

1 AN ACT concerning protective orders.

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

4 Section 5. The Code of Criminal Procedure of 1963 is  
5 amended by changing Section 112A-3 as follows:

6 (725 ILCS 5/112A-3) (from Ch. 38, par. 112A-3)

7 Sec. 112A-3. Definitions. For the purposes of this Article,  
8 the following terms shall have the following meanings:

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

13 (2) "Domestic violence" means abuse as described in  
14 paragraph (1).

15 (3) "Family or household members" include spouses, former  
16 spouses, parents, children, stepchildren and other persons  
17 related by blood or by present or prior marriage, persons who  
18 share or formerly shared a common dwelling, persons who have or  
19 allegedly have a child in common, persons who share or  
20 allegedly share a blood relationship through a child, persons  
21 who have or have had a dating or engagement relationship,  
22 persons with disabilities and their personal assistants, and  
23 caregivers as defined in paragraph (3) of subsection (b) of  
24 Section 12-21 of the Criminal Code of 1961. For purposes of  
25 this paragraph, neither a casual acquaintanceship nor ordinary  
26 fraternization between 2 individuals in business or social  
27 contexts shall be deemed to constitute a dating relationship.

28 (4) "Harassment" means knowing conduct which is not  
29 necessary to accomplish a purpose which is reasonable under the  
30 circumstances; would cause a reasonable person emotional  
31 distress; and does cause emotional distress to the petitioner.  
32 Unless the presumption is rebutted by a preponderance of the

1 evidence, the following types of conduct shall be presumed to  
2 cause emotional distress:

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

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

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

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

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

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

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

28 (6) "Intimidation of a dependent" means subjecting a person  
29 who is dependent because of age, health or disability to  
30 participation in or the witnessing of: physical force against  
31 another or physical confinement or restraint of another which  
32 constitutes physical abuse as defined in this Article,  
33 regardless of whether the abused person is a family or  
34 household member.

35 (7) "Order of protection" means an emergency order, interim  
36 order or plenary order, granted pursuant to this Article, which

1 includes any or all of the remedies authorized by Section  
2 112A-14 of this Code.

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

7 (9) "Physical abuse" includes sexual abuse and means any of  
8 the following:

9 (i) knowing or reckless use of physical force,  
10 confinement or restraint;

11 (ii) knowing, repeated and unnecessary sleep  
12 deprivation; or

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

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

21 (10) "Willful deprivation" means wilfully denying a person  
22 who because of age, health or disability requires medication,  
23 medical care, shelter, accessible shelter or services, food,  
24 therapeutic device, or other physical assistance, and thereby  
25 exposing that person to the risk of physical, mental or  
26 emotional harm, except with regard to medical care and  
27 treatment when such dependent person has expressed the intent  
28 to forgo such medical care or treatment. This paragraph does  
29 not create any new affirmative duty to provide support to  
30 dependent persons.

31 (Source: P.A. 92-253, eff. 1-1-02.)

32 Section 8. The Civil No Contact Order Act is amended by  
33 changing Sections 103, 202, 213, 214, 217, and 218 and by  
34 adding Sections 204.3 and 218.5 as follows:

1 (740 ILCS 22/103)

2 Sec. 103. Definitions. As used in this Act:

3 ~~"Abuse" means physical abuse, harassment, intimidation of~~  
4 ~~a dependent, or interference with personal liberty.~~

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

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

9 "Petitioner" means any named petitioner for the no contact  
10 order or any named victim of non-consensual sexual conduct or  
11 non-consensual sexual penetration on whose behalf the petition  
12 is brought.

13 "Sexual conduct" means any intentional or knowing touching  
14 or fondling by the petitioner or the respondent, either  
15 directly or through clothing, of the sex organs, anus, or  
16 breast of the petitioner or the respondent, or any part of the  
17 body of a child under 13 years of age, or any transfer or  
18 transmission of semen by the respondent upon any part of the  
19 clothed or unclothed body of the petitioner, for the purpose of  
20 sexual gratification or arousal of the petitioner or the  
21 respondent.

22 "Sexual penetration" means any contact, however slight,  
23 between the sex organ or anus of one person by an object, the  
24 sex organ, mouth or anus of another person, or any intrusion,  
25 however slight, of any part of the body of one person or of any  
26 animal or object into the sex organ or anus of another person,  
27 including but not limited to cunnilingus, fellatio or anal  
28 penetration. Evidence of emission of semen is not required to  
29 prove sexual penetration.

30 "Stay away" means to refrain from both physical presence  
31 and nonphysical contact with the petitioner directly,  
32 indirectly, or through third parties who may or may not know of  
33 the order. "Nonphysical contact" includes, but is not limited  
34 to, telephone calls, mail, e-mail, fax, and written notes.

