

What is an Order of Protection?

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An Order of Protection is governed by the Illinois Domestic Violence Act. It is a Court Order that protects an individual from abuse by a family or household member. The Illinois Domestic Violence Act is intended to recognize domestic violence as a serious crime against the individual and support the efforts of victims of domestic violence to avoid further abuse by promptly entering and enforcing court orders which prohibit abuse. One of the goals of the Illinois Domestic Violence Act is to reduce the abuser's access to the victim and address issues such as parenting time and economic support to avoid retaliation, financial dependence or feelings of being trapped in an abusive situation. 750 ILCS 60/102.

The Illinois Domestic Violence Act supports the efforts to avoid further physical abuse, harassment, intimidation of a dependent, interference with personal liberty or willful deprivation but does not include reasonable direction of a minor child by a parent. 750 ILCS 60/103. In order to obtain an Order of Protection you must be a family member or share a household with the other person. Physical abuse includes sexual abuse, physical force, confinement, restraint, sleep deprivation or creating an immediate risk of physical harm. In determining whether a family member or household member has engaged in harassment, the court will consider whether that person knew that their conduct was not necessary to accomplish a reasonable goal and would cause someone and did cause someone to experience emotional distress.

An Order of Protection can be filed independently or in conjunction with another civil proceeding such as a divorce action or paternity action. An emergency order of protection can be entered without even giving prior notice to the other party. The emergency order of protection can be put in place for up to 21 days before the court sets a hearing on the plenary order of protection. A plenary order of protection requires prior notice to the other party. If the court, after a hearing, grants the plenary order of protection it can be put in place for up to 2 years. If the hearing needs to be continued for any reason, the court may grant an interim order of protection until the hearing on the plenary order of protection. An interim Order of Protection can last up to 30 days.