

Order of Protection

☐ Interim

☒ Plenary (Final)

Amended

Court Ph. 815-334-4310

Court TWENTY-SECOND JUDICIAL CIRCUIT

County McHENRY State of ILLINOIS

Case No. 11 DV 324

PETITIONER

Kimberly Popovich

First Middle Last

Petitioner's ☒ Address/ ☐ Alternative Address:

4702 N. Wafshire Ln
McHenry IL 60051

☒ Petition

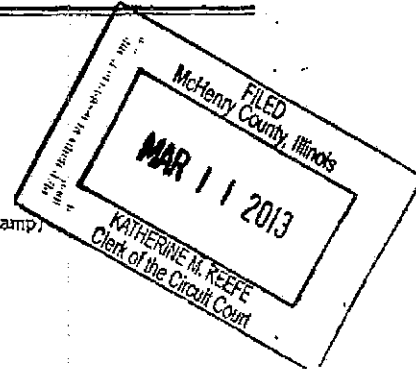
And/or on behalf of other protected person(s)

☐ Child(ren) as noted on page 6, Part C of this order

☐ Dependent (name)

☐ High Risk Adult (name)

(file stamp)



RESPONDENT

Thomas J. Popovich

First Middle Last

Relationship to Petitioner: Husband

Respondent's Address:

3716 W. St. Johns Ave, Johnsbury, VT

(Home) 3416 Elm St., McHenry IL

(Work) (Work Hours:)

Caution indicators:

☐ (A) Considered armed and /or dangerous

☐ (S) Suicidal

☐ (Y) Considered armed, dangerous and suicidal

RESPONDENT IDENTIFIERS

SEX	RACE	DOB	HT.	WT.
M	W	3-9-1964	5'6"	165
EYES	HAIR	SOCIAL SECURITY (last 4#s)		
GRN	GRAY	XXX-XX-9006		
DRIVER'S LIC. #		STATE	License Plate #	

Distinguishing Features (scars, marks, tattoos, martial arts):

THE COURT FINDS:

That it has jurisdiction over the Petitioner and subject matter and the Respondent will be provided with reasonable notice and an opportunity to be heard within the time required by Illinois law.

Additional findings are set forth on the following pages.

THE COURT ORDERS:

- ☐ That Respondent is prohibited from further acts/threats of abuse on protected persons. (See R01)
- ☐ That Respondent is ordered to stay away from Petitioner and/or other protected persons. (See R03)
- ☐ The Circuit Clerk is directed to send within 24 hours: ☐ Daycare / School Notice(s) (See page 6). ☐ Firearms Notice(s) (See page 8).

Additional terms of this order are set forth herein.

The terms of this Order shall be effective until

August 8, 2014

(Date)

4:30pm

(Time am/pm)

NOTICES CONCERNING THIS ORDER OF PROTECTION

WARNING TO RESPONDENT

Violating this Order of Protection is punishable by imprisonment or fine or both, and can cause your bond to be revoked, result in a contempt of court citation against you, or the filing of a criminal charge.

This protection order is enforceable, even without registration, in all 50 states, the District of Columbia, tribal lands, and the U.S. Territories pursuant to the Violence Against Women Act (18 U.S.C. § 2265). Violating this order of protection may subject you to federal charges and punishment (18 U.S.C. §§ 2261-2262). You may also be subject to federal penalties for possessing, transporting, shipping or receiving a firearm or ammunition under the Gun Control Act (18 U.S.C. § 922(g)(8) and (9)).

Only the court can change this order. The Petitioner cannot give you legal permission to change this order. If you go near the Petitioner, even with the Petitioner's consent, you may be arrested. If you and the Petitioner want to resume your relationship, you must ask the Court to modify or dismiss this Order of Protection. Unless the court modifies/dismisses this order, you can be arrested for violating this Order of Protection. You act at your own risk if you disregard this WARNING.

NOTICE TO PETITIONER

You cannot change the terms of this order by your words or actions. If the Court has ordered no contact or exclusive possession of the residence, only the Court can allow the Respondent to contact you or return to the residence. If you and the Respondent want to resume your relationship, you must ask the Court to modify or dismiss this Order of Protection.

