioner's efforts to obtain judicial relief, or Petitioner has an immediate and pressing need for the possession of that property (750 ILCS 60/217(a)(3)(iii)).

2. ☐ Petitioner's actual address is set forth on page one (1).
or
☐ Disclosure of Petitioner's address would risk further abuse. The address set forth below is the address for the purpose of service of notice on the petitioner in this case.

_____

(Street / P.O. Box) (City) (State) (Zip Code)

3. ☐ The persons protected by this order are:

☐ Petitioner

☐ Minor child(ren) who are so identified on page 6 of 11, Part C of this order.

☐ Other protected parties listed in page 1 of 11 of this order.

4. ☐ The court has jurisdiction over the minor child(ren) and/or other protected persons. (750 ILCS 60/208)

RELATIONSHIP CODE: The Petitioner/Abused Person stands in relationship to the Respondent as (check **all** that apply):

✓	RELATIONSHIP	✓	RELATIONSHIP	✓	RELATIONSHIP
	Spouse (**SE**)		Parent (**PA**)		Grandparent (**GP**)
	Former Spouse (**XS**)		Sibling (Brother/Sister) (**SB**)		In-Law (**IL**)
	Boyfriend/Girlfriend (**BG**) (Dating Relationship)		Step-child (**SC**)		Person with Disability (**PD**)
	Child in Common (**CC**) (parties not married)		Step-sibling (**SS**)		Person Responsible for High-Risk Adult (**PR**)
	Shared/common dwelling (**CS**)		Step-parent (**SP**)		Personal Assistant or Caregiver to Person with Disability (**PC**)
	Child (**CH**)		Grandchild (**GC**)		Other Related by Blood or Marriage (**OF**)

FINDINGS [General]

The Court, having reviewed the verified petition and having examined the petitioner under oath or affirmation, finds that:

☐ Venue is proper (750 ILCS 60/209).

☐ The Respondent has abused the Petitioner and/or the child(ren) so identified on Part C (page 6 of 11) of this order and/or the protected person(s) listed on Page 1 of 11 of this order (750 ILCS 60/214(a)).

☐ The abused person(s) is/are unable to bring this Petition on his/her own behalf due to age, health, disability, or inaccessibility (750 ILCS 60/214(a)).

☐ The Petition has been filed on behalf of a high-risk adult with disabilities who has been abused, neglected, or exploited by a family or household member.

☐ An Order of Protection has previously been entered in the instant proceeding or in another proceeding in which any party, or a child of any party, or both, has/have been designated as either a respondent or a protected person (750 ILCS 60/223.1).

IT IS ORDERED the following remedies that are checked apply in this case.

PART A. REMEDIES INVOLVING PERSONAL PROTECTION

☐ 1. **(R01)(Police Enforced)** With respect to all protected persons, Respondent is prohibited from committing the following acts of abuse or threats of abuse (check all that apply):

☐ Harassment, interference with personal liberty, physical abuse, or stalking.
☐ Intimidation of a dependent.
☐ Willful deprivation.
☐ Neglect.
☐ Exploitation.

☐ 2. **(R03)(Police Enforced) Stay Away**

☐ a. That the Respondent is ordered to stay at least _____ feet away from the Petitioner and/or protected person(s)' and their residence, school, daycare, employment and any other specified place.

"Stay Away" means for the respondent to refrain from both physical presence and nonphysical contact with the petitioner whether direct, indirect (including, but not limited to, telephone calls, mail, email, faxes, and written notes), or through third parties who may or may not know about the order of protection.

☐ b. Respondent is prohibited from entering or remaining while Petitioner and/or protected person(s) is/are present at:

☐ Their place of residence currently located at _____.

☐ Their place of employment at _____.

☐ Their school, located at _____.

☐ Any of the following specified places, when Petitioner and/or protected person(s) is/are present:

_____.

☐ 3. **(R14)(Police Enforced)** Respondent is prohibited from entering or remaining in the residence or household while under the influence of drugs or alcohol and constituting a threat to the safety or well-being of Petitioner or Petitioner's children.

PART B. REMEDIES INVOLVING PROPERTY

☐ 1. **(R02)(Police Enforced)** Petitioner is granted exclusive possession of, and Respondent is prohibited from entering or remaining present at the residence/household located at:

_____

(Street / P.O. Box) (City) (State) (Zip Code)

☐ Petitioner has a right to occupancy and Respondent has no such right, or

☐ Petitioner and Respondent both have right to occupancy but the balance of hardships favors temporary possession by Petitioner, the court having considered the factors set forth in 750 ILCS 60/214(c)(2).

