

Orders of Protection

A Kane County Primer and Common Mistakes

Presentation prepared for the Kane County Bar Association
by the Judicial Law Clerks of the 16th Judicial Circuit Court – Kane County
Family Law Seminar – May 2, 2019

Types of Protective Orders

Order of Protection

Illinois Domestic Violence Act
750 ILCS 60/201 et al

Abused by a family or
household member

Stalking No Contact Order

Stalking No Contact Order Act
740 ILCS 21/5 et al

Victim of stalking and relief is not
available under the Illinois Domestic
Violence Act.

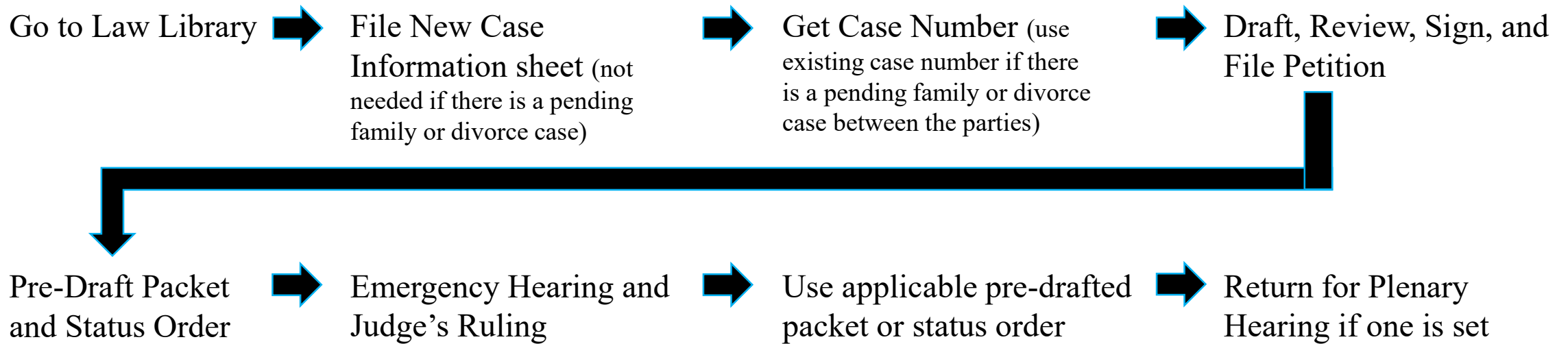
Civil No Contact Order

Civil No Contact Order Act
740 ILCS 22/101 et al

Victim of non-consensual sexual
conduct or non-consensual sexual
penetration

- Petitions for Order of Protection are completed and filed electronically in Kane County. The Kane County Law Library and Self-Help Legal Center, located on the second floor of the Kane County Judicial Center, has computers and conference rooms with the necessary software to do this.
- Stalking No Contact and Civil No Contact Petitions are completed on paper in Room 149 of the Kane County Judicial Center.
- This presentation will focus on the process of filing and pursuing an order of protection in Kane County.

Overview of Order of Protection Process



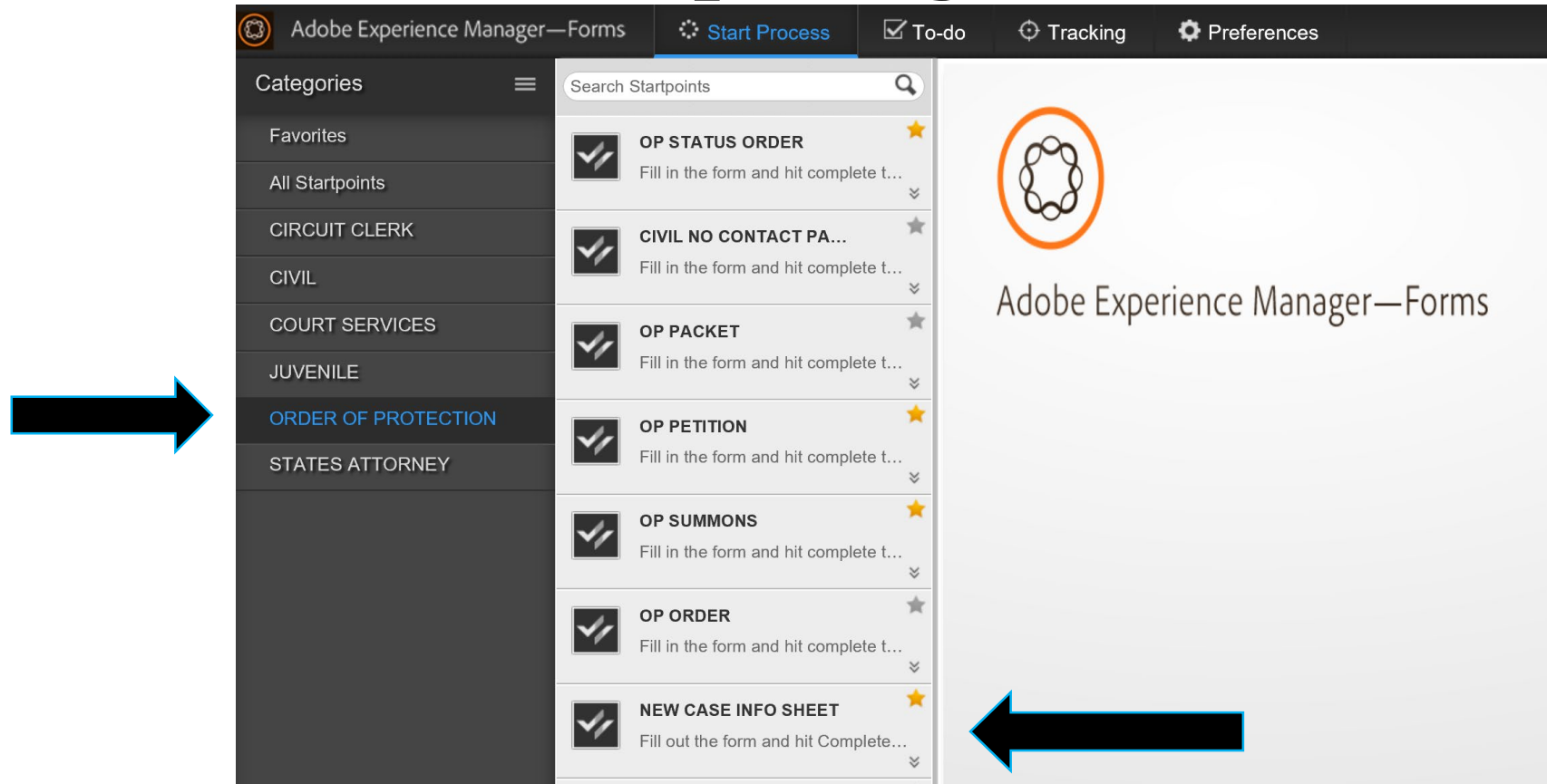
****NO MORE WIZARD****

- The Wizard is no longer used for Orders of Protection or Stalking No Contact Orders in Kane County. Any work you complete on The Wizard will not progress your case and will only be a waste of time for you and your client as it pertains to Orders of Protection and Stalking No Contact Orders in Kane County.

Role of Court Personnel

- Judicial Law Clerks (Staff Attorneys and Paralegals) assist *Pro Se* petitioners only. 750 ILCS 60/202(d).
- Law Librarians provide assistance with access to the library conference rooms, computers with necessary filing software, and legal resources.
- Court Personnel cannot complete the paperwork on behalf of private attorneys or give legal advice.

Preparing an OP



- Find a law librarian to assist you in logging into the Adobe Experience Manager (AEM) software in the law library.
- On the left of the screen, click on “Order of Protection.”
- If the parties have an existing Family (F) or Divorce (D) case, use that case number for the OP.
- If no pending case exists, start by selecting “New Case Information Sheet”

New Case Information Sheet

16th JUDICIAL CIRCUIT NEW CASE INFORMATION SHEET

Case No.

<p>Petitioner's name, OR Petitioner's name O/B/O name of minor child or adult that cannot file on own behalf</p>	<p>Respondent's name</p>	
<p>Plaintiff/Petitioner</p>	<p>Defendant/Respondent</p>	<p>File Stamp</p>

- Important: Skip filling out this sheet if there is an existing divorce or family case between the parties. You will use the existing case number in family or divorce case to complete the OP process.
- Fill in the Petitioner's name in the box marked Plaintiff/Petitioner.
- If the Petition is being brought on someone's behalf, write: (name) on behalf of (name of minor child/adult that cannot file on own behalf).
- Fill in the Respondent's name in the box marked Defendant/Respondent. Note: there can only be one Respondent per OP.

New Case Information Sheet

All Parties must be listed on new case filing sheet, or on an attached sheet following the same format as below.

