

ILLINOIS CIVIL PROTECTION ORDERS

Survivors across the country seek safety through civil protection orders. Courts use these vital orders to issue stay away orders, or order an abuser pay medical bills, and even make temporary custody decisions. The remedies are important, but jurisdictions often have several types of orders and the distinctions are not always clear. This resource provides a brief overview of the different types of civil protection orders in each jurisdiction, answering vital questions such as: who can apply; and who can be restrained? The orders included in this resource are limited to those where a survivor can apply themselves, other protective measures may exist in your jurisdiction—reach out to VRLC’s TA team if you have questions!

In Illinois, there are 4 types of civil protection orders:

- Domestic Violence Protective Orders** are available for individuals seeking protection from domestic violence committed by a household member, as well as adults with disabilities seeking protection from a caregiver (750 ILCS 60/201).
- Sexual Assault No Contact Orders** are available for individuals seeking protection from any individual who sexually assaulted them; individuals other than a survivor can apply for a no contact order on the survivor’s behalf (740 ILCS 22/201).
- Stalking No Contact Orders** are available for individuals seeking protection from any individual who stalked them (740 ILCS 21).
- Firearm Restraining Orders** may be sought by a person with a specific relationship to an individual who poses a serious threat of physical harm to themselves or someone else (430 ILCS).

DOMESTIC VIOLENCE ORDER OF PROTECTION

<p>Who can apply?</p>	<p>A DVO is available to any of the following who are experiencing abuse by a family or household member:</p> <ul style="list-style-type: none"> • Any person; • Any high-risk adult with disabilities; • A minor child or dependent adult in the care of a family or household member; • Any person who lives or works at a shelter or private home where an abused individual or family lives; or • Foster parents, legally appointed guardians, adoptive parents or prospective adoptive parents of children who have been abused by a family or household member. <p><i>750 ILCS 60/201.</i></p> <p>A high-risk adult may also apply for a DVO for exploitation or neglect. <i>750 ILCS 60/201(a)(ii).</i></p> <p>Abuse means:</p> <ul style="list-style-type: none"> • Physical abuse; • Harassment; • Intimidation of a dependent; or • Interference with personal liberty or willful deprivation thereof. <p><i>750 ILCS 60/103.</i></p> <p>See “Who can be Restrained?” for the definition of a family or household members.</p>
<p>Can minors apply?</p>	<p>Yes. Minors can also have a parent, foster parent, legally appointed guardian, or other appropriate adult file on their behalf. <i>750 ILCS 60/201(b)(iii).</i></p>

DOMESTIC VIOLENCE ORDER OF PROTECTION

<p>Who can be restrained?</p>	<p>Family or household members of petitioner.</p> <p>Family or household members includes:</p> <ul style="list-style-type: none"> • Spouses or former spouses; • Parents and children or stepchildren; • Those related by blood or current or former marriage; • Those who currently or previously lived together; • Those with a child in common; • Those in a dating or engagement relationship; and • Those with a disability and their personal assistants or caregivers. <p><i>750 ILCS 60/103(6).</i></p> <p>This applies to Illinois residents and non-residents having minimum contacts with Illinois.</p>
<p>What types of relief may a court order?</p>	<p>The court may include the following in the order:</p> <ul style="list-style-type: none"> • Prohibit abuse, neglect, or exploitation; • Grant exclusive use or possession of a residence; • Stay away order; • Require respondent to seek counseling; • Orders regarding care and custody of a minor child, including parenting time and parental decision making; • Revoke a firearm's license and prohibit respondent from possessing firearms; • Protection for personal property and pets; • Prevent respondent from transferring or otherwise disposing of real property (i.e. land); • Provide for financial support; <p style="text-align: right;"><i>continued on next page</i></p>

