

IN THE CIRCUIT COURT OF THE SIXTEENTH JUDICIAL CIRCUIT
KENDALL COUNTY, ILLINOIS

Case No.

Plaintiff/Petitioner	Defendant/Respondent	File Stamp
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FINDINGS FOR ORDER OF PROTECTION

- Emergency FEOOP Interim FIOOP Plenary FPOOP

(Finding solely applicable to an ex parte Emergency Order)

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

- The averments presented are sufficient to grant the relief ordered.

The Court, having examined the Petition filed in this case and having conducted a hearing thereon, under oath, FINDS THAT:

- A. It has jurisdiction of the subject matter and over all necessary persons in these proceedings pursuant to:
 IDVA (Illinois Domestic Violence Act)
 UCCJEA (Uniform Child Custody Jurisdiction Enforcement Act)
- B. _____ has/have been abused by Respondent, a family or household member as defined in the IDVA.
- C. Said abuse consists of:
 Physical abuse; Harassment; Interference with personal liberty; Intimidation of a dependent;
 Willful deprivation; Neglect; Exploitation; Stalking;
- D. The following persons are also protected by this Order:

- E. The Court has considered the nature, frequency, severity, pattern and consequences of past abuse and the likelihood of future abuse to Petitioner or any member of Petitioner's or Respondent's family or household.
- F. Petitioner should be granted exclusive possession of the residence and Respondant shall be removed from premises, the special venue rules of Sec. 209(b) of IDVA (applicable only in civil proceedings) having been met, because;
 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 the Petitioner's safe and peaceful occupancy, the balance of hardships favors the Petitioner because of the following relevant factors:
 Availability, accessibility, cost, safety, adequacy, location, and other characteristics of alternative housing for each party and any minors or other dependents; and/or
 Effect on each party's employment; and/or
 Other factors, as follows: _____

G. Respondent should be ordered to stay away from Petitioner and the protected person(s). Respondent should be prohibited from entering or remaining present at Petitioner's school, place of employment, or (specify) _____

because:

- Respondent has no rights to enter/remain present at such place(s) **OR**
- The balance of hardships favors the Petitioner in prohibiting the Respondent from entering or remaining at such place(s).

H. The likelihood of future abuse would be minimized by appropriate counseling.

I. Petitioner should be granted physical care of the minor child/ren or granted other appropriate relief because there exists a danger the minor child/ren will be:

- Abused or neglected; and/or
- Separated in an unwarranted manner from the child/ren's primary caretaker; and/or
- Unprotected as to his/her/their well-being.

J. For the remedies of Temporary Legal Custody, Removal or Concealment of Child, Order to Appear, or Physical Care of Child/ren. _____ is or has been the primary caretaker of such minor child/ren.

K. The Respondent's visitation with the minor child/ren should be restricted or denied because the Respondent has or is likely to:

- abuse or endanger the minor child/ren during visitation; and/or
- use visitation as an opportunity to abuse or harass Petitioner or Petitioner's family or household members, and/or
- improperly conceal or detain the minor child/ren; and/or
- otherwise act in a manner that is not in the best interest of the minor child/ren.

L. There exists a danger that the minor child/ren will be removed from this jurisdiction or concealed within the State.

M. Petitioner should be granted exclusive possession of the following items of personal property:

because:

- Petitioner, but not Respondent, owns such property; **OR**
- Sharing the property creates a further risk of abuse or is impractical, the balance of hardships favors the temporary possession by Petitioner; and
 - Petitioner and Respondent own the property jointly, or
 - The property is alleged to be marital property and proceeding has been filed under the IMDMA

N. An order should be granted protecting the following items of personal property:

because:

- 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.

O. Respondent has a legal obligation to support Petitioner and/or the minor child/ren, and Respondent is able to provide much support

P. As a direct result of the above described abuse, Petitioner has suffered certain losses, incurred certain expenses, and/or has been provided temporary shelter/counseling services, as follows: _____

- Q. There is a threat to the safety and well-being of Petitioner's family or household when Respondent enters or remains on the premises while under the influence of alcohol or drugs.
- R. Respondent should be denied access to school or other records of the minor child/ren because:
 - Respondent is or will be prohibited from having contact with the minor child/ren; **OR**
 - Petitioner's address is omitted pursuant to statute; **OR**
 - It is necessary to prevent abuse or wrongful removal or concealment of the minor child/ren.
- S. Additional Findings: _____

- T. Disclosure of Petitioner's address would risk further abuse to her/him to another protected person, or such disclosure would reveal the confidential location of a shelter for domestic violence victims.

ADDITIONAL FINDINGS FOR EMERGENCY ORDERS ONLY

- U. For requested remedies 1, 3, 5, 7, 8, 9, 11, 14, 15, and 17, 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.
- V. For requested remedy 2, the immediate danger of further abuse of Petitioner by Respondent if Petitioner chose or had chosen to remain in the household while Respondent was given any prior notice or greater notice than was actually given outweighs the hardship to Respondent of an emergency order granting Petitioner exclusive possession of the residence or household.
- W. For requested remedy 10, improper disposition of the personal property would be likely to occur if Respondent were given any prior notice or greater notice than was actually given of Petitioner's effort to obtain judicial relief, or that Petitioner has an immediate and pressing need for possession of that property.

APPLICABLE TO ALL TYPES OF ORDERS

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

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

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

Date: _____

Judge: _____