

Petition for Ex-Parte Order of Protection

Requirements:

Age:

Both you and the person you are filing against must be eighteen (18) years of age or otherwise emancipated.

Relationship:

One of the following must pertain to you:

1. You and respondent are spouses
2. You and respondent were spouses
3. You and respondent are or were residing together
4. You and respondent are related by blood
5. You and respondent have a child in common
6. You and respondent are related by marriage
7. You and respondent were related by marriage
8. You and respondent have no relationship other than the respondent has stalked you

What is Abuse:

The respondent must have done one of the following:

1. Respondent has caused physical harm to you
2. Respondent has attempted physical harm to you
3. Respondent has placed you in apprehension of immediate physical harm

4. Respondent has harassed you
5. Respondent has sexually assaulted you
(respondent caused or attempted to engage you involuntarily in any sexual act by force, threat of force or duress)
6. Respondent has unlawfully imprisoned you
(respondent held, confined, detained or abducted you against your will)
7. Respondent has coerced you
(respondent compelled you by force or threat of force to engage in conduct to which you have the right to abstain from or the right to engage in)
8. Respondent has stalked you
(respondent purposely and repeatedly harasses or follows you with the intent of harassing you)

Where do you file an adult abuse petition:

1. In the county where you live
2. In the county where the alleged abuse occurred
3. In the county where the respondent may be served

Procedures for filing an adult abuse action:

Petition:

You are the petitioner in this action and the person you are filing against is the respondent.

Remember when you are filling out the petition you must explain the acts of abuse in detail as your statements are what the Judge will base his decision on as to whether or not an order is issued.

Costs:

You are not required to post a filing fee for an adult abuse action. You are required to fill out a financial statement which the Judge will review and base his decision, at the time of the hearing, on who (petitioner or respondent) will be assessed the costs of this action.

Service:

The respondent must be served with a copy of the petition and Ex-Parte Order of Protection at least five (5) days before the hearing date. You will be provided with a form to fill out that gives the Sheriff's Department instructions on where to locate the respondent. Make sure that you give accurate information such as addresses, place of employment, type of automobile, places respondent frequents and any other information that may be helpful in order to obtain service.

Hearing:

You will be given a court date when you are issued the Ex-Parte Order of Protection. You must appear at this hearing. If the respondent has not been served by the court date you will still need to appear and at this time you may ask the Judge to schedule another hearing date and also ask that the order remain in effect until the next court date.

You will be representing yourself (unless you have an attorney to represent you). At the hearing be prepared to give your version of the incidents of abuse to the Judge. If you have any witnesses, pictures of the abuse or any other evidence that you feel would be helpful in presenting your case to the Judge you may bring them to your hearing.

At the time of the hearing you are entitled to ask for any of the following and the Judge will make a decision as to what orders you are granted:

1. Refrain the respondent from abusing, molesting, stalking or disturbing your peace
2. Refrain the respondent from entering the premises that you own, rent, lease, or occupy
3. Grant the custody of the child or children to petitioner/respondent

4. Grant visitation of child or children to petitioner/respondent
5. Order respondent to pay child support
6. Order respondent to pay maintenance or alimony if the parties are married
7. Order respondent to pay attorney's fees
8. Order an assignment of periodic earnings or other income
9. Order respondent to make rent or mortgage payments for petitioners dwelling
10. Prohibit the respondent from, transferring encumbering or otherwise disposing of mutually owned property of petitioner and respondent
11. Respondent shall provide to petitioner his/her personal property
12. Order respondent to pay court costs

Remember:

In order to obtain any of the above, **you** must ask for them in your petition and the **Judge** will decide if you are entitled to any or all of your requests.

If you are granted a full order of protection you will be given a copy of the order, keep it with you at all times. If the respondent stalks, threatens to abuse, abuses, molests, or disturbs the peace of you, call the police at once. When the police arrive, if the respondent has not been served with the order give your copy to the police and they will serve him with that copy. You will then need to contact the circuit clerk's office for another copy.

The Ex-Parte Order remains in effect until the hearing date. The full order of protection if granted by the Judge at the time of the hearing, can remain in effect for 180 days and upon written request can be renewed for an additional 180 days.

Your request for an additional 180 days must be made before the full order of protection expires. You will need to come to the circuit clerk's office and make your request in writing.

REMEMBER YOU MUST MAKE YOUR REQUEST BEFORE YOUR FULL ORDER EXPIRES.

Termination of Order:

If you desire to terminate the order of protection, before your court date or the expiration date, you must come to the circuit clerk's office and fill out a termination form. Both you and the respondent must sign the form.

Clerk Duties:

The clerk will help you fill out the necessary forms. Please listen to the clerk when she is explaining the forms and if you do not understand something ask her to explain it.

If you have any special needs that the court should be made aware of please let the clerk know and she will advise the court.