

Illinois Domestic Violence Act Victim Information

from the Office of Illinois Attorney Kwame Raoul

Domestic violence is a crime. Any person who hits, chokes, kicks, threat-ens, harasses, or interferes with the personal liberty of another family or household member has broken Illinois domestic violence law. Under Illinois law **family or household members** are defined as:

- family members related by blood or marriage;
- people who are married or used to be married;
- people who share or used to share a home, apartment, or other dwelling;
- people who have or say they have a child in common;
- people who have or say they have a blood relationship through a child;
- people who are dating or used to date, including same sex couples; and
- people with disabilities and their personal assistants.

Orders of Protection

An order of protection is a court order that restricts someone who has abused a family or household member. An order of protection may:

- prohibit the abuser from continuing threats and abuse (abuse includes physical abuse, harassment, intimidation, etc.);
- order abuser out of a shared home or residence;
- order abuser out of that home while they are using drugs or alcohol;
- order abuser to stay away from you and other persons protected by the order and keep the abuser from your work, school, or other specific locations;
- prohibit the abuser from taking or hiding children, give you temporary custody, or require the abuser to bring the child to court;
- require the abuser to attend counseling;
- require abusers to turn weapons over to local law enforcement; and/or
- prohibit the abuser from other actions.

To Obtain an Order of Protection, You Can:

- Contact a domestic violence program for help completing the forms.
- Ask your attorney to file in civil court.
- Request an order with your divorce.
- Request an order during a criminal prosecution.
- Go to your local circuit court clerk's office and get papers to seek an order of protection for yourself.

Law Enforcement Response

Law enforcement should try to prevent further abuse by:

- arresting the abuser when appropriate and completing a police report;
- driving you to a medical facility, shelter, or safe place or arranging for transportation to a safe place;
- accompanying you back to your home to get your belongings; and
- telling you about the importance of saving evidence, such as damaged clothing or property, and taking photographs of injuries or damage.

Criminal Prosecutions

If an arrest wasn't made and you wish to seek criminal charges against your abuser, bring all relevant information, including the police report number and this form, to your local state's attorney. You may want to contact a local domestic violence program so they can help you through the system.

If Abuser Contacts You After an Arrest

If the abuser was charged with a crime and you or another victim is a family or household member, that abuser probably was ordered not to contact you for at least 72 hours. If the abuser does contact you soon after an arrest, you should call the police because the abuser can be charged with an additional crime: violation of bail bond.

Violation of an Order of Protection

You should also call the police if the abuser disregards a part of the order of protection, because that is another crime: violation of an order of protection. If arrested for this crime, your abuser may be required to have a risk assessment evaluation and wear an electronic monitoring device.

Where You Can Get Help and Advice:

Illinois Domestic Violence Help Line: 1-877-863-6338

Local Domestic Violence Program:

Form available from the Office of Illinois Attorney General Kwame Raoul website at <http://www.illinoisattorneygeneral.gov/women/idva.pdf>.