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# **A Guide to Illinois Protective Orders**



**Illinois Coalition Against Sexual Assault**

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# Protective Orders: An Overview

## What is a protective order?

A court order that requires the person who caused harm, called the respondent or the offender, to stay away from the person they sexually assaulted or sexually abused, committed domestic violence against, or stalked. In this brochure, “protective order” refers to any of the three orders listed below.

- Civil No Contact Order for Sexual Assault
- Order of Protection for Domestic Violence
- Stalking No Contact Order

## Who is eligible for these protections?

### Domestic Violence Order of Protection

Family and household members who:

- are related by blood, or by current or former marriage to the offender;
- share a common home with the offender;
- have or allegedly have a child in common with the offender;
- share or allegedly share a blood relationship with the offender through a child;
- have or had a dating relationship or engagement with the offender;
- are high risk adults with disabilities abused by family member/caregiver.

### Sexual Assault Civil No Contact Order

Any person who is a victim of nonconsensual sexual conduct or sexual penetration.

These orders also can protect the following people:

- Family or household members of a victim; and
- Rape crisis center employees and volunteers.

### Stalking No Contact Order

Any person who is the victim of a course of conduct that causes the victim to fear for his or her safety or the safety of another person, or to suffer emotional distress, and relief is not available to the victim through the Illinois Domestic Violence Act or through a Sexual Assault Civil No Contact Order.

*Source: Illinois Attorney General's Office*



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# Civil No Contact Order (CNCO)

## What is a CNCO?

A court order that requires a person who has committed sexual assault or abuse to stay away from the person they sexually assaulted or sexually abused.

## Who can ask for a CNCO?

Any person, regardless of age, who has been sexually touched or penetrated in a way that they did not agree to can ask the court for a CNCO. You do not need to have a dating relationship with the offender to get a CNCO. If you get a CNCO, you may request that people in your family or home also be protected by the order.

If there is a criminal charge against the offender, the State's Attorney can request a CNCO.

## How do I ask for a CNCO?

You can find a petition for a CNCO on your county clerk's website. You must fill out the petition and state who committed a non-consensual sexual act against you and describe the act. You may be asked to electronically file (e-file) these documents with the court, or you may qualify for an exemption from electronic filing and file a paper form. An advocate with your local rape crisis center can help you with filing the petition. A listing of rape crisis centers located in Illinois can be found at the back of this brochure.

If you are a minor, your parent, guardian, or other appropriate adult can file on your behalf. If you are an adult who because of age, disability, health, or inaccessibility cannot file the petition, another adult can file on your behalf.

The forms will be served on the offender by the Sheriff.



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## What do I need to prove?

You will need to prove that, more likely than not, the offender engaged in a sexual act with you to which you did not consent. You will not need to prove there is an ongoing pattern of abuse.

## What will the CNCO do?

The CNCO will require the offender to stay away from you. The offender may be ordered to stay away from your home, school, or work. The offender also may be ordered not to contact you by telephone, email, text, letters, through another person, or any other method of communication. You may also be able to get a CNCO against anyone who helped the offender commit the non-consensual sexual act.

## Where can I find the law?

Civil No Contact Order Act: 740 ILCS 22



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# Illinois Domestic Violence Act Order of Protection (OP)

## What is an OP?

A court order that requires a person who has committed domestic abuse to stay away from those they have abused.

## Who can ask for an OP?

Anyone who has been abused, harassed, threatened with harm, or deprived of basic necessities by a person who is their current or former romantic/dating partner, current or former spouse, family, or household member. OPs also can be used to protect disabled or at-risk adults from exploitation.

If there is a criminal charge against the offender, the State's Attorney can request an OP.

## How do I ask for an OP?

You can find a petition for an OP on your county clerk's website. You must fill out the petition and say who committed abuse against you, and include some details of the abuse. You may be asked to e-file these documents with the court, or you may qualify for an exemption from e-filing and file a paper form. If you are a victim of sexual assault, your local rape crisis center can help you with filing the petition. If you are not a victim of sexual assault but have been abused by a partner, family member, or member of your household, you can request assistance from your local domestic violence advocacy agency.

