

VICTIM INFORMATION

Welcome to the Circuit Court of Cook County Domestic Violence Division

This court is a safe space where people who may have been abused by an intimate partner, family or household member can get help, including:

- Seeking criminal charges against the person who committed the abuse and/or
- Requesting an Order of Protection, a court order that orders the person who may be abusing you (the abuser) to do or stop doing certain acts.

You can get an Order of Protection in criminal or civil court. Both courts are located in this building.

Check in with the Help Desk

If you have a police report you may be able to file criminal charges and get an Order of Protection.

The Help Desk will send you to the State's Attorney's Office for a decision if a criminal charge will be filed today.

- If criminal charges are filed, the court will issue a warrant or summons for the abuser. The State's Attorney's Office will help you ask for the Order of Protection in criminal court.
- If no criminal charges are filed, return to the Help Desk if you want to ask for an Order of Protection.

If you do not have a police report or no criminal case has been filed and you want an Order of Protection, the Help Desk staff will ask you more questions so that you can be linked for further help. When you are linked for help, you can more fully discuss your needs and complete the steps to ask for an Order of Protection.

1. Complete the Petition

To complete the paperwork (a Petition) for an Order of Protection, the Help Desk will link you to one of the following:

- a free lawyer,
- a law student or advocate who will help you with your paperwork, or
- the Clerk's office, where you will receive information about filling out the papers yourself.

2. File the Petition

- Once your paperwork is completed the Clerk's Office will assign you to a courtroom.
- Go to that courtroom immediately.

If you have children with you they will not be allowed in the courtroom. There is a free Children's Room on the first floor where your children can be safe while you are in court.

3. Hearing

- Go into the assigned courtroom, and check-in quietly with the Clerk at the front of the courtroom (even if the judge is hearing a case), then take a seat.
- When your case is called, go up to the judge's bench and answer the judge's questions about your situation. If the judge grants you an Emergency Order of Protection, wait until you get a copy before you leave the courtroom. The Clerk will call your name again and you will get the copy.
- After court, the Sheriff will try to give ("serve") the abuser a copy of the Order of Protection and the Petition at the address you provided. Once the abuser is served, he/she must obey the order of protection or he/she could be arrested.

Who can request an Order of Protection?

You can ask the court for an Order of Protection if you are being abused by someone:

- You are or were married to;
- You are or were dating;
- You have a child with;
- Who is your adult child;
- Who is your parent; or,
- Who is your sibling;
- Who is your "step" parent, adult child, or sibling;
- With whom you share a blood relationship through a child;
- With whom you are or were related through marriage;
- You live with now or in the past; or,
- Who is your caretaker, if you are disabled.

What is an Emergency Order of Protection?

An EMERGENCY ORDER OF PROTECTION is an order the court gives without first telling the abuser that you are asking the court for protection. To get an Emergency Order of Protection, you must be in an emergency situation.

- If you are afraid and/or you think the abuser might harm you or prevent you from getting the Order of Protection if he/she knew you were trying to get it, tell the judge.
- If there has been a delay in getting to the court, explain why your need for protection remains a current emergency.
- If there has been more than one incident, make sure your petition includes that information.

In an Emergency Order of Protection you can ask the court for the following orders:

- Prohibit abuse—including physical abuse, harassment, stalking, and interference with personal liberty, intimidation of a dependent or willful deprivation
- Grant of exclusive possession of a residence to you
- Stay away order
- Physical care and possession of a minor child given to you
- Prohibit removal or concealment of a minor child from you
- Order the person who is abusing you to appear in court alone or with a minor child
- Protect property--prohibit transferring, damaging or concealing property
- Protect pets
- Prohibit entry in residence by the person abusing you while under the influence
- Prohibit access to records related to a child
- Other injunctive relief—such as no unlawful contact or no contact of any kind

An Emergency Order of Protection lasts up to 21 days. During that time, the Sheriff will try to give ("serve") abuser the petition you filed and the Order of Protection. You must give a specific address where this person can be located so the Sheriff can serve the papers.

If the judge decides that you do **not** have an emergency, he or she will not give you an Emergency Order of Protection but may still give you a court date to return to decide if you should receive a longer (final) Plenary Order of Protection. After the hearing today, the Sheriff will try to give the abuser a copy of the petition you filed.

