

Frequently Asked Questions - FAQs

The following questions were posed by attendees of the Stalking Law Update Webinar held on Wednesday, February 9, 2011. The presenter, Jennifer Welch, JD, responded to many of these questions during the webinar presentation, but not all. Consequently, she has made the complete list of questions and responses available for your information and education.

Q: What is the difference between a Stalking No Contact Order (SNCO) and an Order of Protection (OP)?

A: There are a number of differences, so I created a chart which outlines the three types of orders available in Illinois. That chart is in the slides and in the handout PDF. Please contact the Division on Domestic Violence if you have somewhere to display a poster-sized version of the chart, because we have those too.

An order of protection is for someone who has a family or household relationship with the offender. For example, they used to be married, they have a child in common, they lived together, or they are dating. If the parties have a relationship then they **are not eligible** for a stalking no contact order (SNCO) but they can get an order of protection (OP). As the chart indicates, there are many more remedies (protections) for the victim with an order of protection than a stalking no contact order.

Q: What are the consequences or repercussion for filing an order and not following up?

A: Legally, there are no repercussions. We know that many people turn to the legal system for assistance and for some people, the help they receive from an emergency order may be sufficient.

Q: Is it best to hire a private detective for a stalking case since there are not enough police?

A: I think it is not necessary to hire a private detective, especially if the victim is able to document the offender's course of conduct. There is a slide and a handout of a stalking incident chart to document the course of conduct. A victim who is pursuing a criminal stalking charge is probably working with both law enforcement and the State's Attorney's office, and both will help the victim build the case against the offender.

Q: What if I directly tell the person not to call me ever again. If he calls again can it be considered stalking?

A: Yes, telephone contact can definitely be one part of a course of conduct, which is one element of a stalking case.

Q: Can all of the remedies be in effect at the same time. i.e. distance, residence, school & work.

A: Yes, they all can.

Q: I understand there have been situations where the law was not taken into effect or seriously, has that changed?

A: We changed the law effective January 2010, and we are working hard to train the criminal legal system to take stalking seriously.

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Q: Can you talk about the ankle bracelet type for letting a victim know how close their offender is to them in regards of distance?

A: Some domestic offenders who have been arrested or convicted for violation of order of protection are getting electronic monitoring as part of their probation or sentence. The victim may also choose to carry an electronic device and be notified when the offender comes within a specific distance. This does not happen with SNCOs, only for OPs.

Q: Last year we learned that a lot of women are killed shortly after getting an order of protection. How can we make people feel comfortable with initiating a SNCO? Are they protected?

A: As I mentioned during the presentation, there were approximately 40 domestic violence homicides in Chicago in 2010. I made it clear, that's an unofficial number. The vast majority of those victims did not have an order of protection in place.

However, it can be dangerous when a domestic violence victim attempts to leave an abuser. It can trigger an increase in violence. I recommend the victim can work with a domestic violence advocate, either one employed by DFSS or one of our delegate agencies to make a plan to leave and stay safe. A court order may be part of that plan. Victims can get connected to services through the Domestic Violence Help Line at 877-863-6338.

Also, keep in mind, if the parties have or had a family or household relationship then they are not eligible for a SNCO but can get an OP.

Q: Are men less likely to report being a stalking victim than women?

A: Perhaps. We do know that men are less likely to report domestic and sexual violence, but it appears that men are more likely to report stalking. Studies indicate that approximately half of all stalking victims, male and female, report the crime to police.