

# Frequently Asked Questions: When the OP is Against the Other Parent

## What does the judge need to know before I ask for protection for my kids in the OP?

**The judge needs to know the children's names.** The words *Minor Children* on the OP mean that the Respondent is the legal or biological parent of your kids.

*NOTE:* You can protect all your kids on the OP. They don't have to be the kids of the person you are getting the OP against (called the *Respondent*) But, if the Respondent is the other parent, there are certain things you can ask for.

**How do I know if the Respondent is the *Legal Parent* of my kids?** When the judge asks, "Has the Respondent established parentage (*Legal Parent*)?" you can say yes, if one of these things is true:

- ▶▶ You were married to the other parent when your kids were born
- ▶▶ The other parent's name is on the birth certificate
- ▶▶ Another court has already entered an order about the kids, like parentage, child support, or visitation.

**Who takes care of the kids most of the time?** This is called *Primary Caretaker*. If this is you, tell the judge. If it is the Respondent and you want that to change, you have to tell the judge why this is important for the safety of everyone.

## Can I ask to keep the other parent away from my kids?

Yes, you can ask for some or all of the following on your petition for the order of protection:

**Kids are *Protected Parties* on the OP:** This means that you and the kids have the same level of safety. Their names must be written under *Protected Parties*, in addition to *Minor Children*.

**Kids live with you (*Physical Care and Possession*):** If they already live with you, everything stays the same. If they live with the other parent, you will need to tell the judge why you want this to change. If the judge agrees, special arrangements can be made with the sheriff to get the kids back safely.

**You make all decisions about the kids (*Temporary Legal Custody*):** This means you are the only parent who decides about school, doctors, religion, and other things. The other parent decides nothing.

**No Contact with other parent:** This means the kids get no calls, texts, emails, or visits from the Respondent.

**Visitation *Denied*:** *Denied* means that as long as the OP is in place, there are no visits.

**Visitation *Reserved*:** *Reserved* means that no decision on visits is made right now. If your kids are *Protected Parties* and you mark *No Contact*, this could mean that no visits will happen unless you or the Respondent asks for them later. To do that, a *Motion* can be filed with the clerk. If you decide to start a divorce or parentage case in Domestic Relations Court, you can file the motion there. (See flier about Domestic Relations Division)

**No going to school or day care (*Prohibited from Entering or Remaining at*):** This means the other parent can never go to the address of anyone who takes care of your kids or to the school. The addresses have to be listed on the OP.

**No information about schools or doctors (*Denied Access to School or Any Other Records*):** This means the other parent can't get any reports from the school or the doctor. This helps to keep the other parent from knowing where the kids go to school or to the doctor. If the other parent knows where these places are, it still stops the sharing of information about these things.

## Can the kids still see the other parent if there is an OP?

Yes. There are many ways for the OP to help make everyone feel safer during visits.

It depends on what you ask for and what the judge allows:

**Kids are *Protected Parties* on the OP:** This does not stop them from having visits with the other parent. It just helps keep those visits safer.

**Kids live with you (*Physical Care and Possession*):** The kids can live with you and can still visit the other parent.

**You make all decisions about the kids (*Temporary Legal Custody*):** The kids can visit the other parent and you still make major decisions about them. This includes things like school, doctor's appointments, religion, and activities.

**Other parent has limits on when and how they contact the kids:** This can be part of the rules about visits. You can ask that calls to the kids be on certain phones and at certain times. That way, you don't have to talk to the other parent and the kids are called at a time when they are able to talk.

**No hiding the kids or taking them out of Illinois:** This makes sure that the other parent knows they have to return the kids to you and not take them someplace where they can't get back to you.

**Other parent can go to school or daycare as long as no contact with you:** If your kids have school activities, the other parent can be allowed to go to them. This is for things like sports, meetings with the teacher, and parties.

**Visitation *Restricted*:** That means that there are a lot of rules for visits to help make them safer.

## What kinds of things can make visits “Restricted”?

**Specific times and dates:** You can ask for visits to be on certain days and at certain times. If you ask for that, you have to make sure that schedule works for everyone.

**Safer ways for pick-up and drop-off of the kids:** This can happen in a few ways:

- ▶▶ **At curbside:** When the other parent arrives, the kids go out to the car so the other parent can’t talk to you. This works best for older kids.
- ▶▶ **At a public meeting place:** You meet the other parent in a public place and the other parent gets the kids there. This works best if you aren’t worried that the other parent will do or say things to you in public.
- ▶▶ **Someone else helps:** A specific friend or relative takes the kids to the other parent and brings them back. This person must be willing to do this and agree to it in court.
- ▶▶ **At an agency that does *Safe Exchange*:** This is a place where you bring the kids and the other parent gets them, but you never see each other. (See flier about *Supervised Visitation and Safe Exchange*)

**Supervised visits:** The other parent is never alone with the kids. This can help if you are worried that the kids might get hurt or be in a dangerous place. It also helps stop the other parent from saying things that might scare the kids or might not be proper for them to hear. There are two ways to do this:

- ▶▶ **Someone else helps:** Visits are done in front of a person you trust. The person that does this must agree to do it and sign a paper for the court.
- ▶▶ **At an agency that does *Supervised Visits*:** There are free services that can do this. Remember, if you want an agency to do this, the schedule cannot change. It has to be at a fixed time that the agency is available. (See flier about *Supervised Visitation and Safe Exchange*)

## What if I need help figuring out visitation details?

Here are some ways to do that:

**Talk to someone about visitation before you go to court:** The court has a person called a *Supervised Visitation and Safe Exchange Liaison*. She can tell you about some visitation options. If you have an advocate, they can help, too.

**Expediter Services:** The court has a person that can work with you and the other parent to figure out the details of visits. You must ask the judge for this help in court. (See flier about *Expediter Services*)

**Work it out with the other parent:** There are ways to communicate with the other parent and still feel safer. You can get a special kind of free email account. It can keep track of all messages between you and the other parent. No one can delete or change a message. Also, if you need copies of the emails for court, you can get them for free if you have an OP. [www.talkingparents.com](http://www.talkingparents.com) is one of these email accounts you can try.

## How do I talk to the other parent about the kids if there is an OP?

Sometimes you still have to tell the other parent important things about the kids. There are ways to make it safer:

**Phone calls:** The judge can limit what you and the other parent talk about over the phone. Examples include visitation times and doctor visits. This works best if the other parent does not threaten you or try to control you verbally.

**Texts:** Texts can be limited, too. This helps because there is a written record of what BOTH of you say to each other.

**Special email accounts:** (like [www.talkingparents.com](http://www.talkingparents.com) described above) You can use accounts like this to arrange for visits.

## Can I get money for the kids?

Yes. You can ask for *Child Support* on your petition.

Even if you only want certain expenses paid for, you still have to ask. It helps to have proof of the other parent’s income.

## Can I change what is in my Order of Protection later?

Maybe. You can ask to have your OP *Modified* and then the judge will decide.

**To do this, you have to file a *motion* with the clerk and mail a copy to other parent.** Then at a court date, you can tell the judge why you want to change it. Remember, the protections in your OP end when it expires.

Produced by the Domestic Violence Division of the Circuit Court of Cook County

*Legal Disclaimer:* This is an educational and informational guide; it may not be used for any other purpose.

This guide confers no legal rights and creates no legal remedies and may not be used in any legal proceeding.