If you are a minor, your parent, guardian, or other appropriate adult can file on your behalf. If you are an adult with disabilities at high risk of abuse and exploitation, your guardian or any adult can file on your behalf.

The forms will be served on the offender by the Sheriff.



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## **What do I need to prove?**

You will need to prove that you were (or were threatened to be) physically and/or sexually abused, harassed and/or stalked, or deprived of your basic needs and/or freedom due to your age, health, or disability. To prove you were harassed, you need to show that the offender acted against you in a way that would cause any reasonable person to be distressed and that you were distressed by their conduct. You will also need to describe the relationship between you and the person who caused you harm.

## **What will the OP do?**

An OP will likely require a person to both stay away and not contact the person they abused. However, an OP can also help someone sort out many matters that will help them escape an abusive situation, such as award exclusive possession of a residence, exclusive possession or return of physical property (including pets), and require an abuser to attend counseling. For those who have children in common with their abuser, an OP can decide temporary physical custody and allocation of responsibilities regarding the children, set a parenting time schedule, and order the abuser to pay child support. The OP may also prohibit the person who has committed domestic violence from possessing a Firearm Owner's Identification Card.

## **Where can I find the law?**

Illinois Domestic Violence Act of 1986, Article II, Orders of Protection: 750 ILCS 60



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# Stalking No Contact Order (SNCO)

## What is a SNCO?

A court order that requires a person that has stalked another person to stay away from and not contact that person.

## Who can ask for a SNCO?

Anyone who has been stalked - the law defines stalking as a course of conduct (two or more times) of unwanted contact with another person. The law acknowledges that there are many ways to commit stalking, and lists many examples that could amount to stalking, including electronic and internet communications.

If the person stalking you is a family member or current/former romantic partner, an OP is likely a more appropriate option.

If there is a criminal charge against the offender, the State's Attorney can request a SNCO.

## How do I ask for a SNCO?

You can find a petition for a SNCO on the county clerk's website. You must fill out the petition and state who has stalked you and describe the two or more incidents of stalking. You may be asked to e-file these documents with the court, or you may qualify for an exemption from e-filing and file a paper form. Your local rape crisis center may be able to help you with filing the petition.

If you are a minor, your parent, guardian, or other appropriate adult can file on your behalf. If you are an adult who because of age, disability, health, or inaccessibility cannot file the petition, another adult can file on your behalf.

The forms will be served on the offender by the Sheriff.





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## **What do I need to prove?**

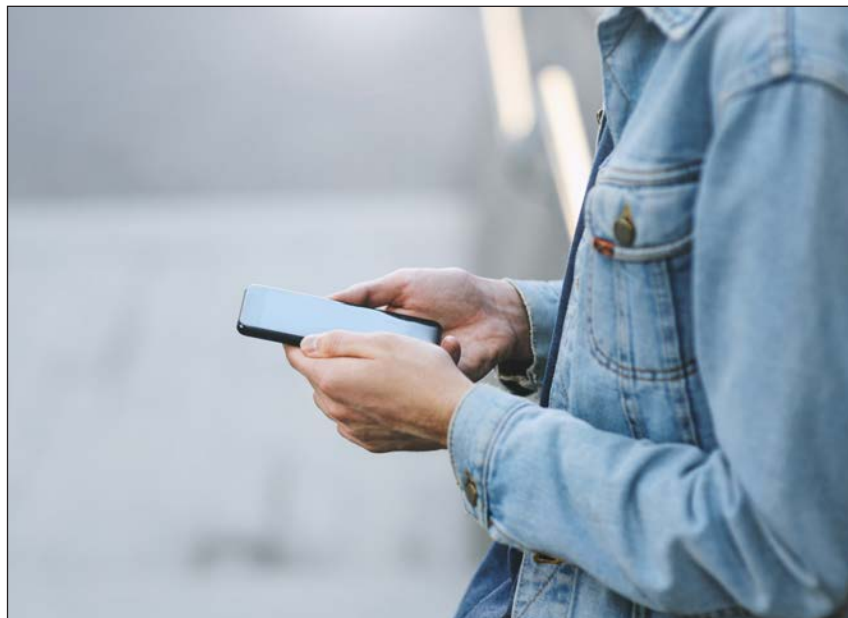
You will need to prove that the respondent committed two or more acts (a pattern) of stalking against you. Stalking means that the offender acted toward you on two or more occasions in a way that they knew or should have known would cause you to reasonably fear for your safety or for the safety of a workplace, school, or place of worship, or cause you to suffer emotional distress. Stalking does not include acts that are a legal exercise of the right to free speech.

