

1 AN ACT concerning criminal law.

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 Sections 112A-1.5, 112A-2.5, 112A-3,
6 112A-4.5, 112A-5, 112A-5.5, 112A-8, 112A-11.5, 112A-12,
7 112A-14, 112A-16, 112A-20, 112A-21, 112A-22, 112A-22.3,
8 112A-23, 112A-24, 112A-26, and 112A-28 and by adding Sections
9 112A-6.1, 112A-17.5, and 112A-22.1 as follows:

10 (725 ILCS 5/112A-1.5)

11 Sec. 112A-1.5. Purpose and construction. The purpose of
12 this Article is to protect the safety of victims of domestic
13 violence, sexual assault, sexual abuse, and stalking and the
14 safety of their family and household members; and to minimize
15 the trauma and inconvenience associated with attending
16 separate and multiple civil court proceedings to obtain
17 protective orders. This Article shall be interpreted in
18 accordance with the constitutional rights of crime victims set
19 forth in Article I, Section 8.1 of the Illinois Constitution,
20 the purposes set forth in Section 2 of the Rights of Crime
21 Victims and Witnesses Act, and the use of protective orders to
22 implement the victim's right to be reasonably protected from
23 the defendant as provided in Section 4.5 of the Rights of

1 Victims and Witnesses Act.

2 (Source: P.A. 100-199, eff. 1-1-18.)

3 (725 ILCS 5/112A-2.5)

4 Sec. 112A-2.5. Types of protective orders. The following
5 protective orders may be entered in conjunction with a
6 delinquency petition or a criminal prosecution:

7 (1) a domestic violence ~~an~~ order of protection in cases
8 involving domestic violence;

9 (2) a civil no contact order in cases involving sexual
10 offenses; or

11 (3) a stalking no contact order in cases involving
12 stalking offenses.

13 (Source: P.A. 100-199, eff. 1-1-18.)

14 (725 ILCS 5/112A-3) (from Ch. 38, par. 112A-3)

15 Sec. 112A-3. Definitions.

16 (a) In ~~For the purposes of this Article:~~

17 "Advocate" means a person whose communications with the
18 victim are privileged under Section 8-802.1 or 8-802.2 of the
19 Code of Civil Procedure or Section 227 of the Illinois Domestic
20 Violence Act of 1986.

21 "Named victim" means the person named as the victim in the
22 delinquency petition or criminal prosecution.

23 "Protective order" ~~"protective order"~~ means a domestic
24 violence order of protection, a civil no contact order, or a

1 stalking no contact order.

2 (b) For the purposes of domestic violence cases, the
3 following terms shall have the following meanings in this
4 Article:

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

10 (2) "Domestic violence" means abuse as described in
11 paragraph (1) of this subsection (b).

12 (3) "Family or household members" include spouses,
13 former spouses, parents, children, stepchildren, and other
14 persons related by blood or by present or prior marriage,
15 persons who share or formerly shared a common dwelling,
16 persons who have or allegedly have a child in common,
17 persons who share or allegedly share a blood relationship
18 through a child, persons who have or have had a dating or
19 engagement relationship, persons with disabilities and
20 their personal assistants, and caregivers as defined in
21 subsection (e) of Section 12-4.4a of the Criminal Code of
22 2012. For purposes of this paragraph (3), neither a casual
23 acquaintanceship nor ordinary fraternization between 2
24 individuals in business or social contexts shall be deemed
25 to constitute a dating relationship.

26 (4) "Harassment" means knowing conduct which is not

1 necessary to accomplish a purpose which is reasonable under
2 the circumstances; would cause a reasonable person
3 emotional distress; and does cause emotional distress to
4 the petitioner. Unless the presumption is rebutted by a
5 preponderance of the evidence, the following types of
6 conduct shall be presumed to cause emotional distress:

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

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

11 (iii) repeatedly following petitioner about in a
12 public place or places;

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

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

1 (vi) threatening physical force, confinement or
2 restraint on one or more occasions.

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

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

16 (7) "Order of protection" or "domestic violence order
17 of protection" means an ex parte or final order, granted
18 pursuant to this Article, which includes any or all of the
19 remedies authorized by Section 112A-14 of this Code.

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

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

26 (i) knowing or reckless use of physical force,

1 confinement or restraint;

2 (ii) knowing, repeated and unnecessary sleep
3 deprivation; or

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

6 (9.3) "Respondent" in a petition for a domestic
7 violence ~~an~~ order of protection means the defendant.

8 (9.5) "Stay away" means for the respondent to refrain
9 from both physical presence and nonphysical contact with
10 the petitioner whether direct, indirect (including, but
11 not limited to, telephone calls, mail, email, faxes, and
12 written notes), or through third parties who may or may not
13 know about the domestic violence order of protection.

