



Sen. Elgie R. Sims, Jr.

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1 AMENDMENT TO SENATE BILL 558

2 AMENDMENT NO. _____. Amend Senate Bill 558 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Code of Criminal Procedure of 1963 is
5 amended by changing Sections 112A-1.5, 112A-2.5, 112A-3,
6 112A-4.5, 112A-5, 112A-5.5, 112A-8, 112A-11.5, 112A-12,
7 112A-14, 112A-16, 112A-20, 112A-21, 112A-22, 112A-22.3,
8 112A-23, 112A-24, 112A-26, and 112A-28 and by adding Sections
9 112A-6.1, 112A-17.5, and 112A-22.1 as follows:

10 (725 ILCS 5/112A-1.5)

11 Sec. 112A-1.5. Purpose and construction. The purpose of
12 this Article is to protect the safety of victims of domestic
13 violence, sexual assault, sexual abuse, and stalking and the
14 safety of their family and household members; and to minimize
15 the trauma and inconvenience associated with attending
16 separate and multiple civil court proceedings to obtain

1 protective orders. This Article shall be interpreted in
2 accordance with the constitutional rights of crime victims set
3 forth in Article I, Section 8.1 of the Illinois Constitution,
4 the purposes set forth in Section 2 of the Rights of Crime
5 Victims and Witnesses Act, and the use of protective orders to
6 implement the victim's right to be reasonably protected from
7 the defendant as provided in Section 4.5 of the Rights of
8 Victims and Witnesses Act.

9 (Source: P.A. 100-199, eff. 1-1-18.)

10 (725 ILCS 5/112A-2.5)

11 Sec. 112A-2.5. Types of protective orders. The following
12 protective orders may be entered in conjunction with a
13 delinquency petition or a criminal prosecution:

14 (1) a domestic violence ~~an~~ order of protection in cases
15 involving domestic violence;

16 (2) a civil no contact order in cases involving sexual
17 offenses; or

18 (3) a stalking no contact order in cases involving
19 stalking offenses.

20 (Source: P.A. 100-199, eff. 1-1-18.)

21 (725 ILCS 5/112A-3) (from Ch. 38, par. 112A-3)

22 Sec. 112A-3. Definitions.

23 (a) ~~In For the purposes of this Article:~~
24 "Advocate" means a person whose communications with the

1 victim are privileged under Section 8-802.1 or 8-802.2 of the
2 Code of Civil Procedure or Section 227 of the Illinois Domestic
3 Violence Act of 1986.

4 "Named victim" means the person named as the victim in the
5 delinquency petition or criminal prosecution.

6 "Protective order" ~~"protective order"~~ means a domestic
7 violence order of protection, a civil no contact order, or a
8 stalking no contact order.

9 (b) For the purposes of domestic violence cases, the
10 following terms shall have the following meanings in this
11 Article:

12 (1) "Abuse" means physical abuse, harassment,
13 intimidation of a dependent, interference with personal
14 liberty or willful deprivation but does not include
15 reasonable direction of a minor child by a parent or person
16 in loco parentis.

17 (2) "Domestic violence" means abuse as described in
18 paragraph (1) of this subsection (b).

19 (3) "Family or household members" include spouses,
20 former spouses, parents, children, stepchildren, and other
21 persons related by blood or by present or prior marriage,
22 persons who share or formerly shared a common dwelling,
23 persons who have or allegedly have a child in common,
24 persons who share or allegedly share a blood relationship
25 through a child, persons who have or have had a dating or
26 engagement relationship, persons with disabilities and

1 their personal assistants, and caregivers as defined in
2 subsection (e) of Section 12-4.4a of the Criminal Code of
3 2012. For purposes of this paragraph (3), neither a casual
4 acquaintanceship nor ordinary fraternization between 2
5 individuals in business or social contexts shall be deemed
6 to constitute a dating relationship.

7 (4) "Harassment" means knowing conduct which is not
8 necessary to accomplish a purpose which is reasonable under
9 the circumstances; would cause a reasonable person
10 emotional distress; and does cause emotional distress to
11 the petitioner. Unless the presumption is rebutted by a
12 preponderance of the evidence, the following types of
13 conduct shall be presumed to cause emotional distress:

14 (i) creating a disturbance at petitioner's place
15 of employment or school;

16 (ii) repeatedly telephoning petitioner's place of
17 employment, home or residence;

18 (iii) repeatedly following petitioner about in a
19 public place or places;

20 (iv) repeatedly keeping petitioner under
21 surveillance by remaining present outside his or her
22 home, school, place of employment, vehicle or other
23 place occupied by petitioner or by peering in
24 petitioner's windows;

25 (v) improperly concealing a minor child from
26 petitioner, repeatedly threatening to improperly

1 remove a minor child of petitioner's from the
2 jurisdiction or from the physical care of petitioner,
3 repeatedly threatening to conceal a minor child from
4 petitioner, or making a single such threat following an
5 actual or attempted improper removal or concealment,
6 unless respondent was fleeing from an incident or
7 pattern of domestic violence; or

8 (vi) threatening physical force, confinement or
9 restraint on one or more occasions.

10 (5) "Interference with personal liberty" means
11 committing or threatening physical abuse, harassment,
12 intimidation or willful deprivation so as to compel another
13 to engage in conduct from which she or he has a right to
14 abstain or to refrain from conduct in which she or he has a
15 right to engage.

16 (6) "Intimidation of a dependent" means subjecting a
17 person who is dependent because of age, health, or
18 disability to participation in or the witnessing of:
19 physical force against another or physical confinement or
20 restraint of another which constitutes physical abuse as
21 defined in this Article, regardless of whether the abused
22 person is a family or household member.

23 (7) "Order of protection" or "domestic violence order
24 of protection" means an ex parte or final order, granted
25 pursuant to this Article, which includes any or all of the
26 remedies authorized by Section 112A-14 of this Code.

1 (8) "Petitioner" may mean not only any named petitioner
2 for the domestic violence order of protection and any named
3 victim of abuse on whose behalf the petition is brought,
4 but also any other person protected by this Article.

5 (9) "Physical abuse" includes sexual abuse and means
6 any of the following:

7 (i) knowing or reckless use of physical force,
8 confinement or restraint;

9 (ii) knowing, repeated and unnecessary sleep
10 deprivation; or

11 (iii) knowing or reckless conduct which creates an
12 immediate risk of physical harm.

13 (9.3) "Respondent" in a petition for a domestic
14 violence ~~an~~ order of protection means the defendant.

15 (9.5) "Stay away" means for the respondent to refrain
16 from both physical presence and nonphysical contact with
17 the petitioner whether direct, indirect (including, but
18 not limited to, telephone calls, mail, email, faxes, and
19 written notes), or through third parties who may or may not
20 know about the domestic violence order of protection.

21 (10) "Willful deprivation" means wilfully denying a
22 person who because of age, health or disability requires
23 medication, medical care, shelter, accessible shelter or
24 services, food, therapeutic device, or other physical
25 assistance, and thereby exposing that person to the risk of
26 physical, mental or emotional harm, except with regard to

1 medical care and treatment when such dependent person has
2 expressed the intent to forgo such medical care or
3 treatment. This paragraph (10) does not create any new
4 affirmative duty to provide support to dependent persons.

5 (c) For the purposes of cases involving sexual offenses,
6 the following terms shall have the following meanings in this
7 Article:

8 (1) "Civil no contact order" means an ex parte or final
9 order granted under this Article, which includes a remedy
10 authorized by Section 112A-14.5 of this Code.

11 (2) "Family or household members" include spouses,
12 parents, children, stepchildren, and persons who share a
13 common dwelling.

14 (3) "Non-consensual" means a lack of freely given
15 agreement.

16 (4) "Petitioner" means not only any named petitioner
17 for the civil no contact order and any named victim of
18 non-consensual sexual conduct or non-consensual sexual
19 penetration on whose behalf the petition is brought, but
20 includes any other person sought to be protected under this
21 Article.

22 (5) "Respondent" in a petition for a civil no contact
23 order means the defendant.

24 (6) "Sexual conduct" means any intentional or knowing
25 touching or fondling by the petitioner or the respondent,
26 either directly or through clothing, of the sex organs,

1 anus, or breast of the petitioner or the respondent, or any
2 part of the body of a child under 13 years of age, or any
3 transfer or transmission of semen by the respondent upon
4 any part of the clothed or unclothed body of the
5 petitioner, for the purpose of sexual gratification or
6 arousal of the petitioner or the respondent.

7 (7) "Sexual penetration" means any contact, however
8 slight, between the sex organ or anus of one person by an
9 object, the sex organ, mouth or anus of another person, or
10 any intrusion, however slight, of any part of the body of
11 one person or of any animal or object into the sex organ or
12 anus of another person, including, but not limited to,
13 cunnilingus, fellatio, or anal penetration. Evidence of
14 emission of semen is not required to prove sexual
15 penetration.

16 (8) "Stay away" means to refrain from both physical
17 presence and nonphysical contact with the petitioner
18 directly, indirectly, or through third parties who may or
19 may not know of the order. "Nonphysical contact" includes,
20 but is not limited to, telephone calls, mail, e-mail, fax,
21 and written notes.

22 (d) For the purposes of cases involving stalking offenses,
23 the following terms shall have the following meanings in this
24 Article:

25 (1) "Course of conduct" means 2 or more acts,
26 including, but not limited to, acts in which a respondent

1 directly, indirectly, or through third parties, by any
2 action, method, device, or means follows, monitors,
3 observes, surveils, threatens, or communicates to or
4 about, a person, engages in other contact, or interferes
5 with or damages a person's property or pet. A course of
6 conduct may include contact via electronic communications.
7 The incarceration of a person in a penal institution who
8 commits the course of conduct is not a bar to prosecution.

9 (2) "Emotional distress" means significant mental
10 suffering, anxiety, or alarm.

11 (3) "Contact" includes any contact with the victim,
12 that is initiated or continued without the victim's
13 consent, or that is in disregard of the victim's expressed
14 desire that the contact be avoided or discontinued,
15 including, but not limited to, being in the physical
16 presence of the victim; appearing within the sight of the
17 victim; approaching or confronting the victim in a public
18 place or on private property; appearing at the workplace or
19 residence of the victim; entering onto or remaining on
20 property owned, leased, or occupied by the victim; or
21 placing an object on, or delivering an object to, property
22 owned, leased, or occupied by the victim.

23 (4) "Petitioner" means any named petitioner for the
24 stalking no contact order or any named victim of stalking
25 on whose behalf the petition is brought.

26 (5) "Reasonable person" means a person in the

1 petitioner's circumstances with the petitioner's knowledge
2 of the respondent and the respondent's prior acts.

3 (6) "Respondent" in a petition for a civil no contact
4 order means the defendant.

5 (7) "Stalking" means engaging in a course of conduct
6 directed at a specific person, and he or she knows or
7 should know that this course of conduct would cause a
8 reasonable person to fear for his or her safety or the
9 safety of a third person or suffer emotional distress.