## **What will the SNCO do?**

The SNCO will prohibit the person who has committed stalking from contacting or having a third party contact the victim of stalking. The SNCO may also prohibit the person who has committed stalking from going within a certain distance of the victim's home, school, or workplace or from possessing a Firearm Owner's Identification Card.

## **Where can I find the law?**

Stalking No Contact Order Act: 740 ILCS 21



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# Emergency Orders

## What if I need immediate protection?

After you complete the forms, ask to see a judge for an emergency protective order. The offender usually is not present when you have a hearing with the judge for an emergency protective order. An emergency protective order lasts from 14 to 21 days.

## What happens after I get an emergency order?

The Sheriff delivers copies of the order to the offender. This is called "service of process." Service of process is required by law.

## What if I need an order that lasts longer?

To obtain an order for longer than 14 to 21 days, called a plenary protective order, you will have to return to court and state your reasons for seeking the plenary order at a hearing. The court may continue to extend your emergency order if it takes more time to serve the offender, or if the court needs extra time to set a hearing date regarding your petition for a plenary order. Even if the court does not grant you an emergency order, you may still seek a plenary order.



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# Plenary Orders

## **What happens at the plenary hearing?**

You and the person who harmed you will have an opportunity to testify at the plenary hearing. The respondent or their attorney will be allowed to ask you questions, this is called cross examination, and they may ask pointed questions, which could feel uncomfortable or confusing. If the judge finds that the offender touched you sexually without your consent, the court will issue a plenary CNCO. If the judge finds the offender committed domestic abuse, the court will issue a plenary OP. If the judge finds you were stalked, the court will issue a plenary SNCO.

## **What if the offender does not show up at the plenary hearing?**

If the offender was served your forms, the judge may give you a plenary protective order even if the offender is not at the hearing. If the offender was not served, the judge will reschedule the hearing for another day. If that happens and you have an emergency order, the order will be extended until the date of the next hearing.

## **How long will the plenary order last?**

A plenary protective order can last up to two years.

## **How do I extend a protective order?**

An existing protective order may be extended if the respondent does not object and the petitioner is not seeking a modification to the order. Be sure to file a motion for the extension before the existing order expires.

## **What happens if the offender violates a protective order?**

If the offender approaches or contacts you, call 911, and tell the dispatcher that you have a CNCO, OP, or SNCO. Violating one of these protective orders is a crime. The police will respond to a report of a violation by investigating and may arrest the offender if the officer has probable cause to believe the offender violated the protective order.



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# Protective Orders in Criminal Cases

## **What orders can be entered in criminal cases?**

CNCOs, OPs, and SNCOs may be entered in conjunction with a criminal prosecution or delinquency petition (in juvenile court).

## **When can a petition be filed?**

The petition may be filed at any time after a criminal charge or delinquency petition is filed.

## **Who may file the petition?**

The petition may be filed by the State's Attorney, the victim, or the victim's attorney. If the victim requests that the State's Attorney file a petition on their behalf, the State's Attorney must do so unless they have a good faith reason to delay and inform the victim that they will not be filing the petition at that time.

## **What evidence must be presented to support granting a protective order in criminal cases?**

The court may grant the protective order based on the charging document without the victim needing to testify. The respondent may rebut the charging document by presenting evidence of a defense that is likely to succeed.

## **How long does a protective order in a criminal case last?**

An ex parte order, which is like an emergency order, can be issued prior to giving the respondent notice and having a hearing. The ex parte order remains in place until the request for a final protective order is considered by the court.



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A final protective order remains in effect during the criminal proceeding and:

- until disposition, withdrawal, or dismissal of the charge, or up to two years if the petition is continued as an independent cause of action;
- for two years after the expiration of any supervision, conditional discharge, probation, periodic imprisonment, parole, aftercare release, or mandatory supervised release;
- for two years after the date set by the court for expiration of any sentence of imprisonment and any subsequent parole, aftercare release, or mandatory supervised release; or
- permanently for SNCOs if a judgment of conviction for stalking is entered.

