

El Derecho Del Pueblo

Columna de comentario [Socialización de Riesgo Policial](#) abogado y maestro Matthew “Mateo” Katz.

The People’s Right

A column of social comment [Destiny](#) and legal advice by attorney and teacher Matthew “Mateo” Katz.

Have you ever been hit by a family member simply because you didn’t do what he or she wanted you to? Have you ever been told to “do what I say” by your boyfriend or girlfriend and “if you don’t I’m never going to let you see our child again!” Have you ever left your house to go to work the day after you broke up with your significant other to find your tires slashed and that an angry note awaits you on your windshield?!?

If any of the above sound all too familiar, take note! In Illinois there exists a law called the Domestic Violence Act (IDVA), which allows an “abused person” to come to court without notice to the other side in effort to obtain an “Emergency Order of Protection,” a type of no contact order, against a romantic partner, relative or other household member who s/he fears may cause him/her further harm.

It is important to recognize that there is a very broad definition of domestic violence prohibited by the Act. Domestic violence is considered to be anything that the Act defines as “abuse,” which includes the following: “Physical abuse, harassment, intimidation of a dependent, interference with personal liberty, willful deprivation, harassment, improperly concealing a minor child, threatening physical force, creating a disturbance at one’s place of employment, repeatedly telephoning one’s place of employment, home or residence, repeatedly following one in a public place, keeping another under surveillance,” among other behaviors.

In order to obtain an order of protection in Cook County, go to 555 W. Harrison St. in Chicago, which is the new Domestic Violence Courthouse opened by the Circuit Court. There is no court fee to file for an order of protection and the clerks and court advocates at the courthouse will even help you fill out the forms you need before you go before a judge to explain what abuse you’ve suffered and what help you want to ask for.

An order of protection can grant various forms of “relief” to an individual who has been victim to domestic violence: perhaps most importantly, it lets the abuser, who the sheriff will personally serve with the order, know that s/he can not have any contact with the abused person. The order can also grant the abused individual exclusive possession of a child, a home, and personal property, like a car. This means that the abuser might have to leave a shared residence or have no contact with a son or daughter.

Now, if you’re a “respondent” in an order of protection case (the person against who the order has been entered) and you believe that the “petitioner” (the person obtaining the order of protection) has wrongfully obtained an order against you, you do have rights! You have a right to a court hearing, of course. The first hearing date set is usually for three weeks from the date the petitioner obtained the order. You have a right to appear yourself only or come with an attorney.

In addition, there is a little known provision of the Domestic Violence Act which allows a respondent to show up in court before the three week hearing date set previously by giving two days notice to the petitioner that they will appear before the judge on an earlier date. The respondent can then ask for the judge to rehear the case and vacate the order of protection, meaning legally that it never existed (Section 224 of the IDVA).