

## **Orders of Protection and Schools**

By Aimee Shinall, Peoria Co. Sheriff's Office

School administrators and secretarial staff are often the first layer in managing conflicts within the school. One such example is when a parent enters the office, hands you a stack of papers all stapled together, and proceeds to tell you they have an order of protection against John/Jane Doe. This individual then states they were instructed to give a copy to school. Have you ever experienced this in your school? If you are a school employee that works in the Administration Office, it is highly likely your answer to this question is YES. Your next thought probably is "How am I supposed to handle this!" That is where I come in.

This article explains what your role, as an administrator, is when it comes to enforcing orders of protection. I will explain how to understand the parts of the order that specifically pertain to the schools, the different types of orders of protection, and who in your buildings should be notified of the order. These orders can be very complex in nature, and each order can be tailored to the petitioner for their safety. Therefore, it is very important to know the who, what, where, when and why's pertaining to the orders.

A petition may be filed by a victim, an individual who files on behalf of a minor or an adult who cannot file the petition, or by an individual on behalf of a high-risk adult with disabilities. Illinois Public Act 720 ILCS60/214 states that NO petitioner shall be denied an order of protection because either party is a minor.

The three different kinds of orders of protection are:

### **Domestic Violence Order of Protection:**

- If they are related by blood or marriage to the abuser
- Are now or ever have been in a relationship with the abuser
- They have a child in common
- They have ever lived together
- They are caretakers of adopted or foster care children
- They are legally appointed guardians of a child or other household member
- Persons with disabilities or high-risk adults may be protected parties

### **Stalking No Contact Order:**

- There have been two incidents of stalking or harassment on **two different dates** to show a pattern of stalking
- If the harassment is by telephone or social media, it must include a threat.

Situations commonly include neighbors, co-workers, or an ex-partner's new girlfriend or boyfriend.

### **Civil No Contact Order:**

- There has been sexual abuse or sexual assault
- AND the victim does not meet the qualifiers for the domestic violence order (they have never been in a relationship with the assailant)
- May be classmates, co-workers, neighbors, etc.

There is NO cost to file an order of protection and court advocates can assist in preparing the order to be taken in front of the judge. **Any order of protection that is not signed by a judge is not valid.** If the judge grants the emergency order, then a date will be set out for 2-3 weeks where the respondent will have the right to attend the plenary hearing to contest the order. During those weeks, the local sheriff's office or police department will attempt to serve the respondent with the order. It is important to remember that a violation does not occur without the respondent being served with the order of protection by law enforcement.

Some remedies that petitioners may ask for are:

- Stay away - usually 300 feet - length of a football field
- Any and ALL locations where that the petitioner may be, including home, work, school, etc.
- Prohibits further abuse, harassment, neglect, or exploitation
- Exclusive possession of the residence - this includes situations where the victim is not on the lease
- Counseling for the respondent
- Physical care and possession of a minor child
- Parenting time (visitations). Petitioner may ask that this be denied, reserved, or supervised during the emergency order of protection
- Protection of property
- Protection of animals
- Temporary support for the petitioner or minor child
- Payment of financial losses as result of the abuse - medical expenses, lost earnings, moving expenses, attorney fees
- Prohibition of firearm possession - revocation of firearms identification card (FOID)
- Telephone services - wireless phone provider will be ordered to transfer to the petitioner the right to use telephone numbers and will have the petitioner made responsible for the telephone fees and will also terminate rights to the respondent to use numbers and services.

I know this can be a confusing process. In order to best address questions schools might have about orders of protection, I reached out to a school administrator. The following section, which we will call Ask Aimee, poses those questions and provides answers.

**Question:** Do all orders of protection look the same?

*Answer:* No, each order of protection may look slightly different. However, the remedies are the same, such as distance for stay away and all individuals and locations that the order covers.

**Question:** Who in the school may need to be aware that there is an order of protection?

*Answer:* If the order includes a child that attends the school, the order of protection should be entered and flagged into your school's computer system, and should include whom the child should be protected from as well. If the child has siblings listed on the order that may attend another school in your district, notify their administrative staff as well. While it is the responsibility of the petitioner to provide the order of protection to each school, it is a best practice to inform the other school in the interest of student safety.

It is also very important to let your school secretaries in all schools that are listed as a protected area know about the order. It is important that you tell the student's teachers and other staff members who are responsible for the student's safety. For example, the student's class goes outside for a class project or recess and the respondent of the order of protection is nearby or even approaches the child. That staff member needs to be aware of the situation. Administrators also need to let the student's coach or extracurricular activities sponsor know so they can help protect that child during non-school times. If your school has a SRO (School Resource Officer), that officer should also have a copy of that order of protection.

It should also be noted that if any of your school staff members obtain an order of protection against someone, the office staff needs to be made aware. For example: A staff member gets an order of protection against his/her abusive spouse and the spouse comes to the school and brings flowers to the teacher. Your staff may just allow that person to go to the classroom to deliver the flowers. School safety being paramount, this order of protection needs to be communicated to staff.

**Question:** When an order of protection comes into the school office, what should we be looking for?

*Answer:* When looking at an order of protection that is given to you, it is important to make sure the order was granted by a judge, look at the next court date (to see how long the order is in effect for), look at the individuals listed as protected parties, look at who the stay away is (the respondent), and look at how many feet the stay away order is set for.

In some cases where the order of protection is against two different children in the school, the stay away order may be set for a shorter distance (e.g. 25 feet), or there may be no stay away

order set and just a no harassment order put into place. In the event that both parties are students, it will be up to the school's administration on how to keep the two children apart during school operations. However, common accommodations that schools may implement to increase the safety of the petitioner include a change in lunch periods, study halls, or shared classes and creating an in-school safety plan with the petitioner. Changes may be made to school enrollment, participation, or environment of the respondent as needed. The same changes may be made for the petitioner with their consent and if they are necessary to ensure his/her safety.

Remember, it is up to the petitioner to keep the school updated on the current paperwork on the order; for example, if the order was continued, the school needs to be made aware of that.

**Question:** What does it mean if the order of protection states RESERVED on the top of the order, but it is signed by a judge?

*Answer:* That means there is a current order, BUT there are no restrictions set and is reserved for another court date to determine if the order will be active. This means that nothing needs to be done until the judge hears evidence of the case and makes a ruling.

**Question:** What should staff do if they feel an order of protection has been violated?

*Answer:* If at any time the respondent violates any of the remedies set in place, contact law enforcement immediately. If you have any questions regarding the order of protection, please contact your local law enforcement agency or the county courthouse Order of Protection Office.

The roles of school administration and law enforcement are complex and ever-changing. Orders of protection are just one of the many responsibilities schools assume to keep students and staff safe. Please consider law enforcement as a partner in this endeavor. If you ever have a question about an order of protection, or anything school safety related, please reach out and connect with your local law enforcement agency. Together, we can help keep children and staff safe!