35 (Source: P.A. 93-236, eff. 1-1-04.)

1 (740 ILCS 22/202)

2 Sec. 202. Commencement of action; filing fees.

3 (a) An action for a civil no contact order is commenced:

4 (1) independently, by filing a petition for a civil no  
5 contact order in any civil court, unless specific courts  
6 are designated by local rule or order; or

7 (2) in conjunction with a delinquency petition or a  
8 criminal prosecution, by filing a petition for a civil no  
9 contact order under the same case number as the delinquency  
10 petition or criminal prosecution, to be granted during  
11 pre-trial release of a defendant, with any dispositional  
12 order issued under Section 5-710 of the Juvenile Court Act  
13 of 1987 or as a condition of release, supervision,  
14 conditional discharge, probation, periodic imprisonment,  
15 parole, or mandatory supervised release, or in conjunction  
16 with imprisonment or a bond forfeiture warrant, provided  
17 that (i) the violation is alleged in an information,  
18 complaint, indictment, or delinquency petition on file and  
19 the alleged victim is a person protected by this Act, and  
20 (ii) the petition, which is filed by the State's Attorney,  
21 names a victim of the alleged crime as a petitioner.

22 (b) Withdrawal or dismissal of any petition for a civil no  
23 contact order prior to adjudication where the petitioner is  
24 represented by the State shall operate as a dismissal without  
25 prejudice. No action for a civil no contact order shall be  
26 dismissed because the respondent is being prosecuted for a  
27 crime against the petitioner. For any action commenced under  
28 item (2) of subsection (a) of this Section, dismissal of the  
29 conjoined case (or a finding of not guilty) shall not require  
30 dismissal of the action for a civil no contact order; instead,  
31 it may be treated as an independent action and, if necessary  
32 and appropriate, transferred to a different court or division.

33 (c) No fee shall be charged by the clerk of the court for  
34 filing petitions or modifying or certifying orders. No fee  
35 shall be charged by the sheriff for service by the sheriff of a  
36 petition, rule, motion, or order in an action commenced under

1 this Section.

2 (d) The court shall provide, through the office of the  
3 clerk of the court, simplified forms for ~~and clerical~~  
4 ~~assistance to help with the writing and~~ filing of a petition  
5 under this Section by any person not represented by counsel.

6 (Source: P.A. 93-236, eff. 1-1-04.)

7 (740 ILCS 22/204.3 new)

8 Sec. 204.3. Appointment of counsel. The court may appoint  
9 counsel to represent the petitioner if the respondent is  
10 represented by counsel.

11 (740 ILCS 22/213)

12 Sec. 213. Civil no contact order; remedy.

13 (a) If the court finds that the petitioner has been a  
14 victim of non-consensual sexual conduct or non-consensual  
15 sexual penetration, a civil no contact order shall issue;  
16 provided that the petitioner must also satisfy the requirements  
17 of Section 214 on emergency orders or Section 215 on plenary  
18 orders. The petitioner shall not be denied a civil no contact  
19 order because the petitioner or the respondent is a minor. The  
20 court, when determining whether or not to issue a civil no  
21 contact order, may not require physical injury on the person of  
22 the victim. Modification and extension of prior civil no  
23 contact orders shall be in accordance with this Act.

24 (b) A civil no contact order shall order one or more of the  
25 following:

26 (1) order the respondent to stay away from the  
27 petitioner; or

28 (2) other injunctive relief necessary or appropriate.  
29 ~~Order the respondent to stay away from any other person~~  
30 ~~protected by the civil no contact order;~~

31 ~~(3) prohibit the respondent from abuse, as defined in~~  
32 ~~this Act, or stalking of the petitioner, as defined in~~  
33 ~~Section 12-7.3 of the Criminal Code of 1961, if the abuse~~  
34 ~~or stalking has occurred or otherwise appears likely to~~

1 ~~occur if not prohibited; or~~

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

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

11 (1) the respondent has cause for any use of force,  
12 unless that cause satisfies the standards for justifiable  
13 use of force provided by Article VII of the Criminal Code  
14 of 1961;

15 (2) the respondent was voluntarily intoxicated;

16 (3) the petitioner acted in self-defense or defense of  
17 another, provided that, if the petitioner utilized force,  
18 such force was justifiable under Article VII of the  
19 Criminal Code of 1961;

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

22 (5) the petitioner left the residence or household to  
23 avoid further non-consensual sexual conduct or  
24 non-consensual sexual penetration by the respondent; or

25 (6) the petitioner did not leave the residence or  
26 household to avoid further non-consensual sexual conduct  
27 or non-consensual sexual penetration by the respondent.

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

29 (Source: P.A. 93-236, eff. 1-1-04.)

