



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB5654

Introduced 2/9/2024, by Rep. Stephanie A. Kifowit

#### SYNOPSIS AS INTRODUCED:

30 ILCS 105/5.1015 new	
30 ILCS 105/6z-140 new	
750 ILCS 60/103	from Ch. 40, par. 2311-3
750 ILCS 60/205	from Ch. 40, par. 2312-5
750 ILCS 60/212	from Ch. 40, par. 2312-12

Amends the Illinois Domestic Violence Act of 1986. Includes, in the definition of "abuse", the following: (i) coercive control that is a pattern of threatening, humiliating, or intimidating actions to harm an individual, stripping away the individual's sense of self and making the individual dependent by isolating, exploiting, and regulating the individual's behavior; (ii) emotional distress that undermines an individual's self-worth and self-esteem through constant criticism, diminishing abilities, and damaging relationships; (iii) psychological abuse that causes fear by intimidation, threatening harm, destroying property, and forcing isolation; as part of coercive control, it is a pattern of actions to harm, punish, or frighten that involves isolation, financial control, and coercion; and (iv) physical abuse or assault that includes actions such as hitting, slapping, and denying medical care. Requires that courts offer the option of a remote hearing to a petition for an order of protection that is now limited to counties with a population of more than 250,000. Amends the State Finance Act. Creates the Domestic Violence Victims' Expense Fund as a special fund in the State treasury for the purpose of assisting domestic violence victims in covering the expense of traveling to and from and participating in the domestic violence proceedings.

LRB103 36095 LNS 66185 b

1 AN ACT concerning civil law.

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

4 Section 5. The State Finance Act is amended by adding  
5 Section 5.1015 and 6z-140 as follows:

6 (30 ILCS 105/5.1015 new)

7 Sec. 5.1015. The Domestic Violence Victims' Expense Fund.

8 (30 ILCS 105/6z-140 new)

9 Sec. 6z-140. Domestic Violence Victims' Expense Fund. The  
10 Domestic Violence Victims' Expense Fund is created as a  
11 special fund in the State treasury. In addition to any other  
12 amounts deposited into the Fund, there shall be deposited into  
13 the Fund all moneys donated to the State by private  
14 individuals or entities for purposes for which moneys in the  
15 Fund may be used as provided in this Section. Subject to  
16 appropriations, the Department of Children and Family Services  
17 shall use moneys in the Fund to make grants to defray the  
18 reasonable and necessary travel expenses of victims of  
19 domestic violence to participate and travel to domestic  
20 violence proceedings. The Department shall adopt rules  
21 necessary for making grants under this Section.

1 Section 10. The Illinois Domestic Violence Act of 1986 is  
2 amended by changing Sections 103, 205, and 212 as follows:

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

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

6 (1) "Abuse" means any of the following:

7 (A) Coercive control that is a pattern of threatening,  
8 humiliating, or intimidating actions to harm an  
9 individual, stripping away the individual's sense of self  
10 and making the individual dependent by isolating,  
11 exploiting, and regulating the individual's behavior.

12 (B) Emotional distress that undermines an individual's  
13 self-worth and self-esteem through constant criticism,  
14 diminishing abilities, and damaging relationships.

15 (C) Psychological abuse that causes fear by  
16 intimidation, threatening harm, destroying property, and  
17 forcing isolation. As part of coercive control, it is a  
18 pattern of actions to harm, punish, or frighten that  
19 involves isolation, financial control, and coercion.

20 (D) Physical abuse or assault that includes actions  
21 such as hitting, slapping, and denying medical care  
22 ~~physical abuse, harassment, intimidation of a dependent,~~  
23 ~~interference with personal liberty or willful deprivation~~  
24 ~~but does not include reasonable direction of a minor child~~  
25 ~~by a parent or person in loco parentis.~~

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

9           (3) "Domestic violence" means abuse as defined in  
10 paragraph (1).

11           (4) "Elder adult with disabilities" means an adult  
12 prevented by advanced age from taking appropriate action to  
13 protect himself or herself from abuse by a family or household  
14 member.

