

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, DOMESTIC RELATIONS DIVISION

People ex rel. _____

_____ on behalf of

_____ self and/or on behalf of

Petitioner(s)

v.

Respondent(s)

Case No. _____

Independent Proceeding

Other Civil Proceeding

(specify) _____

Criminal Proceeding

Juvenile Proceeding

FINDINGS
ORDER OF PROTECTION

Emergency Interim Plenary

[Finding solely applicable to an ex parte Emergency Order]

The Court, having examined the verified Petition filed in this case, as well as the person under oath or affirmation, presenting the petition, **FINDS THAT:**

The averments presented are sufficient to indicate abuse, neglect or exploitation and to support the granting of the relief ordered.

The Court, having examined the Verified Petition, any affidavit, and having conducted a hearing thereon, under oath or affirmation, FINDS THAT:

- A. It has jurisdiction of the subject matter and over all necessary persons in these proceedings pursuant to the Illinois Domestic Violence Act (IDVA):
 - Respondent is a state resident.
 - Respondent has sufficient minimum contacts with the state to the extent permitted by the long-arm statute.
- B. It has jurisdiction of the subject matter and over all necessary parties pursuant to the Uniform child Custody Jurisdictional enforcement Act ("UCCJEA"):
 - The minor Child has resided in state for a minimum of six (6) months.
 - The minor Child resides out of this state but the foreign state has declined jurisdiction and there is significant connection with Illinois.
 - There is no other available jurisdiction for protection of the minor child.
 - Emergency: Child is present in Illinois and subject to abuse.
- C. The Court finds that this county is a proper venue for hearing the petition because:
 - Petitioner resides in this county.
 - Respondent resides in this county.
 - The alleged abuse occurred in this county.
 - Petitioner left the residence to avoid further abuse and could not obtain safe, accessible and adequate temporary housing in the county of that residence.
- D. _____ is unable to bring the Petition on his/her own behalf due to age or disability.
- E. Respondent is a family or household member as defined in the IDVA.

- E. _____ has/have been abused by Respondent.

- G. Said abuse has consisted of:
 - Physical abuse;
 - Harrasment;
 - Interference with personal liberty;
 - Intimidation of dependent;
 - Willful deprivation.

- H. _____ is a High Risk Adult with Disabilities and has been neglected or exploited by Respondent.

- I. Said exploitation has consisted of:
 - Misappropriation of assets or resources by undue influence, breach of fiduciary duty, or other illegality;
 - Illegal use of assets.

- J. The Court has considered the nature, frequency, severity, pattern and consequences of past abuse, neglect and/or exploitation. The Court thus finds there is a likelihood of future abuse, neglect and/or exploitation to Petitioner or any member of Petitioner's or Respondent's family or household if the relief is not granted.

- K. The following persons are also protected by this Order: _____

- L. For the remedy of Exclusive Possession of the Residence:
 - Venue is proper under 750 ILCS 60/209 (b) as the residence.
 - Petitioner has a right to occupancy and Respondent has no right to occupancy; or
 - Both parties have a right to occupancy, and considering the risk of further abuse by Respondent interfering with Petitioner's (and any minor child's or dependent adult's) safe and peaceful occupancy and all other relevant factors, the balance of hardships favors Petitioner:

- M. For the remedy relative to prohibitions on Respondent from entering or remaining present at Petitioner's school, place of employment, or other places at times when Petitioner is present:
 - Respondent has no rights to enter/remain present at such place(s); or
 - The balance of hardships favors Petitioner in prohibiting Respondent from entering or remaining at such place(s); or
 - The specific place(s) are as follows: _____

- N. For the remedy of counseling, the likelihood of future abuse would be minimized by appropriate counseling services.

- O. For the remedies of Granting Temporary Legal Custody or Physical Care and Possession of Child, Prohibiting Removal or Concealment of Child, Ordering Respondent to appear with Child, _____
 is or has been the primary caretaker of such child/ren.