If you are afraid that you might be harmed if your abuser learns that you are asking the court for help and you decide you don't want an Order of Protection at this time, you must ask to **withdraw** your petition immediately before leaving the courtroom.

A Plenary Order of Protection lasts longer than an Emergency Order of Protection, and has more protections.

A Plenary Order of Protection can last up to 2 years, covers more issues and gives more protections. In addition to the protections available in the Emergency Order, the Plenary Order can also contain the following:

- Counseling for abuser
- Temporary legal custody
- Child Visitation
- Possession of personal property
- Payment of support
- Payment of losses
- Prohibit firearm possession
- Payment for shelter services

How do I get a Plenary Order of Protection?

- The abuser must be served for you to get a Plenary Order of Protection. If the Sheriff cannot serve the abuser at the address you gave them on your first court date, the judge will ask you for a different address for the abuser. This is called an "alias summons." The Emergency Order of Protection can be continued for another 21 days.
- If you do not return, even if you know the abuser has not been served, your order will end.
- If you are late for court your case could be dismissed.
- When the abuser has been served, the judge may have a hearing. The hearing is your chance to tell why you need an Order of Protection, the abuser tells his/her side of the story, and the judge decides whether to grant a Plenary Order of Protection.

How do I enforce the Order of Protection?

Keep your order of protection with you at all times. If your children are also protected on the Order, make copies for their schools, day care center, babysitters, etc. The Clerk's Office can also notify your child's school that the Order is in place if you complete an additional form.

If the abuser harms or harasses you or any protected person, comes to a protected address or contacts you in any way, call 911 / the police immediately. The police will have a record of your Order of Protection and whether it has been served. The abuser must be served with the Order for it to be enforceable.

- If the abuser is **present** when the police arrive, he or she will be arrested for a criminal charge of violation of Order of Protection (VOOP).
- If the person has fled, the police should complete a police report. Bring the police report (or the report number) to court the next working day or as soon as possible, and the State's Attorney will review the facts to determine if criminal charges will be filed.

This information is provided for educational purposes only and does not confer any legal rights or remedies.

OTHER SUPPORT

Do you need to talk to someone for more information or support?

- **City of Chicago Domestic Violence Help Line**

The Help Line operates 24 hours, 7 days a week. Your conversation with the Help Line Advocate is confidential. The advocate will give you information and support and/or link you to shelter, counseling, supervised child visitation services, legal services and other free community-based sources of assistance.

The toll free number is 1-877-863-6338. A direct line to this Help Line is available for use while you are at the courthouse. The Help Desk can tell you where it is.

- **Cook County State's Attorney's Office Domestic Violence Resource Center**

The Resource Center is located in Room 1600 on the first floor. The Center can identify and link victims with needed services, including help with education or employment.

Do you need help understanding your options? Would you like help with the court proceedings or with planning for your safety?

- **Domestic Violence Legal Advocates**

Non-lawyer Legal Advocates are available to explain court proceedings, assist you in dealing with court personnel and support you during the court case. The Help Line (see above) can refer you this service or you can seek the assistance of advocates in suite 1500 on the first floor or Metropolitan Family Services or Family Rescue Legal Advocates, who have offices on the second floor at the courthouse.

- **Senior Service Legal Advocate**

The City of Chicago offers support to those victims who are 60 years of age or older and are Chicago residents. The Help Desk can direct you to this service.

Have you lost money as a result of being a crime victim?

- **Crime Victim Compensation**

You may be eligible for financial assistance through the Illinois Attorney General's Office for expenses incurred as a result of being a victim of a crime. For more information call 1-800-228-3368.

Do you and the abuser have children together?

- **Supervised Child Visitation and Safe Exchange**

If you and the abuser have children, he or she may be granted visitation. If you are afraid that you or your child would be in danger during the visitation or exchange, the judge may order supervised visitation or exchange. The Help Line can link you to free supervised visitation centers so that you can determine if this might be a resource that the court might consider in your case.

Danger Assessment Tool The attached tool may help you evaluate the danger that you are in so that you might seek necessary support and protection. If, after completing the assessment, you have questions or additional concerns about your safety, contact the Help Line for support **or ask to speak to an advocate.**