If you wish to extend the Plenary order, you must file with the clerk of the court a Motion to Extend (including any modifications needed for your protection) at least **30 days prior to the expiration date** of the present order. The motion will be set for hearing. Notice must be given to the Respondent by first class mail; a certificate stating that notice was sent must be filed with the Circuit Clerk. You must be present at the hearing on your motion.

NOTICE TO ALL LAW ENFORCEMENT AGENCIES AND OFFICERS

This Order of Protection is enforceable, even without registration, in all 50 states, the District of Columbia, tribal lands, and the U.S. Territories pursuant to the Violence Against Women Act (18 U.S.C. § 2265). Violating this Order of Protection may subject the Respondent to state and/or federal charges and punishment (18 U.S.C. §§2261-2262). The Respondent may also be subject to federal criminal penalties for possessing, transporting, or accepting a firearm under the Gun Control Act (18 U.S.C. § 922(g)(8)).

NOTICE TO RESPONDENT

Any knowing violation of an order of protection forbidding physical abuse, neglect, exploitation, harassment, intimidation, interference with personal liberty, willful deprivation, or entering or remaining present at specified places when a protected person is present, or granting exclusive possession of the residence or household or granting a stay away order is a Class A misdemeanor and a second or subsequent violation is a Class 4 felony. The granting of exclusive possession of the residence or household shall constitute notice forbidding trespass to land. Any knowing violation of an order awarding legal custody or physical care of a child or prohibiting removal or concealment of a child may be a Class 4 felony. Stalking is a Class 4 felony for a first offense and a Class 3 felony for a subsequent offense. Any willful violation of any order is contempt of court. Any violation may result in fine or imprisonment.

FINDINGS [Jurisdiction]

The Court, having reviewed the verified petition and having heard the evidence and the testimony of the petitioner under oath or affirmation, finds that:

- ☒ Petitioner's actual address is set forth on page one (1).
or
☐ Disclosure of Petitioner's address would risk further abuse. The address set forth below is the address for the purpose of service of notice on the petitioner in this case.

Street or P.O. Box	City	State	Zip Code
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- The persons protected by this Order are ☐ the Petitioner, ☐ the minor child(ren) identified in Part C, (page 6 of 13) of this order, ☐ the other protected persons listed on page 1 of 13 of this order.

- (Check all that apply)

- ☒ Petitioner is present in court, in person, and/or with counsel, J. Pucci
- ☒ Respondent has been served with notice pursuant to the statute.
- ☒ Respondent has entered an appearance in this case.
- ☒ Respondent is present in court, in person, and/or with counsel, [Signature]
- ☐ Respondent is in default
- ☐ Respondent has filed an answer
- ☐ Petitioner has diligently attempted to complete service of process, has not been able to serve Respondent, and has given notice by publication.
- ☐ The court has jurisdiction over the minor child(ren) and/or other protected persons.
(750 ILCS 60/208)

RELATIONSHIP CODE: The Petitioner/Abused Person stands in relationship to the Respondent as (check all that apply):

RELATIONSHIP	RELATIONSHIP	RELATIONSHIP
☒ Spouse (SE)	☐ Parent (PA)	☐ Grandparent (GP)
☐ Former Spouse (XS)	☐ Sibling (Brother/Sister) (SB)	☐ In-Law (IL)
☐ Boyfriend/Girlfriend (BG) (Dating Relationship)	☐ Step-child (SC)	☐ Person with Disability (PD)
☐ Child in Common (CC) (parties not married)	☐ Step-sibling (SS)	☐ Person Responsible for High-Risk Adult (PR)
☐ Shared/common dwelling (CS)	☐ Step-parent (SP)	☐ Personal Assistant or Caregiver to Person with Disability (PC)
☐ Child (CH)	☐ Grandchild (GC)	☐ Other Related by Blood or Marriage (OF)

FINDINGS [General]

In granting the following remedies, the Court has considered all relevant factors, including, but not limited to the nature, frequency, severity, pattern, and consequences of Respondent's past abuse, neglect, or exploitation of Petitioner or any family/household member, including Respondent's concealment of his/her location in order to evade service of process or notice, and the likelihood of danger of future abuse, neglect, or exploitation of the party(ies) to be protected; and, if a child(ren) is/are involved, the danger that any minor child(ren) will be abused, neglected, or improperly removed from the jurisdiction, improperly concealed within the State, or improperly separated from the child(ren)'s primary caretaker.