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

24 (c) For the purposes of cases involving sexual offenses,
25 the following terms shall have the following meanings in this
26 Article:

1 (1) "Civil no contact order" means an ex parte or final
2 order granted under this Article, which includes a remedy
3 authorized by Section 112A-14.5 of this Code.

4 (2) "Family or household members" include spouses,
5 parents, children, stepchildren, and persons who share a
6 common dwelling.

7 (3) "Non-consensual" means a lack of freely given
8 agreement.

9 (4) "Petitioner" means not only any named petitioner
10 for the civil no contact order and any named victim of
11 non-consensual sexual conduct or non-consensual sexual
12 penetration on whose behalf the petition is brought, but
13 includes any other person sought to be protected under this
14 Article.

15 (5) "Respondent" in a petition for a civil no contact
16 order means the defendant.

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

26 (7) "Sexual penetration" means any contact, however

1 slight, between the sex organ or anus of one person by an
2 object, the sex organ, mouth or anus of another person, or
3 any intrusion, however slight, of any part of the body of
4 one person or of any animal or object into the sex organ or
5 anus of another person, including, but not limited to,
6 cunnilingus, fellatio, or anal penetration. Evidence of
7 emission of semen is not required to prove sexual
8 penetration.

9 (8) "Stay away" means to refrain from both physical
10 presence and nonphysical contact with the petitioner
11 directly, indirectly, or through third parties who may or
12 may not know of the order. "Nonphysical contact" includes,
13 but is not limited to, telephone calls, mail, e-mail, fax,
14 and written notes.

15 (d) For the purposes of cases involving stalking offenses,
16 the following terms shall have the following meanings in this
17 Article:

18 (1) "Course of conduct" means 2 or more acts,
19 including, but not limited to, acts in which a respondent
20 directly, indirectly, or through third parties, by any
21 action, method, device, or means follows, monitors,
22 observes, surveils, threatens, or communicates to or
23 about, a person, engages in other contact, or interferes
24 with or damages a person's property or pet. A course of
25 conduct may include contact via electronic communications.
26 The incarceration of a person in a penal institution who

1 commits the course of conduct is not a bar to prosecution.

2 (2) "Emotional distress" means significant mental
3 suffering, anxiety, or alarm.

4 (3) "Contact" includes any contact with the victim,
5 that is initiated or continued without the victim's
6 consent, or that is in disregard of the victim's expressed
7 desire that the contact be avoided or discontinued,
8 including, but not limited to, being in the physical
9 presence of the victim; appearing within the sight of the
10 victim; approaching or confronting the victim in a public
11 place or on private property; appearing at the workplace or
12 residence of the victim; entering onto or remaining on
13 property owned, leased, or occupied by the victim; or
14 placing an object on, or delivering an object to, property
15 owned, leased, or occupied by the victim.

16 (4) "Petitioner" means any named petitioner for the
17 stalking no contact order or any named victim of stalking
18 on whose behalf the petition is brought.

19 (5) "Reasonable person" means a person in the
20 petitioner's circumstances with the petitioner's knowledge
21 of the respondent and the respondent's prior acts.

22 (6) "Respondent" in a petition for a civil no contact
23 order means the defendant.

24 (7) "Stalking" means engaging in a course of conduct
25 directed at a specific person, and he or she knows or
26 should know that this course of conduct would cause a

1 reasonable person to fear for his or her safety or the
2 safety of a third person or suffer emotional distress.
3 "Stalking" does not include an exercise of the right to
4 free speech or assembly that is otherwise lawful or
5 picketing occurring at the workplace that is otherwise
6 lawful and arises out of a bona fide labor dispute,
7 including any controversy concerning wages, salaries,
8 hours, working conditions or benefits, including health
9 and welfare, sick leave, insurance, and pension or
10 retirement provisions, the making or maintaining of
11 collective bargaining agreements, and the terms to be
12 included in those agreements.

13 (8) "Stalking no contact order" means an ex parte or
14 final order granted under this Article, which includes a
15 remedy authorized by Section 112A-14.7 of this Code.

16 (Source: P.A. 100-199, eff. 1-1-18.)

17 (725 ILCS 5/112A-4.5)

18 Sec. 112A-4.5. Who may file petition.

19 (a) A petition for a domestic violence ~~an~~ order of
20 protection may be filed:

21 (1) by a named victim ~~person~~ who has been abused by a
22 family or household member; or

23 (2) by any person on behalf of a named victim who is a
24 minor child or an adult who has been abused by a family or
25 household member and who, because of age, health,

1 disability, or inaccessibility, cannot file the petition.

