



This is for information and instruction. Do not file it.

# HOW TO ASK FOR AN ORDER OF PROTECTION

## 1

### PETITIONER FILLS OUT FORMS AND STARTS A CASE.

To start an Order of Protection, you (the Petitioner) begin by filling out a *Petition for Order of Protection*. The *Petition* tells the judge why you believe you need an Order of Protection. Write down everything that has been happening and why you need the order. You may be able to work with an advocate to prepare this paperwork and go to court (call the Illinois Statewide Domestic Violence Hotline at 877-863-6338).

Use this form:

- *Petition for Order of Protection*

## 2

### A JUDGE HEARS YOUR PETITION.

The judge will look over the forms you submitted and ask you any questions. If you asked for an *Emergency Order of Protection* and the judge thinks it's needed, the judge will issue a temporary order called an *Emergency Order of Protection*. This temporary order is a short-term measure to keep you safe until a more in-depth hearing can happen with both sides.

Use this form:

- *Emergency Order of Protection*

## 3

### NOTICE TO THE OTHER PERSON.

The Respondent will receive a copy of all the paperwork. This is typically done by the sheriff in your county. Sometimes it can take the sheriff a few tries before they are able to find and notify the Respondent.

Use this form:

- *Summons (Protective Orders)*

## 4

### ATTEND THE COURT HEARING.

After the Respondent has been notified about the order, both sides will attend a final hearing in court. This is the opportunity to present your case in more detail. Bring any evidence, documents, or witnesses that support your need for protection. The judge will carefully consider the information presented and decide whether a long-term order, known as the *Order of Protection*, is necessary.

Use this form:

- *Order of Protection*

Laws covering these forms: 750 Illinois Compiled Statutes, section [60/101 through section 60/401](#) and [725 ILCS 5/112A](#).



This overview is not legal advice. It provides general instructions on how to use these forms in your court case. It cannot and does not try to cover everything that might happen in your court case. Your use of the forms does not guarantee you will be successful in court.

How a judge handles a case can vary from county to county. **Your county may have special requirements that are not covered in these instructions.** Ask the Circuit Clerk if your county has local rules and, if so, where you can get a copy.



# STEP 1

## FILL OUT AND FILE FORMS. START YOUR CASE.

### ARE THESE FORMS FOR ME?

You may use these forms to ask the court for an **Order of Protection** when:

- you have been abused by a family or household member, caregiver, current or ex-romantic partner, or current or ex-spouse, a person with whom you live or used to live, or someone who is the other parent of your child; or
- you are filing on behalf of any person who has been abused by a family or household member, but is unable to file on their own.

Who else can be protected by my Order of Protection?

- Anyone who lives or works in your house;
- Your minor children, even if they don't live with you; and
- High risk adults with disabilities.

If **none of the above relationships exist**, do not use these forms. You may be eligible for a different type of protective order.

- Stalking: [illinoislegalaid.org/stalkingnocontact](https://illinoislegalaid.org/stalkingnocontact)
- Sexual Assault: [illinoislegalaid.org/civilnocontact](https://illinoislegalaid.org/civilnocontact)

#### Forms You Will Need to Complete

- *Petition for Order of Protection*: gives the court information to decide if you can get an *Order of Protection*.
- *Emergency Order of Protection* (if requesting an EOP): a proposed order that will be reviewed by the judge during your court hearing without letting the Respondent know. The judge may make changes to the Order after you present your case. The Order will either be granted or denied.
- *Order of Protection*: a proposed long-term Order, commonly called a plenary order. This will be reviewed by the judge during your court hearing. The judge may make changes to the Order after you present your case. The Order will either be granted or denied.
- *Summons (Protective Orders)*: tells the Respondent that you have asked for an *Order of Protection* against them.

#### Information you will need to complete the forms:

- Description of current and past abuse;
- Names of other people to be protected;
- Addresses and property you want protected;
- Name and date of birth of the Respondent, if known;
- Addresses where the Respondent can be found, if known.

#### You May Also Need These Forms

- *Letter to the Sheriff*: asks the sheriff to deliver the *Summons* to the Respondent.
- *Confidential Name & Location of the School or Daycare* (if needed): use this if you do not want the Respondent to know about addresses of schools or daycares in your Petition.
- *Affidavit of Parenting Time Supervisor* (if needed): this needs to be signed by the person who has agreed to be responsible and supervise the Respondent's parenting time.