1. Case Type **OP**
(See reverse for codes)

2. Sub Case Type

0805 Domestic Violence Act/Order of Protection

0819 Registration of Foreign Judgment

0822 OP- Civil No Contact Order

0826 OP- Stalking No Contact

3. Return date/time (where return date summons is used)

4. Plaintiff Attorney's ARDC number:

Attorney's Name:

(Last, First, MI)

- On line 1, Type “OP” in the Case Type box
- For line 2, Then select “0805 Domestic Violence Act/Order of Protection” from the Sub Case Type drop down menu.
- Skip line 3 (Note: Lines 3, 6, 7, 9, and 10 will not be used.)
- Enter Attorney information in line 4.

New Case Information Sheet

5. First named Plaintiff: Petitioner's name (OR Petitioner's name O/B/O name of minor child/adult)

Address: 21 Jump Street

City: Geneva State/Zip Code: IL 60134 Phone #: 987-654-3211

8. First named Defendant: Respondent's name

Address: 123 Sesame St.

City: Geneva State/Zip Code: IL 60134 Phone #: 234-567-8900

- Note that the Petitioner's name is already added to this part of the form. (For O/B/O situations, you will need to delete the automatically populated lines that cannot be seen below the petitioner's name and reformat the names as shown above). Next, add the address and phone number of the Petitioner.
- Some petitioners do not want their address to be known by the Respondent. If this is the case then write "omitted." In the event that the Court needs to notify the petitioner of any changes, an alternate address should be given.
- Respondent's name automatically appears on first line of #8. Add the respondent's address and phone number.
- If the address is unknown then write "unknown" or as much as is known (i.e. partial address, city).

New Case Information Sheet

8. First named Defendant: Respondent's name

Address: 123 Sesame St.

City: Geneva State/Zip Code: IL 60134 Phone #: 234-567-8900

9. Additional Defendant/AKA/DBA/FKA/NKA/Other: _____

Address: _____

City: _____ State/Zip Code: _____ Phone #: _____

10. Additional Defendant/AKA/DBA/FKA/NKA/Other: _____

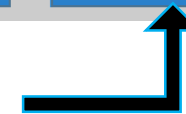
Address: _____

City: _____ State/Zip Code: _____ Phone #: _____

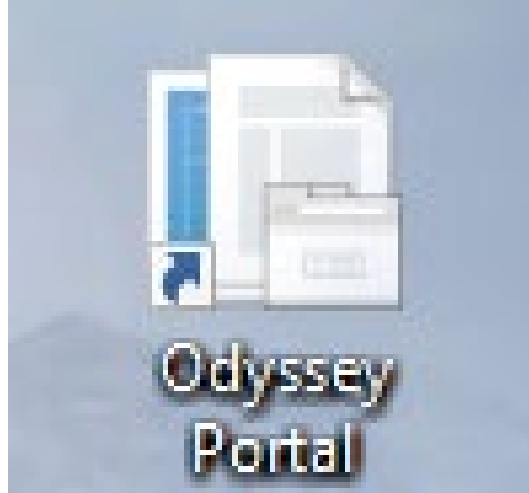
P1-CI-1 (6/11)

Offline Submit

- Now hit the “Submit” button in the bottom right corner of the screen.
- **DO NOT DO ANYTHING ELSE UNTIL THE NEW CASE SHEET DISAPPEARS!**



Retrieving Your Case Number



- After submitting your New case Information Sheet, it will take a few minutes for the Clerk to generate a case number (This may take up to 20 minutes). **YOU WILL NEED THIS NUMBER IN ORDER TO COMPLETE THE NEXT STEP – THE PETITION.**
- In order to retrieve your case number, you will need to use the Odyssey Portal. This icon is located on the desktop. Minimize the window you are working in to find this icon. Once found, double click on it.

Retrieving Your Case Number

Thomas M Hartwell Circuit Clerk 16th Judicial Circuit

Notifications

If you have questions, please email circuitclerk@co.kane.il.us. Our goal is to provide information provided pursuant to Electronic Access Policy for Circuit Records of the Illinois Court System.

This website provides searchable access to court case information in the 16th Judicial Circuit. You do not need to register to search for court records. Attorneys and Law Enforcement Personnel may be able to search for court records. Link at the upper right of this page.

** In order to get the best results on a common name search, use the ADVANCED SEARCH. [CLICK HERE - For Judge Assignments and Court Room Information](#)



Smart Search
Search for court records.



Search Hearings
Search for court hearings
for a specified date range.

Smart Search

Search Criteria

* Enter a Record Number or Name in Last, First Middle Suffix Format

Finch, Atticus

Please retype the characters below



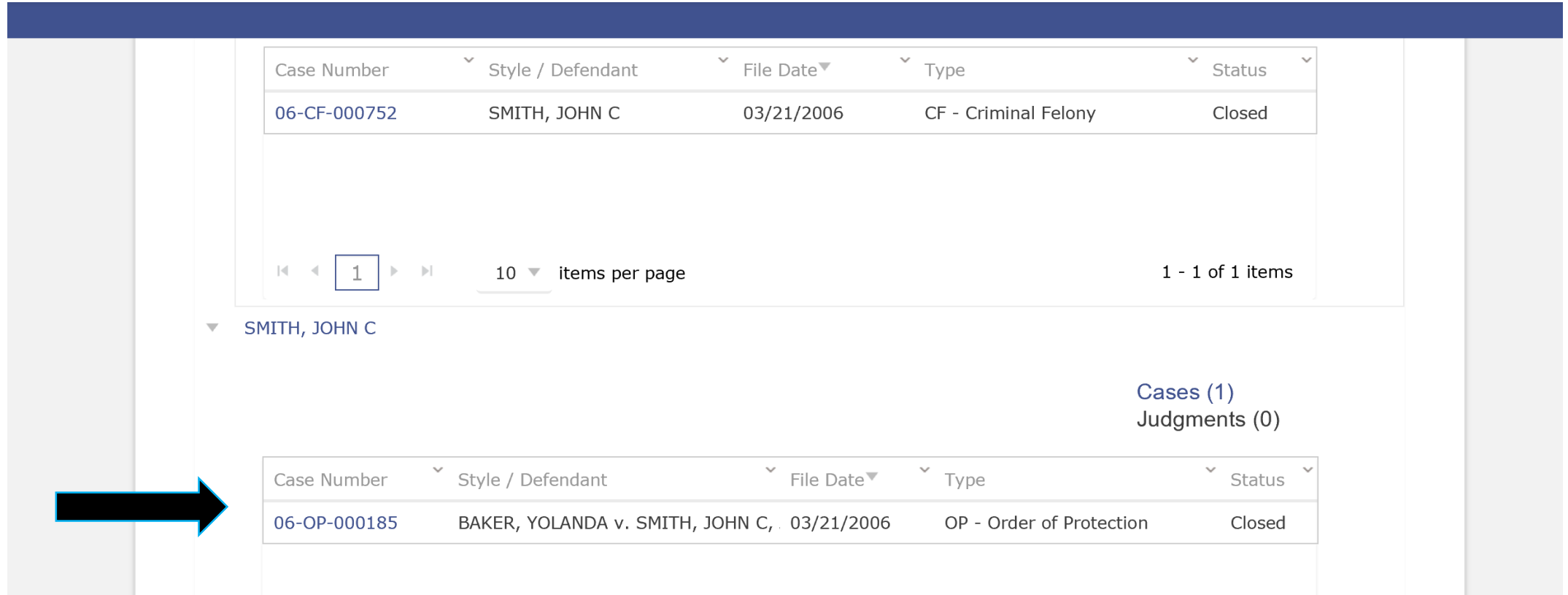
* Captcha Code

H3BNYS

Advanced Filtering Options ▾

- On the first screen, select the green “Smart Search” button.
- On the second screen, enter the client’s last name, first name under the “Search Criteria” heading. Enter the Captcha code below and then click “Submit.”

Retrieving Your Case Number



The screenshot displays a web interface for retrieving case numbers. It features two tables of case data. The first table shows a case with number 06-CF-000752, defendant SMITH, JOHN C, filed 03/21/2006, categorized as CF - Criminal Felony, with a status of Closed. Below this table is a pagination control showing page 1 of 1, with 10 items per page. A dropdown menu for the defendant name SMITH, JOHN C is visible. To the right of this menu, it indicates 'Cases (1)' and 'Judgments (0)'. A second table below shows a case with number 06-OP-000185, defendant BAKER, YOLANDA v. SMITH, JOHN C, filed 03/21/2006, categorized as OP - Order of Protection, with a status of Closed. A large black arrow points from the left towards the second table.