2 (b) A petition for a civil no contact order may be filed:

3 (1) by any person who is a named victim of
4 non-consensual sexual conduct or non-consensual sexual
5 penetration, including a single incident of non-consensual
6 sexual conduct or non-consensual sexual penetration; or

7 (2) by a person on behalf of a named victim who is a
8 minor child or an adult who is a victim of non-consensual
9 sexual conduct or non-consensual sexual penetration but,
10 because of age, disability, health, or inaccessibility,
11 cannot file the petition.

12 (c) A petition for a stalking no contact order may be
13 filed:

14 (1) by any person who is a named victim of stalking; or

15 (2) by a person on behalf of a named victim who is a
16 minor child or an adult who is a victim of stalking but,
17 because of age, disability, health, or inaccessibility,
18 cannot file the petition.

19 (d) The State's Attorney shall file a petition on behalf of
20 ~~on~~ any person who may file a petition under subsections (a),
21 (b), or (c) of this Section if the person requests the State's
22 Attorney to file a petition on the person's behalf, unless the
23 State's Attorney informs the court that the State's Attorney
24 has reason to believe that additional investigation would
25 produce evidence that would result in dismissal of the charge.
26 If, after investigation, the State's Attorney decides to

1 proceed with the charge, the State's Attorney shall file a
2 petition.

3 (d-5) (1) A person eligible to file a petition under
4 subsection (a), (b), or (c) of this Section may retain an
5 attorney to represent the petitioner on the petitioner's
6 request for a protective order. The attorney's representation
7 is limited to matters related to the petition and relief
8 authorized under this Article.

9 (2) Advocates shall be allowed to accompany the
10 petitioner and confer with the victim, unless otherwise
11 directed by the court. Advocates are not engaged in the
12 unauthorized practice of law when providing assistance to
13 the petitioner.

14 (e) Any petition properly filed under this Article may seek
15 protection for any additional persons protected by this
16 Article.

17 (Source: P.A. 100-199, eff. 1-1-18.)

18 (725 ILCS 5/112A-5) (from Ch. 38, par. 112A-5)

19 Sec. 112A-5. Pleading; non-disclosure of address.

20 (a) A petition for a protective order shall be filed in
21 conjunction with a delinquency petition or criminal
22 prosecution, or in conjunction with imprisonment or a bond
23 forfeiture warrant, provided the petition names a victim of the
24 alleged crime. The petition may include a request for an ex
25 parte protective order, a final protective order, or both. The

1 petition shall be in writing and verified or accompanied by
2 affidavit and shall allege that:

3 (1) petitioner has been abused by respondent, who is a
4 family or household member;

5 (2) respondent has engaged in non-consensual sexual
6 conduct or non-consensual sexual penetration, including a
7 single incident of non-consensual sexual conduct or
8 non-consensual sexual penetration with petitioner; or

9 (3) petitioner has been stalked by respondent.

10 The petition shall further set forth whether there is any
11 other action between the petitioner and respondent. During the
12 pendency of this proceeding, the petitioner and respondent have
13 a continuing duty to inform the court of any subsequent
14 proceeding for a protective order in this State or any other
15 state.

16 (a-5) The petition shall indicate whether an ex parte
17 protective order, a protective order, or both are requested. If
18 the respondent receives notice of a petition for a final
19 protective order and the respondent requests a continuance to
20 respond to the petition, the petitioner may, either orally or
21 in writing, request an ex parte order. ~~petitioner has been~~
22 ~~abused by respondent, who is a family or household member. The~~
23 ~~petition shall further set forth whether there is any other~~
24 ~~action between the petitioner and respondent.~~

25 (b) The petitioner shall not be required to disclose the
26 petitioner's address. If the petition states that disclosure of

1 petitioner's address would risk abuse to or endanger the safety
2 of petitioner or any member of petitioner's family or household
3 or reveal the confidential address of a shelter for domestic
4 violence victims, that address may be omitted from all
5 documents filed with the court.

6 (Source: P.A. 100-199, eff. 1-1-18.)

7 (725 ILCS 5/112A-5.5)

8 Sec. 112A-5.5. Time for filing petition; service on
9 respondent, hearing on petition, and default orders.

10 (a) A petition for a protective order may be filed at any
11 time after a criminal charge or delinquency petition is filed
12 and before the charge or delinquency petition is dismissed, the
13 defendant or juvenile is acquitted, or the defendant or
14 juvenile completes service of his or her sentence. ~~The petition~~
15 ~~can be considered at any court proceeding in the delinquency or~~
16 ~~criminal case at which the defendant is present. The court may~~
17 ~~schedule a separate court proceeding to consider the petition.~~

18 (b) The request for an ex parte protective order may be
19 considered without notice to the respondent under Section
20 112A-17.5 of this Code.