The Court, having reviewed the verified petition and having heard the evidence and the testimony of the petitioner under oath or affirmation, further finds that:

- ☒ Venue is proper (750 ILCS 60/209).
- ☒ Respondent has abused the Petitioner and/or the child(ren) so identified on Part C (page 6 of 13) of this order and/or the protected person(s) listed on Page 1 of 13 of this order (750 ILCS 60/214(a)).
- ☒ The conduct or actions of the Respondent, unless prohibited, will likely cause irreparable harm or continued abuse.
- ☒ It is necessary to grant the requested relief in this order to protect the Petitioner and/or other alleged abused persons.
- ☐ The abused person(s) is/are unable to bring this Petition on his/her own behalf due to age, health, disability, or inaccessibility (750 ILCS 60/214(a)).
- ☐ The Petition has been filed on behalf of a high-risk adult with disabilities who has been abused, neglected, or exploited by a family or household member.
- ☐ The parties stipulate to a factual basis for issuance of an Order of Protection.
- ☒ An Order of Protection has previously been entered in the instant proceeding or in another proceeding in which any party, or a child of any party, or both has/have been designated as either a respondent or a protected person (750 ILCS 60/223.1).

IT IS ORDERED the following remedies that are checked apply in this case.

PART A. REMEDIES INVOLVING PERSONAL PROTECTION

- ☒ 1. (R01)(Police Enforced) With respect to all protected persons, Respondent is prohibited from committing the following acts of abuse or threats of abuse (check all that apply):
 - ☒ Harassment, interference with personal liberty, physical abuse, or stalking.
 - ☒ ~~Harassment of a dependent~~
 - ☐ Willful deprivation.
 - ☐ Neglect.
 - ☐ Exploitation.

☒ 2. (R03)(Police Enforced) Stay Away

a. That the Respondent is ordered to stay at least 200 feet away from the Petitioner and/or protected person(s) and their residence, school, daycare, employment and any other specified place.

"Stay Away" means for the respondent to refrain from both physical presence and nonphysical contact with the petitioner whether direct, indirect (including, but not limited to, telephone calls, mail, email, faxes, and written notes), or through third parties who may or may not know about the order of protection.

b. Respondent is prohibited from entering or remaining while Petitioner and/or protected person(s) is/are present at:

- ☒ Their place of residence currently located at 4702 N. Wallshire Ln, McHenry
- ☐ Their place of employment at _____
- ☐ Their school, located at _____
- ☐ Any of the following specified places, when Petitioner and/or protected person(s) is/are present: _____

*See
60051 exception
in
Part
F.

- ☐ 3. (R14)(Police Enforced) Respondent is prohibited from entering or remaining in the residence or household while under the influence of drugs or alcohol and constituting a threat to the safety or well-being of Petitioner or Petitioner's children.

PART B. REMEDIES INVOLVING PROPERTY

- ☒ 1. (R02)(Police Enforced) Petitioner is granted exclusive possession of, and Respondent is prohibited from entering or remaining present at the residence/household located at:

4702 N. Waltham Ln, McHenry IL 60051
(Street / P.O. Box) (City) (State) (Zip Code)

- ☐ Petitioner has a right to occupancy and Respondent has no such right, or
☐ Petitioner and Respondent both have right to occupancy but the balance of hardships favors temporary possession by Petitioner, the court having considered the factors set forth in 750 ILCS 60/214(c)(2).

- ☒ 2. (R10)(Court Enforced) Personal Property

☒ a. Petitioner is granted possession of the following personal property: 2008 Mercedes CLK & 2012 Infiniti QX56

- ☐ b. If the Respondent has possession of the property listed in 2a above, the Respondent shall promptly make it available to the petitioner.

With respect to 2a and 2b above, the Court finds as follows:

- ☐ The Petitioner, but not Respondent, owns the property, or
☒ The parties own the property jointly, and sharing it would risk abuse or is impracticable and the balance of hardships favors temporary possession by Petitioner, and/or
☐ Petitioner claims property as marital property, and a proceeding has been filed under the Illinois Marriage and Dissolution of Marriage Act ("IMDMA").
☐ c. Respondent is given his/her ☐ clothing ☐ personal adornments ☐ medicine
☐ other personal property, namely _____

- ☒ 3. (R10)(Police Enforced) Personal property shall be transferred ONLY BY FURTHER COURT ORDER
☐ at the residence, or

☐ at _____
(Street) (City) (State) (Zip Code)

That the transfer of personal property shall take place in the presence of:

- ☐ law enforcement, or ☐ an agreed-upon third party, namely _____
☐ Respondent ☐ Petitioner shall have the right to enter the residence to retrieve the property but only in the presence of law enforcement or the designated third party.

