

CIRCUIT COURT OF ILLINOIS
TWENTY-SECOND JUDICIAL CIRCUIT
McHENRY COUNTY

Petitioner

- Independent
 Criminal
 Juvenile

Name(s) of other protected parties

Check if filing on behalf of:

a minor child, or an adult who because of age, disability, health, or inaccessibility cannot file the petition (*list name(s) below*)

(file stamp)

vs.

Case # _____
(to be completed by Court)

Respondent

STALKING NO CONTACT ORDER

 EMERGENCY STALKING NO CONTACT ORDER

Issued on: Date: _____ Time: _____ a.m./p.m.

Expires on: Date: _____ Time: _____ a.m./p.m.

NOTICE

Hearing is set for: Date: _____ Time: _____ a.m./p.m. at the
McHenry County Government Center, Courtroom _____, 2200 N. Seminary Ave, Woodstock, IL

 PLENARY STALKING NO CONTACT ORDER
(Requires Service of Process Under 740 ILCS 21/60)

Issued on: Date: _____ Time: _____ a.m./p.m.

In effect until:

- _____, 20 _____ (not to exceed 2 years).
 This Stalking No Contact Order is modified or vacated.
 Final disposition when a Bond Forfeiture Warrant has been issued.
 Two years following expiration of any sentence of supervision, conditional discharge, probation, periodic imprisonment, imprisonment or mandatory supervised release on _____.
 Final judgment is rendered in Case No. _____.

Petitioner Respondent given a copy of this Order in open court on ____/____/____.

PETITIONER INFORMATION

Name: _____

Address: _____
(Street/P.O. Box) (City) (State) (Zip Code)

Disclosure of Petitioner’s and/or protected party’s address would risk further harm. The address listed above is Petitioner’s and/or protected party’s alternative address for service of notice.

Other protected persons (persons to be included in the Stalking No Contact Order), in addition to the Petitioner are:

Name: _____

Address: _____
(Street/P.O. Box) (City) (State) (Zip Code)

Name: _____

Address: _____
(Street/P.O. Box) (City) (State) (Zip Code)

RESPONDENT INFORMATION

(if known)

Name: _____ **DOB:** _____

Sex: Male Female **Race:** _____ **Height:** _____ **Weight:** _____

Hair Color: _____ **Eye Color:** _____ **Social Security #:** XXX-XX-_____
(last 4 numbers)

Driver’s License #: _____ **License Plate #:** _____

Other Numeric Identifier: _____ **Description** _____
(number-optional) (e.g. passport #, military serial # or other)

Home Address: _____
(Street/P.O. Box) (City) (State) (Zip)

Name of Workplace: _____ **Work Hours:** _____

Work Address: _____
(Street/P.O. Box) (City) (State) (Zip)

Distinguishing Physical Features: _____

Respondent is incarcerated at _____

Respondent’s address is unknown

CAUTION INDICATOR

Respondent may be (A) (S) (Y)

NOTICE TO RESPONDENT

ANY KNOWING VIOLATION OF A STALKING NO CONTACT ORDER IS A CLASS A MISDEMEANOR. ANY SECOND OR SUBSEQUENT VIOLATION IS A CLASS 4 FELONY.

NOTICE TO LAW ENFORCEMENT AGENCIES AND OFFICERS

Any law enforcement officer may make an arrest without warrant if the officer has probable cause to believe that the person has committed or is committing a violation of a stalking no contact order. 740 ILCS 21/130 (a)

FINDINGS [Emergency Order]

- The Court** finds that good cause exists for granting the remedy regardless of prior service of process or notice upon the Respondent, because 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 given, of Petitioner's efforts to obtain judicial relief.

FINDINGS [Jurisdiction]

The court finds that Respondent:

- has been served with process and notice pursuant to statute.
- has entered an appearance in this case.
- is present in court, in person, and/or with counsel, _____
- is in default.
- has filed an answer.
- Finding that Petitioner has diligently attempted to complete service of process, has not been able to serve Respondent, and has given notice by publication (service completed 30 days after the first of three publication notices) Reasonable efforts to accomplish actual service has been shown by evidence or affidavit (740 ILCS 21/60 (c)).