Case Number	Style / Defendant	File Date	Type	Status
06-CF-000752	SMITH, JOHN C	03/21/2006	CF - Criminal Felony	Closed

10 items per page 1 - 1 of 1 items

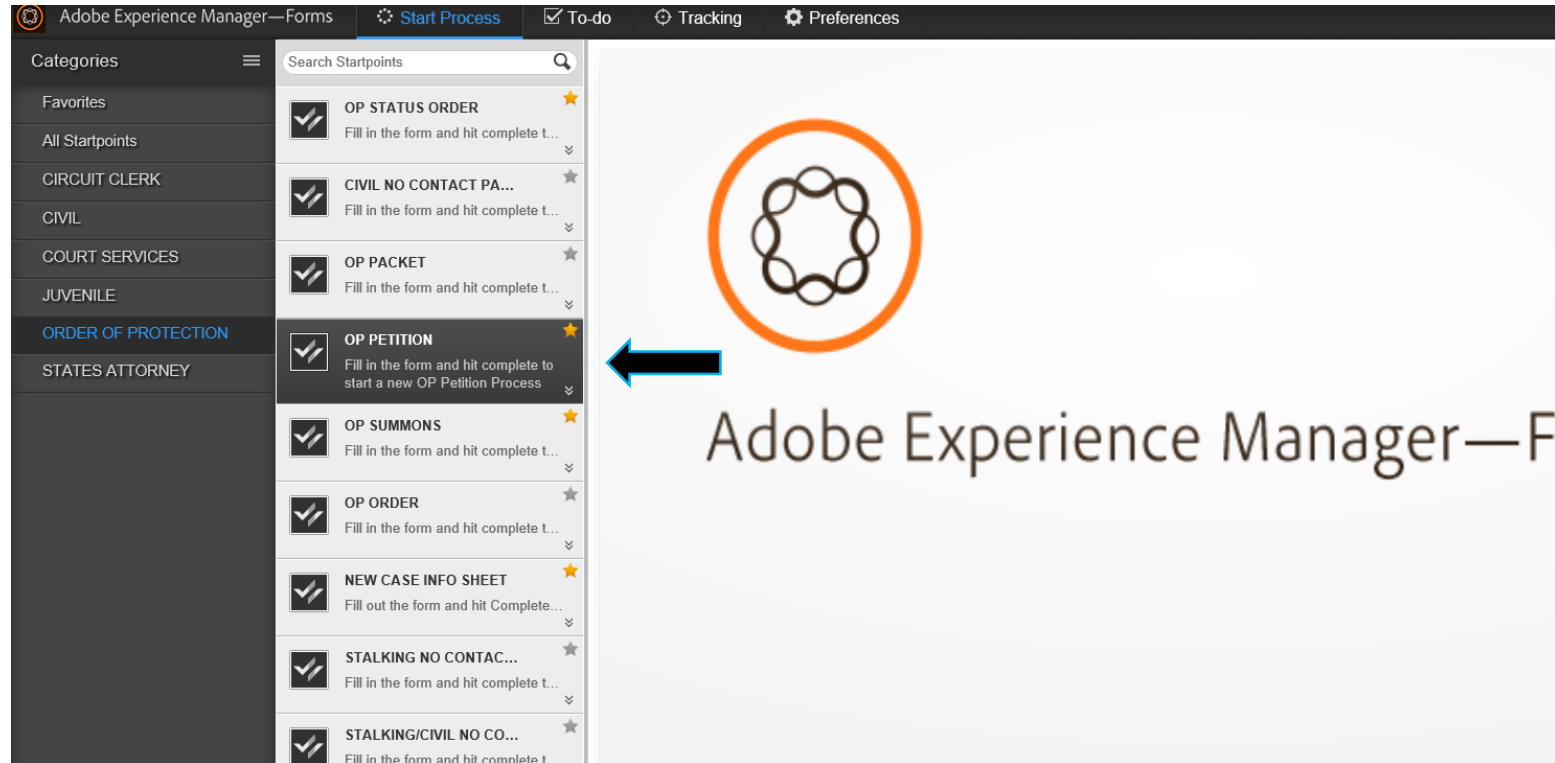
SMITH, JOHN C

Cases (1)
Judgments (0)

Case Number	Style / Defendant	File Date	Type	Status
06-OP-000185	BAKER, YOLANDA v. SMITH, JOHN C,	03/21/2006	OP - Order of Protection	Closed

- Look for an OP case number with the parties' names. For example: 19OP1234.
- If your case does not appear on the first page, use the page numbers located on the bottom center of the webpage to advance to the next screen of results to locate the OP case number.
- If you still do not see your case after 20 minutes, call the Circuit Clerk's office to retrieve it. (630) 208-2168.

Petition



To begin, and access the petition, select “OP Petition” in AEM Workspace

Caption

For Petitioner

IN THE CIRCUIT COURT OF THE SIXTEENTH JUDICIAL CIRCUIT
KANE COUNTY, ILLINOIS

Import Number: Import Data Save Data Case No. 19F800

Jane Doe	John Doe	
Plaintiff/Petitioner	Defendant/Respondent	File Stamp

VERIFIED PETITION FOR ORDER OF PROTECTION

(Fill in lines and check boxes as applicable)

☐ Independent Proceeding ☐ Matrimonial ☒ Other Family

Now comes the Petitioner Jane Doe on his/her own behalf or on behalf of , a minor child/ren, or on behalf of , an adult who cannot file a petition because of age, health, disability or inaccessibility on his/her own behalf, pursuant to the Illinois Domestic Violence Act (IDVA), and moves this Honorable Court to issue an Order of Protection in this cause and in support thereof states as follow:

Types of proceedings:

- Independent: Not a part of another case (case number has OP in it)
- Matrimonial: Divorce cases
- Other: Family cases/Probate cases

On behalf of minor child or at risk adult

IN THE CIRCUIT COURT OF THE SIXTEENTH JUDICIAL CIRCUIT
KANE COUNTY, ILLINOIS

Import Number: Import Data Save Data Case No. 19F800

Jane Doe O/B/O John Doe Jr., a minor child	John Doe	
Plaintiff/Petitioner	Defendant/Respondent	File Stamp

VERIFIED PETITION FOR ORDER OF PROTECTION

(Fill in lines and check boxes as applicable)

☐ Independent Proceeding ☐ Matrimonial ☒ Other Family

Now comes the Petitioner Jane Doe on his/her own behalf or on behalf of John Doe Jr., a minor child/ren, or on behalf of , an adult who cannot file a petition because of age, health, disability or inaccessibility on his/her own behalf, pursuant to the Illinois Domestic Violence Act (IDVA), and moves this Honorable Court to issue an Order of Protection in this cause and in support thereof states as follow:

- After typing in the case number, make sure to save frequently
- If OP is a part of a divorce/family case, **do not** leave the caption the same as in the divorce/family case.

For Petitioner

Addresses/Relationship

On behalf of minor child

THIS COURT HAS JURISDICTION OF THE SUBJECT MATTER AND OVER ALL NECESSARY PERSONS, WITH APPROPRIATE VENUE, BECAUSE:

- A. ☒ Petitioner resides at **405 N. Lake St., Aurora**
(Street Address, City)
in the County of **Kane County** State of **Illinois**; OR
☐ Petitioner resides at _____
(Street Address, City)
in the County of _____ State of _____, and _____
the person on whose behalf this Petition is brought, resides at _____
(Street Address, City)
in the County of _____ State of _____; OR
☐ Petitioner's address is omitted pursuant to statute. (Alternative address for notice of any motion is _____).
- B. ☒ Respondent resides at **405 N. Lake St., Aurora**
(Street Address, City)
in the County of **Kane County** State of **Illinois**
- C. ☒ Respondent stands in relationship to the Petitioner or alleged abused person/s as:
☐ Spouse; ☐ Former Spouse; ☐ Parent;
☐ Child/ren; ☒ Having or allegedly having a child in common; ☐ Stepchild/ren;
☒ Sharing or formerly sharing a common dwelling; ☒ Having or having had dating or engagement relationship; ☐ Other person related by blood or marriage;
☐ Sharing a blood relationship through child/ren; ☐ Personal assistant to person with disabilities or a person who has responsibility for a high-risk adult with disabilities

NOTICE

- Select all relationships that apply between the parties.
- When doing a petition O/B/O, select the relationship from the Respondent to the **minor child** or **at risk adult**.