Time and date of transfer: _____

(This transfer does not affect title to property (750 ILCS 60/214(b)(2)).

- ☐ 4. (R11)(Court Enforced) Respondent is prohibited from taking, transferring, encumbering, concealing, damaging, or otherwise disposing of any real or personal property, except as explicitly authorized by the Court because:

- ☐ Petitioner, but not Respondent, owns the property, or
☐ The parties own the property jointly, and the balance of hardships favors granting this remedy, and/or
☐ Petitioner claims the property as marital property and a proceeding has been filed under the IMDMA.

- ☐ 5. (R11)(Court Enforced) Respondent is prohibited from using financial or other resources of an aged member of the family or household for the profit or advantage of Respondent or any other person.

- ☒ 6. (R11.5)(Court Enforced) That the petitioner is granted the exclusive care, custody, or control of any animal owned, possessed, leased, kept, or held by either the petitioner or the respondent or a minor child residing in the residence or household of either the petitioner or the respondent and order the respondent to

* See exception in Part F.

stay away from the animal and forbid the respondent from taking, transferring, encumbering, concealing, harming, or otherwise disposing of the animal.

PART C. REMEDIES INVOLVING CHILDREN

The minor child(ren) of the parties is/are:

Full Name	Age	State of Residence	Relationship to Petitioner	Included as Protected Party
				☐
				☐
				☐
				☐
				☐
				☐

☐ 1. The primary caretaker of the minor child(ren) is ☐ Petitioner ☐ Respondent

☐ Other person: _____

(Name and Address)

☐ 2. (R05)(Police Enforced) Petitioner is granted the physical care and possession of the minor child(ren) of the parties, and:

☐ a. Respondent is ordered to return the minor children to the physical care of:

☐ Petitioner ☐ Other _____

(Name and Address)

on _____ at _____ am/pm in the presence

of _____

☐ b. Respondent is further ordered not to remove the minor child(ren) from the physical care of the Petitioner, school/school grounds, or babysitter/daycare provider or other person *in loco parentis* (750 ILCS 60/214(b)(5)).

☐ c. The Circuit Clerk shall, within 24 hours of the issuance of this Order, send written notice of the Order to any protected child's day care or school to the following: (list child's name and the name and address of each child's school/day care.

☐ If this box is checked, the petitioner shall provide this information to the clerk by a separate written notice which the clerk shall impound to prevent further abuse.

☒ 3. (R06)(Police Enforced) Petitioner is granted temporary custody of the minor child(ren) of the parties.

☒ a. Said children were born of the marriage between the parties.

☐ b. The parties were never married, said children are children in common of the parties, and there ☐ has / ☐ has not been a prior legal determination of parentage.

☐ c. An issue has been raised concerning the UCCJA and/or PKPA; the court considered the issue and has determined that this order meets the requirements and is consistent with these statutes (750 ILCS 35/1 et seq. and 28 U.S.C. § 1738A).

☒ 4. (R07)(Court Enforced) Visitation of the minor child(ren)

☐ a. Visitation is ☐ denied / ☐ restricted because Respondent has or is likely to:

☐ Abuse or endanger the minor child(ren) during visitation.

☐ Use visitation as an opportunity to abuse or harass Petitioner, Petitioner's family, or household members.

☐ Improperly conceal or detain the minor child(ren).

☐ Act in a manner that is not in the best interest of the minor child(ren).

Form approved by the Conference of Chief Circuit Judges
Effective November 1, 2004 - Use required after July 1, 2005

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The parties are allowed to text each other concerning details of visitation and events of children only.

☐ b. Visitation is **reserved** until further order of court, or ☐ until _____.

☒ c. Visitation is **granted** as follows: (Check all that apply)

☒ Every week - one evening for dinner for approx. 2-3 hours from _____ am/pm to _____ am/pm.

☐ Each weekend or ☒ Alternating weekends.

