

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 Illinois Domestic Violence Act of 1986 is
5 amended by changing Sections 103 and 201.1 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, 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) (Blank). ~~"Adult with disabilities" means an elder adult~~
14 ~~with disabilities or a high risk adult with disabilities. A~~
15 ~~person may be an adult with disabilities for purposes of this~~
16 ~~Act even though he or she has never been adjudicated an~~
17 ~~incompetent adult. However, no court proceeding may be~~
18 ~~initiated or continued on behalf of an adult with disabilities~~
19 ~~over that adult's objection, unless such proceeding is approved~~
20 ~~by his or her legal guardian, if any.~~

21 (3) "Domestic violence" means abuse as defined in paragraph
22 (1).

23 (4) (Blank). ~~"Elder adult with disabilities" means an adult~~
24 ~~prevented by advanced age from taking appropriate action to~~
25 ~~protect himself or herself from abuse by a family or household~~
26 ~~member.~~

27 (5) "Exploitation" means the illegal, including tortious,
28 use of a high-risk adult with disabilities or of the assets or
29 resources of a high-risk adult with disabilities. Exploitation
30 includes, but is not limited to, the misappropriation of assets
31 or resources of a high-risk adult with disabilities by undue
32 influence, by breach of a fiduciary relationship, by fraud,

1 deception, or extortion, or the use of such assets or resources
2 in a manner contrary to law.

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

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

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

34 (iii) repeatedly following petitioner about in a
35 public place or places;

36 (iv) repeatedly keeping petitioner under surveillance

1 by remaining present outside his or her home, school, place
2 of employment, vehicle or other place occupied by
3 petitioner or by peering in petitioner's windows;

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

12 (vi) threatening physical force, confinement or
13 restraint on one or more occasions.

14 (8) "High-risk adult with disabilities" means a person aged
15 18 or over whose physical or mental disability or advanced age
16 impairs his or her ability to seek or obtain protection from
17 abuse, neglect, or exploitation. A person may be a high-risk
18 adult with disabilities for purposes of this Act even though he
19 or she has never been adjudicated an incompetent adult.

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

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

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

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

1 (ii) the repeated, careless imposition of unreasonable
2 confinement;

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

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

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

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

16 (12) "Order of protection" means an emergency order,
17 interim order or plenary order, granted pursuant to this Act,
18 which includes any or all of the remedies authorized by Section
19 214 of this Act.

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

24 (14) "Physical abuse" includes sexual abuse and means any
25 of the following:

26 (i) knowing or reckless use of physical force,
27 confinement or restraint;

28 (ii) knowing, repeated and unnecessary sleep
29 deprivation; or

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

32 (14.5) "Stay away" means for the respondent to refrain from
33 both physical presence and nonphysical contact with the
34 petitioner whether direct, indirect (including, but not
35 limited to, telephone calls, mail, email, faxes, and written
36 notes), or through third parties who may or may not know about

1 the order of protection.

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

11 (Source: P.A. 92-253, eff. 1-1-02; 93-811, eff. 1-1-05.)

12 (750 ILCS 60/201.1) (from Ch. 40, par. 2312-1.1)

13 Sec. 201.1. Access of high-risk adults. No person shall
14 obstruct or impede the access of a high-risk adult with
15 disabilities to any agency or organization authorized to file a
16 petition for an order of protection under Section 201 of this
17 Act for the purpose of a private visit relating to legal
18 rights, entitlements, claims and services under this Act and
19 Section 1 of "An Act in relation to domestic relations and
20 domestic violence shelters and service programs", approved
21 September 24, 1981, as now or hereafter amended. If a person
22 does so obstruct or impede such access of a high-risk adult
23 with disabilities, local law enforcement agencies shall take
24 all appropriate action to assist the party seeking access in
25 petitioning for a search warrant or an ex parte injunctive
26 order. Such warrant or order may issue upon a showing of
27 probable cause to believe that the high-risk adult with
28 disabilities is the subject of abuse, neglect, or exploitation
29 which constitutes a criminal offense or that any other criminal
30 offense is occurring which affects the interests or welfare of
31 the high-risk adult with disabilities. When, from the personal
32 observations of a law enforcement officer, it appears probable
33 that delay of entry in order to obtain a warrant or order would
34 cause the high-risk adult with disabilities to be in imminent
35 danger of death or great bodily harm, entry may be made by the

1 law enforcement officer after an announcement of the officer's
2 authority and purpose.

3 No court proceedings may be initiated or continued on
4 behalf of a high-risk adult with disabilities over that adult's
5 objection, unless the proceeding is approved by his or her
6 legal guardian, if any. In cases where a legal guardian of the
7 high-risk adult with disabilities objects to court proceedings
8 on behalf of the adult and the guardian is alleged or
9 substantiated to have abused, neglected, or exploited the
10 adult, the court shall consider such allegations or
11 substantiation in determining whether court proceedings under
12 this Act should be initiated or continued.

13 (Source: P.A. 86-542.)

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