FINDINGS [General]

In granting the following remedies, the Court has considered all relevant factors, including but not limited to the nature, severity and impact on the Petitioner of Respondent's two or more acts of following, monitoring, observing, surveilling, threatening, communicating or interfering or damaging property or pets of Petitioner, including Respondent's concealment of his/her location in order to evade service of process or notice, and the likelihood of danger of future acts of following, monitoring, observing, surveilling, threatening, communicating or interfering or damaging property or pets of the party to be protected.

The Court further finds that:

- Venue is proper (740 ILCS 21/55).
- Upon examination of the Verified Petition, Petitioner under oath, and other evidence, Petitioner is a victim of two or more acts of following, monitoring, observing, surveilling, threatening, communicating, or inferring or damaging to property or pets by Respondent.
- The victim is unable to bring this Petition on his/her own behalf due to age, health, disability, or inaccessibility (740 ILCS 21/15(b)).
- The parties stipulate to a factual basis for the issuance of a Stalking No Contact Order.

IT IS ORDERED THAT:

1. Respondent is prohibited from threatening to commit or committing stalking personally or through third party.
2. That the Respondent may not contact the Petitioner in any way, directly, indirectly or through third parties, including, but not limited to, phone, written notes, mail, email, or fax.
3. That the Respondent be ordered to stay at least _____ feet away from the Petitioner, and Petitioner's residence, school, daycare, employment and any other specified place. That Respondent be prohibited from entering or remaining at the Petitioner's:
 - place of residence, located at _____
 - place(s) of employment, located at _____
 - school(s) or daycare(s), located at _____
 - and any of the following specified places, when Petitioner is present: _____
4. Respondent is prohibited from possessing a Firearms Owners Identification Card, or possessing or buying firearms.
5. Other injunctive relief as follows:

If petitioner is requesting costs and/or attorney fees, petitioner shall file a motion and itemized bills and invoices within 30 days of this order.

This order can be extended upon notice filed in the office of the Clerk of this Court and a hearing held **prior to the expiration of this Order**. NOTE: To ensure adequate time for a hearing, it is recommended that Petitioner seek an extension at least 3 weeks prior to the expiration of this order.

JUDGE

I hereby certify that this is a true and correct copy of the original Order on file with the court.

McHenry County Clerk of the Circuit Court

(Seal of the Clerk of Circuit Court)

Date: _____

cc: Petitioner Respondent Counsel of Record Sheriff Advocate Jail State's Attorney

DEFINITION OF TERMS USED IN THIS STALKING NO CONTACT ORDER

1. **Stalking No Contact Order:** an emergency order or plenary order granted under the Stalking No Contact Order Act (the Act), which includes any remedy authorized by 740 ILCS 21/80.
2. **Course of Conduct:** means two or more acts, including but not limited to acts in which a respondent directly, indirectly, or through third parties, by any action, method, device, or means communicates to or about, a person, engages in other contact, or interferes with or damages a person's property or pet. A course of conduct may include contact via electronic communications. The incarceration of a person in penal institution who commits the course of conduct is not a bar to prosecution under this Section.
3. **Emotional distress:** means significant mental suffering, anxiety or alarm.
4. **Contact:** includes any contact with the victim, that is initiated or continued without the victim's consent, or that is in disregard of the victim's expressed desire that the contact be avoided or discontinued, including but not limited to being in the physical presence of the victim; appearing within the sight of the victim; approaching or confronting the victim in a public place or on private property; appearing at the workplace or residence of the victim; entering onto or remaining on property owned, leased, or occupied by the victim; or placing an object on, or delivering an object to, property owned, leased, or occupied by the victim.
5. **Petitioner:** means any named petitioner for the stalking no contact order or any named victim of stalking on whose behalf the petition is brought.
6. **Reasonable Person:** means a person in the petitioner's circumstances with the petitioner's knowledge of the respondent and the respondent's prior acts.
7. **Stalking:** means engaging in a course of conduct directed at a specific person, and he or she knows or should know that this course of conduct would cause a reasonable person to fear for his or her safety or the safety of a third person or suffer emotional distress. Stalking does not include an exercise of the right to free speech or assembly that is otherwise lawful or picketing occurring at the workplace that is otherwise lawful and arises out of a bona fide labor dispute, including any controversy concerning wages, salaries, hours, working conditions or benefits, including health and welfare, sick leave, insurance, and pension or retirement provisions, the making or maintaining of collective bargaining agreements, and the terms to be included in those agreements.