10 "Stalking" does not include an exercise of the right to
11 free speech or assembly that is otherwise lawful or
12 picketing occurring at the workplace that is otherwise
13 lawful and arises out of a bona fide labor dispute,
14 including any controversy concerning wages, salaries,
15 hours, working conditions or benefits, including health
16 and welfare, sick leave, insurance, and pension or
17 retirement provisions, the making or maintaining of
18 collective bargaining agreements, and the terms to be
19 included in those agreements.

20 (8) "Stalking no contact order" means an ex parte or
21 final order granted under this Article, which includes a
22 remedy authorized by Section 112A-14.7 of this Code.

23 (Source: P.A. 100-199, eff. 1-1-18.)

24 (725 ILCS 5/112A-4.5)

25 Sec. 112A-4.5. Who may file petition.

1 (a) A petition for a domestic violence ~~an~~ order of
2 protection may be filed:

3 (1) by a named victim ~~person~~ who has been abused by a
4 family or household member; or

5 (2) by any person on behalf of a named victim who is a
6 minor child or an adult who has been abused by a family or
7 household member and who, because of age, health,
8 disability, or inaccessibility, cannot file the petition.

9 (b) A petition for a civil no contact order may be filed:

10 (1) by any person who is a named victim of
11 non-consensual sexual conduct or non-consensual sexual
12 penetration, including a single incident of non-consensual
13 sexual conduct or non-consensual sexual penetration; or

14 (2) by a person on behalf of a named victim who is a
15 minor child or an adult who is a victim of non-consensual
16 sexual conduct or non-consensual sexual penetration but,
17 because of age, disability, health, or inaccessibility,
18 cannot file the petition.

19 (c) A petition for a stalking no contact order may be
20 filed:

21 (1) by any person who is a named victim of stalking; or

22 (2) by a person on behalf of a named victim who is a
23 minor child or an adult who is a victim of stalking but,
24 because of age, disability, health, or inaccessibility,
25 cannot file the petition.

26 (d) The State's Attorney shall file a petition on behalf of of

1 ~~on~~ any person who may file a petition under subsections (a),
2 (b), or (c) of this Section if the person requests the State's
3 Attorney to file a petition on the person's behalf, unless the
4 State's Attorney informs the court that the State's Attorney
5 has reason to believe that additional investigation would
6 produce evidence that would result in dismissal of the charge.
7 If, after investigation, the State's Attorney decides to
8 proceed with the charge, the State's Attorney shall file a
9 petition.

10 (d-5) (1) A person eligible to file a petition under
11 subsection (a), (b), or (c) of this Section may retain an
12 attorney to represent the petitioner on the petitioner's
13 request for a protective order. The attorney's representation
14 is limited to matters related to the petition and relief
15 authorized under this Article.

16 (2) Advocates shall be allowed to accompany the
17 petitioner and confer with the victim, unless otherwise
18 directed by the court. Advocates are not engaged in the
19 unauthorized practice of law when providing assistance to
20 the petitioner.

21 (e) Any petition properly filed under this Article may seek
22 protection for any additional persons protected by this
23 Article.

24 (Source: P.A. 100-199, eff. 1-1-18.)

1 Sec. 112A-5. Pleading; non-disclosure of address.

2 (a) A petition for a protective order shall be filed in
3 conjunction with a delinquency petition or criminal
4 prosecution, or in conjunction with imprisonment or a bond
5 forfeiture warrant, provided the petition names a victim of the
6 alleged crime. The petition may include a request for an ex
7 parte protective order, a final protective order, or both. The
8 petition shall be in writing and verified or accompanied by
9 affidavit and shall allege that:

10 (1) petitioner has been abused by respondent, who is a
11 family or household member;

12 (2) respondent has engaged in non-consensual sexual
13 conduct or non-consensual sexual penetration, including a
14 single incident of non-consensual sexual conduct or
15 non-consensual sexual penetration with petitioner; or

16 (3) petitioner has been stalked by respondent.

17 The petition shall further set forth whether there is any
18 other action between the petitioner and respondent. During the
19 pendency of this proceeding, the petitioner and respondent have
20 a continuing duty to inform the court of any subsequent
21 proceeding for a protective order in this State or any other
22 state.

23 (a-5) The petition shall indicate whether an ex parte
24 protective order, a protective order, or both are requested. If
25 the respondent receives notice of a petition for a final
26 protective order and the respondent requests a continuance to

1 respond to the petition, the petitioner may, either orally or
2 in writing, request an ex parte order. ~~petitioner has been~~
3 ~~abused by respondent, who is a family or household member. The~~
4 ~~petition shall further set forth whether there is any other~~
5 ~~action between the petitioner and respondent.~~

6 (b) The petitioner shall not be required to disclose the
7 petitioner's address. If the petition states that disclosure of
8 petitioner's address would risk abuse to or endanger the safety
9 of petitioner or any member of petitioner's family or household
10 or reveal the confidential address of a shelter for domestic
11 violence victims, that address may be omitted from all
12 documents filed with the court.

13 (Source: P.A. 100-199, eff. 1-1-18.)

14 (725 ILCS 5/112A-5.5)

15 Sec. 112A-5.5. Time for filing petition; service on
16 respondent, hearing on petition, and default orders.

17 (a) A petition for a protective order may be filed at any
18 time after a criminal charge or delinquency petition is filed
19 and before the charge or delinquency petition is dismissed, the
20 defendant or juvenile is acquitted, or the defendant or
21 juvenile completes service of his or her sentence. ~~The petition~~
22 ~~can be considered at any court proceeding in the delinquency or~~
23 ~~criminal case at which the defendant is present. The court may~~
24 ~~schedule a separate court proceeding to consider the petition.~~

25 (b) The request for an ex parte protective order may be

1 considered without notice to the respondent under Section
2 112A-17.5 of this Code.

3 (c) A summons shall be issued and served for a protective
4 order. The summons may be served by delivery to the respondent
5 personally in open court in the criminal or juvenile
6 delinquency proceeding, in the form prescribed by subsection
7 (d) of Supreme Court Rule 101, except that it shall require
8 respondent to answer or appear within 7 days. Attachments to
9 the summons shall include the petition for protective order,
10 supporting affidavits, if any, and any ex parte protective
11 order that has been issued.

12 (d) The summons shall be served by the sheriff or other law
13 enforcement officer at the earliest time available and shall
14 take precedence over any other summons, except those of a
15 similar emergency nature. Attachments to the summons shall
16 include the petition for protective order, supporting
17 affidavits, if any, and any ex parte protective order that has
18 been issued. Special process servers may be appointed at any
19 time and their designation shall not affect the
20 responsibilities and authority of the sheriff or other official
21 process servers. In a county with a population over 3,000,000,
22 a special process server may not be appointed if the protective
23 order grants the surrender of a child, the surrender of a
24 firearm or Firearm Owner's Identification Card, or the
25 exclusive possession of a shared residence.

26 (e) If the respondent is not served within 30 days of the

1 filing of the petition, the court shall schedule a court
2 proceeding on the issue of service. Either the petitioner, the
3 petitioner's counsel, or the State's Attorney shall appear and
4 the court shall either order continued attempts at personal
5 service or shall order service by publication, in accordance
6 with Sections 2-203, 2-206, and 2-207 of the Code of Civil
7 Procedure.

8 (f) The request for a final protective order can be
9 considered at any court proceeding in the delinquency or
10 criminal case after service of the petition. If the petitioner
11 has not been provided notice of the court proceeding at least
12 10 days in advance of the proceeding, the court shall schedule
13 a hearing on the petition and provide notice to the petitioner.

14 (g) Default orders.

15 (1) A final domestic violence order of protection may
16 be entered by default:

17 (A) for any of the remedies sought in the petition,
18 if respondent has been served with documents under
19 subsection (b) or (c) of this Section and if respondent
20 fails to appear on the specified return date or any
21 subsequent hearing date agreed to by the petitioner and
22 respondent or set by the court; or

23 (B) for any of the remedies provided under
24 paragraph (1), (2), (3), (5), (6), (7), (8), (9), (10),
25 (11), (14), (15), (17), or (18) of subsection (b) of
26 Section 112A-14 of this Code, or if the respondent

1 fails to answer or appear in accordance with the date
2 set in the publication notice or the return date
3 indicated on the service of a household member.

4 (2) A final civil no contact order may be entered by
5 default for any of the remedies provided in Section
6 112A-14.5 of this Code, if respondent has been served with
7 documents under subsection (b) or (c) of this Section, and
8 if the respondent fails to answer or appear in accordance
9 with the date set in the publication notice or the return
10 date indicated on the service of a household member.

11 (3) A final stalking no contact order may be entered by
12 default for any of the remedies provided by Section
13 112A-14.7 of this Code, if respondent has been served with
14 documents under subsection (b) or (c) of this Section and
15 if the respondent fails to answer or appear in accordance
16 with the date set in the publication notice or the return
17 date indicated on the service of a household member.

18 (Source: P.A. 100-199, eff. 1-1-18.)

19 (725 ILCS 5/112A-6.1 new)

20 Sec. 112A-6.1. Application of rules of civil procedure;
21 criminal law.

22 (a) Any proceeding to obtain, modify, re-open, or appeal a
23 protective order and service of pleadings and notices shall be
24 governed by the rules of civil procedure of this State. The
25 Code of Civil Procedure and Supreme Court and local court rules

1 applicable to civil proceedings shall apply, except as
2 otherwise provided by law. Civil law on venue, discovery, and
3 penalties for untrue statements shall not apply to protective
4 order proceedings heard under this Article.

5 (b) Criminal law on discovery, venue, and penalties for
6 untrue statements apply to protective order proceedings under
7 this Article.

8 (c) Court proceedings related to the entry of a protective
9 order and the determination of remedies shall not be used to
10 obtain discovery that would not otherwise be available in a
11 criminal prosecution or juvenile delinquency case.

12 (725 ILCS 5/112A-8) (from Ch. 38, par. 112A-8)

13 Sec. 112A-8. Subject matter jurisdiction. Each of the
14 circuit courts shall have the power to issue protective orders
15 ~~of protection.~~

16 (Source: P.A. 84-1305.)

17 (725 ILCS 5/112A-11.5)

18 Sec. 112A-11.5. Issuance of protective order.

19 (a) Except as provided in subsection (a-5) of this Section,
20 the ~~The~~ court shall grant the petition and enter a protective
21 order if the court finds prima facie evidence that a crime
22 involving domestic violence, a sexual offense, or a crime
23 involving stalking has been committed. The following shall be
24 considered prima facie evidence of the crime:

1 (1) an information, complaint, indictment, or
2 delinquency petition, charging a crime of domestic
3 violence, a sexual offense, or stalking or charging an
4 attempt to commit a crime of domestic violence, a sexual
5 offense, or stalking; ~~or~~

6 (2) an adjudication of delinquency, a finding of guilt
7 based upon a plea, or a finding of guilt after a trial for
8 a crime of domestic battery, a sexual crime, or stalking or
9 an attempt to commit a crime of domestic violence, a sexual
10 offense, or stalking;

11 (3) any dispositional order issued under Section 5-710
12 of the Juvenile Court Act of 1987, the imposition of
13 supervision, conditional discharge, probation, periodic
14 imprisonment, parole, aftercare release, or mandatory
15 supervised release for a crime of domestic violence, a
16 sexual offense, or stalking or an attempt to commit a crime
17 of domestic violence, a sexual offense, or stalking, or
18 imprisonment in conjunction with a bond forfeiture
19 warrant; or

20 (4) the entry of a protective order in a separate civil
21 case brought by the petitioner against the respondent.