#### Where can I get the forms?

- You can get printed forms from the Circuit Clerk at your local courthouse. You can find the forms online at: [ilcourts.info/forms](https://ilcourts.info/forms).
- You can also use an Easy Form. Learn more about that on page 4.

#### Will I have to pay to file an Order of Protection and notify the Respondent?

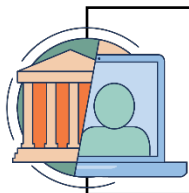
- No. Filing an Order of Protection case and delivery by the Sheriff to Respondent is free.

## What is the difference between an *Emergency Order of Protection (EOP)* and an *Order of Protection (OP)*?

	<i>Emergency Order of Protection</i>	<i>Order of Protection</i>
When would the order take effect?	An <i>Emergency Order of Protection</i> takes effect <b>after you appear before the judge and the judge signs the Order</b> . Your hearing for the EOP may happen immediately after filing the <i>Petition</i> .	An <i>Order of Protection</i> takes effect <b>after the Respondent gets notice</b> and after a court hearing. Unless you are granted an <i>Emergency Order of Protection</i> , you will not have an Order of Protection until after that hearing.
How long will the protective order last?	Civil case: the EOP lasts for <b>14 to 21 days</b> until there is a hearing on the long-term order. Criminal case: the EOP lasts <b>until the request</b> for a final OP can be heard.	Civil case: may last for <b>up to 2 years</b> . Criminal case: may last for the <b>duration of the prosecution and/or up to 2 years</b> past the end of any criminal sentence.
Is the Respondent notified before the hearing?	The law <b>does not require Respondent to know</b> before the emergency hearing.	Civil case: the <b>sheriff notifies</b> the Respondent and a hearing with both the Petitioner and the Respondent takes place. Criminal case: the OP may be issued at any court date where the <b>defendant is present or after they are notified</b> .
When does the court hearing take place?	The court hearing for an EOP may happen <b>immediately</b> after filing your <i>Petition</i> . Ask the clerk for directions to the courtroom or instructions on how to participate in court.	A <b>future court date</b> may be set for you by the clerk to come back and ask for your Order.

### Where can I file the forms?

- File your forms with the Clerk of the Circuit Court in the county where:
  - you live; or
  - Respondent lives; or
  - the abuse occurred; or
  - you are staying to avoid abuse.
- After you file your forms, the clerk will give you a hearing date.



### Make sure you know how to attend your court date.

Your court date could be in person, by phone, or by video. If it is by phone or video, it is called a "Remote Appearance." Call the Circuit Clerk or visit their website for more information. To find the phone number for your Circuit Clerk, visit [ilcourts.info/clerks](http://ilcourts.info/clerks).

## Firearms and Orders of Protection

If you are asking the court for an Order of Protection, you can also ask the judge for “firearms relief” in Section 14.5 of your petition.

Before you ask for this, it’s important to understand what firearms relief means so you can decide what’s safest and best for you.

### What is firearms relief?

There are two types of firearms relief a judge can order:

1. **Surrender of Firearms**

The judge can order the Respondent to give up any firearms, firearm parts, and their Firearm Owner’s Identification (FOID) card to law enforcement.

2. **Search Warrant**

The judge can allow law enforcement to enter and search a place—like a home, vehicle, garage, or storage unit—to take firearms, firearm parts, or the FOID card.

### How It Works

Surrender Order	Search Warrant
<ul style="list-style-type: none"><li>● The judge may issue just a surrender order or both a surrender order and a search warrant.</li><li>● The Respondent must give any firearms they have with them to law enforcement when served.</li><li>● The Respondent has 24 hours after being served to give law enforcement any firearms stored elsewhere.</li><li>● Law enforcement will report back to the court about what is surrendered.</li></ul>	<ul style="list-style-type: none"><li>● If the judge issues a search warrant, they will also issue a surrender order.</li><li>● It may take law enforcement up to 10 days to carry out the search.</li><li>● You will be notified if anything changes with the warrant.</li><li>● Law enforcement can only take firearms found in the location listed in the warrant.</li><li>● You will be asked to fill out an information sheet to help with the search. This sheet is not confidential.</li><li>● Law enforcement must report to the court anything taken during the search.</li></ul>

**Note:** If you are asking for a **criminal** Order of Protection, only law enforcement or the State’s Attorney’s Office can request a search warrant. You can talk to the police department handling your case or ask the State’s Attorney for help.

