

## Where can I get more information?

Contact the nearest domestic violence program for information on orders of

protection, temporary shelter, and other ways you can protect yourself and your children from violence.



**ILLINOIS  
CRIMINAL JUSTICE  
INFORMATION AUTHORITY**

120 South Riverside Plaza  
Suite 1016  
Chicago, Illinois 60606-3997  
Voice: (312) 793-8550  
TDD: (312) 793-4170  
Fax: (312) 793-8422  
World Wide Web:  
[www.icjia.state.il.us](http://www.icjia.state.il.us)

This project was supported by grant #97-VA-GX-0017 awarded by the Office for Victims of Crime, Office of Justice Programs, U.S. Department of Justice. Points of view or opinions contained within this document do not necessarily represent the official position or policies of the U.S. Department of Justice.

Printed on recycled paper by authority of the State of Illinois, January 1999.  
Printing order #99-033/15,000 copies.

# Are you a victim of domestic violence?

An order of protection can help protect you from abuse.

## An order of protection can help protect you and your children from abuse.

It is against Illinois' laws for a household or family member to beat, harass or intimidate you. Most abusers become more violent over time, and beatings tend to become more frequent and severe. If you are experiencing abusive behavior, an order of protection is an important legal tool that can help provide safety for you and your children. You also can ask for an order of protection for an elderly person or someone who is unable because of a disability to ask for one themselves.

## What is an order of protection?

An order of protection is a written court order, signed by a judge, which requires an abusive household or family member to do or not to do certain things. The order can:

- order an abuser to not abuse, harass or stalk you, your children, and certain other people;
- order the abuser to leave and not enter your home for a certain period of time;
- order an abuser to return certain property to you and prohibit the abuser from destroying your property;
- order an abuser into counseling; and
- order protection for your children (as listed on the next page).

## Who can get an order of protection?

- You can get an order of protection if you are being abused by:
- your spouse or former spouse;
  - your child or stepchild;
  - your parent;
  - someone related to you by blood, marriage or prior marriage;
  - someone with whom you live or have lived;
  - someone who is related to your child; or
  - someone you have dated or have been engaged to.

The law also protects people with disabilities from being abused by any individual who has assumed responsibility for their care.

---

## What can an order of protection do to protect my children if the abuser is the children's father?

Children who grow up in violent homes come to believe that violence is normal. To protect your children:

1. You can ask the court to grant you temporary custody of them and to order that the abuser return the children to you if they have been taken from you.
2. You can also ask the judge to order that the abuser receive visitation with the children only under specific conditions, such as no alcohol or drug use during visitations.
3. You can request that your order state that the abuser must pay temporary child support to you. He has a legal duty to help support your children, even if you were not married to each other. You may need to establish paternity before you can have child support ordered, if you were not married to the father.

You can get an order of protection in either criminal court or civil court.

---

## How do I get an order of protection in criminal court?

The state's attorney's office can help you get an order of protection if you press criminal charges against the abuser. When you are abused, call the police immediately and ask them to make a police

report. Then ask the police to explain how you can begin the criminal process. Or, you can contact the state's attorney's office, which is usually located at the local courthouse. Tell the police and the state's attorney that you want an order of protection, and that you want to press charges

## When you are abused, immediately call the police and ask them to make a police report.

against the abuser. (In Chicago, ask the police for the closest warrant office.) It may be difficult to get child custody or child support in an order issued in criminal court.

---

## How do I get an order of protection in civil court?

If you do not want to press criminal charges against the abuser, or if the state's attorney will not help you get an order of protection, then civil court is the only place you can go to get an order of protection. You do

not have to file for divorce, or even be married to the abuser to ask for an order of protection. It is much easier to get child custody and support included in your order of protection in civil court. If you do not have an attorney who will help you, ask the clerks at the civil court to help you complete the order of protection forms. This sometimes can be a confusing process without an attorney. In most places, domestic violence shelters help victims get orders of protection.

## An order of protection is free. There is no cost to you to get one.

An order of protection also can be requested at the same time you file for divorce, separation, parentage, or such other cases. Be sure any attorney you hire is familiar with the Illinois Domestic Violence Act.

---

## How long does an order of protection last?

The order of protection that you receive at your first court appearance will usually last no more than 21 days. You must return to the court if you want the order to last longer.

When you return, you can ask the court to order that you receive protection for up to a two-year period. The judge will decide how long the order will be in effect.

---

## What can I do if an abuser violates my order of protection?

Call the police immediately, and also tell your attorney if you have one. You are entitled to protection under Illinois' laws. Always keep a copy of your order with you so you can show it to the police, and keep another copy in a safe place. Ask the police to make a police record of each incident, and tell them and the state's attorney's office that you want the abuser arrested and charged with a violation of your order of protection. The threat of arrest or being in contempt of court can be a very effective way to prevent the abuser from continuing his violence toward you.