21 (c) A summons shall be issued and served for a protective
22 order. The summons may be served by delivery to the respondent
23 personally in open court in the criminal or juvenile
24 delinquency proceeding, in the form prescribed by subsection
25 (d) of Supreme Court Rule 101, except that it shall require

1 respondent to answer or appear within 7 days. Attachments to
2 the summons shall include the petition for protective order,
3 supporting affidavits, if any, and any ex parte protective
4 order that has been issued.

5 (d) The summons shall be served by the sheriff or other law
6 enforcement officer at the earliest time available and shall
7 take precedence over any other summons, except those of a
8 similar emergency nature. Attachments to the summons shall
9 include the petition for protective order, supporting
10 affidavits, if any, and any ex parte protective order that has
11 been issued. Special process servers may be appointed at any
12 time and their designation shall not affect the
13 responsibilities and authority of the sheriff or other official
14 process servers. In a county with a population over 3,000,000,
15 a special process server may not be appointed if the protective
16 order grants the surrender of a child, the surrender of a
17 firearm or Firearm Owner's Identification Card, or the
18 exclusive possession of a shared residence.

19 (e) If the respondent is not served within 30 days of the
20 filing of the petition, the court shall schedule a court
21 proceeding on the issue of service. Either the petitioner, the
22 petitioner's counsel, or the State's Attorney shall appear and
23 the court shall either order continued attempts at personal
24 service or shall order service by publication, in accordance
25 with Sections 2-203, 2-206, and 2-207 of the Code of Civil
26 Procedure.

1 (f) The request for a final protective order can be
2 considered at any court proceeding in the delinquency or
3 criminal case after service of the petition. If the petitioner
4 has not been provided notice of the court proceeding at least
5 10 days in advance of the proceeding, the court shall schedule
6 a hearing on the petition and provide notice to the petitioner.

7 (g) Default orders.

8 (1) A final domestic violence order of protection may
9 be entered by default:

10 (A) for any of the remedies sought in the petition,
11 if respondent has been served with documents under
12 subsection (b) or (c) of this Section and if respondent
13 fails to appear on the specified return date or any
14 subsequent hearing date agreed to by the petitioner and
15 respondent or set by the court; or

16 (B) for any of the remedies provided under
17 paragraph (1), (2), (3), (5), (6), (7), (8), (9), (10),
18 (11), (14), (15), (17), or (18) of subsection (b) of
19 Section 112A-14 of this Code, or if the respondent
20 fails to answer or appear in accordance with the date
21 set in the publication notice or the return date
22 indicated on the service of a household member.

23 (2) A final civil no contact order may be entered by
24 default for any of the remedies provided in Section
25 112A-14.5 of this Code, if respondent has been served with
26 documents under subsection (b) or (c) of this Section, and

1 if the respondent fails to answer or appear in accordance
2 with the date set in the publication notice or the return
3 date indicated on the service of a household member.

4 (3) A final stalking no contact order may be entered by
5 default for any of the remedies provided by Section
6 112A-14.7 of this Code, if respondent has been served with
7 documents under subsection (b) or (c) of this Section and
8 if the respondent fails to answer or appear in accordance
9 with the date set in the publication notice or the return
10 date indicated on the service of a household member.

11 (Source: P.A. 100-199, eff. 1-1-18.)

12 (725 ILCS 5/112A-6.1 new)

13 Sec. 112A-6.1. Application of rules of civil procedure;
14 criminal law.

15 (a) Any proceeding to obtain, modify, re-open, or appeal a
16 protective order and service of pleadings and notices shall be
17 governed by the rules of civil procedure of this State. The
18 Code of Civil Procedure and Supreme Court and local court rules
19 applicable to civil proceedings shall apply, except as
20 otherwise provided by law. Civil law on venue, discovery, and
21 penalties for untrue statements shall not apply to protective
22 order proceedings heard under this Article.

23 (b) Criminal law on discovery, venue, and penalties for
24 untrue statements apply to protective order proceedings under
25 this Article.

1 (c) Court proceedings related to the entry of a protective
2 order and the determination of remedies shall not be used to
3 obtain discovery that would not otherwise be available in a
4 criminal prosecution or juvenile delinquency case.

5 (725 ILCS 5/112A-8) (from Ch. 38, par. 112A-8)

6 Sec. 112A-8. Subject matter jurisdiction. Each of the
7 circuit courts shall have the power to issue protective orders
8 ~~of protection.~~

9 (Source: P.A. 84-1305.)

