

ELIGIBILITY FOR AN ORDER OF PROTECTION

An Order of Protection is a civil court order granted by a judge to a victim of domestic violence as defined by the Illinois Domestic Violence Act (IDVA). There has to be a qualifying domestic relationship and a finding of abuse.

The IDVA defines abuse as: harassment, interference with personal liberty, physical abuse, stalking, intimidation of a dependent, willful deprivation, neglect and exploitation.

In order to qualify for an Order of Protection the following must apply to the victim:

1. Recent incident of abuse or immediate threat of abuse:

If the victim is seeking an Emergency Order of Protection, there normally has to be a recent incident of abuse.

2. Qualifying relationship between the Victim and Abuser

In order to be eligible for an Order of Protection there has to be a relationship between the person requesting the court ordered protection and the abuser. Persons eligible for Orders of Protection are:

- Parents
- Siblings
- Children
- Step Parents
- Step Siblings
- Step Children
- Boyfriend/Girlfriend (including former relationships)
- Shared Common Household (they lived together)
- Child In Common
- Licensed Caregiver (this person has to at least have medical power of attorney)
- Other Family Member by Blood or Marriage

3. You must also be over 18 years of age to request an Order of Protection. If the victim is underage, they need a parent, legal guardian, responsible family member over 18, or an attorney to request the Order of Protection on their behalf.

A victim can also include minor children that live in the household, or dependent elders for whom they have power of attorney for. If other adults live in the household, they need to request their own order of protection, yet still have a qualifying relationship and have to have been abused by the abuser as well.

4. Venue: Eligibility to request the Order of Protection in Grundy County

To request an Order of Protection in Grundy county one or more of the following conditions must apply to the County:

- The abuse occurred in Grundy County.
- The Petitioner (the victim) resides in Grundy County.
- The Respondent (the abuser) resides in Grundy County.
- The Petitioner is in Grundy County temporarily fleeing the abuse.

5. Proper Service of an Order of Protection: Once a Judge grants an Order of Protection, it is valid. However, it is not enforceable until it has been properly served to the abuser by a Sheriff or other law enforcement officer. In order for the Sheriff's Office to serve an abuser, they must have the abuser's home or work address.

Emergency Order of Protection (EOP): 21 days, the Abuser does not need to be present for the Victim to get an EOP.

Interim Order of Protection (IOP): 30 days, "temporary" order in between the issuance of an EOP AND POP.
Plenary

Order of Protection (POP): Up to, but no more than 2 years. Available only when there has been sufficient proof of service.

For more information or help in obtaining an Order of Protection please contact Groundwork: 815-941-2261.