

## IF AN ORDER OF PROTECTION IS SOMETHING YOU ARE CONSIDERING

Please review the following to ensure that you are well informed and prepared to proceed with this legal process. To get an order of protection, you must go to 555 W Harrison, 1<sup>st</sup> Floor. While there, you can request a domestic violence legal advocate to assist you.

### For a criminal case when you want to press criminal charges in addition to getting an order of protection

1. You need a police report or an RD #. If a police report was not made, one can be made on the phone by calling 311.
2. Plan on spending at least 4 hours at court.
3. An Assistant State's Attorney (ASA) will interview you to see if you are eligible for a criminal Emergency Order of Protection (EOP). Examples of questions: What is the nature of the abuse that took place? Is there any evidence (bruises, hospital records etc.) or witnesses (neighbors, friends, coworkers etc.)? How many times and in what period of time did the abuse occur?
4. If you are deemed eligible, you must be ready and willing to press charges and put out a warrant for the abuser's arrest (if he/she hasn't already been arrested).
5. You may bring your children. There is a children's advocacy center on the 1st floor which will keep your child(ren) if they are potty trained and do not have a cold or any contagious illness.
6. An ASA will be presenting your case in court. This is the State's case. You are their star witness.
7. There will be at least one other court date at which you will need to appear. You will be notified of each mandatory court date, and an ASA will present your case each time, so you don't need your own attorney.

### For a civil order of protection

1. You do not need a police report, evidence or witnesses. Although, if your case should go to a hearing, any of those will be helpful in supporting/proving your case.
2. This is an EMERGENCY order of protection. Therefore, the judge needs to find that a) some form of abuse has indeed taken place, which places you in danger of, or in fear of the abuser (it does not have to be physical abuse!) and b) that the abuse took place recently (within 1-2 weeks). Note that only the most recent incident needs to have taken place within 1-2 weeks. There is space provided for you to tell the judge about other incidents of abuse that have taken place throughout the relationship.
3. The entire process will take at least 2-3 hours. This includes: a) filling out the EOP forms (1hr) b) going before the judge to explain why you need an EOP and answering some basic questions (30-60mins.) Please be aware that courtrooms close down from 11:30 to 2:00.
4. A Cook County Sheriff will serve the abuser with the EOP; usually within 24-48 hours of receiving it from the judge. *This means you need to have an address for the abuser, where the sheriffs may find him/her in order to serve the EOP. This address can be a home, work, family member's, etc.* Keep in mind that this also means that the abuser will have a copy of everything you wrote.
5. The abuser will also be informed of the next court date, in case he/she wants to be heard before the judge. If there is information that you do not want the abuser to know (such as your home address or telephone number), ask your advocate or court staff what your options are
6. If the judge grants your EOP, you will be given a new court date (because the EOP only lasts for 21 days). It is EXTREMELY important that you show up to this court date and that you be on time! This is YOUR case, so if you don't show up (or if you are late, and your case is called), the judge has no choice but to dismiss it. You are allowed to request that the order be extended for up to 2 years. This would now become a Plenary Order of Protection (POP) if granted. *Remember that the abuser may be present, since the Sheriff made him aware of the date, and that he/she has a right to disagree to the order. If this should happen, the judge will set a hearing date in order to hear both sides of the whole story (which is where your evidence or witnesses will be helpful)*

**IF YOU HAVE ANY QUESTIONS REGARDING ORDERS OF PROTECTION, PLEASE FEEL FREE TO CALL US AT VIOLENCE RECOVERY SERVICES, A PARTNER OF HEARTLAND ALLIANCE: (773) 847-4417.**