10 (725 ILCS 5/112A-11.5)

11 Sec. 112A-11.5. Issuance of protective order.

12 (a) Except as provided in subsection (a-5) of this Section,
13 the ~~The~~ court shall grant the petition and enter a protective
14 order if the court finds prima facie evidence that a crime
15 involving domestic violence, a sexual offense, or a crime
16 involving stalking has been committed. The following shall be
17 considered prima facie evidence of the crime:

18 (1) an information, complaint, indictment, or
19 delinquency petition, charging a crime of domestic
20 violence, a sexual offense, or stalking or charging an
21 attempt to commit a crime of domestic violence, a sexual
22 offense, or stalking; ~~or~~

23 (2) an adjudication of delinquency, a finding of guilt
24 based upon a plea, or a finding of guilt after a trial for

1 a crime of domestic battery, a sexual crime, or stalking or
2 an attempt to commit a crime of domestic violence, a sexual
3 offense, or stalking;

4 (3) any dispositional order issued under Section 5-710
5 of the Juvenile Court Act of 1987, the imposition of
6 supervision, conditional discharge, probation, periodic
7 imprisonment, parole, aftercare release, or mandatory
8 supervised release for a crime of domestic violence, a
9 sexual offense, or stalking or an attempt to commit a crime
10 of domestic violence, a sexual offense, or stalking, or
11 imprisonment in conjunction with a bond forfeiture
12 warrant; or

13 (4) the entry of a protective order in a separate civil
14 case brought by the petitioner against the respondent.

15 (a-5) The respondent may rebut prima facie evidence of the
16 crime under paragraph (1) of subsection (a) of this Section by
17 presenting evidence of a meritorious defense. The respondent
18 shall file a written notice alleging a meritorious defense
19 which shall be verified and supported by affidavit. The
20 verified notice and affidavit shall set forth the evidence that
21 will be presented at a hearing. If the court finds that the
22 evidence presented at the hearing establishes a meritorious
23 defense by a preponderance of the evidence, the court may
24 decide not to issue a protective order.

25 (b) The petitioner shall not be denied a protective order
26 because the petitioner or the respondent is a minor.

1 (c) The court, when determining whether or not to issue a
2 protective order, may not require physical injury on the person
3 of the victim.

4 (d) If the court issues a final protective order under this
5 Section, the court shall afford the petitioner and respondent
6 an opportunity to be heard on the remedies requested in the
7 petition.

8 (Source: P.A. 100-199, eff. 1-1-18.)

9 (725 ILCS 5/112A-12) (from Ch. 38, par. 112A-12)

10 Sec. 112A-12. Transfer of issues not decided in cases
11 involving domestic violence.

12 (a) (Blank).

13 (a-5) A petition for a domestic violence order of
14 protection shall be treated as an expedited proceeding, and no
15 court shall transfer or otherwise decline to decide all or part
16 of the petition, except as otherwise provided in this Section.
17 Nothing in this Section shall prevent the court from reserving
18 issues when jurisdiction or notice requirements are not met.

19 (b) A criminal court may decline to decide contested issues
20 of physical care and possession of a minor child, temporary
21 allocation of parental responsibilities or significant
22 decision-making responsibility, parenting time, ~~custody,~~
23 visitation, or family support, unless a decision on one or more
24 of those contested issues is necessary to avoid the risk of
25 abuse, neglect, removal from the State, ~~state~~ or concealment

1 within the State ~~state~~ of the child or of separation of the
2 child from the primary caretaker.

3 (c) The court shall transfer to the appropriate court or
4 division any issue it has declined to decide. Any court may
5 transfer any matter which must be tried by jury to a more
6 appropriate calendar or division.

7 (d) If the court transfers or otherwise declines to decide
8 any issue, judgment on that issue shall be expressly reserved
9 and ruling on other issues shall not be delayed or declined.

10 (Source: P.A. 100-199, eff. 1-1-18.)

11 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

12 Sec. 112A-14. Domestic violence order ~~Order~~ of protection;
13 remedies.

14 (a) (Blank).

15 (b) The court may order any of the remedies listed in this
16 subsection (b). The remedies listed in this subsection (b)
17 shall be in addition to other civil or criminal remedies
18 available to petitioner.

19 (1) Prohibition of abuse. Prohibit respondent's
20 harassment, interference with personal liberty,
21 intimidation of a dependent, physical abuse, or willful
22 deprivation, as defined in this Article, if such abuse has
23 occurred or otherwise appears likely to occur if not
24 prohibited.