### **Where can I find the law?**

Protective orders in criminal cases: 725 ILCS 5/112A.



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# Frequently Asked Questions

## **Do I need to hire a lawyer?**

No. You may want to consult with a lawyer, and you have the right to hire a lawyer to represent you, if you want. However, most people obtain a protective order on their own or with help from a rape crisis center or other victim services advocate.

## **Do I need to file a police report?**

No. A judge can issue a protective order based on your word alone. If you have witnesses, a police report, photographs of injuries, or medical bills/records, bring them with you when you go to court. They may help your case.

## **Do I need a sexual assault evidence collection kit?**

No. Should you choose to do so, you may obtain medical forensic services, including evidence collection, from a treatment hospital within seven days of a sexual assault at no charge to you.

## **What information do I need to file the petition?**

- Name of the person who caused harm – this will be the respondent
- Address of where they can be found (work, home, school, etc.)
- Date of birth is not needed, but can be useful
- Police report number (if applicable)
- Examples of contact/abuse, such as a written description of the events, screenshots of messages, voicemails, photos, records of previous incidents, hospital reports, etc.
- Names and addresses of places you want the respondent to not be allowed to go, for example: your home, where you work, or where you go to school (if applicable)
- Names of members of your household you also want protected (if applicable)



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### **Where can I file the petition?**

You can file the petition with the Illinois circuit court in the county where you live, where the respondent lives, or where the harm occurred, whichever is most convenient for you.

### **How much will it cost to file for a protective order?**

You do not have to pay to file your forms or have the Sheriff deliver the forms to the offender.

### **Who will help me?**

An advocate from a rape crisis center or domestic violence agency can help you fill out the forms, accompany you to court, answer your questions, and provide support. A list of Illinois rape crisis centers is printed at the end of this brochure.

### **What support can an advocate provide to me?**

Advocates are free, confidential support persons that any survivor can access. They can help with the following:

- Explain the process for obtaining or extending a protective order
- Fill out paperwork
- Accompaniment to court
- Keep track of documentation and court dates
- Discuss other potential legal remedies
- Refer you to other services

### **What if my order is not granted?**

It is important to remember that protective orders do not determine the validity of your experience. An order not being granted does not mean that the harm did not happen. You can contact your local rape crisis center or domestic violence agency to discuss other options and support that may be available to you. They can also help you make a safety plan.



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## RAPE CRISIS SERVICES IN ILLINOIS - NORTH REGION

### ○ NORTH

#### **Addison\***

YWCA Metropolitan Chicago  
Patterson & McDaniel Family  
Center  
24 hrs. 888-293-2080

#### **Arlington Heights**

Northwest CASA  
24 hrs. 888-802-8890  
www.nwcasa.org

#### **Aurora**

Mutual Ground, Inc.  
24 hrs. 630-897-8383  
www.mutualground.org

#### **Belvidere\***

Rockford Sexual Assault  
Counseling, Inc.  
24 hrs. 815-636-9811

#### **Berwyn\***

CARE Center  
24 hrs. 708-482-9600

#### **Chicago Heights\***

YWCA Metropolitan Chicago  
South Suburban Center  
24 hrs. 888-293-2080

#### **DeKalb**

Safe Passage, Inc.  
24 hrs. 815-756-5228  
www.safepassagedv.org

#### **Dixon\***

YWCA of the Sauk Valley  
24 hrs. 815-288-1011

#### **Elgin**

Community Crisis Center  
24 hrs. 847-697-2380  
www.crisiscenter.org

#### **Evanston\***

Northwest CASA  
at the Evanston Civic Center  
24 hrs. 888-802-8890

#### **Freeport**

VOICES of Stephenson County  
24 hrs. 815-232-7200  
www.voicesofsc.org

#### **Galena**

Riverview Center  
24 hrs. 888-707-8155  
www.riverviewcenter.org

#### **Gurnee**

Zacharias Sexual Abuse Center  
24 hrs. (847) 872-7799  
www.zcenter.org

#### **Hickory Hills**

Pillars Community Health  
24 hrs. 708-482-9600  
www.pillarscommunityhealth.org

#### **Joliet**

Sexual Assault Service Center  
Guardian Angel Community  
Services  
24 hrs. 815-730-8984  
www.gacsprograms.org