DOMESTIC VIOLENCE ORDER OF PROTECTION

<p>What types of relief may a court order?</p>	<ul style="list-style-type: none"> • Payment for petitioner’s losses, including, but not limited to, medical expenses, reasonable attorneys fees, etc.; or • Other relief the court finds necessary to prevent further abuse. <p><i>750 ILCS 60/214 b(1 -18).</i></p> <p>Emergency orders issued may not include counseling, legal custody, payment of support, or monetary compensation unless the respondent appears in court or has been personally served with notice.</p> <p><i>750 ILCS 60/218(a).</i></p>
<p>How long does the order last?</p>	<p>Emergency orders are effective for between 14 and 21 days.</p> <p>Interim orders are effective up to 30 days.</p> <p>Final, plenary, orders may issue for a period up to 2 years.</p> <p><i>750 ILCS 60/220.</i></p>
<p>Can the order be renewed?</p>	<p>Yes, emergency, temporary, and plenary orders may be extended one or more times as necessary so long as the criteria for issuance continue to be met. Final or plenary orders may be extended indefinitely upon a showing of good cause.</p> <p><i>750 ILCS 60/220.</i></p>
<p>Is a hearing with the respondent required?</p>	<p>No, but respondent does need notice of the hearing. If respondent appears, they may file a general appearance and testify.</p> <p><i>750 ILCS 60/217(6); 750 ILCS 60/218 (b).</i></p>

SEXUAL ASSAULT CIVIL NO CONTACT ORDER

<p>Who can apply?</p>	<ol style="list-style-type: none"> 1. Any person who is a victim of non-consensual sexual conduct or sexual penetration; 2. Family or household members of a victim, after receiving the victim's consent; 3. Legal guardian of a child, disabled, or elderly adult victim; 4. Rape crisis center employees and volunteers; 5. Service members of the Illinois National Guard or any reserve military component serving in Illinois who has also received a Military Protective Order; 6. Staff of Judge Advocate of the Illinois National Guard or any reserve military component serving in Illinois on behalf of a named victim who has received a Military Protective Order. <p>Sexual conduct is defined at 740 ILCS/22 103.</p>
<p>Can minors apply?</p>	<p>Yes. Legal guardians can apply on behalf of the victim, as can any family member of the minor after receiving the minor's consent to file on their behalf.</p> <p><i>740 ILCS 22/201(b)(2)</i></p>
<p>Who can be restrained?</p>	<p>Any person who committed non-consensual sexual conduct against the petitioner.</p> <p>This applies to Illinois residents and non-residents having minimum contacts with Illinois.</p> <p><i>740 ILCS 22/103; 740 ILCS 22/206.</i></p>
<p>What types of relief may a court order?</p>	<p>The court may include the following in the order:</p> <ul style="list-style-type: none"> • Require respondent stay a specified distance away from the petitioner, their residence, school, or other location; • Prohibit respondent from contacting the petitioner in any way; <p style="text-align: right;"><i>continued on next page</i></p>

SEXUAL ASSAULT CIVIL NO CONTACT ORDER

<p>What types of relief may a court order?</p>	<ul style="list-style-type: none"> • Protect petitioner’s property and pets; • Order respondent transfer to another school, under certain circumstances; • Other injunctive relief necessary to protect the petitioner. <p>If the respondent is a minor, the court may also:</p> <ul style="list-style-type: none"> • Order respondent’s parents or legal guardians take steps to ensure respondent’s compliance with the order. <p><i>750 ILCS 22/213.</i></p>
<p>How long does the order last?</p>	<p>Emergency orders are effective between 14 and 21 days.</p> <p>Plenary orders are for a fixed period of time not to exceed 2 years.</p> <p><i>740 ILCS 22/216.</i></p>
<p>Can the order be renewed?</p>	<p>Yes, both emergency and plenary orders may be renewed, so long as the criteria for issuance continue to be met. Renewals must take place in open court. Plenary orders may be extended indefinitely upon a showing of good cause.</p> <p><i>740 ILCS 22/216.</i></p>
<p>Is a hearing with the respondent required?</p>	<p>No. Emergency orders may be granted without the respondent being notified or appearing.</p> <p>Plenary orders may be issued after the respondent receives notice and has an opportunity to appear and present witnesses/evidence.</p> <p><i>740 ILCS 22/214; 215.</i></p>

STALKING NO CONTACT ORDER

Who can apply?	<p>Any person who is the victim of a course of conduct (two or more acts) that causes the victim to fear for their 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.</p> <p>Note that cyberstalking may be considered stalking. <i>740 ILCS 21/15.</i></p>
Can minors apply?	<p>No, an adult must file on behalf of a minor child. <i>740 ILCS 21/15.</i></p>
Who can be restrained?	<p>Individuals who engage in stalking and are (1) residents (including minors) of Illinois; or (2) any non-Residents having minimum contacts to Illinois to the extent permitted by the long-arm statute. <i>740 ILSC 21/50.</i></p>
What types of relief may a court order?	<p>The court may include the following in the order:</p> <ul style="list-style-type: none"> • Prohibit respondent from further stalking or threats to stalk; • Prohibit respondent from contacting the petitioner or other person named by the court; • Prohibit respondent from coming within a specified distance of the petitioner, their home, school, work, or other specified place; • Prohibit respondent from buying or possessing firearms or a Firearm Owners ID card (FOID); • Prohibit respondent from using electronic tracking on petitioner; • Order respondent transfer to another school, under certain circumstances; <p style="text-align: right;"><i>continued on next page</i></p>