Omitted Address

THIS COURT HAS JURISDICTION OF THE SUBJECT MATTER AND OVER ALL NECESSARY PERSONS, WITH APPROPRIATE VENUE, BECAUSE:

- A. ☐ Petitioner resides at _____
(Street Address, City)
in the County of _____ State of _____; OR
☐ Petitioner resides at _____
(Street Address, City)
in the County of _____ State of _____, and _____
the person on whose behalf this Petition is brought, resides at _____
(Street Address, City)
in the County of _____ State of _____; OR
☒ Petitioner's address is omitted pursuant to statute. (Alternative address for notice of any motion is **P.O Box 4000, St. Charles, IL 60174**).
- B. ☒ Respondent resides at **405 N. Lake St., Aurora**
(Street Address, City)
in the County of **Kane County** State of **Illinois**
- C. ☒ Respondent stands in relationship to the Petitioner or alleged abused person/s as:
☐ Spouse; ☐ Former Spouse; ☐ Parent;
☐ Child/ren; ☒ Having or allegedly having a child in common; ☐ Stepchild/ren;
☒ Sharing or formerly sharing a common dwelling; ☒ Having or having had dating or engagement relationship; ☐ Other person related by blood or marriage;
☐ Sharing a blood relationship through child/ren; ☐ Personal assistant to person with disabilities or a person who has responsibility for a high-risk adult with disabilities

THIS COURT HAS JURISDICTION OF THE SUBJECT MATTER AND OVER ALL NECESSARY PERSONS, WITH APPROPRIATE VENUE, BECAUSE:

- A. ☐ Petitioner resides at _____
(Street Address, City)
in the County of _____ State of _____; OR
☒ Petitioner resides at **405 N. Lake St., Aurora**
(Street Address, City)
in the County of **Kane County** State of **Illinois**, and **John Doe Jr.**
the person on whose behalf this Petition is brought, resides at **405 N. Lake St., Aurora**
(Street Address, City)
in the County of **Kane County** State of **Illinois**; OR
☐ Petitioner's address is omitted pursuant to statute. (Alternative address for notice of any motion is _____).
- B. ☒ Respondent resides at **405 N. Lake St., Aurora**
(Street Address, City)
in the County of **Kane County** State of **Illinois**
- C. ☒ Respondent stands in relationship to the Petitioner or alleged abused person/s as:
☐ Spouse; ☐ Former Spouse; ☒ Parent;
☐ Child/ren; ☐ Having or allegedly having a child in common; ☐ Stepchild/ren;
☒ Sharing or formerly sharing a common dwelling; ☐ Having or having had dating or engagement relationship; ☐ Other person related by blood or marriage;
☐ Sharing a blood relationship through child/ren; ☐ Personal assistant to person with disabilities or a person who has responsibility for a high-risk adult with disabilities

- When omitting Petitioner's address, another address for mailing is required. Lawyers may use firm's address.

Pending Cases/Children/Venue

Verified Petition for Order of Protection Continued

Case No. 19F800

- D. ☐ There is no other pending court action involving the parties, OR
☒ There is another pending court action involving the parties in Criminal Court,
County of Kane County State of Illinois known as
Case No. 19CM4000
- E. ☒ As referred to herein, "the minor child/ren of the parties " (full name, D.O.B)
John Doe Jr. (01/01/18)
☐ Other minor child/ren that reside in household (full name, D.O.B)
- F. ☒ Venue in civil proceedings is appropriate because:
☒ Petitioner resides in the County of Kane, State of Illinois; **OR**
☒ Respondent resides in the County of Kane, State of Illinois; **OR**
☒ The alleged abused occurred in the County of Kane, State of Illinois; **OR**
☐ The Petitioner is temporarily located in the County of Kane, State of Illinois, to avoid further abuse, and could not obtain safe, accessible, and adequate temporary housing in the county of his/her residence.

- If filing under Divorce/Family case, only list other cases besides the Divorce/Family case. This includes cases out of county/state.
- List all minor children between parties/other minor children residing in the residence, even if the Petitioner does not want them protected.
- List children's **full names**, not the abbreviation for them.

Protected Parties/Allegations

PETITIONER ALLEGES AS TO RESPONDENT THAT:

G. ☒ The following individual(s) are alleged to be person(s) who need to be protected from abuse by Respondent:
(full name, D.O.B)

Jane Doe (02/02/90); John Doe Jr. (01/01/18)

H. ☒ Respondent has acted in the following manner toward the Abused:
[State details of incident(s) of abuse (including time and place)]

1 Date/Time **Most Recent Date Listed Here** ☐ Children Present

Petitioner, Jane Doe, is seeking an emergency order of protection against her boyfriend and father of her child, Respondent John Doe. The parties have a pending court case, 19F800, which has a future court date of 11/15/19. The parties have one (1) minor child together, John Doe Jr. (01/01/18), with whom the Petitioner is seeking protection for under this order. The parties reside together at 405 N. Lake St., Aurora, IL 60505, and the Petitioner is seeking the Respondent's removal.

Wednesday 5/8/19 - List the dates of incidents of abuse/harassment that occurred, and start with the most recent and work backwards

ADD INCIDENT

- Section “G” will autofill the minor children listed above, it is important to delete the names if Petitioner does not want them protected.
- Any individual that resides with the Petitioner is able to be a protected party. If that party is an adult, the Judge may question whether or not they want to be protected.
- Allegations should be listed from most recent to furthest back. It is important to include any allegations you want the Judge to consider.

Requirements for Ex Parte Emergency Hearing

ADDITIONAL ALLEGATIONS FOR EMERGENCY ORDERS ONLY

- I. ☒ For requested remedies 1, 3, 5, 7, 8, 9, 11, 14, 14.5, 15, 17, and 18 the harm which that remedy is intended to prevent would be likely to occur if Respondent were given any prior notice, or greater notice than was actually given of Petitioner's efforts to obtain judicial relief.
- J. ☒ For requested remedy 2, the immediate danger of further abuse of Petitioner by Respondent if Petitioner chose or had chosen to remain in the household while Respondent was given any prior notice or greater notice than was actually given outweighs the hardship to Respondent of an emergency order granting Petitioner exclusive possession of the residence or household.
- K. ☒ For requested remedy 10, improper disposition of the personal property would be likely to occur if Respondent were given any prior notice or greater notice than was actually given of Petitioner's effort to obtain judicial relief, or that Petitioner has an immediate and pressing need for possession of that property.

- “I” should always be checked, as this box is stating that the Petitioner should be able to proceed without the Respondent having prior notice.
- “J” should be checked if the Petitioner is seeking exclusive possession of their residence.
- “K” should be checked if the Petitioner is seeking protection for shared/joint property, or property that the Respondent is in possession of that belongs to Petitioner.
- “I”, “J”, and “K” correspond to relief listed below on the forms.

Remedies

WHEREFORE, PETITIONER REQUESTS THE ENTRY OF AN ORDER OF PROTECTION SETTING FORTH THE FOLLOWING REMEDIES:

- ☒ 1. With respect to Petitioner and other Protected Person(s), Respondent be prohibited from committing the following: Physical abuse; Harassment; Interference with personal liberty; Intimidation of a dependent; Willful deprivation; Neglect; Exploitation; Stalking.
- ☒ 2. Petitioner be granted exclusive possession of the residence and Respondent be prohibited from entering or remaining at such premises: (address + county) **405 N. Lake St., Aurora, IL 60505 Kane County**
- ☒ 3. ☒ a. Respondent be ordered to stay away from Petitioner and other protected persons; and/or
- ☒ b. Respondent be prohibited from entering or remaining at **Names and addresses of other protected addresses listed here** while any Protected Person is present; and/or
- ☒ c. Respondent be allowed access to the residence on (date) **TBD** at (time) **TBD** in the presence of (name) **Name of Police Department listed here** to remove items of clothing, personal adornments, medication used exclusively by the Respondent and other items, as follows: **List belongings Respondent will be able to take**
- ☒ d. Respondent be prohibited from both physical presence and nonphysical contact with the petitioner whether direct, indirect (including, but not limited to, telephone calls, mail, email, faxes and writings), or through third parties who may or may not know about the order of protection.

- “1” is always checked, as this prevents any harassment or abuse by the Respondent.
- “2” will prevent the Respondent from entering or remaining at the Petitioner’s residence, whether or not the Petitioner is present.
- “3a” Prohibits the Respondent from being near the Petitioner;
- “3b” List any other protected address
- “3c” If parties share a residence, and the Respondent is being removed, allows the Respondent to retrieve belongings on a TBD date and time with local police/sheriff. **Do not list specific date and time.**
- “3d” Prohibits any and all communication

Counseling, Possession, and Decision Making

- ☐ 4. Respondent be ordered to undergo counseling for a period of time to be determined by this court. (Not available in Emergency Order)
- ☒ 5. ☒ a. Petitioner be granted physical care and possession of the minor child/ren; and/or
- ☒ b. Respondent be ordered to:
- ☐ Return the minor child/ren
- to the physical care of ; and/or
- ☒ Not remove the minor child/ren
- John Doe Jr.
- from the physical care of Petitioner or Her designated caregivers
- ☒ 6. Petitioner be granted temporary significant decision making responsibility for the minor child/ren
- John Doe Jr.
- (Not available in Emergency Order)

- Remedies “4” and “6” are not available in an emergency order. If the Petitioner wants these remedies they will need to check these boxes and reserve the remedies on the “OP Packet” later on.
- Remedy “5a” can give possession of the minor child(ren) to Petitioner, and “5b” can prevent the Respondent from being able to take him/her.
- “5b” can also order the Respondent to return the minor child(ren) to the Petitioner, if the Respondent is in possession of him/her.

