

1 AN ACT concerning civil no contact orders.

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

4 ARTICLE I

5 GENERAL PROVISIONS

6 Section 101. Short title. This Act may be cited as the  
7 Civil No Contact Order Act.

8 Section 102. Purpose. Sexual assault is the most  
9 heinous crime against another person short of murder. Sexual  
10 assault inflicts humiliation, degradation, and terror on  
11 victims. According to the FBI, a woman is raped every 6  
12 minutes in the United States. Rape is recognized as the most  
13 underreported crime; estimates suggest that only one in seven  
14 rapes is reported to authorities. Victims who do not report  
15 the crime still desire safety and protection from future  
16 interactions with the offender. Some cases in which the rape  
17 is reported are not prosecuted. In these situations, the  
18 victim should be able to seek a civil remedy requiring only  
19 that the offender stay away from the victim.

20 Section 103. Definitions. As used in this Act:

21 "Abuse" means physical abuse, harassment, intimidation of  
22 a dependent, or interference with personal liberty.

23 "Civil no contact order" means an emergency order or  
24 plenary order granted under this Act, which includes a remedy  
25 authorized by Section 213 of this Act.

26 "Non-consensual" means a lack of freely given agreement.

27 "Petitioner" means any named petitioner for the no  
28 contact order or any named victim of non-consensual sexual  
29 conduct or non-consensual sexual penetration on whose behalf

1 the petition is brought.

2 "Sexual conduct" means any intentional or knowing  
3 touching or fondling by the petitioner or the respondent,  
4 either directly or through clothing, of the sex organs, anus,  
5 or breast of the petitioner or the respondent, or any part of  
6 the body of a child under 13 years of age, or any transfer or  
7 transmission of semen by the respondent upon any part of the  
8 clothed or unclothed body of the petitioner, for the purpose  
9 of sexual gratification or arousal of the petitioner or the  
10 respondent.

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

19 ARTICLE II

20 CIVIL NO CONTACT ORDERS

21 Section 201. Persons protected by this Act. A petition  
22 for a civil no contact order may be filed:

23 (1) by any person who is a victim of non-consensual  
24 sexual conduct or non-consensual sexual penetration,  
25 including a single incident of non-consensual sexual  
26 conduct or non-consensual sexual penetration; or

27 (2) by a person on behalf of a minor child or an  
28 adult who is a victim of non-consensual sexual conduct or  
29 non-consensual sexual penetration but, because of age,  
30 disability, health, or inaccessibility, cannot file the  
31 petition.

1 Section 202. Commencement of action; filing fees.

2 (a) An action for a civil no contact order is commenced  
3 by filing a petition for a civil no contact order in any  
4 civil court, unless specific courts are designated by local  
5 rule or order.

6 (b) No fee shall be charged by the clerk of the court  
7 for filing petitions or modifying or certifying orders. No  
8 fee shall be charged by the sheriff for service by the  
9 sheriff of a petition, rule, motion, or order in an action  
10 commenced under this Section.

11 (c) The court shall provide, through the office of the  
12 clerk of the court, simplified forms and clerical assistance  
13 to help with the writing and filing of a petition under this  
14 Section by any person not represented by counsel.

15 Section 203. Pleading; non-disclosure of address.

16 (a) A petition for a civil no contact order shall be in  
17 writing and verified or accompanied by affidavit and shall  
18 allege that the petitioner has been the victim of  
19 non-consensual sexual conduct or non-consensual sexual  
20 penetration by the respondent.

21 (b) If the petition states that disclosure of the  
22 petitioner's address would risk abuse of the petitioner or  
23 any member of the petitioner's family or household, that  
24 address may be omitted from all documents filed with the  
25 court. If the petitioner has not disclosed an address under  
26 this subsection, the petitioner shall designate an  
27 alternative address at which the respondent may serve notice  
28 of any motions.

29 Section 204. Application of rules of civil procedure;  
30 rape crisis advocates.

31 (a) Any proceeding to obtain, modify, reopen or appeal a  
32 civil no contact order shall be governed by the rules of

1 civil procedure of this State. The standard of proof in such  
2 a proceeding is proof by a preponderance of the evidence. The  
3 Code of Civil Procedure and Supreme Court and local court  
4 rules applicable to civil proceedings shall apply, except as  
5 otherwise provided by this Act.