- P. For the remedies of Granting Temporary Legal Custody or Physical Care and Possession of Child, Prohibiting Removal or Concealment of Child, Ordering Respondent to appear with Child, there exists a danger that a minor child will be [Check applicable box(es)]
 - Abused or neglected;
 - Improperly removed from this jurisdiction or improperly concealed with the State;
 - Improperly separated from the child's primary caretaker.

- Q. For the remedy relative to limitation of Respondent's visitation, Respondent has done or is likely to:
 - Use visitation to harrass or abuse Petitioner;
 - Improperly conceal or detain the minor child; OR
 - Otherwise not act in the best interests of the minor.

- R. For the remedy of Exclusive Possession of Personal Property, as listed in the Petition:
 - Petitioner; but not Respondent, owns such property, **OR**
 - Sharing the property creates a further risk of abuse or is impractical and the balance of hardships favors temporary possession by Petitioner; and
 - Petitioner and Respondent own the property jointly, **OR**
 - The property is alleged to be marital property and a proceeding has been filed under the IMDMA.
- S. For the remedy of Protection of Property, as listed in the Petition:
 - Petitioner; but not Respondent, owns such property, **OR**
 - The balance of hardships favors Petitioner; and
 - Petitioner and Respondent own the property jointly, **OR**
 - The property is alleged to be marital property and a proceeding has been filed under the IMDMA.
- T. For the remedy of Support, Respondent has a legal obligation to provide support to
 - Petitioner and/or
 - The minor child/ren
- U. For the remedy of Payment of Losses, as a direct result of the abuse, neglect, or exploitation the Petitioner has suffered the following losses: _____

- V. For the remedy of Prohibition of Entry while under the influence of alcohol or drugs, Respondent constitutes a threat to the safety and well-being of Petitioner and/or Petitioner's child/ren by entering or remaining in the residence or household while under the influence of alcohol or drugs.
- W. For the remedy of surrender of any and all firearms for the period of time set forth in the Order of Protection, Respondent constitutes a threat to the safety of Petitioner and other protected parties by possession of said firearms.
- X. The disclosure of Petitioner's address would risk abuse of some member of the family or household or would reveal the confidential address of a shelter for domestic violence victims.
- Y. [for Independent proceedings only] Filing fees are: Waived Deferred
- Z. The hardship to Respondent, if remedy(ies) _____ is/are granted, substantially outweighs the hardship to Petitioner in the following manner: _____

- Additional findings, Respondent has:
 - Created a disturbance at School Employment Other
 - Made repeated phone calls to Home Cell Work Other
 - Committed repeated surveillance
 - Repeatedly followed the Petitioner
 - Made repeated threats to: Harm Kill Remove or Conceal Child Restrain Confine Use Force
 - Use Weapon Other
 - Concealed or Removed a Child
 - Prior Criminal Charge(s) of Domestic Violence against Petitioner or Members of Petitioner's Household
 - History of
 - Mental Illness
 - Alcohol Abuse
 - Drug Abuse
 - Other _____

EMERGENCY ORDERS ONLY

- I. For each of the remedies allowable under an Emergency Order of Protection, the harm which that remedy is intended to prevent would be likely to occur if Respondent were given any prior notice, or greater notice than was actually given, of Petitioner's efforts to obtain judicial relief.
- II. For the remedy of Exclusive Possession of the Residence, the immediate danger of further abuse if Petitioner chooses or has chosen to remain in the residence or household, while Respondent was given any prior notice, or greater notice than was actually give, outweighs the hardship to Respondent.
- III. For the remedy of Exclusive Possession of Personal Property, an improper disposition of the property would be likely to occur if Respondent were given any prior notice, or greater notice than was actually given, of Petitioner's efforts to obtain judicial relief, or Petitioner has an immediate and pressing need for possession of the property.

APPLICABLE TO ALL TYPES OF ORDERS

TRANSFERS, RESERVATIONS, OR DENIALS (which shall be set out in an order):

- I. Requests for the following remedies are to be transferred by order to _____
as being a Court which ordinarily addresses such matters: _____

- II. Rulings on the following remedies are to be expressly reserved by this Court: _____

- III. Relief with respect to the following remedies is to be denied for the following reasons: _____

ENTERED:

Dated: _____, _____

Judge

Judge's No.

Case No. _____