☐ Friday at _____ am/pm to Saturday at _____ am/pm

☒ Friday at 5:00 am/pm to Sunday at 6:00 am/pm

☐ Saturday at _____ am/pm to Sunday at _____ am/pm

☐ Saturday at _____ am/pm to Saturday at _____ am/pm

☐ Sunday at _____ am/pm to Sunday at _____ am/pm

☒ Major holidays shall be divided as follows:

Major holidays	Even-numbered years	Odd-numbered years
New Years Day		
Easter		
Memorial Day		
4th of July		
Labor Day		
Thanksgiving Day		
Christmas Eve		
Christmas Day		
Other * : <u>see attached Holiday Schedule</u>		

(* - including other special days, holidays and/or religious observances)

☒ Extended school vacation periods such as summer vacation, spring break, winter break and Thanksgiving weekend (be specific as to start and end times):

See attached Holiday Schedule - Exhibit A

☒ When there is a conflict between holiday visitation and other visitation periods, the provision for holiday visitation shall control with no requirement for makeup visitation. Unless otherwise specified holiday visitation shall begin on the holiday at: _____ am/pm and end at _____ am/pm.

☒ Mother's Day shall always be with mother and Father's Day shall always be with father.

☐ Other _____

☐ d. The Court, finding it necessary to protect Petitioner or other protected parties from further abuse, prohibits Respondent from going to Petitioner's residence to meet the minor child(ren) for visitation.

☐ e. Visitation Transportation

☐ Each parent shall provide transportation one-way for visitation, or

☐ _____ shall provide all transportation for visitation, or

☒ Other arrangements the parties will transfer the children at St. John's school in Johnsbury

☒ f. Visitation shall take place at Father's residence

(Street Address/City)

☐ g. Visitation is to be supervised by _____ who is approved to supervise visitation and who has filed an affidavit accepting responsibility and acknowledging accountability to the Court.

☒ h. Respondent shall return the child(ren) to Petitioner or Petitioner's designated person immediately at the end of visitation.

Notice to Respondent
If the Respondent, by law, denies Respondent access to the minor child(ren) in violation of the court's order for visitation, Respondent is under the influence of drugs or alcohol and constitutes a threat to the safety and well-being of Petitioner or Petitioner's minor child(ren) from behaving in a violent or abusive manner. (750 ILCS 60/2.1(b)(1))

☐ 5. (R08)(Police Enforced) Respondent is ordered not to conceal the minor child(ren) within the State or remove the child(ren) from the State of Illinois.

☐ 6. (R09)(Court Enforced) Respondent is ordered to appear at the _____
_____ in Courtroom _____, on _____, 20____
at _____ am/pm ☐ Alone / ☐ With the minor children:

- ☐ To prevent abuse, neglect, removal or concealment of the child,
☐ To return the child to the custody or care of the Petitioner, or
☐ To permit a court-ordered interview or examination of the child or Respondent.

☐ 7. (R15)(Court Enforced) Respondent is denied access to and is prohibited from inspecting, obtaining, or attempting to inspect or obtain school or any other records of the minor child(ren) in the care of the Petitioner because:

- ☐ The Order of Protection prohibits Respondent from having contact with the minor child(ren), or
☐ Petitioner's actual address is omitted due to the risk of further abuse, or
☐ It is necessary to prevent abuse or wrongful removal or concealment of the minor child(ren).

PART D. FIREARMS

☒ 1. (R14.5)(Police Enforced) The Court has examined the Petitioner and any other witnesses under oath, has examined the petition and other relevant evidence on the issue of whether Respondent has threatened or is likely to use a firearm(s) illegally against Petitioner, and finds that there is a danger of the illegal use of firearms.

The Court finds that the Respondent:

- ☐ Has appeared personally in court
☐ Failed to appear personally after having received actual notice.

**Court orders that husband shall not possess firearms*

☒ 2. Respondent is ordered to turn over any and all firearms, including the following:

any that he owns or that are owned by Law Offices of Thomas J. Popovich.

☐ 3. Respondent shall turn over the above-listed firearm(s) to:

- ☐ the _____ County Sheriff's Office
☐ the _____ Police Department

on or before _____, 20____ for safekeeping, to be returned to the Respondent on _____, 20____ (Period not to exceed two years unless otherwise prohibited under federal law. 18 U.S.C. §§ 922(d) and (g)(B), and 922(d) and (g)(9)).