25 (2) Grant of exclusive possession of residence.

1 Prohibit respondent from entering or remaining in any
2 residence, household, or premises of the petitioner,
3 including one owned or leased by respondent, if petitioner
4 has a right to occupancy thereof. The grant of exclusive
5 possession of the residence, household, or premises shall
6 not affect title to real property, nor shall the court be
7 limited by the standard set forth in Section 701 of the
8 Illinois Marriage and Dissolution of Marriage Act.

9 (A) Right to occupancy. A party has a right to
10 occupancy of a residence or household if it is solely
11 or jointly owned or leased by that party, that party's
12 spouse, a person with a legal duty to support that
13 party or a minor child in that party's care, or by any
14 person or entity other than the opposing party that
15 authorizes that party's occupancy (e.g., a domestic
16 violence shelter). Standards set forth in subparagraph
17 (B) shall not preclude equitable relief.

18 (B) Presumption of hardships. If petitioner and
19 respondent each has the right to occupancy of a
20 residence or household, the court shall balance (i) the
21 hardships to respondent and any minor child or
22 dependent adult in respondent's care resulting from
23 entry of this remedy with (ii) the hardships to
24 petitioner and any minor child or dependent adult in
25 petitioner's care resulting from continued exposure to
26 the risk of abuse (should petitioner remain at the

1 residence or household) or from loss of possession of
2 the residence or household (should petitioner leave to
3 avoid the risk of abuse). When determining the balance
4 of hardships, the court shall also take into account
5 the accessibility of the residence or household.
6 Hardships need not be balanced if respondent does not
7 have a right to occupancy.

8 The balance of hardships is presumed to favor
9 possession by petitioner unless the presumption is
10 rebutted by a preponderance of the evidence, showing
11 that the hardships to respondent substantially
12 outweigh the hardships to petitioner and any minor
13 child or dependent adult in petitioner's care. The
14 court, on the request of petitioner or on its own
15 motion, may order respondent to provide suitable,
16 accessible, alternate housing for petitioner instead
17 of excluding respondent from a mutual residence or
18 household.

19 (3) Stay away order and additional prohibitions. Order
20 respondent to stay away from petitioner or any other person
21 protected by the domestic violence order of protection, or
22 prohibit respondent from entering or remaining present at
23 petitioner's school, place of employment, or other
24 specified places at times when petitioner is present, or
25 both, if reasonable, given the balance of hardships.
26 Hardships need not be balanced for the court to enter a

1 stay away order or prohibit entry if respondent has no
2 right to enter the premises.

3 (A) If a domestic violence ~~an~~ order of protection
4 grants petitioner exclusive possession of the
5 residence, ~~or~~ prohibits respondent from entering the
6 residence, or orders respondent to stay away from
7 petitioner or other protected persons, then the court
8 may allow respondent access to the residence to remove
9 items of clothing and personal adornment used
10 exclusively by respondent, medications, and other
11 items as the court directs. The right to access shall
12 be exercised on only one occasion as the court directs
13 and in the presence of an agreed-upon adult third party
14 or law enforcement officer.

15 (B) When the petitioner and the respondent attend
16 the same public, private, or non-public elementary,
17 middle, or high school, the court when issuing a
18 domestic violence ~~an~~ order of protection and providing
19 relief shall consider the severity of the act, any
20 continuing physical danger or emotional distress to
21 the petitioner, the educational rights guaranteed to
22 the petitioner and respondent under federal and State
23 law, the availability of a transfer of the respondent
24 to another school, a change of placement or a change of
25 program of the respondent, the expense, difficulty,
26 and educational disruption that would be caused by a

1 transfer of the respondent to another school, and any
2 other relevant facts of the case. The court may order
3 that the respondent not attend the public, private, or
4 non-public elementary, middle, or high school attended
5 by the petitioner, order that the respondent accept a
6 change of placement or change of program, as determined
7 by the school district or private or non-public school,
8 or place restrictions on the respondent's movements
9 within the school attended by the petitioner. The
10 respondent bears the burden of proving by a
11 preponderance of the evidence that a transfer, change
12 of placement, or change of program of the respondent is
13 not available. The respondent also bears the burden of
14 production with respect to the expense, difficulty,
15 and educational disruption that would be caused by a
16 transfer of the respondent to another school. A
17 transfer, change of placement, or change of program is
18 not unavailable to the respondent solely on the ground
19 that the respondent does not agree with the school
20 district's or private or non-public school's transfer,
21 change of placement, or change of program or solely on
22 the ground that the respondent fails or refuses to
23 consent or otherwise does not take an action required
24 to effectuate a transfer, change of placement, or
25 change of program. When a court orders a respondent to
26 stay away from the public, private, or non-public

1 school attended by the petitioner and the respondent
2 requests a transfer to another attendance center
3 within the respondent's school district or private or
4 non-public school, the school district or private or
5 non-public school shall have sole discretion to
6 determine the attendance center to which the
7 respondent is transferred. If the court order results
8 in a transfer of the minor respondent to another
9 attendance center, a change in the respondent's
10 placement, or a change of the respondent's program, the
11 parents, guardian, or legal custodian of the
12 respondent is responsible for transportation and other
13 costs associated with the transfer or change.