### Need More Help?

If you're not sure whether to ask for firearms relief, or if you want help finding a shelter or talking to a domestic violence advocate, **call the Illinois Domestic Violence Hotline at 877-863-6338**. Help is free and confidential.

## **Frequently Asked Questions: Firearms and Orders of Protection**

### **Do I have to ask for firearms to be taken away from the Respondent?**

No. It's your choice. You can ask for a search warrant or surrender of firearms. If asking for a search warrant or surrender of firearms doesn't feel safe or right for you, you don't have to include it in your petition.

### **What do I need to ask for a search warrant?**

You'll need to give specific information about why the Respondent having firearms is a threat to you. You'll also need to describe where the firearms are kept (such as the address, or a description of the vehicle). If a search warrant is granted, you will provide more details to law enforcement to help them carry it out.

The judge will need to know:

1. Does the Respondent pose a credible threat to your physical safety?
2. Does the Respondent have firearms or firearm parts that could be assembled to make an operable firearm in their possession?
3. Where are those firearms or firearm parts located?

### **What happens if the police find something illegal during a search?**

If police see something illegal, they can take action, including arresting the person who owns the illegal items.

### **What if the firearms aren't legally owned by the Respondent?**

The judge can still order the firearms to be taken. However, the Respondent—or whoever owns them—could face criminal charges.

### **Will the Order of Protection and the search warrant be served at the same time?**

Not always. Law enforcement is encouraged to serve both at the same time if possible, but it may not happen that way.

### **Will the Respondent know there's a search warrant?**

Maybe. The Respondent might find out when they are served with the Order of Protection. **If you're concerned that the Respondent finding out about the warrant could impact your safety, you can call the Illinois Domestic Violence Hotline at 877-863-6338 for support and resources.**

### **Can firearms be given to someone else instead of the police?**

No, unless the judge allows it. If the judge orders the surrender of firearms, the Respondent must give their firearms to the police. Later, the judge may allow the firearms to be transferred to someone else. If that happens, you'll be told and given a chance to share any concerns with the court.

### **Will the Respondent get the firearms back?**

Possibly. When the Order of Protection ends, the Respondent can request their firearms back—if they have a valid FOID card.

# EXTRA HELP WITH THE FORMS

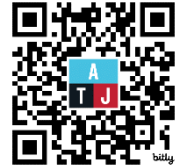
## What if I need help filling out my forms?

- Advocates may be available to assist you. If you want to speak with an advocate, call the Illinois Statewide Domestic Violence Hotline at 877-863-6338.
- If you need help with the writing or filing of the *Petition*, ask the Circuit Clerk for assistance.
- If you are requesting an Order of Protection after an incident of abuse where the Respondent was arrested or charged with a crime, you may be able to ask your County's State's Attorney's Office for assistance.
- You may also ask someone to assist you in filling out the forms.

## Easy Form

Illinois Legal Aid Online has an Easy Form program that helps you complete your forms. Easy Forms ask simple questions and put your answers in the right places on the forms. At the end of the program, you can download or email your forms to e-file or print them.

Easy Forms are free to use. Visit [ilao.info/op-easy-form](http://ilao.info/op-easy-form) or scan the QR code to use the Easy Form.



## IL Court Help

For more information about going to court including how to fill out and file forms, call or text **Illinois Court Help** at 833-411-1121 or go to [ilcourthelp.gov](http://ilcourthelp.gov).

If there are any words or terms used in these instructions that you do not understand, please **visit Illinois Legal Aid Online** at [ilao.info/glossary](http://ilao.info/glossary). You may also find more information, resources, and the location of your local legal self-help center at [ilao.info/lshc-directory](http://ilao.info/lshc-directory).



# COSTS AND FEES

There may be costs and fees to take part in a court case. These fees and costs can include fees for filing court documents and Sheriff's fees for providing notice. Depending on the type of court case, there may be other costs and fees charged. If you cannot afford to pay costs and fees, you can ask the court to file for free or at a reduced cost by filing an *Application for Waiver of Court Fees*.