☐ 2. **(R10)**(Court Enforced) **Personal Property**

☐ a. Petitioner is granted possession of the following personal property: _____

_____

_____

☐ b. If the Respondent has possession of the property listed in 2a above, the Respondent shall promptly make it available to the petitioner.

With respect to 2a and 2b above, the Court finds as follows:

☐ The Petitioner, but not Respondent, owns the property, or

☐ The parties own the property jointly, and sharing it would risk abuse or is impracticable and the balance of hardships favors temporary possession by Petitioner, and/or

☐ Petitioner claims property as marital property, and a proceeding has been filed under the Illinois Marriage and Dissolution of Marriage Act ("IMDMA").

☐ c. Respondent is given his/her ☐ clothing ☐ personal adornments ☐ medicine

☐ other personal property, namely_____.

☐ 3. **(R10)(Police Enforced)** Personal property shall be transferred
☐ at the residence, or

☐ at _____
(Street) (City) (State) (Zip Code)

That the transfer of personal property shall take place in the presence of:

☐ law enforcement, or ☐ an agreed-upon third party, namely _____

☐ Respondent ☐ Petitioner shall have the right to enter the residence to retrieve the property but only in the presence of law enforcement or the designated third party.

Time and date of transfer: _____

(This transfer does not affect title to property (750 ILCS 60/214(b)(2)).

☐ 4. **(R11)**(Court Enforced) Respondent is prohibited from taking, transferring, concealing, encumbering, damaging, or otherwise disposing of the following real or personal property:

_____,

except as explicitly authorized by the Court because:

☐ Petitioner, but not Respondent, owns the property, or

☐ The parties own the property jointly, and the balance of hardships favors granting this remedy, and/or

☐ Petitioner claims the property as marital property and a proceeding has been filed under the IMDMA.

☐ 5. **(R11)**(Court Enforced) Respondent is prohibited from using financial or other resources of an aged member of the family or household for the profit or advantage of Respondent or any other person.

☐ 6. **(R11.5)** (Court Enforced) That the petitioner is granted the exclusive care, custody, or control of any animal owned, possessed, leased, kept, or held by either the petitioner or the respondent or a minor child residing in the residence or household of either the petitioner or the respondent and order the respondent to stay away from the animal and forbid the respondent from taking, transferring, encumbering, concealing, harming, or otherwise disposing of the animal.

PART C. REMEDIES INVOLVING CHILDREN

The minor child(ren) of the parties is/are:

Full Name	Age	State of Residence	Relationship to Petitioner	Included as Protected Party
				☐
				☐
				☐
				☐
				☐
				☐

☐ 1. The primary caretaker of the minor child(ren) is ☐ Petitioner ☐ Respondent

☐ Other person: _____.
(Name and Address)

☐ 2. **(R05)(Police Enforced)** Petitioner is granted the physical care and possession of the minor child(ren) of the parties, and

☐ a. Respondent is ordered to return the minor children to the physical care of:
☐ Petitioner
☐ Other _____
(Name and Address)

on _____ at _____am/pm in the presence

of _____.

☐ b. Respondent is further ordered not to remove the minor child(ren) from the physical care of the Petitioner, school/school grounds, or babysitter/daycare provider, or other person *in loco parentis* (750 ILCS 60/214(b)(5)).

☐ c. The Circuit Clerk shall, within 24 hours of the issuance of this Order, send written notice of the Order to any protected child's day care or school to the following: (list child's name and the name and address of each child's school/day care.

_____

_____

_____.

☐ If this box is checked, the petitioner shall provide this information to the clerk by a separate written notice which the clerk shall impound to prevent further abuse.

☐ 3. **(R07)**(Court Enforced) **Visitation of the minor child(ren)**

☐ a. Visitation is ☐ **denied** / ☐ **restricted** because Respondent has or is likely to:
- ☐ Abuse or endanger the minor child(ren) during visitation.
- ☐ Use visitation as an opportunity to abuse or harass Petitioner, Petitioner's family, or household members.
- ☐ Improperly conceal or detain the minor child(ren).
- ☐ Act in a manner that is not in the best interest of the minor child(ren).

☐ b. Visitation is **reserved** until further order of court, or ☐ until _____.

☐ c. Visitation is **granted** as follows: (**Check all that apply)**

☐ Every _____ from _____ am/pm to ____am/pm.

☐ **Each** weekend or ☐ **Alternating** weekends.