22 (a-5) The respondent may rebut prima facie evidence of the
23 crime under paragraph (1) of subsection (a) of this Section by
24 presenting evidence of a meritorious defense. The respondent
25 shall file a written notice alleging a meritorious defense
26 which shall be verified and supported by affidavit. The

1 verified notice and affidavit shall set forth the evidence that
2 will be presented at a hearing. If the court finds that the
3 evidence presented at the hearing establishes a meritorious
4 defense by a preponderance of the evidence, the court may
5 decide not to issue a protective order.

6 (b) The petitioner shall not be denied a protective order
7 because the petitioner or the respondent is a minor.

8 (c) The court, when determining whether or not to issue a
9 protective order, may not require physical injury on the person
10 of the victim.

11 (d) If the court issues a final protective order under this
12 Section, the court shall afford the petitioner and respondent
13 an opportunity to be heard on the remedies requested in the
14 petition.

15 (Source: P.A. 100-199, eff. 1-1-18.)

16 (725 ILCS 5/112A-12) (from Ch. 38, par. 112A-12)

17 Sec. 112A-12. Transfer of issues not decided in cases
18 involving domestic violence.

19 (a) (Blank).

20 (a-5) A petition for a domestic violence order of
21 protection shall be treated as an expedited proceeding, and no
22 court shall transfer or otherwise decline to decide all or part
23 of the petition, except as otherwise provided in this Section.
24 Nothing in this Section shall prevent the court from reserving
25 issues when jurisdiction or notice requirements are not met.

1 (b) A criminal court may decline to decide contested issues
2 of physical care and possession of a minor child, temporary
3 allocation of parental responsibilities or significant
4 decision-making responsibility, parenting time, custody,
5 ~~visitation,~~ or family support, unless a decision on one or more
6 of those contested issues is necessary to avoid the risk of
7 abuse, neglect, removal from the State, ~~state~~ or concealment
8 within the State ~~state~~ of the child or of separation of the
9 child from the primary caretaker.

10 (c) The court shall transfer to the appropriate court or
11 division any issue it has declined to decide. Any court may
12 transfer any matter which must be tried by jury to a more
13 appropriate calendar or division.

14 (d) If the court transfers or otherwise declines to decide
15 any issue, judgment on that issue shall be expressly reserved
16 and ruling on other issues shall not be delayed or declined.

17 (Source: P.A. 100-199, eff. 1-1-18.)

18 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

19 Sec. 112A-14. Domestic violence order ~~Order~~ of protection;
20 remedies.

21 (a) (Blank).

22 (b) The court may order any of the remedies listed in this
23 subsection (b). The remedies listed in this subsection (b)
24 shall be in addition to other civil or criminal remedies
25 available to petitioner.

1 (1) Prohibition of abuse. Prohibit respondent's
2 harassment, interference with personal liberty,
3 intimidation of a dependent, physical abuse, or willful
4 deprivation, as defined in this Article, if such abuse has
5 occurred or otherwise appears likely to occur if not
6 prohibited.

7 (2) Grant of exclusive possession of residence.
8 Prohibit respondent from entering or remaining in any
9 residence, household, or premises of the petitioner,
10 including one owned or leased by respondent, if petitioner
11 has a right to occupancy thereof. The grant of exclusive
12 possession of the residence, household, or premises shall
13 not affect title to real property, nor shall the court be
14 limited by the standard set forth in Section 701 of the
15 Illinois Marriage and Dissolution of Marriage Act.

16 (A) Right to occupancy. A party has a right to
17 occupancy of a residence or household if it is solely
18 or jointly owned or leased by that party, that party's
19 spouse, a person with a legal duty to support that
20 party or a minor child in that party's care, or by any
21 person or entity other than the opposing party that
22 authorizes that party's occupancy (e.g., a domestic
23 violence shelter). Standards set forth in subparagraph
24 (B) shall not preclude equitable relief.

25 (B) Presumption of hardships. If petitioner and
26 respondent each has the right to occupancy of a

1 residence or household, the court shall balance (i) the
2 hardships to respondent and any minor child or
3 dependent adult in respondent's care resulting from
4 entry of this remedy with (ii) the hardships to
5 petitioner and any minor child or dependent adult in
6 petitioner's care resulting from continued exposure to
7 the risk of abuse (should petitioner remain at the
8 residence or household) or from loss of possession of
9 the residence or household (should petitioner leave to
10 avoid the risk of abuse). When determining the balance
11 of hardships, the court shall also take into account
12 the accessibility of the residence or household.
13 Hardships need not be balanced if respondent does not
14 have a right to occupancy.

15 The balance of hardships is presumed to favor
16 possession by petitioner unless the presumption is
17 rebutted by a preponderance of the evidence, showing
18 that the hardships to respondent substantially
19 outweigh the hardships to petitioner and any minor
20 child or dependent adult in petitioner's care. The
21 court, on the request of petitioner or on its own
22 motion, may order respondent to provide suitable,
23 accessible, alternate housing for petitioner instead
24 of excluding respondent from a mutual residence or
25 household.

26 (3) Stay away order and additional prohibitions. Order

1 respondent to stay away from petitioner or any other person
2 protected by the domestic violence order of protection, or
3 prohibit respondent from entering or remaining present at
4 petitioner's school, place of employment, or other
5 specified places at times when petitioner is present, or
6 both, if reasonable, given the balance of hardships.
7 Hardships need not be balanced for the court to enter a
8 stay away order or prohibit entry if respondent has no
9 right to enter the premises.

10 (A) If a domestic violence ~~an~~ order of protection
11 grants petitioner exclusive possession of the
12 residence, ~~or~~ prohibits respondent from entering the
13 residence, or orders respondent to stay away from
14 petitioner or other protected persons, then the court
15 may allow respondent access to the residence to remove
16 items of clothing and personal adornment used
17 exclusively by respondent, medications, and other
18 items as the court directs. The right to access shall
19 be exercised on only one occasion as the court directs
20 and in the presence of an agreed-upon adult third party
21 or law enforcement officer.

22 (B) When the petitioner and the respondent attend
23 the same public, private, or non-public elementary,
24 middle, or high school, the court when issuing a
25 domestic violence ~~an~~ order of protection and providing
26 relief shall consider the severity of the act, any

1 continuing physical danger or emotional distress to
2 the petitioner, the educational rights guaranteed to
3 the petitioner and respondent under federal and State
4 law, the availability of a transfer of the respondent
5 to another school, a change of placement or a change of
6 program of the respondent, the expense, difficulty,
7 and educational disruption that would be caused by a
8 transfer of the respondent to another school, and any
9 other relevant facts of the case. The court may order
10 that the respondent not attend the public, private, or
11 non-public elementary, middle, or high school attended
12 by the petitioner, order that the respondent accept a
13 change of placement or change of program, as determined
14 by the school district or private or non-public school,
15 or place restrictions on the respondent's movements
16 within the school attended by the petitioner. The
17 respondent bears the burden of proving by a
18 preponderance of the evidence that a transfer, change
19 of placement, or change of program of the respondent is
20 not available. The respondent also bears the burden of
21 production with respect to the expense, difficulty,
22 and educational disruption that would be caused by a
23 transfer of the respondent to another school. A
24 transfer, change of placement, or change of program is
25 not unavailable to the respondent solely on the ground
26 that the respondent does not agree with the school

1 district's or private or non-public school's transfer,
2 change of placement, or change of program or solely on
3 the ground that the respondent fails or refuses to
4 consent or otherwise does not take an action required
5 to effectuate a transfer, change of placement, or
6 change of program. When a court orders a respondent to
7 stay away from the public, private, or non-public
8 school attended by the petitioner and the respondent
9 requests a transfer to another attendance center
10 within the respondent's school district or private or
11 non-public school, the school district or private or
12 non-public school shall have sole discretion to
13 determine the attendance center to which the
14 respondent is transferred. If the court order results
15 in a transfer of the minor respondent to another
16 attendance center, a change in the respondent's
17 placement, or a change of the respondent's program, the
18 parents, guardian, or legal custodian of the
19 respondent is responsible for transportation and other
20 costs associated with the transfer or change.

21 (C) The court may order the parents, guardian, or
22 legal custodian of a minor respondent to take certain
23 actions or to refrain from taking certain actions to
24 ensure that the respondent complies with the order. If
25 the court orders a transfer of the respondent to
26 another school, the parents, guardian, or legal

1 custodian of the respondent is responsible for
2 transportation and other costs associated with the
3 change of school by the respondent.

4 (4) Counseling. Require or recommend the respondent to
5 undergo counseling for a specified duration with a social
6 worker, psychologist, clinical psychologist, psychiatrist,
7 family service agency, alcohol or substance abuse program,
8 mental health center guidance counselor, agency providing
9 services to elders, program designed for domestic violence
10 abusers or any other guidance service the court deems
11 appropriate. The court may order the respondent in any
12 intimate partner relationship to report to an Illinois
13 Department of Human Services protocol approved partner
14 abuse intervention program for an assessment and to follow
15 all recommended treatment.

16 (5) Physical care and possession of the minor child. In
17 order to protect the minor child from abuse, neglect, or
18 unwarranted separation from the person who has been the
19 minor child's primary caretaker, or to otherwise protect
20 the well-being of the minor child, the court may do either
21 or both of the following: (i) grant petitioner physical
22 care or possession of the minor child, or both, or (ii)
23 order respondent to return a minor child to, or not remove
24 a minor child from, the physical care of a parent or person
25 in loco parentis.

26 If the respondent is charged with abuse (as defined in

1 Section 112A-3 of this Code) of a minor child, there shall
2 be a rebuttable presumption that awarding physical care to
3 respondent would not be in the minor child's best interest.

4 (6) Temporary allocation of parental responsibilities
5 and significant decision-making responsibilities ~~legal~~
6 ~~custody~~. Award temporary significant decision-making
7 responsibility ~~legal custody~~ to petitioner in accordance
8 with this Section, the Illinois Marriage and Dissolution of
9 Marriage Act, the Illinois Parentage Act of 2015, and this
10 State's Uniform Child-Custody Jurisdiction and Enforcement
11 Act.

12 If the respondent is charged with abuse (as defined in
13 Section 112A-3 of this Code) of a minor child, there shall
14 be a rebuttable presumption that awarding temporary
15 significant decision-making responsibility ~~legal custody~~
16 to respondent would not be in the child's best interest.