6 (b) In circuit courts, rape crisis advocates shall be  
7 allowed to accompany the victim and confer with the victim,  
8 unless otherwise directed by the court. Court administrators  
9 shall allow rape crisis advocates to assist victims of  
10 non-consensual sexual conduct or non-consensual sexual  
11 penetration in the preparation of petitions for civil no  
12 contact orders. Rape crisis advocates are not engaged in the  
13 unauthorized practice of law when providing assistance of the  
14 types specified in this subsection (b). Communications  
15 between the petitioner and a rape crisis advocate are  
16 protected by the confidentiality of statements made to rape  
17 crisis personnel as provided for in Section 8-802.1 of the  
18 Code of Civil Procedure.

19 Section 204.5. Trial by jury. There shall be no right to  
20 trial by jury in any proceeding to obtain, modify, vacate or  
21 extend any order of protection under this Act. However,  
22 nothing in this Section shall deny any existing right to  
23 trial by jury in a criminal proceeding.

24 Section 205. Subject matter jurisdiction. Each of the  
25 circuit courts has the power to issue civil no contact  
26 orders.

27 Section 206. Jurisdiction over persons. The courts of  
28 this State have jurisdiction to bind (1) State residents and  
29 (2) non-residents having minimum contacts with this State, to  
30 the extent permitted by the long-arm statute, Section 2-209  
31 of the Code of Civil Procedure.

1           Section 207. Venue. A petition for a civil no contact  
2 order may be filed in any county where (1) the petitioner  
3 resides, (2) the respondent resides, or (3) the alleged  
4 non-consensual sexual conduct or non-consensual sexual  
5 penetration occurred.

6           Section 208. Process.

7           (a) Any action for a civil no contact order requires  
8 that a separate summons be issued and served. The summons  
9 shall be in the form prescribed by Supreme Court Rule 101(d),  
10 except that it shall require the respondent to answer or  
11 appear within 7 days. Attachments to the summons or notice  
12 shall include the petition for civil no contact order and  
13 supporting affidavits, if any, and any emergency civil no  
14 contact order that has been issued.

15           (b) The summons shall be served by the sheriff or other  
16 law enforcement officer at the earliest time and shall take  
17 precedence over other summonses except those of a similar  
18 emergency nature. Special process servers may be appointed at  
19 any time, and their designation shall not affect the  
20 responsibilities and authority of the sheriff or other  
21 official process servers.

22           (c) Service of process on a member of the respondent's  
23 household or by publication shall be adequate if: (1) the  
24 petitioner has made all reasonable efforts to accomplish  
25 actual service of process personally upon the respondent, but  
26 the respondent cannot be found to effect such service; and  
27 (2) the petitioner files an affidavit or presents sworn  
28 testimony as to those efforts.

29           (d) A plenary civil no contact order may be entered by  
30 default for the remedy sought in the petition, if the  
31 respondent has been served or given notice in accordance with  
32 subsection (a) and if the respondent then fails to appear as  
33 directed or fails to appear on any subsequent appearance or

1 hearing date agreed to by the parties or set by the court.

2 Section 209. Service of notice of hearings. Except as  
3 provided in Section 208, notice of hearings on petitions or  
4 motions shall be served in accordance with Supreme Court  
5 Rules 11 and 12, unless notice is excused by Section 214 of  
6 this Act or by the Code of Civil Procedure, Supreme Court  
7 Rules, or local rules.

8 Section 210. Hearings. A petition for a civil no contact  
9 order shall be treated as an expedited proceeding, and no  
10 court may transfer or otherwise decline to decide all or part  
11 of such petition. Nothing in this Section shall prevent the  
12 court from reserving issues if jurisdiction or notice  
13 requirements are not met.

14 Section 211. Continuances.

15 (a) Petitions for emergency remedies shall be granted or  
16 denied in accordance with the standards of Section 214,  
17 regardless of the respondent's appearance or presence in  
18 court.

19 (b) Any action for a civil no contact order is an  
20 expedited proceeding. Continuances shall be granted only for  
21 good cause shown and kept to the minimum reasonable duration,  
22 taking into account the reasons for the continuance.

23 Section 212. Hearsay exception.

24 (a) In proceedings for a no contact order and  
25 prosecutions for violating a no-contact order, the prior  
26 sexual activity or the reputation of the petitioner is  
27 inadmissible except:

28 (1) as evidence concerning the past sexual conduct  
29 of the petitioner with the respondent when this evidence  
30 is offered by the respondent upon the issue of whether

1 the petitioner consented to the sexual conduct with  
2 respect to which the offense is alleged; or

3 (2) when constitutionally required to be admitted.