15           (5) "Exploitation" means the illegal, including tortious,  
16 use of a high-risk adult with disabilities or of the assets or  
17 resources of a high-risk adult with disabilities. Exploitation  
18 includes, but is not limited to, the misappropriation of  
19 assets or resources of a high-risk adult with disabilities by  
20 undue influence, by breach of a fiduciary relationship, by  
21 fraud, deception, or extortion, or the use of such assets or  
22 resources in a manner contrary to law.

23           (6) "Family or household members" include spouses, former  
24 spouses, parents, children, stepchildren and other persons  
25 related by blood or by present or prior marriage, persons who  
26 share or formerly shared a common dwelling, persons who have

1 or allegedly have a child in common, persons who share or  
2 allegedly share a blood relationship through a child, persons  
3 who have or have had a dating or engagement relationship,  
4 persons with disabilities and their personal assistants, and  
5 caregivers as defined in Section 12-4.4a of the Criminal Code  
6 of 2012. For purposes of this paragraph, neither a casual  
7 acquaintanceship nor ordinary fraternization between 2  
8 individuals in business or social contexts shall be deemed to  
9 constitute a dating relationship. In the case of a high-risk  
10 adult with disabilities, "family or household members"  
11 includes any person who has the responsibility for a high-risk  
12 adult as a result of a family relationship or who has assumed  
13 responsibility for all or a portion of the care of a high-risk  
14 adult with disabilities voluntarily, or by express or implied  
15 contract, or by court order.

16 (7) "Harassment" means knowing conduct which is not  
17 necessary to accomplish a purpose that is reasonable under the  
18 circumstances; would cause a reasonable person emotional  
19 distress; and does cause emotional distress to the petitioner.  
20 Unless the presumption is rebutted by a preponderance of the  
21 evidence, the following types of conduct shall be presumed to  
22 cause emotional distress:

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

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

1 (iii) repeatedly following petitioner about in a  
2 public place or places;

3 (iv) repeatedly keeping petitioner under surveillance  
4 by remaining present outside his or her home, school,  
5 place of employment, vehicle or other place occupied by  
6 petitioner or by peering in petitioner's windows;

7 (v) improperly concealing a minor child from  
8 petitioner, repeatedly threatening to improperly remove a  
9 minor child of petitioner's from the jurisdiction or from  
10 the physical care of petitioner, repeatedly threatening to  
11 conceal a minor child from petitioner, or making a single  
12 such threat following an actual or attempted improper  
13 removal or concealment, unless respondent was fleeing an  
14 incident or pattern of domestic violence; or

15 (vi) threatening physical force, confinement or  
16 restraint on one or more occasions.

17 (8) "High-risk adult with disabilities" means a person  
18 aged 18 or over whose physical or mental disability impairs  
19 his or her ability to seek or obtain protection from abuse,  
20 neglect, or exploitation.

21 (9) "Interference with personal liberty" means committing  
22 or threatening physical abuse, harassment, intimidation or  
23 willful deprivation so as to compel another to engage in  
24 conduct from which she or he has a right to abstain or to  
25 refrain from conduct in which she or he has a right to engage.

26 (10) "Intimidation of a dependent" means subjecting a

1 person who is dependent because of age, health or disability  
2 to participation in or the witnessing of: physical force  
3 against another or physical confinement or restraint of  
4 another which constitutes physical abuse as defined in this  
5 Act, regardless of whether the abused person is a family or  
6 household member.

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

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

13 (ii) the repeated, careless imposition of unreasonable  
14 confinement;

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

18 (iv) the failure to provide medical and rehabilitative  
19 care for the physical and mental health needs of a  
20 high-risk adult with disabilities; or

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

23 (B) Nothing in this subsection (10) shall be construed to  
24 impose a requirement that assistance be provided to a  
25 high-risk adult with disabilities over his or her objection in  
26 the absence of a court order, nor to create any new affirmative

1 duty to provide support to a high-risk adult with  
2 disabilities.