17 (7) Parenting time ~~Visitation~~. Determine the parenting
18 time ~~visitation rights~~, if any, of respondent in any case
19 in which the court awards physical care or temporary
20 significant decision-making responsibility ~~legal custody~~
21 of a minor child to petitioner. The court shall restrict or
22 deny respondent's parenting time ~~visitation~~ with a minor
23 child if the court finds that respondent has done or is
24 likely to do any of the following:

25 (i) abuse or endanger the minor child during
26 parenting time ~~visitation~~;

1 (ii) use the parenting time ~~visitation~~ as an
2 opportunity to abuse or harass petitioner or
3 petitioner's family or household members;

4 (iii) improperly conceal or detain the minor
5 child; or

6 (iv) otherwise act in a manner that is not in the
7 best interests of the minor child.

8 The court shall not be limited by the standards set
9 forth in Section 603.10 ~~607.1~~ of the Illinois Marriage and
10 Dissolution of Marriage Act. If the court grants parenting
11 time ~~visitation~~, the order shall specify dates and times
12 for the parenting time ~~visitation~~ to take place or other
13 specific parameters or conditions that are appropriate. No
14 order for parenting time ~~visitation~~ shall refer merely to
15 the term "reasonable parenting time" "~~reasonable~~
16 ~~visitation~~". Petitioner may deny respondent access to the
17 minor child if, when respondent arrives for parenting time
18 ~~visitation~~, respondent is under the influence of drugs or
19 alcohol and constitutes a threat to the safety and
20 well-being of petitioner or petitioner's minor children or
21 is behaving in a violent or abusive manner. If necessary to
22 protect any member of petitioner's family or household from
23 future abuse, respondent shall be prohibited from coming to
24 petitioner's residence to meet the minor child for
25 parenting time ~~visitation~~, and the petitioner and
26 respondent ~~parties~~ shall submit to the court their

1 recommendations for reasonable alternative arrangements
2 for parenting time ~~visitation~~. A person may be approved to
3 supervise parenting time ~~visitation~~ only after filing an
4 affidavit accepting that responsibility and acknowledging
5 accountability to the court.

6 (8) Removal or concealment of minor child. Prohibit
7 respondent from removing a minor child from the State or
8 concealing the child within the State.

9 (9) Order to appear. Order the respondent to appear in
10 court, alone or with a minor child, to prevent abuse,
11 neglect, removal or concealment of the child, to return the
12 child to the custody or care of the petitioner, or to
13 permit any court-ordered interview or examination of the
14 child or the respondent.

15 (10) Possession of personal property. Grant petitioner
16 exclusive possession of personal property and, if
17 respondent has possession or control, direct respondent to
18 promptly make it available to petitioner, if:

19 (i) petitioner, but not respondent, owns the
20 property; or

21 (ii) the petitioner and respondent ~~parties~~ own the
22 property jointly; sharing it would risk abuse of
23 petitioner by respondent or is impracticable; and the
24 balance of hardships favors temporary possession by
25 petitioner.

26 If petitioner's sole claim to ownership of the property

1 is that it is marital property, the court may award
2 petitioner temporary possession thereof under the
3 standards of subparagraph (ii) of this paragraph only if a
4 proper proceeding has been filed under the Illinois
5 Marriage and Dissolution of Marriage Act, as now or
6 hereafter amended.

7 No order under this provision shall affect title to
8 property.

9 (11) Protection of property. Forbid the respondent
10 from taking, transferring, encumbering, concealing,
11 damaging, or otherwise disposing of any real or personal
12 property, except as explicitly authorized by the court, if:

13 (i) petitioner, but not respondent, owns the
14 property; or

15 (ii) the petitioner and respondent ~~parties~~ own the
16 property jointly, and the balance of hardships favors
17 granting this remedy.

18 If petitioner's sole claim to ownership of the property
19 is that it is marital property, the court may grant
20 petitioner relief under subparagraph (ii) of this
21 paragraph only if a proper proceeding has been filed under
22 the Illinois Marriage and Dissolution of Marriage Act, as
23 now or hereafter amended.

24 The court may further prohibit respondent from
25 improperly using the financial or other resources of an
26 aged member of the family or household for the profit or

1 advantage of respondent or of any other person.

2 (11.5) Protection of animals. Grant the petitioner the
3 exclusive care, custody, or control of any animal owned,
4 possessed, leased, kept, or held by either the petitioner
5 or the respondent or a minor child residing in the
6 residence or household of either the petitioner or the
7 respondent and order the respondent to stay away from the
8 animal and forbid the respondent from taking,
9 transferring, encumbering, concealing, harming, or
10 otherwise disposing of the animal.

11 (12) Order for payment of support. Order respondent to
12 pay temporary support for the petitioner or any child in
13 the petitioner's care or over whom the petitioner has been
14 allocated parental responsibility ~~custody~~, when the
15 respondent has a legal obligation to support that person,
16 in accordance with the Illinois Marriage and Dissolution of
17 Marriage Act, which shall govern, among other matters, the
18 amount of support, payment through the clerk and
19 withholding of income to secure payment. An order for child
20 support may be granted to a petitioner with lawful physical
21 care ~~or custody~~ of a child, or an order or agreement for
22 physical care of a child ~~or custody~~, prior to entry of an
23 order allocating significant decision-making
24 responsibility ~~for legal custody~~. Such a support order
25 shall expire upon entry of a valid order allocating
26 parental responsibility differently and vacating

1 petitioner's significant decision-making responsibility
2 ~~granting legal custody to another,~~ unless otherwise
3 provided in the ~~custody~~ order.

4 (13) Order for payment of losses. Order respondent to
5 pay petitioner for losses suffered as a direct result of
6 the abuse. Such losses shall include, but not be limited
7 to, medical expenses, lost earnings or other support,
8 repair or replacement of property damaged or taken,
9 reasonable attorney's fees, court costs_u and moving or
10 other travel expenses, including additional reasonable
11 expenses for temporary shelter and restaurant meals.

12 (i) Losses affecting family needs. If a party is
13 entitled to seek maintenance, child support_u or
14 property distribution from the other party under the
15 Illinois Marriage and Dissolution of Marriage Act, as
16 now or hereafter amended, the court may order
17 respondent to reimburse petitioner's actual losses, to
18 the extent that such reimbursement would be
19 "appropriate temporary relief", as authorized by
20 subsection (a) (3) of Section 501 of that Act.

21 (ii) Recovery of expenses. In the case of an
22 improper concealment or removal of a minor child, the
23 court may order respondent to pay the reasonable
24 expenses incurred or to be incurred in the search for
25 and recovery of the minor child, including_u but not
26 limited to_u legal fees, court costs, private

1 investigator fees, and travel costs.

2 (14) Prohibition of entry. Prohibit the respondent
3 from entering or remaining in the residence or household
4 while the respondent is under the influence of alcohol or
5 drugs and constitutes a threat to the safety and well-being
6 of the petitioner or the petitioner's children.

7 (14.5) Prohibition of firearm possession.

8 (A) A person who is subject to an existing domestic
9 violence order of protection, issued under this Code
10 may not lawfully possess weapons under Section 8.2 of
11 the Firearm Owners Identification Card Act.

12 (B) Any firearms in the possession of the
13 respondent, except as provided in subparagraph (C) of
14 this paragraph (14.5), shall be ordered by the court to
15 be turned over to a person with a valid Firearm Owner's
16 Identification Card for safekeeping. The court shall
17 issue an order that the respondent's Firearm Owner's
18 Identification Card be turned over to the local law
19 enforcement agency, which in turn shall immediately
20 mail the card to the Department of State Police Firearm
21 Owner's Identification Card Office for safekeeping.
22 The period of safekeeping shall be for the duration of
23 the domestic violence order of protection. The firearm
24 or firearms and Firearm Owner's Identification Card,
25 if unexpired, shall at the respondent's request be
26 returned to the respondent at expiration of the

1 domestic violence order of protection.

2 (C) If the respondent is a peace officer as defined
3 in Section 2-13 of the Criminal Code of 2012, the court
4 shall order that any firearms used by the respondent in
5 the performance of his or her duties as a peace officer
6 be surrendered to the chief law enforcement executive
7 of the agency in which the respondent is employed, who
8 shall retain the firearms for safekeeping for the
9 duration of the domestic violence order of protection.

10 (D) Upon expiration of the period of safekeeping,
11 if the firearms or Firearm Owner's Identification Card
12 cannot be returned to respondent because respondent
13 cannot be located, fails to respond to requests to
14 retrieve the firearms, or is not lawfully eligible to
15 possess a firearm, upon petition from the local law
16 enforcement agency, the court may order the local law
17 enforcement agency to destroy the firearms, use the
18 firearms for training purposes, or for any other
19 application as deemed appropriate by the local law
20 enforcement agency; or that the firearms be turned over
21 to a third party who is lawfully eligible to possess
22 firearms, and who does not reside with respondent.

23 (15) Prohibition of access to records. If a domestic
24 violence ~~an~~ order of protection prohibits respondent from
25 having contact with the minor child, or if petitioner's
26 address is omitted under subsection (b) of Section 112A-5

1 of this Code, or if necessary to prevent abuse or wrongful
2 removal or concealment of a minor child, the order shall
3 deny respondent access to, and prohibit respondent from
4 inspecting, obtaining, or attempting to inspect or obtain,
5 school or any other records of the minor child who is in
6 the care of petitioner.

7 (16) Order for payment of shelter services. Order
8 respondent to reimburse a shelter providing temporary
9 housing and counseling services to the petitioner for the
10 cost of the services, as certified by the shelter and
11 deemed reasonable by the court.

12 (17) Order for injunctive relief. Enter injunctive
13 relief necessary or appropriate to prevent further abuse of
14 a family or household member or to effectuate one of the
15 granted remedies, if supported by the balance of hardships.
16 If the harm to be prevented by the injunction is abuse or
17 any other harm that one of the remedies listed in
18 paragraphs (1) through (16) of this subsection is designed
19 to prevent, no further evidence is necessary to establish
20 that the harm is an irreparable injury.

21 (18) Telephone services.

22 (A) Unless a condition described in subparagraph
23 (B) of this paragraph exists, the court may, upon
24 request by the petitioner, order a wireless telephone
25 service provider to transfer to the petitioner the
26 right to continue to use a telephone number or numbers

1 indicated by the petitioner and the financial
2 responsibility associated with the number or numbers,
3 as set forth in subparagraph (C) of this paragraph. In
4 ~~For purposes of~~ this paragraph (18), the term "wireless
5 telephone service provider" means a provider of
6 commercial mobile service as defined in 47 U.S.C. 332.
7 The petitioner may request the transfer of each
8 telephone number that the petitioner, or a minor child
9 in his or her custody, uses. The clerk of the court
10 shall serve the order on the wireless telephone service
11 provider's agent for service of process provided to the
12 Illinois Commerce Commission. The order shall contain
13 all of the following:

14 (i) The name and billing telephone number of
15 the account holder including the name of the
16 wireless telephone service provider that serves
17 the account.