Parenting Time

Verified Petition for Order of Protection Continued

Case No. 19F800

- ☒ 7. ☒ a. Respondent be awarded parenting time on the following dates and times or under the following conditions or parameters: (No order shall merely refer to the term "reasonable parenting time")

Parenting time schedule listed here.

- ☐ b. Respondent's parenting time be restricted as follows:

- ☐ c. Respondent's parenting time be denied

- ☒ 8. Respondent be prohibited from removing the minor child/ren from Illinois or concealing them within Illinois.

- “7” allows for a specific parenting time schedule to be made, or for parenting time to be denied.
- If there shall be a parenting time schedule, specific days, times, and locations must be addressed.
- “8” prohibits the Respondent from removing the minor child(ren) from Illinois, or concealing the child(ren) from the Petitioner.


Personal Property/Child Support

- ☐ 9. Respondent is ordered to appear on _____ at _____ **AM** in room _____ at the Kane County Judicial Center, 37W777 Rt. 38, St. Charles, IL ☐ with ☐ without the minor child/ren
- ☒ 10. Petitioner be granted exclusive temporary possession of the following personal property and the Respondent be ordered to deliver to Petitioner said property that is in Respondent's possession or control, to wit:
Vehicle: Red 2018 Honda CRV
- ☒ 11. Respondent be ordered not to take, encumber, conceal, damage or otherwise dispose of any of the following real or personal property, and/or pets:
Vehicle: Red 2018 Honda CRV; Pet: Golden Retriever "Sam"
- ☒ 12. Respondent be ordered to pay temporary support for Petitioner and/or the minor child/ren of the parties as follows: \$ **Reserved** per **Reserved**, starting **Reserved** payable:
☐ through the Clerk of the Circuit Court, **OR** ☐ directly to Petitioner. **OR** (Not available in Emergency Order)
☐ State Disbursement Unit



- “10” will give Petitioner temporary possession of personal property, in which the Respondent also has a right to, or presently has possession of.
- “11” orders the Respondent not to damage, conceal, steal, or dispose of any property listed.
- If property is listed in “10” it needs to also be in “11,” however if something is in “11” it does not necessarily have to be in “10.”

Firearms/School Records

-
- ☐ 13. Respondent be ordered to pay \$ [redacted] respecting losses and expenses within the scope of Sec. 214(b)(13) of the IDVA to [redacted] on or before [redacted] (Not available in Emergency Order)
-  ☐ 14. Respondent be prohibited from entering or remaining at household or residence located at [redacted] while under the influence of alcohol or drugs and so constituting a threat to the safety and well-being of the Protected Person.
- ☒ 14.5 Respondent be ordered to turn over any firearms in his/her possession to law enforcement.
- ☒ 15. Respondent be denied access to school or any other records of the minor child/ren and prohibited from inspecting, obtaining or attempting to inspect or obtain such records.

- “13” is used when the Respondent damages the Petitioner’s property and the Petitioner is seeking monetary relief. Petitioner should have reasonable proof of the cost of damages.
- “14” should **not** be checked if the Respondent is being denied entry to the residence.
- “14.5” can order the Respondent to turn over his/her firearms & FOID card to law enforcement.
- “15” will deny the Respondent’s access to the minor children’s school and medical records.

Telephone Provider and Further Relief

☐ 16. Respondent be ordered to pay \$ [redacted] to the following shelter [redacted]
[redacted] on or before [redacted]
(Not available in Emergency Order)

☒ 17. Respondent be further enjoined as follows:
The parties are allowed to communicate exclusively through Our Family Wizard. Communication shall only be about the minor children and there can be no abusive or harassing communication.

☐ 18. The wireless telephone provider be ordered to terminate the Respondent's use of and transfer to the Petitioner the right to the continued use of the telephone number(s) that the Petitioner and/or minor child/ren in the Petitioner's custody use. Provider be ordered to transfer to the Petitioner all financial responsibility for the right to use any telephone number listed in 18(c).

a. Name and billing telephone number of the current account holder:
[redacted]

b. Wireless telephone provider(s): [redacted]

c. Telephone number(s) to be transferred to the Petitioner:
[redacted]

- Box “17” is the “catch all” for various relief the Petitioner is seeking. (Ex: Can allow limited communication; Can request further relief.)
- “18” – If the Respondent is in control of the Petitioner’s phone number, this will transfer ownership to the Petitioner, and will deny the Respondent access to the phone number/phone plan.

End of the Petition

The diagram illustrates the completion of the 'End of the Petition' form. It shows a sequence of steps indicated by arrows: 1. A right-pointing arrow leads to the 'Signature of Attorney or State's Attorney' field, which contains a signature. 2. A left-pointing arrow leads to the 'Signature of Petitioner' field, which contains a signature. 3. A left-pointing arrow leads to the 'Atty./Pro Se' section, which includes fields for 'Attorney information here', 'Atty. Reg/Firm No.', 'Address', 'City/State/Zip', and 'Phone'. 4. A right-pointing arrow leads to the second 'Signature of Petitioner' field, which contains a signature. 5. A downward-pointing arrow leads to the bottom of the form, where there are 'Continue' and 'Submit' buttons.

Signature of Attorney or State's Attorney

Signature of Petitioner

UNDER THE PENALTIES OF PERJURY AND AS PROVIDED BY LAW PURSUANT TO SECTION 1-109 OF THE CODE OF CIVIL PROCEDURE, THE UNDERSIGNED CERTIFIES THAT THE STATEMENTS SET FORTH IN THIS INSTRUMENT ARE TRUE AND CORRECT EXCEPT AS TO MATTERS THEREIN STATED TO BE INFORMATION AND BELIEF AND AS SUCH MATTERS THE UNDERSIGNED CERTIFIES AS AFORESAID THAT THE UNDERSIGNED VERILY BELIEVES THE SAME TO BE TRUE.

Atty./Pro Se: Attorney information here

Atty. Reg/Firm No.: _____

Address: _____

City/State/Zip: _____

Phone: _____

Signature of Petitioner

Continue Submit

- The Petitioner needs to sign in 2 spots, and the attorney in 1 spot.
- The Petitioner's attorney's information needs to be provided.
- Lastly, select "Submit" to submit the petition.

Preparing Your Orders

- After submitting the Verified Petition, you should draft two orders in advance of the emergency hearing: a “Packet” and a “Status Order.”
- The “Packet” is the findings, order, and summons for the entry of an order of protection.
- If your emergency order is granted, the Judge will sign the “Packet.” If your order is denied, the judge will sign the “Status Order.”