14 (C) The court may order the parents, guardian, or
15 legal custodian of a minor respondent to take certain
16 actions or to refrain from taking certain actions to
17 ensure that the respondent complies with the order. If
18 the court orders a transfer of the respondent to
19 another school, the parents, guardian, or legal
20 custodian of the respondent is responsible for
21 transportation and other costs associated with the
22 change of school by the respondent.

23 (4) Counseling. Require or recommend the respondent to
24 undergo counseling for a specified duration with a social
25 worker, psychologist, clinical psychologist, psychiatrist,
26 family service agency, alcohol or substance abuse program,

1 mental health center guidance counselor, agency providing
2 services to elders, program designed for domestic violence
3 abusers or any other guidance service the court deems
4 appropriate. The court may order the respondent in any
5 intimate partner relationship to report to an Illinois
6 Department of Human Services protocol approved partner
7 abuse intervention program for an assessment and to follow
8 all recommended treatment.

9 (5) Physical care and possession of the minor child. In
10 order to protect the minor child from abuse, neglect, or
11 unwarranted separation from the person who has been the
12 minor child's primary caretaker, or to otherwise protect
13 the well-being of the minor child, the court may do either
14 or both of the following: (i) grant petitioner physical
15 care or possession of the minor child, or both, or (ii)
16 order respondent to return a minor child to, or not remove
17 a minor child from, the physical care of a parent or person
18 in loco parentis.

19 If the respondent is charged with abuse (as defined in
20 Section 112A-3 of this Code) of a minor child, there shall
21 be a rebuttable presumption that awarding physical care to
22 respondent would not be in the minor child's best interest.

23 (6) Temporary allocation of parental responsibilities
24 and significant decision-making responsibilities ~~legal~~
25 ~~custody~~. Award temporary significant decision-making
26 responsibility ~~legal custody~~ to petitioner in accordance

1 with this Section, the Illinois Marriage and Dissolution of
2 Marriage Act, the Illinois Parentage Act of 2015, and this
3 State's Uniform Child-Custody Jurisdiction and Enforcement
4 Act.

5 If the respondent is charged with abuse (as defined in
6 Section 112A-3 of this Code) of a minor child, there shall
7 be a rebuttable presumption that awarding temporary
8 significant decision-making responsibility ~~legal custody~~
9 to respondent would not be in the child's best interest.

10 (7) Parenting time ~~Visitation~~. Determine the parenting
11 time ~~visitation rights~~, if any, of respondent in any case
12 in which the court awards physical care or temporary
13 significant decision-making responsibility ~~legal custody~~
14 of a minor child to petitioner. The court shall restrict or
15 deny respondent's parenting time ~~visitation~~ with a minor
16 child if the court finds that respondent has done or is
17 likely to do any of the following:

18 (i) abuse or endanger the minor child during
19 parenting time ~~visitation~~;

20 (ii) use the parenting time ~~visitation~~ as an
21 opportunity to abuse or harass petitioner or
22 petitioner's family or household members;

23 (iii) improperly conceal or detain the minor
24 child; or

25 (iv) otherwise act in a manner that is not in the
26 best interests of the minor child.

1 The court shall not be limited by the standards set
2 forth in Section 603.10 ~~607.1~~ of the Illinois Marriage and
3 Dissolution of Marriage Act. If the court grants parenting
4 time visitation, the order shall specify dates and times
5 for the parenting time visitation to take place or other
6 specific parameters or conditions that are appropriate. No
7 order for parenting time visitation shall refer merely to
8 the term "reasonable parenting time" ~~"reasonable~~
9 ~~visitation"~~. Petitioner may deny respondent access to the
10 minor child if, when respondent arrives for parenting time
11 ~~visitation~~, respondent is under the influence of drugs or
12 alcohol and constitutes a threat to the safety and
13 well-being of petitioner or petitioner's minor children or
14 is behaving in a violent or abusive manner. If necessary to
15 protect any member of petitioner's family or household from
16 future abuse, respondent shall be prohibited from coming to
17 petitioner's residence to meet the minor child for
18 parenting time visitation, and the petitioner and
19 respondent parties shall submit to the court their
20 recommendations for reasonable alternative arrangements
21 for parenting time visitation. A person may be approved to
22 supervise parenting time visitation only after filing an
23 affidavit accepting that responsibility and acknowledging
24 accountability to the court.