18 (ii) Each telephone number that will be
19 transferred.

20 (iii) A statement that the provider transfers
21 to the petitioner all financial responsibility for
22 and right to the use of any telephone number
23 transferred under this paragraph.

24 (B) A wireless telephone service provider shall
25 terminate the respondent's use of, and shall transfer
26 to the petitioner use of, the telephone number or

1 numbers indicated in subparagraph (A) of this
2 paragraph unless it notifies the petitioner, within 72
3 hours after it receives the order, that one of the
4 following applies:

5 (i) The account holder named in the order has
6 terminated the account.

7 (ii) A difference in network technology would
8 prevent or impair the functionality of a device on
9 a network if the transfer occurs.

10 (iii) The transfer would cause a geographic or
11 other limitation on network or service provision
12 to the petitioner.

13 (iv) Another technological or operational
14 issue would prevent or impair the use of the
15 telephone number if the transfer occurs.

16 (C) The petitioner assumes all financial
17 responsibility for and right to the use of any
18 telephone number transferred under this paragraph. In
19 this paragraph, "financial responsibility" includes
20 monthly service costs and costs associated with any
21 mobile device associated with the number.

22 (D) A wireless telephone service provider may
23 apply to the petitioner its routine and customary
24 requirements for establishing an account or
25 transferring a number, including requiring the
26 petitioner to provide proof of identification,

1 financial information, and customer preferences.

2 (E) Except for willful or wanton misconduct, a
3 wireless telephone service provider is immune from
4 civil liability for its actions taken in compliance
5 with a court order issued under this paragraph.

6 (F) All wireless service providers that provide
7 services to residential customers shall provide to the
8 Illinois Commerce Commission the name and address of an
9 agent for service of orders entered under this
10 paragraph (18). Any change in status of the registered
11 agent must be reported to the Illinois Commerce
12 Commission within 30 days of such change.

13 (G) The Illinois Commerce Commission shall
14 maintain the list of registered agents for service for
15 each wireless telephone service provider on the
16 Commission's website. The Commission may consult with
17 wireless telephone service providers and the Circuit
18 Court Clerks on the manner in which this information is
19 provided and displayed.

20 (c) Relevant factors; findings.

21 (1) In determining whether to grant a specific remedy,
22 other than payment of support, the court shall consider
23 relevant factors, including but not limited to the
24 following:

25 (i) the nature, frequency, severity, pattern and
26 consequences of the respondent's past abuse of the

1 petitioner or any family or household member,
2 including the concealment of his or her location in
3 order to evade service of process or notice, and the
4 likelihood of danger of future abuse to petitioner or
5 any member of petitioner's or respondent's family or
6 household; and

7 (ii) the danger that any minor child will be abused
8 or neglected or improperly relocated ~~removed~~ from the
9 jurisdiction, improperly concealed within the State or
10 improperly separated from the child's primary
11 caretaker.

12 (2) In comparing relative hardships resulting to the
13 parties from loss of possession of the family home, the
14 court shall consider relevant factors, including, but not
15 limited to, the following:

16 (i) availability, accessibility, cost, safety,
17 adequacy, location and other characteristics of
18 alternate housing for each party and any minor child or
19 dependent adult in the party's care;

20 (ii) the effect on the party's employment; and

21 (iii) the effect on the relationship of the party,
22 and any minor child or dependent adult in the party's
23 care, to family, school, church, and community.

24 (3) Subject to the exceptions set forth in paragraph
25 (4) of this subsection (c), the court shall make its
26 findings in an official record or in writing, and shall at

1 a minimum set forth the following:

2 (i) That the court has considered the applicable
3 relevant factors described in paragraphs (1) and (2) of
4 this subsection (c).

5 (ii) Whether the conduct or actions of respondent,
6 unless prohibited, will likely cause irreparable harm
7 or continued abuse.

8 (iii) Whether it is necessary to grant the
9 requested relief in order to protect petitioner or
10 other alleged abused persons.

11 (4) (Blank).

12 (5) Never married parties. No rights or
13 responsibilities for a minor child born outside of marriage
14 attach to a putative father until a father and child
15 relationship has been established under the Illinois
16 Parentage Act of 1984, ~~or under~~ the Illinois Parentage Act
17 of 2015, the Illinois Public Aid Code, Section 12 of the
18 Vital Records Act, the Juvenile Court Act of 1987, the
19 Probate Act of 1975, the Uniform Interstate Family Support
20 Act, the Expedited Child Support Act of 1990, any judicial,
21 administrative, or other act of another state or territory,
22 any other statute of this State, or by any foreign nation
23 establishing the father and child relationship, any other
24 proceeding substantially in conformity with the federal
25 Personal Responsibility and Work Opportunity
26 Reconciliation Act of 1996, or when both parties appeared

1 in open court or at an administrative hearing acknowledging
2 under oath or admitting by affirmation the existence of a
3 father and child relationship ~~on and after the effective~~
4 ~~date of that Act.~~ Absent such an adjudication, no putative
5 father shall be granted temporary allocation of parental
6 responsibilities, including parenting time ~~custody of the~~
7 ~~minor child, visitation~~ with the minor child, or physical
8 care and possession of the minor child, nor shall an order
9 of payment for support of the minor child be entered.

10 (d) Balance of hardships; findings. If the court finds that
11 the balance of hardships does not support the granting of a
12 remedy governed by paragraph (2), (3), (10), (11), or (16) of
13 subsection (b) of this Section, which may require such
14 balancing, the court's findings shall so indicate and shall
15 include a finding as to whether granting the remedy will result
16 in hardship to respondent that would substantially outweigh the
17 hardship to petitioner from denial of the remedy. The findings
18 shall be an official record or in writing.

19 (e) Denial of remedies. Denial of any remedy shall not be
20 based, in whole or in part, on evidence that:

21 (1) respondent ~~Respondent~~ has cause for any use of
22 force, unless that cause satisfies the standards for
23 justifiable use of force provided by Article 7 of the
24 Criminal Code of 2012;

25 (2) respondent ~~Respondent~~ was voluntarily intoxicated;

26 (3) petitioner ~~Petitioner~~ acted in self-defense or

1 defense of another, provided that, if petitioner utilized
2 force, such force was justifiable under Article 7 of the
3 Criminal Code of 2012;

4 (4) petitioner ~~Petitioner~~ did not act in self-defense
5 or defense of another;

6 (5) petitioner ~~Petitioner~~ left the residence or
7 household to avoid further abuse by respondent;

8 (6) petitioner ~~Petitioner~~ did not leave the residence
9 or household to avoid further abuse by respondent; or

10 (7) conduct ~~Conduct~~ by any family or household member
11 excused the abuse by respondent, unless that same conduct
12 would have excused such abuse if the parties had not been
13 family or household members.

14 (Source: P.A. 99-85, eff. 1-1-16; 100-199, eff. 1-1-18;
15 100-388, eff. 1-1-18; revised 10-10-17.)

16 (725 ILCS 5/112A-16) (from Ch. 38, par. 112A-16)

17 Sec. 112A-16. Accountability for Actions of Others. For the
18 purposes of issuing a domestic violence ~~an~~ order of protection,
19 deciding what remedies should be included and enforcing the
20 order, Article 5 of the Criminal Code of 2012 shall govern
21 whether respondent is legally accountable for the conduct of
22 another person.

23 (Source: P.A. 97-1150, eff. 1-25-13.)

24 (725 ILCS 5/112A-17.5 new)

1 Sec. 112A-17.5. Ex parte protective orders.

2 (a) The petitioner may request expedited consideration of
3 the petition for an ex parte protective order. The court shall
4 consider the request on an expedited basis without requiring
5 the respondent's presence or requiring notice to the
6 respondent.

7 (b) Issuance of ex parte protective orders in cases
8 involving domestic violence. An ex parte domestic violence
9 order of protection shall be issued if petitioner satisfies the
10 requirements of this subsection (b) for one or more of the
11 requested remedies. For each remedy requested, petitioner
12 shall establish that:

13 (1) the court has jurisdiction under Section 112A-9 of
14 this Code;

15 (2) the requirements of subsection (a) of Section
16 112A-11.5 of this Code are satisfied; and

17 (3) there is good cause to grant the remedy, regardless
18 of prior service of process or notice upon the respondent,
19 because:

20 (A) for the remedy of prohibition of abuse
21 described in paragraph (1) of subsection (b) of Section
22 112A-14 of this Code; stay away order and additional
23 prohibitions described in paragraph (3) of subsection
24 (b) of Section 112A-14 of this Code; removal or
25 concealment of minor child described in paragraph (8)
26 of subsection (b) of Section 112A-14 of this Code;

1 order to appear described in paragraph (9) of
2 subsection (b) of Section 112A-14 of this Code;
3 physical care and possession of the minor child
4 described in paragraph (5) of subsection (b) of Section
5 112A-14 of this Code; protection of property described
6 in paragraph (11) of subsection (b) of Section 112A-14
7 of this Code; prohibition of entry described in
8 paragraph (14) of subsection (b) of Section 112A-14 of
9 this Code; prohibition of firearm possession described
10 in paragraph (14.5) of subsection (b) of Section
11 112A-14 of this Code; prohibition of access to records
12 described in paragraph (15) of subsection (b) of
13 Section 112A-14 of this Code; injunctive relief
14 described in paragraph (16) of subsection (b) of
15 Section 112A-14 of this Code; and telephone services
16 described in paragraph (18) of subsection (b) of
17 Section 112A-14 of this Code, the harm which that
18 remedy is intended to prevent would be likely to occur
19 if the respondent were given any prior notice, or
20 greater notice than was actually given, of the
21 petitioner's efforts to obtain judicial relief;

22 (B) for the remedy of grant of exclusive possession
23 of residence described in paragraph (2) of subsection
24 (b) of Section 112A-14 of this Code; the immediate
25 danger of further abuse of the petitioner by the
26 respondent, if the petitioner chooses or had chosen to

1 remain in the residence or household while the
2 respondent was given any prior notice or greater notice
3 than was actually given of the petitioner's efforts to
4 obtain judicial relief outweighs the hardships to the
5 respondent of an emergency order granting the
6 petitioner exclusive possession of the residence or
7 household; and the remedy shall not be denied because
8 the petitioner has or could obtain temporary shelter
9 elsewhere while prior notice is given to the
10 respondent, unless the hardship to the respondent from
11 exclusion from the home substantially outweigh the
12 hardship to the petitioner; or

13 (C) for the remedy of possession of personal
14 property described in paragraph (10) of subsection (b)
15 of Section 112A-14 of this Code; improper disposition
16 of the personal property would be likely to occur if
17 the respondent were given any prior notice, or greater
18 notice than was actually given, of the petitioner's
19 efforts to obtain judicial relief or the petitioner has
20 an immediate and pressing need for the possession of
21 that property.