4 (b) No evidence admissible under this Section may be  
5 introduced unless ruled admissible by the trial judge after  
6 an offer of proof has been made at a hearing held in camera  
7 to determine whether the respondent has evidence to impeach  
8 the witness in the event that prior sexual activity with the  
9 respondent is denied. The offer of proof shall include  
10 reasonably specific information as to the date, time, and  
11 place of the past sexual conduct between the petitioner and  
12 the respondent. Unless the court finds that reasonably  
13 specific information as to date, time, or place, or some  
14 combination thereof, has been offered as to prior sexual  
15 activity with the respondent, counsel for the respondent  
16 shall be ordered to refrain from inquiring into prior sexual  
17 activity between the petitioner and the respondent. The court  
18 may not admit evidence under this Section unless it  
19 determines at the hearing that the evidence is relevant and  
20 the probative value of the evidence outweighs the danger of  
21 unfair prejudice. The evidence shall be admissible at trial  
22 to the extent an order made by the court specifies the  
23 evidence that may be admitted and areas with respect to which  
24 the petitioner may be examined or cross examined.

25 Section 213. Civil no contact order; remedy.

26 (a) If the court finds that the petitioner has been a  
27 victim of non-consensual sexual conduct or non-consensual  
28 sexual penetration, a civil no contact order shall issue;  
29 provided that the petitioner must also satisfy the  
30 requirements of Section 214 on emergency orders or Section  
31 215 on plenary orders. The petitioner shall not be denied a  
32 civil no contact order because the petitioner or the  
33 respondent is a minor. The court, when determining whether or

1 not to issue a civil no contact order, may not require  
2 physical injury on the person of the victim. Modification and  
3 extension of prior civil no contact orders shall be in  
4 accordance with this Act.

5 (b) A civil no contact order shall order the respondent  
6 to (1) stay away from the petitioner, (2) stay away from any  
7 other person protected by the civil no contact order, (3)  
8 prohibit the respondent from abuse as defined in this Act or  
9 stalking of the petitioner, as defined in Section 12-7.3 of  
10 the Criminal Code of 1961 if the abuse or stalking has  
11 occurred or otherwise appears likely to occur if not  
12 prohibited, or (4) prohibit the respondent from entering or  
13 remaining present at the petitioner's school, place of  
14 employment, or other specified places at times when the  
15 petitioner is present, or both, if reasonable, given the  
16 balance of hardships. Hardships need not be balanced for the  
17 court to enter a stay away order or prohibit entry if the  
18 respondent has no right to enter the premises.

19 (c) Denial of a remedy may not be based, in whole or in  
20 part, on evidence that:

21 (1) the respondent has cause for any use of force,  
22 unless that cause satisfies the standards for justifiable  
23 use of force provided by Article VII of the Criminal Code  
24 of 1961;

25 (2) the respondent was voluntarily intoxicated;

26 (3) the petitioner acted in self-defense or defense  
27 of another, provided that, if the petitioner utilized  
28 force, such force was justifiable under Article VII of  
29 the Criminal Code of 1961;

30 (4) the petitioner did not act in self-defense or  
31 defense of another;

32 (5) the petitioner left the residence or household  
33 to avoid further non-consensual sexual conduct or  
34 non-consensual sexual penetration by the respondent; or



1           (6) the petitioner did not leave the residence or  
2 household to avoid further non-consensual sexual conduct  
3 or non-consensual sexual penetration by the respondent.

4           (d) Monetary damages are not recoverable as a remedy.

5           Section 213.5. Accountability for actions of others. For  
6 the purposes of issuing an order of protection, deciding what  
7 remedies should be included and enforcing the order, Article  
8 5 of the Criminal Code of 1961 shall govern whether  
9 respondent is legally accountable for the conduct of another  
10 person.

11          Section 214. Emergency civil no contact order.

12          (a) An emergency civil no contact order shall issue if  
13 the petitioner satisfies the requirements of this subsection

14          (a). The petitioner shall establish that:

15               (1) the court has jurisdiction under Section 208;

16               (2) the requirements of Section 213 are satisfied;

17          and

18               (3) there is good cause to grant the remedy,  
19 regardless of prior service of process or of notice upon  
20 the respondent, because the harm which that remedy is  
21 intended to prevent would be likely to occur if the  
22 respondent were given any prior notice, or greater notice  
23 than was actually given, of the petitioner's efforts to  
24 obtain judicial relief.

25          (b) If the respondent appears in court for this hearing  
26 for an emergency order, he or she may elect to file a general  
27 appearance and testify. Any resulting order may be an  
28 emergency order, governed by this Section. Notwithstanding  
29 the requirements of this Section, if all requirements of  
30 Section 215 have been met, the court may issue a plenary  
31 order.

32          (c) Emergency orders; court holidays and evenings.

