5-09/040.05 - Domestic Violence Prevention Act

The 1980 Domestic Violence Prevention Act generally provides for the following:

- Permits family/household members to petition for an ex parte (initiated by one member) Temporary Restraining Order (TRO) to prevent domestic violence;
- Permits the court to restrain any party from molesting, attacking, striking, stalking, threatening, sexually assaulting, battering, harassing, telephoning, destroying personal property, contacting either directly or indirectly, by mail or otherwise, or doing similar acts to specifically named family/household members;
- Permits the court to order a party to vacate a dwelling if that party threatens to or assaults a member of the household;
- Extends the duration of a restraining order to a length of time specified by the court (up to five years); and
- Provides for the delivery of the order to local law enforcement agencies by the petitioner or the petitioner's attorney.

Only those TROs issued pursuant to the Domestic Violence Prevention Act shall be physically placed with the concerned law enforcement agency.

When a TRO, court order or protective stay away order (pursuant to section 136.2(g) PC) has been issued to prevent the recurrence of domestic violence and is directed to this Department, the following procedures shall be adhered to:

- Bailiffs shall sign for the receipt of the document on the original order when presented by the county clerk;
- The document shall be delivered/mailed by the county clerk or Court Services Division to the Sheriff's station/unit having jurisdiction where it is anticipated a breach may occur;
- The station/unit having jurisdiction shall be responsible for recording and maintaining a file of all TROs received for the duration of the life of the order;
- The station/unit shall attach all extensions, modifications, and/or terminations received to the original document(s) on file;
- Upon service of the TRO, the assigned station/unit shall immediately notify the Department of Justice, via CLETS, of the name, race, and the date of birth of the person who is restrained, as well as the date of issuance and the duration of the order; and
- The Records and Identification Bureau shall forward TROs received from the court, plaintiffs, or attorneys to the station/unit having jurisdiction.

Court deputies shall attach a copy of the TRO and any extension or modification to the complaint when it is filed.