This is a separate form you can find at: [ilcourts.info/fee-waiver-forms](http://ilcourts.info/fee-waiver-forms).

# HOW TO FILE THE FORMS

*Note: You do not have to e-file in Order of Protection cases.*



- Some people are not required to e-file, which means they can file paper forms at the courthouse or by mail. People who do not have to e-file are:
  - Inmates in prison or jail who do not have a lawyer.
  - People with a disability that keeps them from e-filing.
- You may also qualify for an exemption from e-filing if you:
  - Do not have internet or computer access in your home, and it is hard for you to travel.
  - Have trouble reading, writing, or speaking English.
  - Are filing documents in a sensitive case, such as an order of protection.
  - Tried to e-file your forms, but you were not able to because the equipment or help you needed was not available.
- To ask for an exemption from e-filing, use the form at [ilcourts.info/exempt](http://ilcourts.info/exempt). If you cannot print this form, then ask for it at your local courthouse.
  - File your *Certification for Exemption from E-Filing* form along with your other court forms at the Circuit Clerk's office or by mail.
  - Bring or send your signed court forms and at least two copies of your forms to the Circuit Clerk's office. Ask them to stamp your copies and return them to you.
  - If you need to make copies of your forms, you can do that at the Circuit Clerk's office. They may charge you a fee to make copies.
- There may be fees to file your forms. See the previous Costs & Fees page for more information. If you mail your court forms to the Circuit Clerk's office, include a stamped envelope addressed to you. The Circuit Clerk will file your forms and then send your copies back to you in the envelope.



- After you fill out your court forms, file them with the Circuit Clerk. This is done by electronic filing, called 'e-filing'. You do not have to e-file if:
  - You qualify for an exemption (see "Not E-filing" below) or
  - Your case involves a criminal matter.
- Most people e-file their forms using Odyssey eFileLL at [ilcourts.info/efile](http://ilcourts.info/efile).
- There may be fees to file your forms. See the previous Costs & Fees page for more information.
- Follow step-by-step instructions and watch videos that walk you through the steps for e-filing at [ilcourts.info/efile-info](http://ilcourts.info/efile-info).
- E-filing is easier on a computer. It may not work on a cell phone or tablet.
- If you do not have access to a computer or if you need help e-filing, take your completed forms to a public library or a Circuit Clerk, Appellate Clerk, or Supreme Court Clerks' office. These places offer public computers where you can e-file your forms.
  - Depending on your courthouse, you can bring your forms on paper and there may be public computers with a scanner where you can turn your paper forms into electronic files.
  - Librarians and courthouse staff may be able to help you e-file, but they cannot provide legal advice.





# WHAT'S NEXT



## STEP 2

### A JUDGE HEARS YOUR PETITION.

- If you are asking for an *Emergency Order of Protection*, you need to attend a court hearing.
  - Your hearing for an *Emergency Order of Protection* may happen immediately after filing.
  - If you are not requesting an *Emergency Order of Protection*, skip to step 3.

#### Will a decision be made at my hearing?

- The judge has to make a decision. The decision is called a court order.
- After the hearing, the judge will either grant or deny your request.
  - **If granted**, an *Emergency Order of Protection* will be entered and start as soon as the Respondent is notified by law enforcement. You will receive a copy of the *Order*. This *Order* can last up to 21 days. Another court date will be scheduled for a hearing on the *Order of Protection*.
  - **If denied**, you will not get an *Emergency Order of Protection*.
  - If the judge decides there is no emergency, but you may need an *Order*, they will schedule another court date for a hearing to decide whether you will get an *Order of Protection*. This means that you do not have an *Order of Protection* yet.
  - If you were not granted an *Emergency Order of Protection* and **do not** want the Respondent to be served, you can cancel your *Petition*.



## STEP 3

### NOTIFY THE OTHER PERSON.

- If the Respondent lives in Illinois, the sheriff in the county where the Respondent resides will serve the Respondent with copies of your forms and notice of the court date without charge.
  - If Respondent lives in the same county where the case was filed, the Circuit Clerk will tell you how to get copies of it to the sheriff.
  - If Respondent does not live in the same county where the case was filed call the Sheriff or Circuit Clerk where Respondent lives to find out what they need to serve the Respondent.
- If you receive the *Affidavit of Service*, which is included in the *Summons*, mailed back to you after the Respondent has been served, file it with the Circuit Clerk's office.

