



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB4210

Introduced 1/5/2022, by Rep. Daniel Didech

#### SYNOPSIS AS INTRODUCED:

750 ILCS 60/103

from Ch. 40, par. 2311-3

Amends the Domestic Violence Act of 1986. Includes coercive control in the definition of "abuse". Defines "coercive control" as a pattern of behavior that in purpose or effect unreasonably interferes with a person's free will and personal liberty, including, but not limited to, unreasonably engaging in any of the following: (i) isolating the other party from friends, relatives, or other sources of support; (ii) depriving the other party of basic necessities; (iii) controlling, regulating, or monitoring the other party's movements, communications, daily behavior, finances, economic resources, or access to services; or (iv) compelling the other party by force, threat of force, or intimidation, including threats based on actual or suspected immigration status, to engage in conduct from which the other party has a right to abstain, or to abstain from conduct in which the other party has a right to engage.

LRB102 21326 LNS 30438 b

1 AN ACT concerning domestic violence.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Domestic Violence Act of 1986 is  
5 amended by changing Section 103 as follows:

6 (750 ILCS 60/103) (from Ch. 40, par. 2311-3)

7 Sec. 103. Definitions. For the purposes of this Act, the  
8 following terms shall have the following meanings:

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

14 (2) "Adult with disabilities" means an elder adult with  
15 disabilities or a high-risk adult with disabilities. A person  
16 may be an adult with disabilities for purposes of this Act even  
17 though he or she has never been adjudicated an incompetent  
18 adult. However, no court proceeding may be initiated or  
19 continued on behalf of an adult with disabilities over that  
20 adult's objection, unless such proceeding is approved by his  
21 or her legal guardian, if any.

22 (2.5) "Coercive control" means a pattern of behavior that  
23 in purpose or effect unreasonably interferes with a person's

1 free will and personal liberty. "Coercive control" includes,  
2 but is not limited to, unreasonably engaging in any of the  
3 following:

4 (i) isolating the other party from friends, relatives,  
5 or other sources of support;

6 (ii) depriving the other party of basic necessities;

7 (iii) controlling, regulating, or monitoring the other  
8 party's movements, communications, daily behavior,  
9 finances, economic resources, or access to services; or

10 (iv) compelling the other party by force, threat of  
11 force, or intimidation, including threats based on actual  
12 or suspected immigration status, to engage in conduct from  
13 which the other party has a right to abstain, or to abstain  
14 from conduct in which the other party has a right to  
15 engage.

16 (3) "Domestic violence" means abuse as defined in  
17 paragraph (1).

18 (4) "Elder adult with disabilities" means an adult  
19 prevented by advanced age from taking appropriate action to  
20 protect himself or herself from abuse by a family or household  
21 member.

22 (5) "Exploitation" means the illegal, including tortious,  
23 use of a high-risk adult with disabilities or of the assets or  
24 resources of a high-risk adult with disabilities.  
25 "Exploitation" includes, but is not limited to, the  
26 misappropriation of assets or resources of a high-risk adult

1 with disabilities by undue influence, by breach of a fiduciary  
2 relationship, by fraud, deception, or extortion, or the use of  
3 such assets or resources in a manner contrary to law.

4 (6) "Family or household members" include spouses, former  
5 spouses, parents, children, stepchildren, and other persons  
6 related by blood or by present or prior marriage, persons who  
7 share or formerly shared a common dwelling, persons who have  
8 or allegedly have a child in common, persons who share or  
9 allegedly share a blood relationship through a child, persons  
10 who have or have had a dating or engagement relationship,  
11 persons with disabilities and their personal assistants, and  
12 caregivers as defined in Section 12-4.4a of the Criminal Code  
13 of 2012. For purposes of this paragraph, neither a casual  
14 acquaintanceship nor ordinary fraternization between 2  
15 individuals in business or social contexts shall be deemed to  
16 constitute a dating relationship. In the case of a high-risk  
17 adult with disabilities, "family or household members"  
18 includes any person who has the responsibility for a high-risk  
19 adult as a result of a family relationship or who has assumed  
20 responsibility for all or a portion of the care of a high-risk  
21 adult with disabilities voluntarily, or by express or implied  
22 contract, or by court order.

23 (7) "Harassment" means knowing conduct which is not  
24 necessary to accomplish a purpose that is reasonable under the  
25 circumstances; would cause a reasonable person emotional  
26 distress; and does cause emotional distress to the petitioner.