☐ 4. The Circuit Clerk will notify

- ☐ the _____ County Sheriff's Office
☐ the _____ Police Department

of this provision, and such law enforcement agency shall take possession of said firearm(s) for safekeeping in accordance with the provisions of this Order.

PART E. ECONOMIC REMEDIES

1. (R12)(Court Enforced) The Court finds that the Respondent is:

☐ unemployed ☐ employed by

_____ at _____ and has an
(Employer) (Street Address) (City/State)

approximate take-home pay of \$ _____ ☐ Weekly ☐ Bi-weekly ☐ ____/____ of month ☐ Monthly.

☐ a. Respondent is ordered to pay temporary child support in the sum of \$ _____
☐ Weekly ☐ Bi-weekly ☐ ____/____ of month ☐ Monthly.

☐ b. Respondent is ordered to pay temporary support to the Petitioner in the sum of \$ _____
☐ Weekly ☐ Bi-weekly ☐ ____/____ of month ☐ Monthly.

☐ c. Payments will commence on _____ 20____ and a like amount each period
until further order of the Court, said payments to be made through the: ☐ Circuit Clerk ☐ SDU
**Payment shall not be paid directly to the Petitioner. Uniform Order of Support shall
also be entered.**

☐ d. Uniform Order of Support and Notice of Withholding to be filed by Petitioner, if applicable. (See
Circuit Clerk for the forms).

2. (R13)(Court Enforced) Respondent is ordered to pay Petitioner for losses suffered as a direct
result of abuse, neglect, or exploitation, specifically:

☐ Medical expenses	\$ _____
☐ Lost earnings	\$ _____
☐ Repair/replacement of property damaged or taken	\$ _____
☐ Reasonable attorneys' fees	\$ _____
☐ Moving and other travel expenses	\$ _____
☐ Reasonable expenses for temporary housing other than a domestic violence shelter/meals	\$ _____
☐ Expenses for search and recovery of children	\$ _____
☐ Other	\$ _____

☐ a. Respondent is ordered to:

☐ Pay said amount on or before _____, 20____.

☐ Pay \$ _____ ☐ weekly ☐ bi-weekly ☐ ____/____ of month ☐ monthly commencing on
_____, 20____, until amount is paid in full.

☐ b. Payments are to be made to _____.

3. (R16)(Court Enforced) Respondent is ordered to reimburse:

☐ a. A shelter providing temporary housing or counseling to Petitioner in the sum of \$ _____
payable to _____
(Name/Address)

☐ b. The Court finds the cost of the services has been certified by the shelter and deems the costs
to be reasonable.

☐ 4. Respondent is ordered to:

☐ Pay said amount on or before _____, 20____.

☐ Pay \$ _____ ☐ weekly ☐ bi-weekly ☐ ____/____ of month ☐ monthly.
commencing on _____, 20____, until said amount is paid in full.

PART F. MISCELLANEOUS REMEDIES

- ☐ 1. (R04)(Court Enforced) Respondent is ordered to undergo and successfully complete counseling with _____ (Name/Address) _____ commencing on _____, 20____.
- ☐ 2. (R17) Respondent is further ordered and enjoined as follows: the parties may exchange messages concerning the children through their attorneys of record or Family Wizard. Tom is allowed to attend any/all extra-curricular activities of the children, including, but not limited to such events as basketball games, practices, sporting events, parent-teacher conferences, play, school events, concerts, etc.
Defendant is permitted to be present at 4702 N. Milwaukee Ln for purpose of exchanging the children but may not enter the residence.
- ☐ 3. Cause is continued for compliance hearing to _____, 20____, at _____ am/pm (Month/Day) on the following issues: _____ Respondent is ordered to appear and bring the following documents: _____

PART G. RULINGS PURSUANT TO 750 ILCS 60/221 (a)(2) and (b)(2)

The relief requested in paragraph(s) _____ of the Petition is/are ☐ Denied / ☐ Reserved because the balance of hardships does not support the granting of the remedy, and the granting of the remedy will result in hardship to Respondent that would substantially outweigh the hardship to the Petitioner from the denial of the remedy, or because _____

☐ INTERIM ORDERS ONLY:

THIS ORDER WAS ISSUED ON: Date: _____ Time: _____ am/pm

THIS ORDER WILL EXPIRE ON: Date: _____ Time: _____ am/pm
(not more than 30 days).