Packet

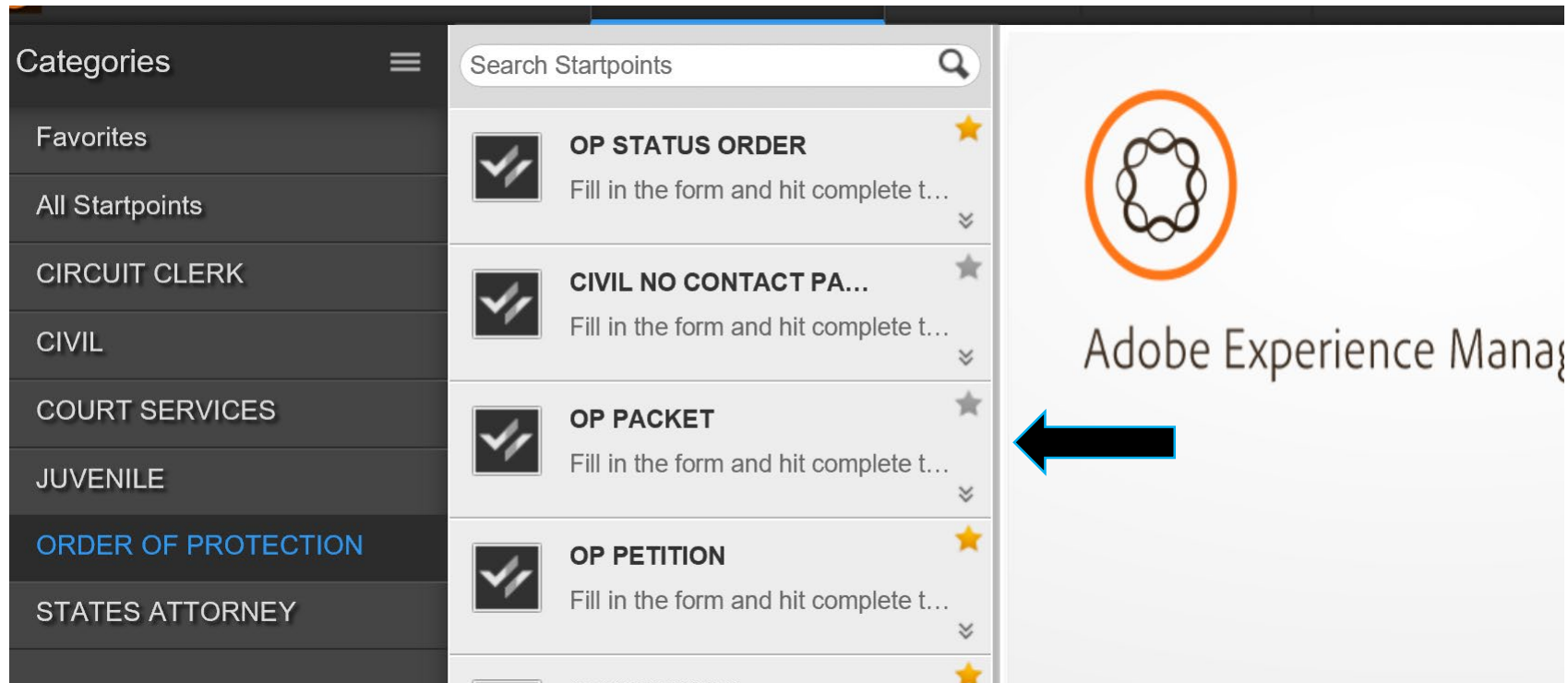
Send To: JUDGE		
IN THE CIRCUIT COURT OF THE SIXTEENTH JUDICIAL CIRCUIT KANE COUNTY, ILLINOIS		
Case No.		
Plaintiff/Petitioner	Defendant/Respondent	File Stamp
FINDINGS FOR ORDER OF PROTECTION		
<input type="checkbox"/> Emergency FEOOP <input type="checkbox"/> Interim FIOOP <input type="checkbox"/> Plenary FPOOP		
(Finding solely applicable to an ex parte Emergency Order) The Court, having examined the Petition filed in this case, as well as the person presenting the Petition, under oath, FINDS THAT: <input checked="" type="checkbox"/> The averments presented are sufficient to grant the relief ordered.		
The Court, having examined the Petition filed in this case and having conducted a hearing thereon, under oath, FINDS		

Status Order

Send To: JUDGE		
IN THE CIRCUIT COURT OF THE SIXTEENTH JUDICIAL CIRCUIT KANE COUNTY, ILLINOIS		
Case No.		
Consolidated with Case No.		
<input type="checkbox"/> Petitioner <input type="checkbox"/> Counsel present	<input type="checkbox"/> Respondent <input type="checkbox"/> Counsel present	
SERVE THIS DEFENDANT AT: <input type="checkbox"/> Service out of County		
Name:		
Address, City, State, Zip & County <input type="checkbox"/> Additional Address		
<input type="checkbox"/> Independent Petition <input type="checkbox"/> Criminal Proceeding <input type="checkbox"/> Matrimonial <input type="checkbox"/> Other		
ORDER OF PROTECTION STATUS ORDER		

Completing the Packet

- Return to AEM Workspace and click “Order of Protection”
- A submenu will open. Within that menu, click “OP Packet”



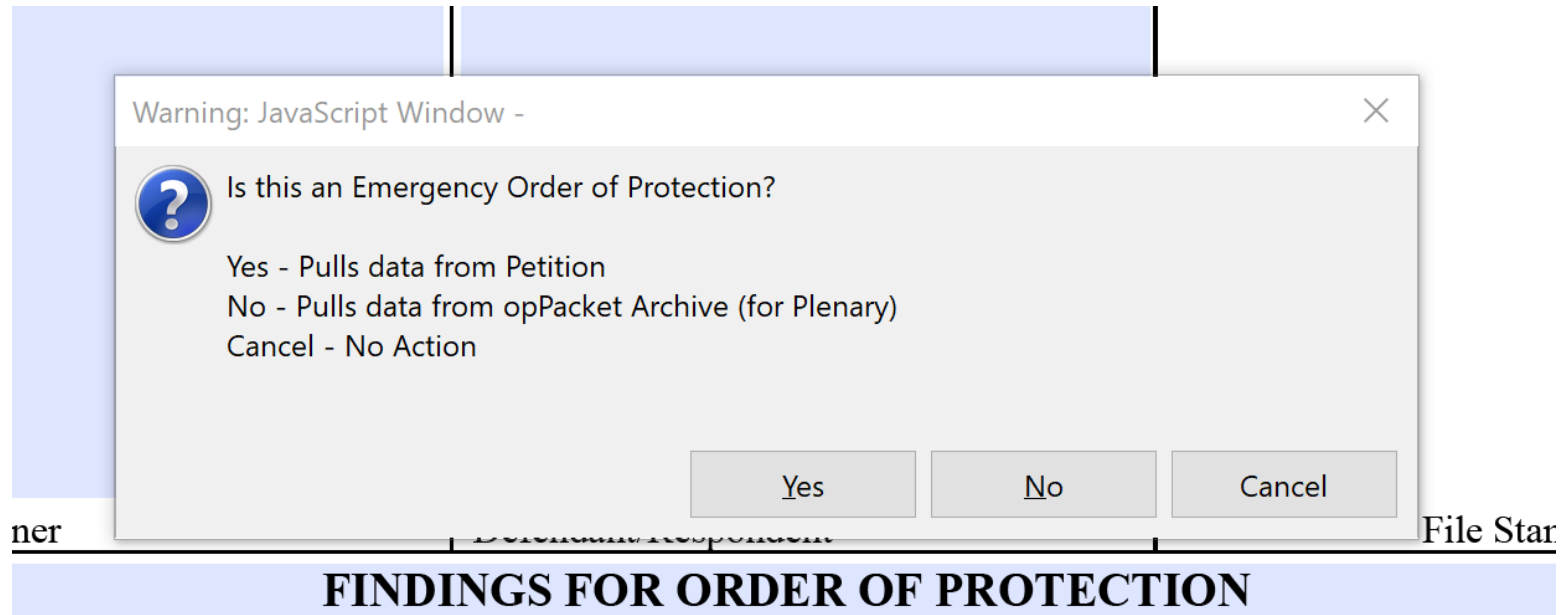
Packet

- Next, input your case number in the box labeled “Case No.” in the upper right corner of the order.

		Send To: JUDGE
IN THE CIRCUIT COURT OF THE SIXTEENTH JUDICIAL CIRCUIT KANE COUNTY, ILLINOIS		
		Case No. <div></div>
<div></div>	<div></div>	<div></div>
Plaintiff/Petitioner	Defendant/Respondent	File Stamp
FINDINGS FOR ORDER OF PROTECTION		

Packet

- A dialogue box will appear. Click “yes” and some of the form should auto-populate.
- Once the information is populated, fill out the Packet as desired.
- The Packet contains the Findings, the Order and a Summons for an order of protection



Packet

- The Packet should mirror the Petition you drafted earlier
 - The Packet should not include any remedies that were not requested in the Petition
- Ensure that the Findings correspond with the Remedies granted in the Order

Petition

- ☒ 1. With respect to Petitioner and other Protected Person(s), Respondent be prohibited from committing the following: Physical abuse; Harassment; Interference with personal liberty; Intimidation of a dependent; Willful deprivation; Neglect; Exploitation; Stalking.