#### What if the sheriff could not deliver the Summons to the Respondent before the hearing?

- The judge may ask if you know a better address where the sheriff can deliver the papers and court notice.
- If you have an *Emergency Order of Protection*, the judge may extend it and give you a court date to return. The sheriff will again try to give notice of the *Order* to the Respondent.
- If the sheriff can't find the Respondent to deliver the papers, you can ask the judge to allow service by publication in a newspaper.





# STEP 4

## ATTEND THE COURT HEARING.

### Prepare for the Hearing

- Decide what you want to present to the judge.
  - Think about what you will say to the judge if asked to tell your side of the case.
  - Gather and make copies of pictures and documents you want the judge to see, such as receipts, text messages, and photos. Bring the original for the judge and one copy for yourself and Respondent (if present).
- Prepare questions for witnesses. If you want the judge to hear from other people, those people will have to come to court and be witnesses (in most cases, you cannot bring in written statements of witnesses).
- If you have a criminal order, speak to your local State's Attorney's Office.

### Go to your Court Hearing

- Bring these items with you to court:
  - Copies of all the documents you filed with the Circuit Clerk; AND
  - Any witnesses and questions you have for them;
  - Other evidence you have to show that your story is true, such as receipts, text messages, and photos.
- Get to the courthouse at least 30 minutes early.
- Go to the courtroom number listed on your court form. If your forms do not have a courtroom number look for a list of cases at the courthouse or ask the Circuit Clerk.
- Check in with the courtroom staff and wait for your name and case number to be called.
- When your case is called, walk to the judge and introduce yourself.
- If your court date is by phone or video:
  - Make sure to have the call-in or login information for your court date and make sure your technology is working.
  - Follow the instructions on the court notice you received. Call the Circuit Clerk or Circuit Court or visit their websites for specific technology instructions.
    - Follow these recommendations to appear by phone or video:  
[ilcourts.info/remote-resources](http://ilcourts.info/remote-resources).

### Must all parties be present at the court hearing?

- The Petitioner must be in court to get the Order. The Respondent needs to know about the hearing.
  - If Respondent does not come to court, the judge may grant the Petitioner a more long-term *Order of Protection*.
  - If Respondent comes to court, Respondent may agree to an *Order* or may ask for a hearing.
  - The judge can either hold the hearing immediately, or give you or Respondent more time to try to find a lawyer or gather evidence.

### How do I present my case to the judge?

- Tell the judge your side of the case and answer questions.
- Use evidence including documents and photos.
  - Give a copy to the judge. Be prepared to explain why the document or photo is important.
- Question witnesses.
  - Tell the judge the name of your witnesses.
  - Ask the witnesses questions you prepared before the hearing.
  - The judge and Respondent may ask questions of you and your witness.

### What do I do when Respondent presents their case?

- If present, Respondent will also get to present their case by testifying, giving the judge evidence, and questioning witnesses.
- You will get to see any documents and photos Respondent brings to court. If you do not think the judge should consider them in making a decision about your case, tell the judge why.
- You may ask questions of the Respondent and their witnesses. Write down your questions while they are speaking, so you're ready to ask them during your turn.

### What will happen after my hearing?

- The judge has to make a decision. The decision is called a court order.
- After the hearing, the judge will either grant or deny your request.
  - **If granted**, you will be given a copy of the *Order* and it has to be served on Respondent.
    - Read through the *Order* to make sure nothing is wrong or missing.
    - Ask the Circuit Clerk who will give the *Order* to Respondent. If Respondent does not come to court, Respondent must be served with the *Order*. To serve Respondent, follow the instructions under Step 3 above.
    - Always keep a copy of the *Order* with you.
    - Give copies of the *Order* to anyone else who should have it, such as your workplace, child's school, childcare provider, or local police department.
    - If Respondent violates any part of the *Order*, call the police immediately.
  - **If denied**, you will not get an *Order of Protection*.



**YOU'VE COMPLETED THE STEPS TO ASK FOR AN ORDER OF PROTECTION.**