HEARING ON ENTRY OF INTERIM/PLENARY (FINAL) ORDER SET FOR:

Date: _____, 20____ Time: _____ am/pm at the McHenry County Government
Center, 2200 N. Seminary Avenue, Woodstock IL 60098, in Courtroom _____

☒ PLENARY (FINAL) ORDERS ONLY:

This order will remain in effect until: August 9, 2014 (not to exceed 2 years),
unless this order is entered in conjunction with:

☒ Civil proceeding, Case No. 11 DV 324

☐ Criminal proceeding, Case No. _____

THIS PLENARY (FINAL) ORDER WAS ISSUED ON: Date: August 10, 2012
Time 4:30 am/pm.

ENTER:

[Signature]
JUDGE

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

(Seal of the Clerk of Circuit Court)

Clerk of the Circuit Court of
McHenry County, Illinois

Date: March 11, 2013

NOTICE TO RESPONDENT: (Interim Order of Protection only) You may petition the court, in
accordance with Section 224 of the Act, to re-open the order if you did not receive actual prior notice of
the hearing in accordance with Section 211 of the Act, alleging that you have a meritorious defense to the
order or that the order, or any of its remedies, was not authorized by the act.

☐ Petitioner ☐ Respondent given copy of this Order of Protection in open court on

_____, 20____, at _____ am/pm.
(Month/Day)

cc: ☐ Petitioner ☐ Respondent (via Sheriff) ☐ Counsel of Record ☐ Sheriff ☐ Advocate ☐ Jail ☐ State's Attorney

DEFINITION OF TERMS USED IN THIS ORDER

These definitions are incorporated in and made a part of this order to which they are attached.

1. **Abuse:** "Abuse" means physical abuse, harassment, intimidation of a dependent, interference with personal liberty or willful deprivation but does not include reasonable direction of a minor child by a parent or person *in loco parentis*.
2. **Domestic Violence:** Domestic Violence means abuse as defined in paragraph one.
3. **Exploitation:** "Exploitation" means the illegal, including tortuous, use of a high-risk adult with disabilities or of the assets or resources of a high-risk adult with disabilities. Exploitation includes, but is not limited to, the misappropriation of assets or resources of a high-risk adult with disabilities by undue influence, by breach of a fiduciary relationship, by fraud, deception, or extortion, or the use of such assets or resources in a manner contrary to law.
4. **Family or Household Members:** Include spouses, former spouses, parents, children, stepchildren and other persons related by blood or by present or prior marriage, persons who share or formerly shared a common dwelling, persons who have or allegedly have a child in common, persons who share or allegedly share a blood relationship through a child, persons who have or have had a dating or engagement relationship, and persons with disabilities and their personal assistants. For purposes of this paragraph, neither a casual acquaintanceship nor ordinary fraternization between two individuals in business or social contexts shall be deemed to constitute a dating relationship. In the case of a high-risk adult with disabilities, "family or household members" includes any person who has the responsibility for a high-risk adult as a result of a family relationship or who has assumed responsibility for all or a portion of the care of a high-risk adult with disabilities voluntarily, or by express or implied contract, or by court order.
5. **Harassment:** "Harassment" means knowing conduct which is not necessary to accomplish a purpose that is reasonable under the circumstances, would cause a reasonable person emotional distress, and does cause emotional distress to the petitioner. Unless the presumption is rebutted by a preponderance of the evidence, the following types of conduct shall be presumed to cause emotional distress:
 - a) creating a disturbance at petitioner's place of employment or school;
 - b) repeatedly telephoning petitioner's place of employment, home or residence;
 - c) repeatedly following petitioner about in a public place or places;
 - d) repeatedly keeping petitioner under surveillance by remaining present outside his or her home, school, place of employment, vehicle or other place occupied by petitioner or by peering in petitioner's windows;
 - e) repeatedly threatening to improperly remove a child of petitioner's from the jurisdiction, improperly concealing that child from petitioner or making a single such threat following an actual or attempted improper removal or concealment;
 - f) improperly concealing a minor child from petitioner, repeatedly threatening to improperly remove a minor child of petitioner from the jurisdiction or from the physical care of petitioner, repeatedly threatening to conceal a minor child from petitioner, or making a single such threat following an actual or attempted improper removal or concealment, unless respondent was fleeing an incident or pattern of domestic violence; or
 - g) threatening physical force, confinement or restraint on one or more occasions.
6. **Interference with Personal Liberty:** "Interference with personal liberty" means committing or threatening physical abuse, harassment, intimidation or willful deprivation so

Form approved by the Conference of Chief Circuit Judges
Effective November 1, 2004 - Use required after July 1, 2005

as to compel another to engage in conduct from which she or he has a right to abstain or to refrain from conduct in which she or he has a right to engage.