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

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

11 (14) "Physical abuse" includes sexual abuse and means any  
12 of the following:

13 (i) knowing or reckless use of physical force,  
14 confinement or restraint;

15 (ii) knowing, repeated and unnecessary sleep  
16 deprivation; or

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

19 (14.5) "Stay away" means for the respondent to refrain  
20 from both physical presence and nonphysical contact with the  
21 petitioner whether direct, indirect (including, but not  
22 limited to, telephone calls, mail, email, faxes, and written  
23 notes), or through third parties who may or may not know about  
24 the order of protection.

25 (15) "Willful deprivation" means wilfully denying a person  
26 who because of age, health or disability requires medication,



1 medical care, shelter, accessible shelter or services, food,  
2 therapeutic device, or other physical assistance, and thereby  
3 exposing that person to the risk of physical, mental or  
4 emotional harm, except with regard to medical care or  
5 treatment when the dependent person has expressed an intent to  
6 forgo such medical care or treatment. This paragraph does not  
7 create any new affirmative duty to provide support to  
8 dependent persons.

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

10 (750 ILCS 60/205) (from Ch. 40, par. 2312-5)

11 Sec. 205. Application of rules of civil procedure;  
12 Domestic abuse advocates.

13 (a) Any proceeding to obtain, modify, reopen or appeal an  
14 order of protection, whether commenced alone or in conjunction  
15 with a civil or criminal proceeding, shall be governed by the  
16 rules of civil procedure of this State. The standard of proof  
17 in such a proceeding is proof by a preponderance of the  
18 evidence, whether the proceeding is heard in criminal or civil  
19 court. The Code of Civil Procedure and Supreme Court and local  
20 court rules applicable to civil proceedings, as now or  
21 hereafter amended, shall apply, except as otherwise provided  
22 by this law.

23 (b) (1) In all circuit court proceedings under this Act,  
24 domestic abuse advocates shall be allowed to attend and sit at  
25 counsel table and confer with the victim, unless otherwise

1 directed by the court.

2 (2) In criminal proceedings in circuit courts, domestic  
3 abuse advocates shall be allowed to accompany the victim and  
4 confer with the victim, unless otherwise directed by the  
5 court.

6 (3) Court administrators shall allow domestic abuse  
7 advocates to assist victims of domestic violence in the  
8 preparation of petitions for orders of protection.

9 (4) Domestic abuse advocates are not engaged in the  
10 unauthorized practice of law when providing assistance of the  
11 types specified in this subsection (b).

12 (c) The Supreme Court of Illinois may adopt rules that  
13 promote the use of attorneys serving on a pro bono basis to  
14 represent victims under this Act.

15 (Source: P.A. 87-1186; 87-1255; 88-45.)

16 (750 ILCS 60/212) (from Ch. 40, par. 2312-12)

17 Sec. 212. Hearings.

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

24 (b) Any court or a division thereof which ordinarily does  
25 not decide matters of child custody and family support may

1 decline to decide contested issues of physical care, custody,  
2 visitation, or family support unless a decision on one or more  
3 of those contested issues is necessary to avoid the risk of  
4 abuse, neglect, removal from the State or concealment within  
5 the State of the child or of separation of the child from the  
6 primary caretaker. If the court or division thereof has  
7 declined to decide any or all of these issues, then it shall  
8 transfer all undecided issues to the appropriate court or  
9 division. In the event of such a transfer, a government  
10 attorney involved in the criminal prosecution may, but need  
11 not, continue to offer counsel to the petitioner on  
12 transferred matters.

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

16 (d) A court ~~in a county with a population above 250,000~~  
17 shall offer the option of a remote hearing to a petitioner for  
18 an order of protection. The court has the discretion to grant  
19 or deny the request for a remote hearing. Each court shall  
20 determine the procedure for a remote hearing. The petitioner  
21 and respondent may appear remotely or in person.

22 The court shall issue and publish a court order, standing  
23 order, or local rule detailing information about the process  
24 for requesting and participating in a remote court appearance.  
25 The court order, standing order, or local rule shall be  
26 published on the court's website and posted on signs

1 throughout the courthouse, including in the clerk's office.  
2 The sign shall be written in plain language and include  
3 information about the availability of remote court appearances  
4 and the process for requesting a remote hearing.  
5 (Source: P.A. 102-853, eff. 1-1-23; 103-154, eff. 6-30-23.)