STALKING NO CONTACT ORDER

What types of relief may a court order?	<ul style="list-style-type: none"> • Order respondent to pay petitioner’s reasonable attorney’s fees; or • Other injunctive relief necessary to protect petitioner. <p>If the respondent is a minor, the court may also:</p> <ul style="list-style-type: none"> • Order respondent’s parents or legal guardians take steps to ensure respondent’s compliance with the order <p>740 ILCS 21/80(b).</p>
How long does the order last?	<p>Emergency orders are between 14 and 21 days.</p> <p>Plenary orders are for a fixed period of time not to exceed 2 years.</p> <p>740 ILCS 21/105.</p>
Can the order be renewed?	<p>Yes, both emergency and plenary orders may be renewed, so long as the criteria for issuance continue to be met. The respondent will be notified of the motion to extend the request.</p> <p>740 ILCS 21/105.</p>
Is a hearing with the respondent required?	<p>No. Emergency orders may be granted without the respondent receiving notice or appearing.</p> <p>Plenary orders may issue if the respondent has received notice but fails to appear.</p> <p>740 ILCS 21/60.</p>

FIREARM RESTRAINING ORDER

<p>Who can apply?</p>	<p>A family member or law enforcement officer who believes that the respondent poses an immediate and present danger of causing personal injury to themselves or another by having, possessing, purchasing or receiving a firearm or firearm parts. <i>43 ILCS 67/35.</i></p> <p>Family member means:</p> <ul style="list-style-type: none"> • Spouse or former spouse; • Blood relative; • Person with whom the respondent has a minor child in common; • Parent and child or step-child; or • Person residing with the respondent. <p><i>43 ILCS 67/5.</i></p>
<p>Can minors apply?</p>	<p>No, only adult family and household members or law enforcement may petition. <i>430 ILCS 67/5.</i></p>
<p>Who can be restrained?</p>	<p>Illinois residents and non-residents having minimum contacts with Illinois.</p> <p>Any person alleged in the petition to pose a danger of causing personal injury to themselves or another person by having access to a firearm. <i>430 ILCS 67/5.</i></p>
<p>What types of relief may a court order?</p>	<p>If there is probable cause to believe the respondent possesses firearms, ammunition or parts make an operable firearm, the court may issue a search warrant to seize such items.</p> <p>Additionally, the respondent will not be permitted to purchase, possess, or receive firearms, ammunition, or parts that could be assembled to make an operable firearm. <i>430 ILCS 67/40(h).</i></p>

FIREARM RESTRAINING ORDER

<p>How long does the order last?</p>	<p>Emergency orders last up to 14 days. <i>430 ILCS 67/35.</i></p> <p>Plenary orders are effective 6 months to a year. <i>430/ILCS 67/40.</i></p>
<p>Can the order be renewed?</p>	<p>Yes, so long as it is within 3 months before the plenary order is due to expire. There will be a full hearing after notice is given to the respondent, where the petitioner must show clear and convincing evidence that the respondent continues to pose a danger. <i>430 ILCS 67/45(b).</i></p>
<p>Is a hearing with the respondent required?</p>	<p>Yes, for a final order.</p> <p>The respondent does not need to be at or be notified of the emergency hearing.</p> <p>If an emergency FRO is issued, the respondent must be notified and a full hearing must be held within 14 days to allow the respondent to present evidence. <i>740 ILCS 67/35.</i></p>

HOW TO APPLY

Forms are available at courthouse and online at <https://www.illinoiscourts.gov/forms/approved-forms/forms-approved-forms-circuit-court/order-of-protection/>.

Forms may be filed with the court in the county where the petitioner resides, where the respondent resides, where the abuse occurred, or where the petitioner is staying to avoid abuse.

750 ILCS 60/209.

SCAN ME!



For specific questions about how to use this guide, or if you have any other questions, VRLC is here to help!

This project was supported by Grant No. 15JOVW-23-GK-05124-MUMU awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication are those of the author(s) and do not necessarily reflect the views of the U.S. Department of Justice.