7. **Intimidation of a Dependent:** "Intimidation" means subjecting a person who is dependent because of age, health or disability to participation in, or the witnessing of: physical force against another or physical confinement or restraint of another which constitutes physical abuse as herein defined, regardless of whether the abused person is a family or household member.
8. **Neglect:** "Neglect" means the failure to exercise that degree of care toward a high-risk adult with disabilities which a reasonable person would exercise under the circumstances and includes but is not limited to:
 - a) the failure to take reasonable steps to protect a high-risk adult with disabilities from acts of abuse;
 - b) the repeated, careless imposition of unreasonable confinement;
 - c) the failure to provide food, shelter, clothing, and personal hygiene to a high-risk adult with disabilities who requires such assistance;
 - d) the failure to provide medical and rehabilitative care for the physical and mental health needs of a high-risk adult with disabilities; or
 - e) the failure to protect a high-risk adult with disabilities from health and safety hazards.
9. **Physical Abuse:** "Physical abuse" includes sexual abuse and means any of the following:
 - a) knowing or reckless use of physical force, confinement, or restraint; or
 - b) knowing, repeated and unnecessary sleep deprivation; or
 - c) knowing or reckless conduct which creates an immediate risk of physical harm.
10. **Stalking:** "Stalking" means knowingly and without lawful justification, on at least two (2) separate occasions, following another person or placing the person under surveillance or any combination thereof and:
 - a) at any time transmitting a threat of immediate or future bodily harm, sexual assault, confinement or restraint and the threat is directed towards that person or a family member of that person; or
 - b) placing that person in reasonable apprehension of immediate or future bodily harm, sexual assault, confinement or restraint; or
 - c) placing that person in reasonable apprehension that a family member will receive immediate or future bodily harm, sexual assault, confinement, or restraint.
11. **Willful Deprivation:** "Willful deprivation" means willfully denying a person who because of age, health or disability requires medication, medical care, shelter, food, therapeutic device, or other physical assistance, and thereby exposing that person to the risk of physical, mental or emotional harm, except with regard to medical care or treatment when the dependent person has expressed an intent to forego such medical care or treatment. This paragraph does not create any new affirmative duty to provide support to dependent persons.

Exhibit A to 3-11-13 Amended OP.

IRMO Popovich - 11 DV 324

Holiday Visitation Schedule

1. Easter - Kimberly will have the children from Easter Saturday at 7:00 p.m. until noon on Easter Sunday. Tom will have the children on Easter Sunday at noon until 7:00 p.m. on Easter Sunday.
2. Mother's Day - Kim will always have the children from the evening before Mother's Day at 7:00 p.m. until 7:00 p.m. on Mother's Day.
3. Memorial Day - Whichever party has the alternate weekend immediately prior to the holiday shall have continuous, uninterrupted visitation until 7:00 p.m. on Memorial Day.
4. Father's Day - Tom will always have the children on Father's Day from 10:00 a.m. until 7:00 p.m.
5. Labor Day - Whichever party has the alternate weekend immediately prior to the holiday shall have continuous, uninterrupted visitation until 7:00 p.m. on Labor Day.
6. Thanksgiving in even numbered years, Thomas shall have the children from 9:00 a.m. to 9:00 p.m. on Thanksgiving. In odd numbered years, Kim shall have the children from 9:00 a.m. to 9:00 p.m.
7. Christmas - Thomas will have the children on Christmas Eve from 9:00 a.m. to 10:00 p.m. and Kim will have the children on Christmas Eve at 10:00 p.m. until 9:00 p.m. on Christmas Day.
8. Children's birthdays - The children will always be with Kim from the evening before their birthday until 9:00 p.m. however, Tom shall take all three children to lunch or dinner for two (2) to three (3) hours at a time agreed to by the parties.
9. Summer break - Kim shall always have the children from one Saturday to the next Saturday of the week that contains June 20th. Tom may have the children for two weeks of his choosing giving Kim a minimum of thirty (30) days' notice.