- ☐ Friday at _____ am/pm to Saturday at _____ am/pm
- ☐ Friday at _____ am/pm to Sunday at _____ am/pm
- ☐ Saturday at _____ am/pm to Sunday at _____ am/pm
- ☐ Saturday at _____ am/pm to Saturday at _____ am/pm
- ☐ Sunday at _____ am/pm to Sunday at _____ am/pm

☐ Major holidays shall be divided as follows: _____

_____.

☐ d. The Court, finding it necessary to protect Petitioner or other protected parties from further abuse, prohibits Respondent from going to Petitioner's residence to meet the minor child(ren) for visitation.

☐ e. Visitation Transportation

☐ Each parent shall provide transportation one-way for visitation, **or**

☐ _____ shall provide all transportation for visitation, **or**

☐ Other arrangements _____

☐ f. Visitation shall take place at _____.
(Street Address/City)

☐ g. Visitation is to be supervised by _____ who is approved to supervise visitation and who has filed an affidavit accepting responsibility and acknowledging accountability to the Court.

☐ h. Respondent shall return the child(ren) to Petitioner or Petitioner's designated person immediately at the end of visitation.

Notice to Respondent

The Petitioner may, by law, deny Respondent access to the minor child(ren) if, when Respondent arrives for visitation, Respondent is under the influence of drugs or alcohol and constitutes a threat to the safety and well-being of Petitioner or Petitioner's minor child(ren) or is behaving in a violent or abusive manner (750 ILCS 60/214(b)(7)).

☐ 4. **(R08)(Police Enforced)** Respondent is ordered not to conceal the minor child(ren) within the State or remove the child(ren) from the State of Illinois.

☐ 5. **(R09)**(Court Enforced) Respondent is ordered to appear at the _____,

_____ in Courtroom_____, on _____,

20___ at _____ am/pm ☐ Alone / ☐ With the minor children:

☐ To prevent abuse, neglect, removal or concealment of the child,
☐ To return the child to the custody or care of the Petitioner, or
☐ To permit a court-ordered interview or examination of the child or Respondent.

☐ 6. **(R15)**(Court Enforced) Respondent is denied access to and is prohibited from inspecting, obtaining, or attempting to inspect or obtain school or any other records of the minor child(ren) in the care of the Petitioner because:

☐ The Order of Protection prohibits Respondent from having contact with the minor child(ren), or
☐ Petitioner's actual address is omitted due to the risk of further abuse, or
☐ It is necessary to prevent abuse or wrongful removal or concealment of the minor child(ren).

PART D. MISCELLANEOUS REMEDIES

☐ **(R17)** Respondent is further ordered and enjoined as follows: _____

PART E. RULINGS PURSUANT TO 750 ILCS 60/221 (a)(2) and (b)(2)

The relief requested in paragraph(s) _____ of the Petition is/are

☐ **Denied**

☐ **Reserved**

because the balance of hardships does not support the granting of the remedy, and the granting of the remedy will result in hardship to Respondent that would substantially outweigh the hardship to the Petitioner from the denial of the remedy, or because

_____

_____

_____

_____

THIS EMERGENCY ORDER WAS ISSUED ON: Date: _____

Time _____ am/pm.

_____
JUDGE

I hereby certify that this is a true and correct copy of the original order on file with the court.

_____
Clerk of the Circuit Court of

(Seal of the Clerk of Circuit Court) _____ County, Illinois

Date: _____

NOTICE TO RESPONDENT: You may petition the court, in accordance with Section 224 of the Act, to re-open the order if you did not receive actual prior notice of the hearing in accordance with Section 211 of the Act, alleging that you have a meritorious defense to the order or that the order, or any of its remedies, was not authorized by the act.

cc: ☐ Petitioner ☐ Respondent(via Sheriff) ☐ Counsel of Record ☐ Sheriff ☐ Advocate ☐ Jail
☐ States Attorney

DEFINITION OF TERMS USED IN THIS ORDER

These definitions are incorporated in and made a part of the order to which they are attached.

1. **Abuse:** "Abuse" means physical abuse, harassment, intimidation of a dependent, interference with personal liberty or willful deprivation but does not include reasonable direction of a minor child by a parent or person *in loco parentis*.

2. **Domestic Violence:** Domestic Violence means abuse as defined in paragraph one.

3. **Exploitation:** "Exploitation" means the illegal, including tortuous, use of a high-risk adult with disabilities or of the assets or resources of a high-risk adult with disabilities. Exploitation includes, but is not limited to, the misappropriation of assets or resources of a high-risk adult with disabilities by undue influence, by breach of a fiduciary relationship, by fraud, deception, or extortion, or the use of such assets or resources in a manner contrary to law.