30 (740 ILCS 22/214)

31 Sec. 214. Emergency civil no contact order.

32 (a) An emergency civil no contact order shall issue if the  
33 petitioner satisfies the requirements of this subsection (a).

34 The petitioner shall establish that:

35 (1) the court has jurisdiction under Section 206 ~~208~~;

1           (2) the requirements of Section 213 are satisfied; and  
2           (3) there is good cause to grant the remedy, regardless  
3 of prior service of process or of notice upon the  
4 respondent, because the harm which that remedy is intended  
5 to prevent would be likely to occur if the respondent were  
6 given any prior notice, or greater notice than was actually  
7 given, of the petitioner's efforts to obtain judicial  
8 relief.

9           An emergency civil no contact order shall be issued by the  
10 court if it appears from the contents of the petition and the  
11 examination of the petitioner that the averments are sufficient  
12 to indicate nonconsensual sexual penetration by the respondent  
13 and to support the granting of relief under the issuance of the  
14 civil no contact order.

15           An emergency civil no contact order shall be issued if the  
16 court finds that subsections (1), (2), and (3) above are met.

17           (b) If the respondent appears in court for this hearing for  
18 an emergency order, he or she may elect to file a general  
19 appearance and testify. Any resulting order may be an emergency  
20 order, governed by this Section. Notwithstanding the  
21 requirements of this Section, if all requirements of Section  
22 215 have been met, the court may issue a plenary order.

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

24           (1) When the court is unavailable at the close of  
25 business, the petitioner may file a petition for a 21-day  
26 emergency order before any available circuit judge or  
27 associate judge who may grant relief under this Act. If the  
28 judge finds that there is an immediate and present danger  
29 of abuse against the petitioner and that the petitioner has  
30 satisfied the prerequisites set forth in subsection (a),  
31 that judge may issue an emergency civil no contact order.

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



1           (3) Any order issued under this Section and any  
2 documentation in support of the order shall be certified on  
3 the next court day to the appropriate court. The clerk of  
4 that court shall immediately assign a case number, file the  
5 petition, order, and other documents with the court, and  
6 enter the order of record and file it with the sheriff for  
7 service, in accordance with Section 222. Filing the  
8 petition shall commence proceedings for further relief  
9 under Section 202. Failure to comply with the requirements  
10 of this paragraph (3) does not affect the validity of the  
11 order.

12 (Source: P.A. 93-236, eff. 1-1-04.)

13 (740 ILCS 22/217)

14 Sec. 217. Contents of orders.

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

19 (b) A civil no contact order shall further state the  
20 following:

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

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

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

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

1           (5) For emergency civil no contact orders, that the  
2           respondent may petition the court, in accordance with  
3           Section 218.5, to reopen the order if he or she did not  
4           receive actual prior notice of the hearing as required  
5           under Section 209 of this Act and if the respondent alleges  
6           that he or she had a meritorious defense to the order or  
7           that the order or its remedy is not authorized by this Act.

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

12          (Source: P.A. 93-236, eff. 1-1-04.)

13           (740 ILCS 22/218)

14           Sec. 218. Notice of orders.

15           (a) Upon issuance of any civil no contact order, the clerk  
16          shall immediately, or on the next court day if an emergency  
17          order is issued in accordance with subsection (c) of Section  
18          214:

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

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

23           (b) The clerk of the issuing judge shall, or the petitioner  
24          may, on the same day that a civil no contact order is issued,  
25          file a certified copy of that order with the sheriff or other  
26          law enforcement officials charged with maintaining Department  
27          of State Police records or charged with serving the order upon  
28          the respondent. If the order was issued in accordance with  
29          subsection (c) of Section 214, the clerk shall, on the next  
30          court day, file a certified copy of the order with the Sheriff  
31          or other law enforcement officials charged with maintaining  
32          Department of State Police records.

33           (c) Unless the respondent was present in court when the  
34          order was issued, the sheriff, other law enforcement official,  
35          or special process server shall promptly serve that order upon

1 the respondent and file proof of such service in the manner  
2 provided for service of process in civil proceedings. If  
3 process has not yet been served upon the respondent, it shall  
4 be served with the order or short form notification. ~~A single  
5 fee may be charged for service of an order obtained in civil  
6 court, or for service of such an order together with process,  
7 unless waived or deferred under Section 208.~~

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

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

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

27 (Source: P.A. 93-236, eff. 1-1-04.)

28 (740 ILCS 22/218.5 new)

29 Sec. 218.5. Modification; reopening of orders.

30 (a) Except as otherwise provided in this Section, upon  
31 motion by the petitioner, the court may modify an emergency or  
32 plenary civil no contact order by altering the remedy, subject  
33 to Section 213.

34 (b) After 30 days following entry of a plenary civil no  
35 contact order, a court may modify that order only when a change

1 in the applicable law or facts since that plenary order was  
2 entered warrants a modification of its terms.

