

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
WILL COUNTY, ILLINOIS

Petitioner(s)

VS

CASE NO. _____

Respondent(s)

**EMERGENCY ORDER OF PROTECTION/ORDER SETTING HEARING ON PLENARY
ORDER OF PROTECTION**

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 the protected person is present, or granting exclusive possession of the residence or household, or granting a Stay Away Order is a Class A Misdemeanor. Grant of exclusive possession of the residence or household, or granting a Stay Away Order 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. Any willful violation of any order is Contempt of Court. Any violation may result in fine or imprisonment.

The following persons are protected by this Order: _____

PETITIONER	ADDRESS	CITY
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If disclosure of address is excused under law, give address to which notices may be sent:

Complete the following information about the person against whom you are seeking this Order of Protection:

RESPONDENT			ADDRESS			CITY	
BIRTHDATE	SEX	RACE	HEIGHT	WEIGHT	HAIR	EYES	SOCIAL SECURITY #

___ Emergency Order of Protection has been issued. Hearing on extension for up to two years of this order and the expiration of this order will occur on _____, 20___ at 9:30 a.m., in Courtroom No. 302.

___ The request for Emergency Order of Protection is denied. Hearing on the Petition for Order of Protection is set on _____, 20___, at _____ (a.m.) (p.m.), in Courtroom No. _____.

___ The Emergency Order of Protection entered on _____, 20___ is extended to _____, 20___, at _____ (a.m.) (p.m.) In Courtroom No. _____ for hearing on further extension.
(If more than 21 days, Interim or Plenary Order should be used.)

The Court finds petitioner has been abused by Respondent(s) and the Court has considered the relevant factors of the Illinois Domestic Violence Act and finds that the actions of Respondent if not prohibited will likely cause irreparable harm or continued abuse, and the relief requested in this order to protect Petitioner and other named protected persons. Therefore it is ordered:

___ 1. Respondent is prohibited from the following:

- | | | |
|--------------------|--|-------------------------|
| ___ Physical Abuse | ___ Exploitation | ___ Willful Deprivation |
| ___ Harassment | ___ Interference With Personal Liberty | ___ Stalking |
| ___ Neglect | ___ Intimidation of a Dependent | |

___ 2. Petitioner is granted exclusive possession of the residence and Respondent shall not enter or remain in the household or premises located at: _____

(Remedy does not affect title of property)

- ___3. Respondent is prohibited from entering or remaining at the protected person(s)' school(s), namely: _____;
 place of employment, namely: _____;
 or at: _____.
- ___4. Respondent is ordered to stay away from all protected persons as follows: **G** in person **G** by telephone
- ___5. Respondent is prohibited from removing the minor child(ren) _____
 _____ from Illinois or concealing them within Illinois.
- ___6. Respondent is ordered to return the minor child(ren) to the physical care of the Petitioner; and not remove the minor child(ren) physical care of the Petitioner.
- ___7. Respondent is ordered to appear in Courtroom _____ of the Will County Courthouse, 14 West Jefferson Street, Joliet, Illin
 ___(a.m.) (p.m.) on _____ [with] [without] the minor child(ren).
- ___8. Petitioner is awarded the physical care of the following minor child(ren) _____
 _____.
 Visitation for Respondent is specified as follows: _____
 _____.
- ___9. Petitioner is granted exclusive possession of the following items of personal property _____
 _____.
 If Respondent has possession or control of any such property, Respondent shall promptly make it available to Petitioner.
- ___10. Respondent is prohibited from taking, transferring, encumbering, concealing, damaging or otherwise disposing of any property of the Petitioner except as explicitly authorized by the Court. Respondent is prohibited from improperly using the financial or other resources of any aged member of the family or household for the profit or advantage of the Respondent or any other person.
- ___11. Respondent is prohibited from remaining at the household or residence of Petitioner while under the influence of alcohol or drugs and constituting a threat to the safety and well-being of any protected person.
- ___12. Respondent is further ordered or enjoined as follows: _____

 _____.
- ___13. The remedy requested in paragraph(s) _____ of the petition is **(DENIED) (RESERVED)**,
 because: _____

 _____.
- ___14. Hearing is also set on the same date and time on the request for maintenance and/or child support.
- ___15. Summons is to issue. This Order and the Petition for Emergency Order of Protection are to be attached to the summons.
- ___16. Notice of hearing is to be served on Respondent in accordance with Supreme Court Rules
- ___17. The above order is modified from a previous order, dated _____, 20____, at Petitioner's request.
- ___18. Petition and Order were served on Respondent in open Court this date.

 JUDGE

Date: _____

Time: _____ (a.m.) (p.m.)

**DEFINITION OF PROHIBITED CONDUCT
PURSUANT TO THE ILLINOIS DOMESTIC VIOLENCE ACT OF 1986**

1. "Abuse" means physical abuse, harassment, intimidation of a dependent, interference with personal liberty or willful deprivation but does not include the reasonable direction of a minor child by a parent or person in loco parentis.
2. "Adult with disabilities" means an adult prevented by physical or mental disability or advanced age from taking appropriate action to protect himself or herself from abuse by a family or household member. A person may be an adult with disabilities for purposes of this Act even though he or she has never been adjudicated an incompetent adult. However, no proceeding may continue on behalf of an adult with disabilities over the adult's conduct unless such proceeding is approved by his or her legal guardian, if any.
3. "Family or household members" includes spouses, former spouses, parents, children, stepchildren and other persons related by blood or by prior marriage, persons who share or formerly shared a common dwelling, persons who have or allegedly have a child in common, persons who allegedly share a blood relationship through a child, persons who have or have had a dating or engagement relationship, and persons with dependent persons and their personal assistants.
4. "Harassment" means knowing conduct which is not necessary to accomplish a purpose that is reasonable under the circumstances; which would cause a reasonable person emotional distress; and does cause emotional distress to the petitioner. Unless the presumption is rebutted by a preponderance of evidence, the following types of conduct shall be presumed to cause emotional distress:
 1. Creating a disturbance at petitioner's place of employment or school;
 2. Repeatedly telephoning petitioner's place of employment, home, or residence;
 3. Repeatedly following petitioner about in a public place or places;
 4. 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 window;
 5. 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
 6. Threatening physical force, confinement or restraint on one or more occasions.
5. "Interference with personal liberty" means committing or threatening physical abuse, harassment, intimidation or willful deprivation so as to prevent 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.
6. "Intimidation of a dependent" means subjecting a person who is dependent because of age, health or disability to participation in or the threat of physical force against another or physical confinement or restraint of another which constitutes physical abuse as defined in this Act, regardless of whether the abused person is a family or household member.
7. "Physical abuse" includes sexual abuse and means any of the following:
 1. Knowing or reckless use of physical force, confinement or restraint;
 2. Knowing, repeated and unnecessary sleep deprivation; or
 3. Knowing or reckless conduct which creates an immediate risk of physical harm.
8. "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 forgo such medical care or treatment. This paragraph does not create any new affirmative duty to provide support to dependent persons.
9. "Plaintiff" means not only any named plaintiff for the Order of Protection and any named victim of abuse on whose behalf the petition is brought but also any person protected by this Act.

REOPENING ORDER OF PROTECTION

Respondent may petition the Court to reopen an Emergency or Plenary Order of Protection if there is an allegation that he/she did not receive notice of the hearing in accordance with the Illinois Domestic Violence Act and that he/she has a meritorious defense to the Order or that the Order or that the part of it was not authorized by the Act.