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**Clerk of the Circuit Court**  
**of Cook County**



**A Guide**  
**To The**

# **Domestic Violence**

Division

## **Frequently Asked Questions**

*The Domestic Violence Court handles a variety of cases involving family and household members as defined by the Domestic Violence Act of 1986. Here's a breakdown of the types of cases heard by this court*

- Criminal Actions Involving Family and Household Members
- Civil Orders

### **What is domestic violence?**

Domestic violence is any physical, emotional, or sexual abuse of a household or family member by another.

### **Who can be protected?**

The IDVA (Illinois Domestic Violence Act) defines household or family members who can be protected as follows: spouses, former spouses, parents, children, stepchildren and other persons related by blood or by present or prior marriage, persons who share or formerly shared a common dwelling, persons who have or allegedly have a child in common, persons who share or allegedly share a blood relationship through a child, persons who have or have had a dating or engagement relationship, persons with disabilities and their personal assistants, caregivers and high-risk adult with disabilities. 50 ILCS 60/201 and 750 ILCS 60/103(6)(8).

### **What is an Order of Protection?**

An Order of Protection is a court order signed by a judge. It is designed to protect a petitioner (the person who has been hurt) from the respondent (the person who hurt the petitioner.)

### **How can I file an Order Protection?**

If you wish to file criminal charges, the Cook County State's Attorney will represent you. You may start the process with your local police, the State's Attorney, at your local court criminal division or with an appropriate advocate group or shelter. Criminal charges may result in the arrest, conviction and sentencing of the defendant/abuser. If you do NOT wish to press criminal charges, you may still make a police report and seek an Order of Protection in a civil court. A private attorney, law firm or legal assistance agency can represent you. You may choose to represent yourself; this is called "pro se." There is no arrest or sentencing with non-criminal cases.

### **Where can I get an Order of Protection?**

There are several options:

**Criminal Court:** if the person who has been hurt (the petitioner) signs a criminal complaint against the person who hurt him or her (the respondent). The State's Attorney's Office then prosecutes the respondent and helps the petitioner get an Order of Protection. The petitioner can only keep the Order if she, or he, follows through with the criminal case.

**Civil Court:** If the petitioner chooses NOT to press charges the Order of Protection can be granted by a judge in an independent action. In Civil Court, the petitioner can have his or her own attorney or can represent him or herself; this is called pro se.

**Child Support Court, Divorce Court, Juvenile Court and Probate Court:** A petitioner can also request an Order of Protection in other courts where they are parties to a pending action against the respondent.

The Order of Protection is the same, no matter which court grants it.

### **Can I receive an Order of Protection after the court's regular business hours?**

After-Hours Remote Hearing for a Civil Emergency Order of Protection (EOP)

Outside of regular court hours, remote hearings are available at the following times (excluding all National and Legal Court Holidays): Monday through Friday, 9 p.m. - 3 a.m. ; Saturday and Sunday, 1 p.m. - 6 p.m.

An Order of Protection may be granted to a person who has been abused by another person with whom they currently or formally have a domestic relationship (romantic partner, relative, roommate, caregiver).

Only during the hours above, request a Civil EOP hearing by visiting Illinois Legal Aid Online. Scan the QR Code...  
For assistance from a 24/7 advocate, please contact Illinois Domestic Violence Hotline at (877) 863-6338.



## Frequently Asked Questions Continued

### How do I determine which courthouse to file for an Order Protection?

If you are involved in a pending case, you may be able to file in that proceeding. If your complaint arose out of criminal conduct, you may wish to file in criminal court. The State's Attorney can give you advice in this regard. In any event, you can direct questions to our Domestic Violence Court at (312) 325-9500.

### How much does the Order of Protection cost?

The Order of Protection is free. There are no fees for filing the Order. The Sheriff's Office serves the Order on the respondent without charge.

### How long does an Order of Protection last?

Your attorney or court advocate can best answer this question for you. There are three types of Orders of Protection. Each type may be granted for a specific length of time.

### What is the Illinois Stalking Law?

As of July 1992, the offense of stalking became a crime in the State of Illinois. If you believe you are a stalking victim, contact your local police.

### How does the respondent learn about the Order of Protection?

Once a judge grants the Order, it is filed in the Clerk's Office. A copy is sent to the Sheriff's Office and a Sheriff's deputy can then serve a copy of the Order to the respondent (the person who hurt the petitioner).

### Can a minor get an Order of Protection?

Anyone who is a protected party under the Illinois Domestic Violence Act is eligible for an Order of Protection. Minors, under the age of 18, (and some people with disabilities) need an adult to ask for the Order on behalf of the petitioner.

### What are remedies?

Remedies are actions the respondent must do or stop doing to the petitioner. For instance, the Order could make the respondent stay out of the shared home for a period of time; or stop harassing or abusing the petitioner; or pay costs if the petitioner had to run away to a safe place. There are 18 different remedies. The Order of Protection forms list each of them.

### Do I need a lawyer to get an Order of Protection?

An Assistant State's Attorney is your attorney when you go to Criminal Court. In Civil Court, it is always a good idea to have an attorney in court with you. You may qualify for free legal assistance, depending on how much money you earn. If you need to hire an attorney, call the Chicago or Suburban Bar Associations for a referral. If you do not qualify for free legal assistance, and you cannot afford an attorney, you can act as your own attorney. You must bring the respondent's date of birth, social security number and address with you to complete the forms. The Clerk's Office in each court has the forms you need.

Office of the Clerk of the Circuit Court of Cook County  
Domestic Violence Court for Chicago  
555 West Harrison  
Chicago, IL 60607-4313  
(312) 325-9500

The Domestic Violence Survivor Center  
Markham Courthouse  
16501 S. Kedzie Parkway  
Markham, Illinois 60428  
(708) 232-4084

Hours:  
8:30 a.m. to 4:30 p.m.  
Monday through Friday  
Excluding Court Holidays

Customer Service Call Center  
(312) 603-5030



[www.cookcountyclerkofcourt.org](http://www.cookcountyclerkofcourt.org)  CookCountyClerkofCourt

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