3 (c) Upon 2 days' notice to the petitioner, or such shorter  
4 notice as the court may prescribe, a respondent subject to an  
5 emergency civil no contact order issued under this Act may  
6 appear and petition the court to rehear the original or amended  
7 petition. Any petition to rehear shall be verified and shall  
8 allege the following:

9 (1) that the respondent did not receive prior notice of  
10 the initial hearing in which the emergency order was  
11 entered under Sections 209 and 214; and

12 (2) that the respondent had a meritorious defense to  
13 the order or any of its remedies or that the order or any  
14 of its remedies was not authorized by this Act.

15 Section 10. The Illinois Domestic Violence Act of 1986 is  
16 amended by changing Section 103 as follows:

17 (750 ILCS 60/103) (from Ch. 40, par. 2311-3)

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

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

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

32 (3) "Domestic violence" means abuse as defined in paragraph  
33 (1).

34 (4) "Elder adult with disabilities" means an adult

1 prevented by advanced age from taking appropriate action to  
2 protect himself or herself from abuse by a family or household  
3 member.

4 (5) "Exploitation" means the illegal, including tortious,  
5 use of a high-risk adult with disabilities or of the assets or  
6 resources of a high-risk adult with disabilities. Exploitation  
7 includes, but is not limited to, the misappropriation of assets  
8 or resources of a high-risk adult with disabilities by undue  
9 influence, by breach of a fiduciary relationship, by fraud,  
10 deception, or extortion, or the use of such assets or resources  
11 in a manner contrary to law.

12 (6) "Family or household members" include spouses, former  
13 spouses, parents, children, stepchildren and other persons  
14 related by blood or by present or prior marriage, persons who  
15 share or formerly shared a common dwelling, persons who have or  
16 allegedly have a child in common, persons who share or  
17 allegedly share a blood relationship through a child, persons  
18 who have or have had a dating or engagement relationship,  
19 persons with disabilities and their personal assistants, and  
20 caregivers as defined in paragraph (3) of subsection (b) of  
21 Section 12-21 of the Criminal Code of 1961. For purposes of  
22 this paragraph, neither a casual acquaintanceship nor ordinary  
23 fraternization between 2 individuals in business or social  
24 contexts shall be deemed to constitute a dating relationship.  
25 In the case of a high-risk adult with disabilities, "family or  
26 household members" includes any person who has the  
27 responsibility for a high-risk adult as a result of a family  
28 relationship or who has assumed responsibility for all or a  
29 portion of the care of a high-risk adult with disabilities  
30 voluntarily, or by express or implied contract, or by court  
31 order.

32 (7) "Harassment" means knowing conduct which is not  
33 necessary to accomplish a purpose that is reasonable under the  
34 circumstances; would cause a reasonable person emotional  
35 distress; and does cause emotional distress to the petitioner.  
36 Unless the presumption is rebutted by a preponderance of the

1 evidence, the following types of conduct shall be presumed to  
2 cause emotional distress:

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

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

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

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

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

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

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

27 (9) "Interference with personal liberty" means committing  
28 or threatening physical abuse, harassment, intimidation or  
29 willful deprivation so as to compel another to engage in  
30 conduct from which she or he has a right to abstain or to  
31 refrain from conduct in which she or he has a right to engage.

32 (10) "Intimidation of a dependent" means subjecting a  
33 person who is dependent because of age, health or disability to  
34 participation in or the witnessing of: physical force against  
35 another or physical confinement or restraint of another which  
36 constitutes physical abuse as defined in this Act, regardless

1 of whether the abused person is a family or household member.

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

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

8 (ii) the repeated, careless imposition of unreasonable  
9 confinement;

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

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

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

18 (B) Nothing in this subsection (10) shall be construed to  
19 impose a requirement that assistance be provided to a high-risk  
20 adult with disabilities over his or her objection in the  
21 absence of a court order, nor to create any new affirmative  
22 duty to provide support to a high-risk adult with disabilities.

23 (12) "Order of protection" means an emergency order,  
24 interim order or plenary order, granted pursuant to this Act,  
25 which includes any or all of the remedies authorized by Section  
26 214 of this Act.

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

31 (14) "Physical abuse" includes sexual abuse and means any  
32 of the following:

33 (i) knowing or reckless use of physical force,  
34 confinement or restraint;

35 (ii) knowing, repeated and unnecessary sleep  
36 deprivation; or

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

3           (14.5) "Stay away" means for the respondent to refrain from  
4           both physical presence and nonphysical contact with the  
5           petitioner whether direct, indirect (including, but not  
6           limited to, telephone calls, mail, email, faxes, and written  
7           notes), or through third parties who may or may not know about  
8           the order of protection.

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

18          (Source: P.A. 92-253, eff. 1-1-02.)