4. **Family or Household Members:** Include spouses, former spouses, parents, children, stepchildren and other persons related by blood or by present or prior marriage, persons who share or formerly shared a common dwelling, persons who have or allegedly have a child in common, persons who share or allegedly share a blood relationship through a child, persons who have or have had a dating or engagement relationship, and persons with disabilities and their personal assistants. For purposes of this paragraph, neither a casual acquaintanceship nor ordinary fraternization between two individuals in business or social contexts shall be deemed to constitute a dating relationship. In the case of a high-risk adult with disabilities, "family or household members" includes any person who has the responsibility for a high-risk adult as a result of a family relationship or who has assumed responsibility for all or a portion of the care of a high-risk adult with disabilities voluntarily, or by express or implied contract, or by court order.

5. **Harassment:** "Harassment" means knowing conduct which is not necessary to accomplish a purpose that is reasonable under the circumstances, would cause a reasonable person emotional distress, and does cause emotional distress to the petitioner. Unless the presumption is rebutted by a preponderance of the evidence, the following types of conduct shall be presumed to cause emotional distress:

   a) creating a disturbance at petitioner's place of employment or school;
   b) repeatedly telephoning petitioner's place of employment, home or residence;
   c) repeatedly following petitioner about in a public place or places;
   d) repeatedly keeping petitioner under surveillance by remaining present outside his or her home, school, place of employment, vehicle or other place occupied by petitioner or by peering in petitioner's windows;
   e) repeatedly threatening to improperly remove a child of petitioner's from the jurisdiction, improperly concealing that child from petitioner or making a single such threat following an actual or attempted improper removal or concealment;
   f) improperly concealing a minor child from petitioner, repeatedly threatening to improperly remove a minor child of petitioner from the jurisdiction or from the physical care of petitioner, repeatedly threatening to conceal a minor child from petitioner, or making a single such threat following an actual or attempted improper removal or concealment, unless respondent was fleeing an incident or pattern of domestic violence; or
   g) threatening physical force, confinement or restraint on one or more occasions.

6. **Interference with Personal Liberty:** "Interference with personal liberty" means committing or threatening physical abuse, harassment, intimidation or willful deprivation so

as to compel another to engage in conduct from which she or he has a right to abstain or to refrain from conduct in which she or he has a right to engage.

7. **Intimidation of a Dependent:** "Intimidation" means subjecting a person who is dependent because of age, health or disability to participation in, or the witnessing of: physical force against another or physical confinement or restraint of another which constitutes physical abuse as herein defined, regardless of whether the abused person is a family or household member.

8. **Neglect:** "Neglect" means the failure to exercise that degree of care toward a high-risk adult with disabilities which a reasonable person would exercise under the circumstances and includes but is not limited to:
   a) the failure to take reasonable steps to protect a high-risk adult with disabilities from acts of abuse;
   b) the repeated, careless imposition of unreasonable confinement;
   c) the failure to provide food, shelter, clothing, and personal hygiene to a high-risk adult with disabilities who requires such assistance;
   d) the failure to provide medical and rehabilitative care for the physical and mental health needs of a high-risk adult with disabilities; or
   e) the failure to protect a high-risk adult with disabilities from health and safety hazards.

9. **Physical Abuse:** "Physical abuse" includes sexual abuse and means any of the following:
   a) knowing or reckless use of physical force, confinement, or restraint; or
   b) knowing, repeated and unnecessary sleep deprivation; or
   c) knowing or reckless conduct which creates an immediate risk of physical harm.

10. **Stalking:** "Stalking" means knowingly and without lawful justification, on at least two (2) separate occasions, following another person or placing the person under surveillance or any combination thereof and:
    a) at any time transmitting a threat of immediate or future bodily harm, sexual assault, confinement or restraint and the threat is directed towards that person or a family member of that person; or
    b) placing that person in reasonable apprehension of immediate or future bodily harm, sexual assault, confinement or restraint; or
    c) placing that person in reasonable apprehension that a family member will receive immediate or future bodily harm, sexual assault, confinement, or restraint.

11. **Willful Deprivation:** "Willful deprivation" means willfully denying a person who because of age, health or disability requires medication, medical care, shelter, food, therapeutic device, or other physical assistance, and thereby exposing that person to the risk of physical, mental or emotional harm, except with regard to medical care or treatment when the dependent person has expressed an intent to forego such medical care or treatment. This paragraph does not create any new affirmative duty to provide support to dependent persons.