1           (1) When the court is unavailable at the close of  
2 business, the petitioner may file a petition for a 21-day  
3 emergency order before any available circuit judge or  
4 associate judge who may grant relief under this Act. If  
5 the judge finds that there is an immediate and present  
6 danger of abuse against the petitioner and that the  
7 petitioner has satisfied the prerequisites set forth in  
8 subsection (a), that judge may issue an emergency civil  
9 no contact order.

10           (2) The chief judge of the circuit court may  
11 designate for each county in the circuit at least one  
12 judge to be reasonably available to issue orally, by  
13 telephone, by facsimile, or otherwise, an emergency civil  
14 no contact order at all times, whether or not the court  
15 is in session.

16           (3) Any order issued under this Section and any  
17 documentation in support of the order shall be certified  
18 on the next court day to the appropriate court. The clerk  
19 of that court shall immediately assign a case number,  
20 file the petition, order, and other documents with the  
21 court, and enter the order of record and file it with the  
22 sheriff for service, in accordance with Section 222.  
23 Filing the petition shall commence proceedings for  
24 further relief under Section 202. Failure to comply with  
25 the requirements of this paragraph (3) does not affect  
26 the validity of the order.

27           Section 215. Plenary civil no contact order. A plenary  
28 civil no contact order shall issue if the petitioner has  
29 served notice of the hearing for that order on the  
30 respondent, in accordance with Section 209, and satisfies the  
31 requirements of this Section. The petitioner must establish  
32 that:

33           (1) the court has jurisdiction under Section 206;

- 1           (2) the requirements of Section 213 are satisfied;
- 2           (3) a general appearance was made or filed by or
- 3 for the respondent or process was served on the
- 4 respondent in the manner required by Section 208; and
- 5           (4) the respondent has answered or is in default.

6           Section 216. Duration and extension of orders.

7           (a) Unless re-opened or extended or voided by entry of

8 an order of greater duration, an emergency order shall be

9 effective for not less than 14 nor more than 21 days.

10          (b) Except as otherwise provided in this Section, a

11 plenary civil no contact order shall be effective for a fixed

12 period of time, not to exceed 2 years. A plenary civil no

13 contact order entered in conjunction with another civil

14 proceeding shall remain in effect as follows:

15           (1) if entered as preliminary relief in that other

16 proceeding, until entry of final judgment in that other

17 proceeding;

18           (2) if incorporated into the final judgment in that

19 other proceeding, until the civil no contact order is

20 vacated or modified; or

21           (3) if incorporated in an order for involuntary

22 commitment, until termination of both the involuntary

23 commitment and any voluntary commitment, or for a fixed

24 period of time not exceeding 2 years.

25          (b) Any emergency or plenary order may be extended one

26 or more times, as required, provided that the requirements of

27 Section 214 or 215, as appropriate, are satisfied. If the

28 motion for extension is uncontested and the petitioner seeks

29 no modification of the order, the order may be extended on

30 the basis of the petitioner's motion or affidavit stating

31 that there has been no material change in relevant

32 circumstances since entry of the order and stating the reason

33 for the requested extension. Extensions may be granted only

1 in open court and not under the provisions of subsection (c)  
2 of Section 214, which applies only when the court is  
3 unavailable at the close of business or on a court holiday.

4 (c) Any civil no contact order which would expire on a  
5 court holiday shall instead expire at the close of the next  
6 court business day.

7 (d) The practice of dismissing or suspending a criminal  
8 prosecution in exchange for the issuance of a civil no  
9 contact order undermines the purposes of this Act. This  
10 Section shall not be construed as encouraging that practice.

11 Section 217. Contents of orders.

12 (a) Any civil no contact order shall describe each  
13 remedy granted by the court, in reasonable detail and not by  
14 reference to any other document, so that the respondent may  
15 clearly understand what he or she must do or refrain from  
16 doing.

17 (b) A civil no contact order shall further state the  
18 following:

19 (1) The name of each petitioner that the court  
20 finds was the victim of non-consensual sexual conduct or  
21 non-consensual sexual penetration by the respondent and  
22 the name of each other person protected by the order and  
23 that the person is protected by this Act.

24 (2) The date and time the civil no contact order  
25 was issued, whether it is an emergency or plenary order,  
26 and the duration of the order.

27 (3) The date, time, and place for any scheduled  
28 hearing for extension of that civil no contact order or  
29 for another order of greater duration or scope.

30 (4) For each remedy in an emergency civil no  
31 contact order, the reason for entering that remedy  
32 without prior notice to the respondent or greater notice  
33 than was actually given.