P1-OP-01 (02/18)

Verified Petition for Order of Protection Continued

Case No. 19OP0000

- ☒ 2. Petitioner be granted exclusive possession of the residence and Respondent be prohibited from entering or remaining at such premises: (address + county) **Petitioner's home**
- ☒ 3. ☒ a. Respondent be ordered to stay away from Petitioner and other protected persons; and/or
- ☒ b. Respondent be prohibited from entering or remaining at **Petitioner's workplace**
Petitioner's school
- while any Protected Person is present; and/or
- ☐ c. Respondent be allowed access to the residence on (date) at (time) at (time) in the presence of (name) to remove items of clothing, personal adornments, medication used exclusively by the Respondent and other items, as follows:
- ☒ d. Respondent be prohibited from both physical presence and nonphysical contact with the petitioner whether

Findings

- E. ☒ The Court has considered the nature, frequency, severity, pattern and consequences of past abuse and the likelihood of future abuse to Petitioner or any member of Petitioner's or Respondent's family or household.
- F. ☒ Petitioner should be granted exclusive possession of the residence and Respondent shall be removed from premises, the special venue rules of Sec. 209(b) of IDVA (applicable only in civil proceedings) having been met, because:
- ☒ Petitioner has a right to occupancy and Respondent has no right to occupancy; **OR**
- ☐ Both parties have a right to occupancy; and, considering the risk of further abuse by Respondent interfering with the Petitioner's safe and peaceful occupancy, the balance of hardships favors the Petitioner because of the following relevant factors:
- ☐ Availability, accessibility, cost, safety, adequacy, location, and other characteristics of alternative housing for each party and any minors or other dependents; and/or

P1-OP-03 (05/18)

Findings for Order of Protection Continued

Case No. 19OP0000

- ☐ Effect on each party's employment; and/or
- ☐ Other factors, as follows:
- G. ☒ a. Respondent is ordered to stay away from the Petitioner and other protected person(s) and therefore is prohibited from both physical presence and nonphysical contact with the Petitioner whether direct, indirect (including, but not limited to, telephone calls, mail, faxes, writings), 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:
- ☒ Place of Employment:
Petitioner's workplace
- because:
- ☐ Respondent has no rights to enter/remain present at such places; **OR**
- ☒ The balance of hardships favors Petitioner in prohibiting or restricting Respondent from entering

Order

- ☒ 1. With respect to All Protected Persons, the Respondent is prohibited from committing the following: harassment, interference with personal liberty, physical abuse, intimidation of a dependent, willful deprivation, neglect or exploitation as defined in the Illinois Domestic Violence Act, and stalking as defined in section 12-7.3 of the

P1-OP-02 (05/18)

Order of Protection Continued

Case No. 19OP0000

Criminal Code of 2012.

- ☒ 2. ☒ a. Petitioner is granted exclusive possession of the residence and Respondent shall not enter or remain in any residence, household, or premises located at: (This remedy does not affect title to property.) **Petitioner's home**
- ☐ b. Respondent is ordered to provide suitable, accessible, alternative housing for Petitioner as follows:
- ☒ 3. ☒ a. Respondent is ordered to stay away from the Petitioner and other protected person(s) and therefore is prohibited from both physical presence and nonphysical contact with the Petitioner whether direct, indirect (including, but not limited to, telephone calls, mail, faxes, writings), 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:
- ☒ Place of employment:
Petitioner's workplace
- ☒ School:
Petitioner's school

Packet

- Remedies that may not be granted at the emergency stage, Paragraphs 4, 6, 12, 13 and 16, if requested in the Petition, should be reserved at the emergency stage.
 - At the bottom of the “Findings” portion of the Packet, type the reserved paragraphs into box 2, labeled “Rulings on the following remedies are to be expressly reserved by this Court”

APPLICABLE TO ALL TYPES OF ORDERS

- ☐ 1. Requests for the following remedies are to be transferred by order to as being a Court which ordinarily addresses such matters:
- ☒ 2. Rulings on the following remedies are to be expressly reserved by this Court:
Paragraphs 4, 6, 12, 13 and 16
- ☐ 3. Relief with respect to the following remedies is to be denied for the following reasons:

Packet

- These remedies must also be reserved in the Order. Check Paragraph 19 in the Order. Type the numbers corresponding to the reserved paragraphs in the blank space after “The relief requested in paragraph(s)”
- Check the box labeled “Reserved” and indicate in the text box below that those paragraphs are reserved because they are unavailable on an emergency basis, without notice to the respondent.

☒ 19. The relief requested in paragraph(s) **4, 6, 12, 13 and 16** of the petition is ☐ DENIED ☒ RESERVED
because:
Relief requested is not available without notice to Respondent

Packet

- Plenary hearings for new Order of Protection cases are held on Tuesdays and Thursdays at 9:00 a.m. in CR 101 at the Kane County Judicial Center.
- If the Petition is part of a pending divorce/family case, make sure to set the plenary hearing in the courtroom of the Judge presiding over the case. Pick a date in accordance with the guidelines below and if the Judge needs to pick a different date there will be an opportunity for the date to be changed before the order is signed.
- Plenary hearings must be set 14 to 21 days from the date the emergency order was entered.
 - The hearing date may correspond with the existing court date in a Family/Divorce case, as long as it is within 14 to 21 days of the emergency order.

THE COURT HAVING JURISDICTION OF THE SUBJECT MATTER, IT IS HEREBY ORDERED

<p>This Order was issued on</p> <p>Date <u>05/02/2019</u> Time <u>10:00</u> <u>AM</u> ▼</p>	<p>This Order will be in effect until:</p> <p>Date <u>05/23/2019</u> Time <u>11:59</u> <u>PM</u> ▼</p>
---	--

A Plenary hearing will be held on 05/23/2019 at 9:00 AM ▼ in room 101 ▼
at the Kane County Judicial Center, 37W777 Rt. 38, St. Charles, IL ▼

Packet

- Next, fill out the “Summons” at the bottom of the Packet
- Most of the information in the summons will have populated.
 - However, be sure to check the respondent’s address, because it only populates partially.

IN THE CIRCUIT COURT OF THE SIXTEENTH JUDICIAL CIRCUIT KANE COUNTY, ILLINOIS

Case No. **19OP2000**

Petitioner's name	Respondent's name	
Plaintiff/Petitioner	Defendant/Respondent	
SERVE THIS DEFENDANT AT:		
Name: Respondent's name		
Address, City, State, Zip & County <input type="checkbox"/> Additional Address		
123 Respondents Ln., St. Charles, IL 60175, Kane County		File Stamp

Atty./Pro Se: **Atty Info.**

Packet

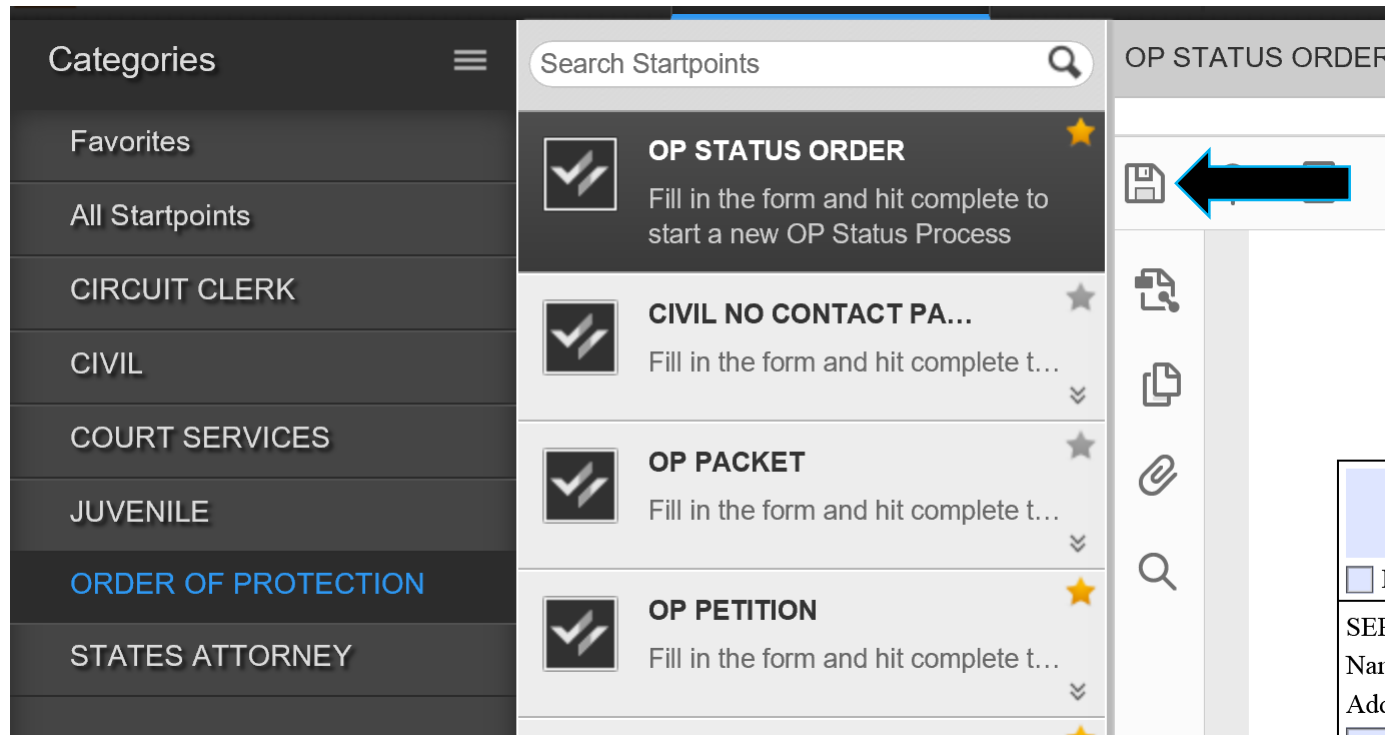
- Review, and submit your order to the “Law Clerk Queue.”
 - Before clicking “submit” click on the drop down box in the upper right corner of the order.
 - Select “Law Clerk.” Once “Law Clerk” is selected, click “Submit” in the bottom right corner of the window.