#### **Kankakee**

The Clove Alliance  
24 hrs. 815-932-3322  
www.clovealliance.org

#### **Kewanee\***

Freedom House  
24 hrs. 800-474-6031

#### **McHenry\***

Northwest CASA  
The Care Center of McHenry  
County  
24 hrs. 800-892-8900

#### **Morris\***

Sexual Assault Service Center  
Guardian Angel Community  
Services  
24 hrs. 815-730-8984

#### **Mount Carroll\***

Riverview Center  
24 hrs. 815-244-7772

#### **Oregon\***

Rockford Sexual Assault  
Counseling, Inc.  
24 hrs. 815-636-9811





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## RAPE CRISIS SERVICES IN ILLINOIS - NORTH REGION / CHICAGO

### **Ottawa\***

Safe Journeys  
24 hrs. 800-892-3375

### **Peru\***

ADV & SAS  
24 hrs. 800-892-3375

### **Plainfield\***

Sexual Assault Service Center  
Guardian Angel Community  
Services  
24 hrs. 815-730-8984

### **Pontiac\***

ADV & SAS  
24 hrs. 800-892-3375

### **Princeton**

Freedom House  
24 hrs. 800-474-6031  
[www.freedomhouseillinois.org](http://www.freedomhouseillinois.org)

### **Quad Cities**

Family Resources, Inc.  
24 hrs. 866-921-3354  
[www.famres.org](http://www.famres.org)

### **Rockford**

Rockford Sexual Assault  
Counseling, Inc.  
24 hrs. 815-636-9811  
[www.rockfordsexualassaultcounseling.org](http://www.rockfordsexualassaultcounseling.org)

### **Sandwich\***

Safe Passage, Inc.  
24 hrs. 815-756-5228  
[www.safepassagedv.org](http://www.safepassagedv.org)

### **Sycamore\***

Safe Passage, Inc.  
24 hrs. 815-756-5228  
[www.safepassagedv.org](http://www.safepassagedv.org)

### **Skokie\***

Zacharias Sexual Abuse Center  
24 hrs. (847) 872-7799

### **Sterling**

YWCA of the Sauk Valley  
24 hrs. 815-626-7277  
[www.ywsauk.org](http://www.ywsauk.org)

### **Streator**

Safe Journeys  
24 hrs. 800-892-3375  
[www.safejourneysillinois.org](http://www.safejourneysillinois.org)

### **Watseka\***

Clove Alliance  
24 hrs. 815-932-3322

### ○ **CHICAGO**

**Chicago 24-Hour Hotline**  
1-888-293-2080

### **Resilience**

[www.ourresilience.org](http://www.ourresilience.org)  
• Stroger Hospital\*  
• Austin\*  
• Northside\*

### **Mujeres Latinas En Acción**

[www.mujereslatinasenaccion.org](http://www.mujereslatinasenaccion.org)  
• North Riverside\*  
• South Chicago\*

### **YWCA Metropolitan Chicago**

[www.ywcachicago.org](http://www.ywcachicago.org)  
• Cynthia B. Lafuente Center\*  
• Englewood\*  
• Laura Parks and Mildred Francis  
Center\*  
• RISE Children's Center\*

*\*Designates satellite and outreach  
offices of main centers*



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## RAPE CRISIS SERVICES IN ILLINOIS - CENTRAL REGION

### ○ **CENTRAL**

#### **Bloomington**

Stepping Stones  
Sexual Assault Services  
YWCA McLean County  
24 hrs. 309-556-7000  
[www.ywcamclean.org](http://www.ywcamclean.org)

#### **Charleston/Mattoon**

Sexual Assault Counseling  
& Information Service  
24 hrs. 888-345-2846  
[www.sacis.org](http://www.sacis.org)

- SACIS Main\*
- SACIS Counseling\*

#### **Cuba\***

WIRC/CAA Victim Services  
Fulton County  
24 hrs. 309-837-5555

#### **Danville**

Survivor Resource Center  
24 hrs. 866-617-3224  
[www.survivorresourcecenter.org](http://www.survivorresourcecenter.org)