22 An ex parte domestic violence order of protection may not
23 include the counseling, custody, or payment of support or
24 monetary compensation remedies provided by paragraphs (4),
25 (12), (13), and (16) of subsection (b) of Section 112A-14 of
26 this Code.

1 (c) Issuance of ex parte civil no contact order in cases
2 involving sexual offenses. An ex parte civil no contact order
3 shall be issued if the petitioner establishes that:

4 (1) the court has jurisdiction under Section 112A-9 of
5 this Code;

6 (2) the requirements of subsection (a) of Section
7 112A-11.5 of this Code are satisfied; and

8 (3) there is good cause to grant the remedy, regardless
9 of prior service of process or of notice upon the
10 respondent, because the harm which that remedy is intended
11 to prevent would be likely to occur if the respondent were
12 given any prior notice, or greater notice than was actually
13 given, of the petitioner's efforts to obtain judicial
14 relief.

15 The court may order any of the remedies under Section
16 112A-14.5 of this Code.

17 (d) Issuance of ex parte stalking no contact order in cases
18 involving stalking offenses. An ex parte stalking no contact
19 order shall be issued if the petitioner establishes that:

20 (1) the court has jurisdiction under Section 112A-9 of
21 this Code;

22 (2) the requirements of subsection (a) of Section
23 112A-11.5 of this Code are satisfied; and

24 (3) there is good cause to grant the remedy, regardless
25 of prior service of process or of notice upon the
26 respondent, because the harm which that remedy is intended

1 to prevent would be likely to occur if the respondent were
2 given any prior notice, or greater notice than was actually
3 given, of the petitioner's efforts to obtain judicial
4 relief.

5 The court may order any of the remedies under Section
6 112A-14.7 of this Code.

7 (e) Issuance of ex parte protective orders on court
8 holidays and evenings.

9 When the court is unavailable at the close of business, the
10 petitioner may file a petition for an ex parte protective order
11 before any available circuit judge or associate judge who may
12 grant relief under this Article. If the judge finds that
13 petitioner has satisfied the prerequisites in subsection (b),
14 (c), or (d) of this Section, the judge shall issue an ex parte
15 protective order.

16 The chief judge of the circuit court may designate for each
17 county in the circuit at least one judge to be reasonably
18 available to issue orally, by telephone, by facsimile, or
19 otherwise, an ex parte protective order at all times, whether
20 or not the court is in session.

21 The judge who issued the order under this Section shall
22 promptly communicate or convey the order to the sheriff to
23 facilitate the entry of the order into the Law Enforcement
24 Agencies Data System by the Department of State Police under
25 Section 112A-28 of this Code. Any order issued under this
26 Section and any documentation in support of it shall be

1 certified on the next court day to the appropriate court. The
2 clerk of that court shall immediately assign a case number,
3 file the petition, order, and other documents with the court
4 and enter the order of record and file it with the sheriff for
5 service under subsection (f) of this Section. Failure to comply
6 with the requirements of this subsection (e) shall not affect
7 the validity of the order.

8 (f) Service of ex parte protective order on respondent.

9 (1) If an ex parte protective order is entered at the
10 time a summons or arrest warrant is issued for the criminal
11 charge, the petition for the protective order, any
12 supporting affidavits, if any, and the ex parte protective
13 order that has been issued shall be served with the summons
14 or arrest warrant. The enforcement of a protective order
15 under Section 112A-23 of this Code shall not be affected by
16 the lack of service or delivery, provided the requirements
17 of subsection (a) of Section 112A-23 of this Code are
18 otherwise met.

19 (2) If an ex parte protective order is entered after a
20 summons or arrest warrant is issued and before the
21 respondent makes an initial appearance in the criminal
22 case. The summons shall be in the form prescribed by
23 subsection (d) of Supreme Court Rule 101, except that it
24 shall require respondent to answer or appear within 7 days
25 and shall be accompanied by the petition for the protective
26 order, any supporting affidavits, if any, and the ex parte

1 protective order that has been issued.

2 (3) If an ex parte protective order is entered after
3 the respondent has been served notice of a petition for a
4 final protective order and the respondent has requested a
5 continuance to respond to the petition, the ex parte
6 protective order shall be served: (A) in open court if the
7 respondent is present at the proceeding at which the order
8 was entered; or (B) by summons in the form prescribed by
9 subsection (d) of Supreme Court Rule 101.

10 (4) No fee shall be charged for service of summons.

11 (5) The summons shall be served by the sheriff or other
12 law enforcement officer at the earliest time and shall take
13 precedence over other summonses except those of a similar
14 emergency nature. Special process servers may be appointed
15 at any time, and their designation shall not affect the
16 responsibilities and authority of the sheriff or other
17 official process servers. In a county with a population
18 over 3,000,000, a special process server may not be
19 appointed if an ex parte protective order grants the
20 surrender of a child, the surrender of a firearm or Firearm
21 Owner's Identification Card, or the exclusive possession
22 of a shared residence. Process may be served in court.

23 (g) Upon 7 days notice to the petitioner, or a shorter
24 notice period as the court may prescribe, a respondent subject
25 to an ex parte protective order may appear and petition the
26 court to re-hear the petition. Any petition to re-hear shall be

1 verified and shall allege the following:

2 (1) that respondent did not receive prior notice of the
3 initial hearing in which the ex parte protective order was
4 entered under Section 112A-17.5 of this Code; and

5 (2) that respondent had a meritorious defense to the
6 order or any of its remedies or that the order or any of
7 its remedies was not authorized under this Article.

8 The verified petition and affidavit shall set forth the
9 evidence of the meritorious defense that will be presented at a
10 hearing. If the court finds that the evidence presented at the
11 hearing on the petition establishes a meritorious defense by a
12 preponderance of the evidence, the court may decide to vacate
13 the protective order or modify the remedies.

14 (h) If the ex parte protective order granted petitioner
15 exclusive possession of the residence and the petition of
16 respondent seeks to re-open or vacate that grant, the court
17 shall set a date for hearing within 14 days on all issues
18 relating to exclusive possession. Under no circumstances shall
19 a court continue a hearing concerning exclusive possession
20 beyond the 14th day except by agreement of the petitioner and
21 the respondent. Other issues raised by the pleadings may be
22 consolidated for the hearing if the petitioner, the respondent,
23 and the court do not object.

24 (i) Duration of ex parte protective order. An ex parte
25 order shall remain in effect until the court considers the
26 request for a final protective order after notice has been

1 served on the respondent or a default final protective order is
2 entered, whichever occurs first. If a court date is scheduled
3 for the issuance of a default protective order and the
4 petitioner fails to personally appear or appear through counsel
5 or the prosecuting attorney, the petition shall be dismissed
6 and the ex parte order terminated.

7 (725 ILCS 5/112A-20) (from Ch. 38, par. 112A-20)

8 Sec. 112A-20. Duration and extension of final protective
9 orders.

10 (a) (Blank).

11 (b) A final protective order shall remain in effect as
12 follows:

13 (1) if entered during pre-trial release, until
14 disposition, withdrawal, or dismissal of the underlying
15 charge; if, however, the case is continued as an
16 independent cause of action, the order's duration may be
17 for a fixed period of time not to exceed 2 years;

18 (2) if in effect in conjunction with a bond forfeiture
19 warrant, until final disposition or an additional period of
20 time not exceeding 2 years; no domestic violence order of
21 protection, however, shall be terminated by a dismissal
22 that is accompanied by the issuance of a bond forfeiture
23 warrant;

24 (3) until 2 years after the expiration of any
25 supervision, conditional discharge, probation, periodic

1 imprisonment, parole, aftercare release, or mandatory
2 supervised release for domestic violence orders of
3 protection and civil no contact orders; or

4 (4) until 2 years after the date set by the court for
5 expiration of any sentence of imprisonment and subsequent
6 parole, aftercare release, or mandatory supervised release
7 for domestic violence orders of protection and civil no
8 contact orders; and

9 (5) permanent for a stalking no contact order if a
10 judgment of conviction for stalking is entered.

11 (c) Computation of time. The duration of a domestic
12 violence ~~an~~ order of protection shall not be reduced by the
13 duration of any prior domestic violence order of protection.

14 (d) Law enforcement records. When a protective order
15 expires upon the occurrence of a specified event, rather than
16 upon a specified date as provided in subsection (b), no
17 expiration date shall be entered in Department of State Police
18 records. To remove the protective order from those records,
19 either the petitioner or the respondent shall request the clerk
20 of the court to file a certified copy of an order stating that
21 the specified event has occurred or that the protective order
22 has been vacated or modified with the sheriff, and the sheriff
23 shall direct that law enforcement records shall be promptly
24 corrected in accordance with the filed order.

25 (e) Extension of Orders. Any domestic violence order of
26 protection or civil no contact order that expires 2 years after

1 the expiration of the defendant's sentence under paragraph (2),
2 (3), or (4) of subsection (b) of Section 112A-20 of this
3 Article may be extended one or more times, as required. The
4 petitioner, petitioner's counsel, or the State's Attorney on
5 the petitioner's behalf shall file the motion for an extension
6 of the final protective order in the criminal case and serve
7 the motion in accordance with Supreme Court Rules 11 and 12.
8 The court shall transfer the motion to the appropriate court or
9 division for consideration under subsection (e) of Section 220
10 of the Illinois Domestic Violence Act of 1986, ~~or~~ subsection
11 (c) of Section 216 of the Civil No Contact Order Act, or
12 subsection (c) of Section 105 of the Stalking No Contact Order
13 as appropriate.

14 (f) Termination date. Any final protective order ~~of~~
15 ~~protection~~ which would expire on a court holiday shall instead
16 expire at the close of the next court business day.

17 (g) Statement of purpose. The practice of dismissing or
18 suspending a criminal prosecution in exchange for issuing a
19 protective ~~an~~ order ~~of protection~~ undermines the purposes of
20 this Article. This Section shall not be construed as
21 encouraging that practice.

22 (Source: P.A. 100-199, eff. 1-1-18.)

23 (725 ILCS 5/112A-21) (from Ch. 38, par. 112A-21)

24 Sec. 112A-21. Contents of orders.

25 (a) Any domestic violence order of protection shall

1 describe, in reasonable detail and not by reference to any
2 other document, the following:

3 (1) Each remedy granted by the court, in reasonable
4 detail and not by reference to any other document, so that
5 respondent may clearly understand what he or she must do or
6 refrain from doing. Pre-printed form orders of protection
7 shall include the definitions of the types of abuse, as
8 provided in Section 112A-3 of this Code. Remedies set forth
9 in pre-printed form for domestic violence orders shall be
10 numbered consistently with and corresponding to the
11 numerical sequence of remedies listed in Section 112A-14 of
12 this Code (at least as of the date the form orders are
13 printed).

14 (2) The reason for denial of petitioner's request for
15 any remedy listed in Section 112A-14 of this Code.

16 (b) A domestic violence ~~An~~ order of protection shall
17 further state the following:

18 (1) The name of each petitioner that the court finds is
19 a victim of a charged offense, and that respondent is a
20 member of the family or household of each such petitioner,
21 and the name of each other person protected by the order
22 and that such person is protected by this Code Act.