IN THE CIRCUIT COURT OF THE SIXTEENTH JUDICIAL CIRCUIT		Send To: <div><div>LAW CLERK</div><div>JUDGE</div><div>LAW CLERK</div><div>PRAIRIE STATE</div><div>STATES ATTORNEY</div><div>SHELTER</div></div>
KANE COUNTY, ILLINOIS		Case No. <div></div>
Petitioner's Name	Respondent's Name	
Plaintiff/Petitioner	Defendant/Respondent	File Stamp
FINDINGS FOR ORDER OF PROTECTION		



Completing the Status Order

- To complete the status order, open the Order of Protection submenu again, and click “OP Status Order”



Status Order

- Input your case number in the box labeled “Case No.” in the upper right corner of the order. Some of the information will auto-populate, as it did in the Packet
- Next, fill out the order as if it was denied as an emergency, and set for a plenary hearing.
- Then, submit the order to the “Law Clerk” queue, the same way as you did with the Packet
 - Click the drop down box in the upper right corner, select “Law Clerk,” then click submit in the lower right corner.

☒ Independent Petition ☐ Criminal Proceeding ☐ Matrimonial ☐ Other

ORDER OF PROTECTION STATUS ORDER

The Court having jurisdiction of the subject matter, it is hereby ordered that:

☐ An _____ Order of Protection is denied.

☒ An **Emergency** Order for Protection is denied. Case is set for ☒ Plenary ☐ Final hearing on **05/23/2019** at **9:00 AM** in room **101** of the **Kane County Judicial Center, 37W777 Rt. 38, St. Charles, IL**

☐ An _____ Order of Protection was previously entered and the Petitioner failing to appear by _____ **AM** it is hereby ordered that the matter is ☐ Dismissed ☐ Dismissed Instant

☐ An _____ Order of Protection was issued on _____ a copy of which is attached hereto.

☐ An extension of the _____ Order of Protection is granted and is hereby extended to _____ at _____ **AM**

☐ A hearing on the _____ Order of Protection is set for _____ at _____ **AM** in room _____ of the _____

☐ The _____ Order of Protection previously entered on _____ is hereby:
☐ Dismissed without prejudice ☐ Dismissed with prejudice

☐ The _____ Order of Protection previously entered is to lapse on its own terms.

☐ The _____ Order of Protection is to expire on its own terms.

☐ Order of Protection is terminated instant.

☐ Motion to vacate Order of Protection is granted.

☐ The _____ Order of Protection is modified as follows:

☒ Other:

Allegations and evidence fail to support proceeding without notice to the respondent as required by statute. Respondent to be served with summons for the next court date.

☐ Respondent received in open court

Emergency Hearing

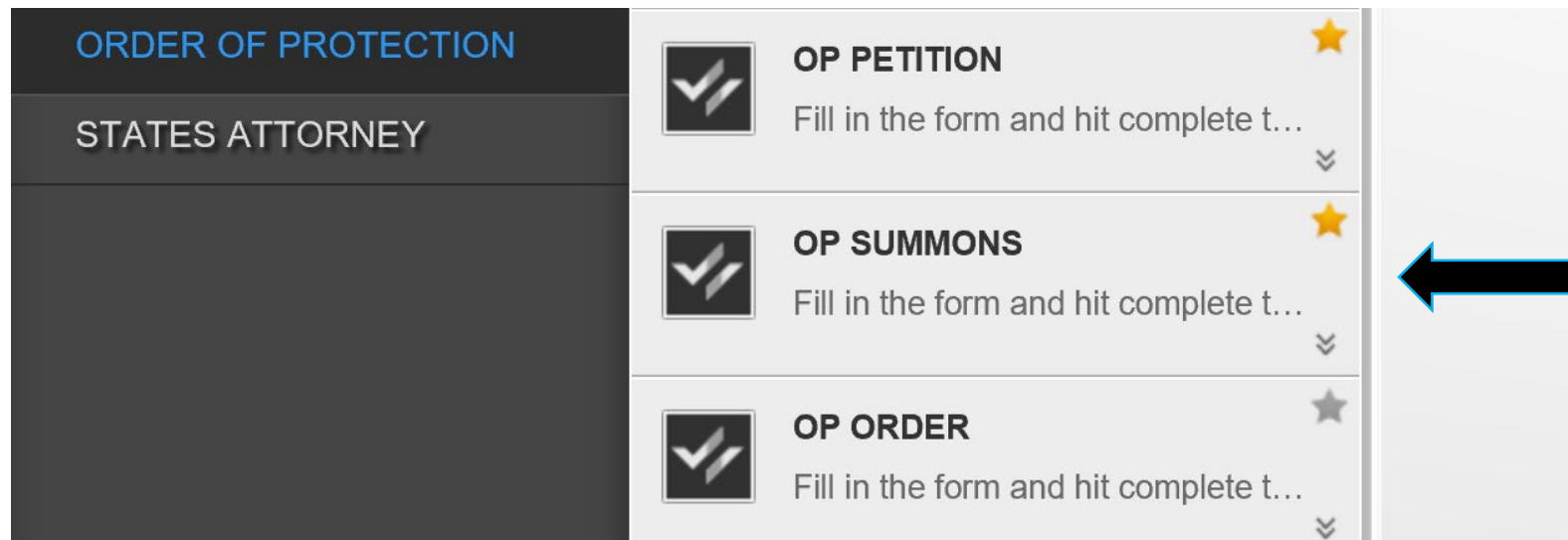
- If you are seeking an emergency order of protection, there will be an emergency hearing.
- After submitting your petition and your orders as instructed above, you will go to the Multi-Purpose Courtroom in the lower level, room 005.
- If there is a pending family or divorce case, you will go to the courtroom already assigned to that case.

Hearing and Orders

- Once in the courtroom, check in with the clerk and provide your case number. Because it is an emergency proceeding, off the call, there may be a wait until the judge is able to hear your case.
- When the judge calls your case, the hearing will proceed. The judge will either grant your client's petition, deny the petition outright, or deny the petition on an emergency basis and set it for a plenary hearing.
- After the judge rules on the Petition, ask the court clerk to call a law clerk to retrieve the appropriate electronic order from the "Law Clerk" queue.
- The Law Clerk will come to the courtroom, retrieve your order, review and edit the order with you, and submit the order for the judge to sign.

Summons

- If the order of protection is denied as an emergency and set for a new date, you will also need to issue a summons.
- After the hearing is complete, and the order is entered, draft a summons by either working with a law clerk on a tablet, or returning to the law library
- Enter AEM Workspace and navigate to the order of protection submenu
- Click on “OP Summons”



Summons

- Input the case number in the box labeled Case No.
- Unlike the orders, no information will automatically populate
- Fill out parties' names, the defendant's name and address for service and attorney information
- Then, submit the form

IN THE CIRCUIT COURT OF THE SIXTEENTH JUDICIAL CIRCUIT
KANE COUNTY, ILLINOIS

Case No.

<input type="text"/>	<input type="text"/>	
Plaintiff/Petitioner	Defendant/Respondent	
SERVE THIS DEFENDANT AT:		
Name: <input type="text"/>		
Address, City, State, Zip & County <input type="checkbox"/> Additional Address		
<input type="text"/>		File Stamp

Atty./Pro Se:

Atty. Reg/Firm No.:

Address:

City/State/Zip:

Phone:

SUMMONS FOR ORDER OF PROTECTION

To the above named defendant:

You are hereby summoned and required to file an answer in this case or otherwise file your appearance, in the Office of the Clerk of this Court, within 7 days after service of this summons, exclusive of the day of service. If you fail to do so, judgment or decree by default may be taken against you for the relief prayed in the complaint.

Completion and Next Steps

- Once the judge signs the order and you receive your client's paperwork, the emergency process is over.
- If the judge granted the emergency order or otherwise set the matter for a plenary hearing date, take note of that date.
 - The sheriff will attempt service on the respondent, and there will be a full evidentiary hearing on that date.
 - The sheriff will attempt to effect service in 24-48 hours of the issuance of the order

Hearing and Orders – Upcoming Changes

- The court is in the process of preparing a “Private Attorney” queue for AEM Workspace
- Once such a queue is implemented, you will click the same drop down box in the upper right corner, and select “Attorney” or “Private Attorney” instead of “Law Clerk”
- After the hearing, the judge will access the appropriate order from the “Private Attorney” queue, and sign the order.
- If your order is set for a plenary hearing date, inform your client and take note of the date of the hearing.