**How can a Restraining Order Affect a Divorce?**

A restraining order is issued by a court that puts a restriction on a defendant from performing certain actions or prevents them from harassing or contacting the petitioner. It is also known as an order of protection, and can be requested in [divorce proceeding](https://www.kellerlegalservices.com/family-law/divorce)s in order to keep the abuser from psychologically or physically harming you or your children, as well as to prevent property destruction or loss.

[750 ILCS 60 of the Illinois Domestic Violence Act of 1986](http://www.ilga.gov/legislation/ilcs/documents/075000600K202.htm) comprises of the statutory guidelines for restraining orders in a divorce. Since Illinois is a no-fault state, allegations such as domestic violence that require an order of protection cannot be used as a ground for filing for divorce, and it should result from irreconcilable differences leading to irretrievable breakdown of the marital relationship. However, the presence of an [order of protection](https://www.kellerlegalservices.com/family-law/orders-of-protection) does have an effect on other aspects of the divorce, such as [allocation of parental responsibilities](https://www.kellerlegalservices.com/family-law/parental-responsibilities), parenting time, [property division](https://www.kellerlegalservices.com/family-law/property-division), and others.

**How a Restraining Order Protects the Victim**

While the basic purpose of a restraining order is the same, depending on the circumstances of your case, a judge may issue an order of protection that may include the one of all of the following orders:

* Refrain the respondent from carrying out certain actions, such as abusing or threatening the victim and their children
* Order the respondent to stay away from the victim and their children
* Require the respondent to pay child support on a temporary basis
* Order the respondent to vacate and stay away from the marital home, regardless of which spouse has the ownership of the property

**The Effect of a Restraining Order on a Divorce Settlement**

An order of protection can affect several aspects of a divorce, such as:

1. *It may drive out the abusing spouse from a shared marital home*

A home is considered a community property of a married couple, and generally is shared by both parties during the divorce. However, if an order of protection has been issued against the abusing spouse, the court may order them to leave the home and find another place to live until the divorce has been settled. This is a very strict rule, violation of which can lead to arrest, having a serious impact on subsequent [child custody](https://www.kellerlegalservices.com/family-law/child-custody) proceedings.

1. *Supervised parenting time*

Typically, if an order of protection is issued because of domestic violence, it puts a restriction on the abuser from contacting their children. The courts believe that domestic violence does not only affect the victim, but also indirectly other members of a family, even if they were not abused directly. This can lead to supervised parenting time, most likely at a neutral location. Moreover, people with a history of domestic violence are considered to be incompetent parents, and are allocated relatively less amount of parenting time.

1. *Mediation may be out of question*

Mediation is an alternative dispute resolution method that allows couples to resolve divorce related matters through negotiations. However, if the court has barred the abusive spouse from making a contact with the victim, this may no longer be considered as an option.

A divorce is a difficult step to take, especially when there is a history of physical or psychological abuse in the relationship. To learn more about restraining orders or to get skilled legal counsel for your divorce, you may [contact](https://www.kellerlegalservices.com/contact) Keller Legal Services today at 630-868-3093 for a free initial consultation with an experienced [family law attorney](https://www.kellerlegalservices.com/family-law/child-custody).