23 (2) For any remedy requested by petitioner on which the
24 court has declined to rule, that that remedy is reserved.

25 (3) The date and time the domestic violence order of
26 protection was issued.

1 (4) (Blank).

2 (5) (Blank).

3 (6) (Blank).

4 (c) Any domestic violence order of protection shall include
5 the following notice, printed in conspicuous type:

6 "Any knowing violation of a domestic violence ~~an~~ order
7 of protection forbidding physical abuse, harassment,
8 intimidation, interference with personal liberty, willful
9 deprivation, or entering or remaining present at specified
10 places when the protected person is present, or granting
11 exclusive possession of the residence or household, or
12 granting a stay away order is a Class A misdemeanor for a
13 first offense, and a Class 4 felony for persons with a
14 prior conviction for certain offenses under subsection (d)
15 of Section 12-3.4 of the Criminal Code of 2012. Grant of
16 exclusive possession of the residence or household shall
17 constitute notice forbidding trespass to land. Any knowing
18 violation of an order awarding legal custody or physical
19 care of a child or prohibiting removal or concealment of a
20 child may be a Class 4 felony. Any willful violation of any
21 order is contempt of court. Any violation may result in
22 fine or imprisonment."

23 (d) (Blank).

24 (e) A domestic violence ~~An~~ order of protection shall state,
25 "This Order of Protection is enforceable, even without
26 registration, in all 50 states, the District of Columbia,

1 tribal lands, and the U.S. territories pursuant to the Violence
2 Against Women Act (18 U.S.C. 2265). Violating this Order of
3 Protection may subject the respondent to federal charges and
4 punishment (18 U.S.C. 2261-2262). The respondent may be subject
5 to federal criminal penalties for possessing, transporting,
6 shipping, or receiving any firearm or ammunition under the Gun
7 Control Act (18 U.S.C. 922(g)(8) and (9))."

8 (Source: P.A. 100-199, eff. 1-1-18.)

9 (725 ILCS 5/112A-22) (from Ch. 38, par. 112A-22)

10 Sec. 112A-22. Notice of orders.

11 (a) Entry and issuance. Upon issuance of any protective
12 order ~~of protection~~, the clerk shall immediately, or on the
13 next court day if an ex parte order is issued under subsection
14 (e) of Section 112A-17.5 of this Code, (i) enter the order on
15 the record and file it in accordance with the circuit court
16 procedures and (ii) provide a file stamped copy of the order to
17 respondent and to petitioner, if present, and to the State's
18 Attorney. If the victim is not present the State's Attorney
19 shall (i) as soon as practicable notify the petitioner the
20 order has been entered and (ii) provide a file stamped copy of
21 the order to the petitioner within 3 days.

22 (b) Filing with sheriff. The clerk of the issuing judge
23 shall, on the same day that a protective order is issued, file
24 a copy of that order with the sheriff or other law enforcement
25 officials charged with maintaining Department of State Police

1 records or charged with serving the order upon respondent. If
2 the order was issued under subsection (e) of Section 112A-17.5
3 of this Code, the clerk on the next court day shall file a
4 certified copy of the order with the sheriff or other law
5 enforcement officials charged with maintaining Department of
6 State Police records.

7 (c) (Blank).

8 (c-2) Service by sheriff. Unless respondent was present in
9 court when the order was issued, the sheriff, other law
10 enforcement official, or special process server shall promptly
11 serve that order upon respondent and file proof of the service,
12 in the manner provided for service of process in civil
13 proceedings. Instead of serving the order upon the respondent;
14 however, the sheriff, other law enforcement official, special
15 process server, or other persons defined in Section 112A-22.1
16 of this Code may serve the respondent with a short form
17 notification as provided in Section 112A-22.1 of this Code. If
18 process has not yet been served upon the respondent, process
19 shall be served with the order or short form notification if
20 the service is made by the sheriff, other law enforcement
21 official, or special process server.

22 (c-3) If the person against whom the protective order is
23 issued is arrested and the written order is issued under
24 subsection (e) of Section 112A-17.5 of this Code and received
25 by the custodial law enforcement agency before the respondent
26 or arrestee is released from custody, the custodial law

1 enforcement agency shall promptly serve the order upon the
2 respondent or arrestee before the respondent or arrestee is
3 released from custody. In no event shall detention of the
4 respondent or arrestee be extended for a hearing on the
5 petition for protective order or receipt of the order issued
6 under Section 112A-17 of this Code.

7 (c-4) Extensions, modifications, and revocations. Any
8 order extending, modifying, or revoking any protective order
9 shall be promptly recorded, issued, and served as provided in
10 this Section.

11 (c-5) (Blank).

12 (d) (Blank).

13 (e) Notice to health care facilities and health care
14 practitioners. Upon the request of the petitioner, the clerk of
15 the circuit court shall send a certified copy of the protective
16 order to any specified health care facility or health care
17 practitioner requested by the petitioner at the mailing address
18 provided by the petitioner.

19 (f) Disclosure by health care facilities and health care
20 practitioners. After receiving a certified copy of a protective
21 order that prohibits a respondent's access to records, no
22 health care facility or health care practitioner shall allow a
23 respondent access to the records of any child who is a
24 protected person under the protective order, or release
25 information in those records to the respondent, unless the
26 order has expired or the respondent shows a certified copy of

1 the court order vacating the corresponding protective order
2 that was sent to the health care facility or practitioner.
3 Nothing in this Section shall be construed to require health
4 care facilities or health care practitioners to alter
5 procedures related to billing and payment. The health care
6 facility or health care practitioner may file the copy of the
7 protective order in the records of a child who is a protected
8 person under the protective order, or may employ any other
9 method to identify the records to which a respondent is
10 prohibited access. No health care facility or health care
11 practitioner shall be civilly or professionally liable for
12 reliance on a copy of a protective order, except for willful
13 and wanton misconduct.

14 (g) Notice to schools. Upon the request of the petitioner,
15 within 24 hours of the issuance of a protective order, the
16 clerk of the issuing judge shall send a certified copy of the
17 protective order to the day-care facility, pre-school or
18 pre-kindergarten, or private school or the principal office of
19 the public school district or any college or university in
20 which any child who is a protected person under the protective
21 order or any child of the petitioner is enrolled as requested
22 by the petitioner at the mailing address provided by the
23 petitioner. If the child transfers enrollment to another
24 day-care facility, pre-school, pre-kindergarten, private
25 school, public school, college, or university, the petitioner
26 may, within 24 hours of the transfer, send to the clerk written

1 notice of the transfer, including the name and address of the
2 institution to which the child is transferring. Within 24 hours
3 of receipt of notice from the petitioner that a child is
4 transferring to another day-care facility, pre-school,
5 pre-kindergarten, private school, public school, college, or
6 university, the clerk shall send a certified copy of the order
7 to the institution to which the child is transferring.

8 (h) Disclosure by schools. After receiving a certified copy
9 of a protective order that prohibits a respondent's access to
10 records, neither a day-care facility, pre-school,
11 pre-kindergarten, public or private school, college, or
12 university nor its employees shall allow a respondent access to
13 a protected child's records or release information in those
14 records to the respondent. The school shall file the copy of
15 the protective order in the records of a child who is a
16 protected person under the order. When a child who is a
17 protected person under the protective order transfers to
18 another day-care facility, pre-school, pre-kindergarten,
19 public or private school, college, or university, the
20 institution from which the child is transferring may, at the
21 request of the petitioner, provide, within 24 hours of the
22 transfer, written notice of the protective order, along with a
23 certified copy of the order, to the institution to which the
24 child is transferring.

25 (Source: P.A. 100-199, eff. 1-1-18.)

1 (725 ILCS 5/112A-22.1 new)

2 Sec. 112A-22.1. Short form notification.

3 (a) Instead of personal service of a protective order under
4 Section 112A-22 of this Code, a sheriff, other law enforcement
5 official, special process server, or personnel assigned by the
6 Department of Corrections or Department of Juvenile Justice to
7 investigate the alleged misconduct of committed persons or
8 alleged violations of the person's conditions of parole,
9 aftercare release, or mandatory supervised release, may serve a
10 respondent with a short form notification. The short form
11 notification shall include the following:

12 (1) Respondent's name.

13 (2) Respondent's date of birth, if known.

14 (3) Petitioner's name.

15 (4) Names of other protected parties.

16 (5) Date and county in which the protective order was
17 filed.

18 (6) Court file number.

19 (7) Hearing date and time, if known.

20 (8) Conditions that apply to the respondent, either in
21 checklist form or handwritten.

22 (b) The short form notification shall contain the following
23 notice in bold print:

24 "The order is now enforceable. You must report to the
25 office of the sheriff or the office of the circuit court in
26 (name of county) County to obtain a copy of the order. You are

1 subject to arrest and may be charged with a misdemeanor or
2 felony if you violate any of the terms of the order."

3 (c) Upon verification of the identity of the respondent and
4 the existence of an unserved order against the respondent, a
5 sheriff or other law enforcement official may detain the
6 respondent for a reasonable time necessary to complete and
7 serve the short form notification.

8 (d) When service is made by short form notification under
9 this Section, it may be proved by the affidavit of the person
10 making the service.

11 (e) The Attorney General shall make the short form
12 notification form available to law enforcement agencies in this
13 State.

14 (725 ILCS 5/112A-22.3)

15 Sec. 112A-22.3. Withdrawal or dismissal of charges or
16 petition.

17 (a) Voluntary dismissal or withdrawal of any delinquency
18 petition or criminal prosecution or a finding of not guilty
19 shall not require dismissal or vacation of the protective
20 order; instead, at the request of the petitioner, petitioner's
21 counsel, or the State's Attorney on behalf of the petitioner ~~in~~
22 ~~the discretion of the State's Attorney, or on the court's~~
23 ~~motion,~~ it may be treated as an independent action and, if
24 necessary and appropriate, transferred to a different court or
25 division. Dismissal of any delinquency petition or criminal

1 prosecution shall not affect the validity of any previously
2 issued protective order.

3 (b) Withdrawal or dismissal of any petition for a
4 protective order shall operate as a dismissal without
5 prejudice.

6 (Source: P.A. 100-199, eff. 1-1-18.)

7 (725 ILCS 5/112A-23) (from Ch. 38, par. 112A-23)

8 Sec. 112A-23. Enforcement of protective orders.

9 (a) When violation is crime. A violation of any protective
10 order ~~of protection~~, whether issued in a civil, quasi-criminal
11 proceeding, shall be enforced by a criminal court when:

12 (1) The respondent commits the crime of violation of a
13 domestic violence ~~an~~ order of protection pursuant to
14 Section 12-3.4 or 12-30 of the Criminal Code of 1961 or the
15 Criminal Code of 2012, by having knowingly violated:

16 (i) remedies described in paragraphs (1), (2),
17 (3), (14), or (14.5) of subsection (b) of Section
18 112A-14 of this Code,

19 (ii) a remedy, which is substantially similar to
20 the remedies authorized under paragraphs (1), (2),
21 (3), (14), or (14.5) of subsection (b) of Section 214
22 of the Illinois Domestic Violence Act of 1986, in a
23 valid order of protection, which is authorized under
24 the laws of another state, tribe or United States
25 territory,

1 (iii) or any other remedy when the act constitutes
2 a crime against the protected parties as defined by the
3 Criminal Code of 1961 or the Criminal Code of 2012.