1 Unless the presumption is rebutted by a preponderance of the  
2 evidence, the following types of conduct shall be presumed to  
3 cause emotional distress:

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

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

8 (iii) repeatedly following petitioner about in a  
9 public place or places;

10 (iv) repeatedly keeping petitioner under surveillance  
11 by remaining present outside his or her home, school,  
12 place of employment, vehicle or other place occupied by  
13 petitioner or by peering in petitioner's windows;

14 (v) improperly concealing a minor child from  
15 petitioner, repeatedly threatening to improperly remove a  
16 minor child of petitioner's from the jurisdiction or from  
17 the physical care of petitioner, repeatedly threatening to  
18 conceal a minor child from petitioner, or making a single  
19 such threat following an actual or attempted improper  
20 removal or concealment, unless respondent was fleeing an  
21 incident or pattern of domestic violence; or

22 (vi) threatening physical force, confinement, or  
23 restraint on one or more occasions.

24 (8) "High-risk adult with disabilities" means a person  
25 aged 18 or over whose physical or mental disability impairs  
26 his or her ability to seek or obtain protection from abuse,

1 neglect, or exploitation.

2 (9) "Interference with personal liberty" means committing  
3 or threatening physical abuse, harassment, intimidation, or  
4 willful deprivation so as to compel another to engage in  
5 conduct from which she or he has a right to abstain or to  
6 refrain from conduct in which she or he has a right to engage.

7 (10) "Intimidation of a dependent" means subjecting a  
8 person who is dependent because of age, health, or disability  
9 to participation in or the witnessing of: physical force  
10 against another or physical confinement or restraint of  
11 another which constitutes physical abuse as defined in this  
12 Act, regardless of whether the abused person is a family or  
13 household member.

14 (11) (A) "Neglect" means the failure to exercise that  
15 degree of care toward a high-risk adult with disabilities  
16 which a reasonable person would exercise under the  
17 circumstances and includes but is not limited to:

18 (i) the failure to take reasonable steps to protect a  
19 high-risk adult with disabilities from acts of abuse;

20 (ii) the repeated, careless imposition of unreasonable  
21 confinement;

22 (iii) the failure to provide food, shelter, clothing,  
23 and personal hygiene to a high-risk adult with  
24 disabilities who requires such assistance;

25 (iv) the failure to provide medical and rehabilitative  
26 care for the physical and mental health needs of a

1 high-risk adult with disabilities; or

2 (v) the failure to protect a high-risk adult with  
3 disabilities from health and safety hazards.

4 (B) Nothing in this subsection ~~(10)~~ shall be construed to  
5 impose a requirement that assistance be provided to a  
6 high-risk adult with disabilities over his or her objection in  
7 the absence of a court order, nor to create any new affirmative  
8 duty to provide support to a high-risk adult with  
9 disabilities.

10 (12) "Order of protection" means an emergency order,  
11 interim order, or plenary order, granted pursuant to this Act,  
12 which includes any or all of the remedies authorized by  
13 Section 214 of this Act.

14 (13) "Petitioner" may mean not only any named petitioner  
15 for the order of protection and any named victim of abuse on  
16 whose behalf the petition is brought, but also any other  
17 person protected by this Act.

18 (14) "Physical abuse" includes sexual abuse and means any  
19 of the following:

20 (i) knowing or reckless use of physical force,  
21 confinement, or restraint;

22 (ii) knowing, repeated, and unnecessary sleep  
23 deprivation; or

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

26 (14.5) "Stay away" means for the respondent to refrain

1 from both physical presence and nonphysical contact with the  
2 petitioner whether direct, indirect (including, but not  
3 limited to, telephone calls, mail, email, faxes, and written  
4 notes), or through third parties who may or may not know about  
5 the order of protection.

6 (15) "Willful deprivation" means wilfully denying a person  
7 who because of age, health, or disability requires medication,  
8 medical care, shelter, accessible shelter or services, food,  
9 therapeutic device, or other physical assistance, and thereby  
10 exposing that person to the risk of physical, mental, or  
11 emotional harm, except with regard to medical care or  
12 treatment when the dependent person has expressed an intent to  
13 forgo such medical care or treatment. This paragraph does not  
14 create any new affirmative duty to provide support to  
15 dependent persons.

16 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)