1 (c) A civil no contact order shall include the following  
2 notice, printed in conspicuous type: "Any knowing violation  
3 of a civil no contact order is a Class A misdemeanor. Any  
4 second or subsequent violation is a Class 4 felony."

5 Section 218. Notice of orders.

6 (a) Upon issuance of any civil no contact order, the  
7 clerk shall immediately, or on the next court day if an  
8 emergency order is issued in accordance with subsection (c)  
9 of Section 214:

10 (1) enter the order on the record and file it in  
11 accordance with the circuit court procedures; and

12 (2) provide a file stamped copy of the order to the  
13 respondent, if present, and to the petitioner.

14 (b) The clerk of the issuing judge shall, or the  
15 petitioner may, on the same day that a civil no contact order  
16 is issued, file a certified copy of that order with the  
17 sheriff or other law enforcement officials charged with  
18 maintaining Department of State Police records or charged  
19 with serving the order upon the respondent. If the order was  
20 issued in accordance with subsection (c) of Section 214, the  
21 clerk shall, on the next court day, file a certified copy of  
22 the order with the Sheriff or other law enforcement officials  
23 charged with maintaining Department of State Police records.

24 (c) Unless the respondent was present in court when the  
25 order was issued, the sheriff, other law enforcement  
26 official, or special process server shall promptly serve that  
27 order upon the respondent and file proof of such service in  
28 the manner provided for service of process in civil  
29 proceedings. If process has not yet been served upon the  
30 respondent, it shall be served with the order or short form  
31 notification. A single fee may be charged for service of an  
32 order obtained in civil court, or for service of such an  
33 order together with process, unless waived or deferred under

1 Section 208.

2 (d) If the person against whom the civil no contact  
3 order is issued is arrested and the written order is issued  
4 in accordance with subsection (c) of Section 214 and received  
5 by the custodial law enforcement agency before the respondent  
6 or arrestee is released from custody, the custodial law  
7 enforcement agent shall promptly serve the order upon the  
8 respondent or arrestee before the respondent or arrestee is  
9 released from custody. In no event shall detention of the  
10 respondent or arrestee be extended for hearing on the  
11 petition for civil no contact order or receipt of the order  
12 issued under Section 214 of this Act.

13 (e) Any order extending, modifying, or revoking any  
14 civil no contact order shall be promptly recorded, issued,  
15 and served as provided in this Section.

16 (f) Upon the request of the petitioner, within 24 hours  
17 of the issuance of a civil no contact order, the clerk of the  
18 issuing judge shall send written notice of the order along  
19 with a certified copy of the order to any school, college, or  
20 university at which the petitioner is enrolled.

21 Section 219. Violation. A knowing violation of a civil no  
22 contact order is a Class A misdemeanor. A second or  
23 subsequent violation is a Class 4 felony.

24 ARTICLE III

25 LAW ENFORCEMENT RESPONSIBILITIES

26 Section 301. Arrest without warrant.

27 (a) Any law enforcement officer may make an arrest  
28 without warrant if the officer has probable cause to believe  
29 that the person has committed or is committing a violation of  
30 a civil no contact order.

31 (b) The law enforcement officer may verify the existence

1 of a civil no contact order by telephone or radio  
2 communication with his or her law enforcement agency or by  
3 referring to the copy of the order provided by the petitioner  
4 or the respondent.

5 Section 302. Data maintenance by law enforcement  
6 agencies.

7 (a) All sheriffs shall furnish to the Department of  
8 State Police, on the same day as received, in the form and  
9 detail the Department requires, copies of any recorded  
10 emergency or plenary civil no contact orders issued by the  
11 court and transmitted to the sheriff by the clerk of the  
12 court in accordance with subsection (b) of Section 218 of  
13 this Act. Each civil no contact order shall be entered in the  
14 Law Enforcement Agencies Data System on the same day it is  
15 issued by the court. If an emergency civil no contact order  
16 was issued in accordance with subsection (c) of Section 214,  
17 the order shall be entered in the Law Enforcement Agencies  
18 Data System as soon as possible after receipt from the clerk  
19 of the court.

20 (b) The Department of State Police shall maintain a  
21 complete and systematic record and index of all valid and  
22 recorded civil no contact orders issued under this Act. The  
23 data shall be used to inform all dispatchers and law  
24 enforcement officers at the scene of an alleged incident of  
25 non-consensual sexual conduct or non-consensual sexual  
26 penetration or violation of a civil no contact order of any  
27 recorded prior incident of non-consensual sexual conduct or  
28 non-consensual sexual penetration involving the victim and  
29 the effective dates and terms of any recorded civil no  
30 contact order.