#### **Decatur**

Growing Strong Sexual  
Assault Center  
24 hrs. 217-428-0770  
[www.growingstrongcenter.org](http://www.growingstrongcenter.org)

#### **Galesburg\***

WIRC/CAA Victim Services  
Knox County  
24 hrs. 309-837-5555

#### **Jacksonville\***

Prairie Center Against  
Sexual Assault  
24 hrs. 217-753-8081

#### **Macomb**

Western Illinois Regional Council/  
Community Action Agency  
Victim Services  
24 hrs. 309-837-5555  
[www.wirpc.org/victim-services](http://www.wirpc.org/victim-services)

#### **Mt. Sterling\***

Quanada  
24 hrs. 800-369-2287

#### **Quincy**

Quanada  
Sexual Assault Program  
24 hrs. 800-369-2287  
[www.quanada.org](http://www.quanada.org)

#### **Paris\***

Survivor Resource Center  
24 hrs. 866-617-3224  
[www.survivorresourcecenter.org](http://www.survivorresourcecenter.org)

#### **Peoria**

Center for Prevention of Abuse  
Sexual Assault Services  
24 hrs. 309-691-4111 or  
800-559-SAFE  
[www.centerforpreventionofabuse.org](http://www.centerforpreventionofabuse.org)

#### **Pittsfield\***

Quanada Pike County  
24 hrs. 800-369-2287

#### **Rushville\***

Quanada Schuyler County  
24 hrs. 800-369-2287

#### **Springfield**

Prairie Center Against  
Sexual Assault  
24 hrs. 217-753-8081  
[www.prairiecasa.org](http://www.prairiecasa.org)

#### **Taylorville\***

Prairie Center Against  
Sexual Assault  
24 hrs. 217-753-8081

#### **Urbana/Champaign**

Rape, Advocacy, Counseling and  
Education Services  
24 hrs. 217-384-4444  
[www.cu-races.org](http://www.cu-races.org)



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## RAPE CRISIS SERVICES IN ILLINOIS - SOUTH REGION

### ○ **SUR**

#### **Alton\***

Call for Help, Inc.  
Sexual Assault Victims Care Unit  
24 hrs. 618-397-0975

#### **Aviston\***

Sexual Assault and  
Family Emergencies  
24 hrs. 800-625-1414

#### **Belleville**

Call for Help, Inc.  
Sexual Assault Victims Care Unit  
24 hrs. 618-397-0975  
[www.callforhelpinc.org](http://www.callforhelpinc.org)

#### **Carbondale**

Survivor Empowerment Center  
24 hrs. 618-529-2324 or  
800-334-2094  
[www.thewomensctr.org](http://www.thewomensctr.org)  
• Northeast – Eurma C. Hayes  
Community Center\*

#### **Centralia\***

Sexual Assault and  
Family Emergencies  
24 hrs. 800-625-1414

#### **East St. Louis\***

Call for Help, Inc.  
Sexual Assault Victims Care Unit  
24 hrs. 618-397-0975

#### **Effingham\***

Sexual Assault and  
Family Emergencies  
24 hrs. 800-625-1414

#### **Harrisburg\***

Survivor Empowerment Center  
24 hrs. 800-334-2094

#### **Marion\***

Survivor Empowerment Center  
24 hrs. 800-334-2094

#### **Mt. Vernon\***

Sexual Assault and  
Family Emergencies  
24 hrs. 800-625-1414

#### **Olney\***

Counseling & Information  
for Sexual Assault/Abuse  
24 hrs. 866-288-4888

#### **Robinson\***

Counseling & Information  
for Sexual Assault/Abuse  
24 hrs. 866-288-4888

#### **Troy\***

Call for Help, Inc.  
Sexual Assault Victims Care Unit  
24 hrs. 618-397-0975

#### **Vandalia**

Sexual Assault and  
Family Emergencies  
24 hrs. 800-625-1414  
[www.safecrisiscenter.org](http://www.safecrisiscenter.org)

*\*Designates satellite and outreach  
offices of main centers*





[www.icasa.org](http://www.icasa.org) 217-753-4117

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