4 Prosecution for a violation of a domestic violence ~~an~~
5 order of protection shall not bar concurrent prosecution
6 for any other crime, including any crime that may have been
7 committed at the time of the violation of the domestic
8 violence order of protection; or

9 (2) The respondent commits the crime of child abduction
10 pursuant to Section 10-5 of the Criminal Code of 1961 or
11 the Criminal Code of 2012, by having knowingly violated:

12 (i) remedies described in paragraphs (5), (6), or
13 (8) of subsection (b) of Section 112A-14 of this Code,
14 or

15 (ii) a remedy, which is substantially similar to
16 the remedies authorized under paragraphs (1), (5),
17 (6), or (8) of subsection (b) of Section 214 of the
18 Illinois Domestic Violence Act of 1986, in a valid
19 domestic violence order of protection, which is
20 authorized under the laws of another state, tribe or
21 United States territory.

22 (3) The respondent commits the crime of violation of a
23 civil no contact order when the respondent violates Section
24 12-3.8 of the Criminal Code of 2012. Prosecution for a
25 violation of a civil no contact order shall not bar
26 concurrent prosecution for any other crime, including any

1 crime that may have been committed at the time of the
2 violation of the civil no contact order.

3 (4) The respondent commits the crime of violation of a
4 stalking no contact order when the respondent violates
5 Section 12-3.9 of the Criminal Code of 2012. Prosecution
6 for a violation of a stalking no contact order shall not
7 bar concurrent prosecution for any other crime, including
8 any crime that may have been committed at the time of the
9 violation of the stalking no contact order.

10 (b) When violation is contempt of court. A violation of any
11 valid protective order, whether issued in a civil or criminal
12 proceeding, may be enforced through civil or criminal contempt
13 procedures, as appropriate, by any court with jurisdiction,
14 regardless where the act or acts which violated the protective
15 order were committed, to the extent consistent with the venue
16 provisions of this Article. Nothing in this Article shall
17 preclude any Illinois court from enforcing any valid protective
18 order issued in another state. Illinois courts may enforce
19 protective orders through both criminal prosecution and
20 contempt proceedings, unless the action which is second in time
21 is barred by collateral estoppel or the constitutional
22 prohibition against double jeopardy.

23 (1) In a contempt proceeding where the petition for a
24 rule to show cause sets forth facts evidencing an immediate
25 danger that the respondent will flee the jurisdiction,
26 conceal a child, or inflict physical abuse on the

1 petitioner or minor children or on dependent adults in
2 petitioner's care, the court may order the attachment of
3 the respondent without prior service of the rule to show
4 cause or the petition for a rule to show cause. Bond shall
5 be set unless specifically denied in writing.

6 (2) A petition for a rule to show cause for violation
7 of a protective order shall be treated as an expedited
8 proceeding.

9 (c) Violation of custody, allocation of parental
10 responsibility, or support orders. A violation of remedies
11 described in paragraphs (5), (6), (8), or (9) of subsection (b)
12 of Section 112A-14 of this Code may be enforced by any remedy
13 provided by Section 607.5 of the Illinois Marriage and
14 Dissolution of Marriage Act. The court may enforce any order
15 for support issued under paragraph (12) of subsection (b) of
16 Section 112A-14 of this Code in the manner provided for under
17 Parts V and VII of the Illinois Marriage and Dissolution of
18 Marriage Act.

19 (d) Actual knowledge. A protective order may be enforced
20 pursuant to this Section if the respondent violates the order
21 after respondent has actual knowledge of its contents as shown
22 through one of the following means:

23 (1) (Blank).

24 (2) (Blank).

25 (3) By service of a protective an order of protection
26 under subsection (f) of Section 112A-17.5 or Section

1 112A-22 of this Code.

2 (4) By other means demonstrating actual knowledge of
3 the contents of the order.

4 (e) The enforcement of a protective an order ~~of protection~~
5 in civil or criminal court shall not be affected by either of
6 the following:

7 (1) The existence of a separate, correlative order
8 entered under Section 112A-15 of this Code.

9 (2) Any finding or order entered in a conjoined
10 criminal proceeding.

11 (f) Circumstances. The court, when determining whether or
12 not a violation of a protective order has occurred, shall not
13 require physical manifestations of abuse on the person of the
14 victim.

15 (g) Penalties.

16 (1) Except as provided in paragraph (3) of this
17 subsection (g), where the court finds the commission of a
18 crime or contempt of court under subsections (a) or (b) of
19 this Section, the penalty shall be the penalty that
20 generally applies in such criminal or contempt
21 proceedings, and may include one or more of the following:
22 incarceration, payment of restitution, a fine, payment of
23 attorneys' fees and costs, or community service.

24 (2) The court shall hear and take into account evidence
25 of any factors in aggravation or mitigation before deciding
26 an appropriate penalty under paragraph (1) of this

1 subsection (g).

2 (3) To the extent permitted by law, the court is
3 encouraged to:

4 (i) increase the penalty for the knowing violation
5 of any protective order over any penalty previously
6 imposed by any court for respondent's violation of any
7 protective order or penal statute involving petitioner
8 as victim and respondent as defendant;

9 (ii) impose a minimum penalty of 24 hours
10 imprisonment for respondent's first violation of any
11 protective order; and

12 (iii) impose a minimum penalty of 48 hours
13 imprisonment for respondent's second or subsequent
14 violation of a protective order

15 unless the court explicitly finds that an increased penalty
16 or that period of imprisonment would be manifestly unjust.

17 (4) In addition to any other penalties imposed for a
18 violation of a protective order, a criminal court may
19 consider evidence of any violations of a protective order:

20 (i) to increase, revoke, l or modify the bail bond on
21 an underlying criminal charge pursuant to Section
22 110-6 of this Code;

23 (ii) to revoke or modify an order of probation,
24 conditional discharge, l or supervision, pursuant to
25 Section 5-6-4 of the Unified Code of Corrections;

26 (iii) to revoke or modify a sentence of periodic

1 imprisonment, pursuant to Section 5-7-2 of the Unified
2 Code of Corrections.

3 (Source: P.A. 99-90, eff. 1-1-16; 100-199, eff. 1-1-18.)

4 (725 ILCS 5/112A-24) (from Ch. 38, par. 112A-24)

5 Sec. 112A-24. Modification, re-opening, and extension of
6 orders.

7 (a) Except as otherwise provided in this Section, upon
8 motion by petitioner, petitioner's counsel, or the State's
9 Attorney on behalf of the petitioner, the court may modify a
10 protective order:

11 (1) If respondent has abused petitioner since the
12 hearing for that order, by adding or altering one or more
13 remedies, as authorized by Section 112A-14, 112A-14.5, or
14 112A-14.7 of this Code Article; and

15 (2) Otherwise, by adding any remedy authorized by
16 Section 112A-14, 112A-14.5, or 112A-14.7 which was:

17 (i) reserved in that protective order;

18 (ii) not requested for inclusion in that
19 protective order; or

20 (iii) denied on procedural grounds, but not on the
21 merits.

22 (a-5) A petitioner, petitioner's counsel, or the State's
23 Attorney on the petitioner's behalf may file a motion to vacate
24 or modify a final permanent stalking no contact order ~~2 years~~
25 ~~or more after the expiration of the defendant's sentence~~. The

1 motion shall be served in accordance with Supreme Court Rules
2 11 and 12.

3 (b) Upon motion by the petitioner, petitioner's counsel,
4 State's Attorney, or respondent, the court may modify any prior
5 domestic violence order of protection's remedy for custody,
6 visitation or payment of support in accordance with the
7 relevant provisions of the Illinois Marriage and Dissolution of
8 Marriage Act.

9 (c) After 30 days following the entry of a protective
10 order, a court may modify that order only when changes in the
11 applicable law or facts since that final plenary order was
12 entered warrant a modification of its terms.

13 (d) (Blank).

14 (e) (Blank).

15 (f) (Blank).

16 (g) This Section does not limit the means, otherwise
17 available by law, for vacating or modifying protective orders.

18 (Source: P.A. 100-199, eff. 1-1-18.)

19 (725 ILCS 5/112A-26) (from Ch. 38, par. 112A-26)

20 Sec. 112A-26. Arrest without warrant.

21 (a) Any law enforcement officer may make an arrest without
22 warrant if the officer has probable cause to believe that the
23 person has committed or is committing any crime, including but
24 not limited to violation of a domestic violence ~~an~~ order of
25 protection, under Section 12-3.4 or 12-30 of the Criminal Code

1 of 1961 or the Criminal Code of 2012, violation of a civil no
2 contact order, under Section 11-1.75 of the Criminal Code of
3 2012, or violation of a stalking no contact order, under
4 Section 12-7.5A of the Criminal Code of 2012, even if the crime
5 was not committed in the presence of the officer.

6 (b) The law enforcement officer may verify the existence of
7 a protective order by telephone or radio communication with his
8 or her law enforcement agency or by referring to the copy of
9 the order provided by petitioner or respondent.

10 (Source: P.A. 100-199, eff. 1-1-18.)

11 (725 ILCS 5/112A-28) (from Ch. 38, par. 112A-28)

12 Sec. 112A-28. Data maintenance by law enforcement
13 agencies.

14 (a) All sheriffs shall furnish to the Department of State
15 Police, daily, in the form and detail the Department requires,
16 copies of any recorded protective orders issued by the court,
17 and any foreign protective orders ~~of protection~~ filed by the
18 clerk of the court, and transmitted to the sheriff by the clerk
19 of the court. Each protective order shall be entered in the Law
20 Enforcement Agencies Data System on the same day it is issued
21 by the court.

22 (b) The Department of State Police shall maintain a
23 complete and systematic record and index of all valid and
24 recorded protective orders issued or filed under this Act. The
25 data shall be used to inform all dispatchers and law

1 enforcement officers at the scene of an alleged incident of
2 abuse or violation of a protective order of any recorded prior
3 incident of abuse involving the abused party and the effective
4 dates and terms of any recorded protective order.

5 (c) The data, records and transmittals required under this
6 Section shall pertain to:

7 (1) any valid emergency, interim or plenary domestic
8 violence order of protection, civil no contact or stalking
9 no contact order issued in a civil proceeding; and

10 (2) any valid ex parte or final protective order issued
11 in a criminal proceeding or authorized under the laws of
12 another state, tribe, or United States territory.

13 (Source: P.A. 100-199, eff. 1-1-18.)

14 Section 99. Effective date. This Act takes effect upon
15 becoming law."