25 (8) Removal or concealment of minor child. Prohibit
26 respondent from removing a minor child from the State or

1 concealing the child within the State.

2 (9) Order to appear. Order the respondent to appear in
3 court, alone or with a minor child, to prevent abuse,
4 neglect, removal or concealment of the child, to return the
5 child to the custody or care of the petitioner, or to
6 permit any court-ordered interview or examination of the
7 child or the respondent.

8 (10) Possession of personal property. Grant petitioner
9 exclusive possession of personal property and, if
10 respondent has possession or control, direct respondent to
11 promptly make it available to petitioner, if:

12 (i) petitioner, but not respondent, owns the
13 property; or

14 (ii) the petitioner and respondent ~~parties~~ own the
15 property jointly; sharing it would risk abuse of
16 petitioner by respondent or is impracticable; and the
17 balance of hardships favors temporary possession by
18 petitioner.

19 If petitioner's sole claim to ownership of the property
20 is that it is marital property, the court may award
21 petitioner temporary possession thereof under the
22 standards of subparagraph (ii) of this paragraph only if a
23 proper proceeding has been filed under the Illinois
24 Marriage and Dissolution of Marriage Act, as now or
25 hereafter amended.

26 No order under this provision shall affect title to

1 property.

2 (11) Protection of property. Forbid the respondent
3 from taking, transferring, encumbering, concealing,
4 damaging, or otherwise disposing of any real or personal
5 property, except as explicitly authorized by the court, if:

6 (i) petitioner, but not respondent, owns the
7 property; or

8 (ii) the petitioner and respondent ~~parties~~ own the
9 property jointly, and the balance of hardships favors
10 granting this remedy.

11 If petitioner's sole claim to ownership of the property
12 is that it is marital property, the court may grant
13 petitioner relief under subparagraph (ii) of this
14 paragraph only if a proper proceeding has been filed under
15 the Illinois Marriage and Dissolution of Marriage Act, as
16 now or hereafter amended.

17 The court may further prohibit respondent from
18 improperly using the financial or other resources of an
19 aged member of the family or household for the profit or
20 advantage of respondent or of any other person.

21 (11.5) Protection of animals. Grant the petitioner the
22 exclusive care, custody, or control of any animal owned,
23 possessed, leased, kept, or held by either the petitioner
24 or the respondent or a minor child residing in the
25 residence or household of either the petitioner or the
26 respondent and order the respondent to stay away from the

1 animal and forbid the respondent from taking,
2 transferring, encumbering, concealing, harming, or
3 otherwise disposing of the animal.

4 (12) Order for payment of support. Order respondent to
5 pay temporary support for the petitioner or any child in
6 the petitioner's care or over whom the petitioner has been
7 allocated parental responsibility ~~custody~~, when the
8 respondent has a legal obligation to support that person,
9 in accordance with the Illinois Marriage and Dissolution of
10 Marriage Act, which shall govern, among other matters, the
11 amount of support, payment through the clerk and
12 withholding of income to secure payment. An order for child
13 support may be granted to a petitioner with lawful physical
14 care ~~or custody~~ of a child, or an order or agreement for
15 physical care of a child ~~or custody~~, prior to entry of an
16 order allocating significant decision-making
17 responsibility ~~for legal custody~~. Such a support order
18 shall expire upon entry of a valid order allocating
19 parental responsibility differently and vacating
20 petitioner's significant decision-making responsibility
21 ~~granting legal custody to another~~, unless otherwise
22 provided in the ~~custody~~ order.

23 (13) Order for payment of losses. Order respondent to
24 pay petitioner for losses suffered as a direct result of
25 the abuse. Such losses shall include, but not be limited
26 to, medical expenses, lost earnings or other support,

1 repair or replacement of property damaged or taken,
2 reasonable attorney's fees, court costs, and moving or
3 other travel expenses, including additional reasonable
4 expenses for temporary shelter and restaurant meals.

5 (i) Losses affecting family needs. If a party is
6 entitled to seek maintenance, child support, or
7 property distribution from the other party under the
8 Illinois Marriage and Dissolution of Marriage Act, as
9 now or hereafter amended, the court may order
10 respondent to reimburse petitioner's actual losses, to
11 the extent that such reimbursement would be
12 "appropriate temporary relief", as authorized by
13 subsection (a) (3) of Section 501 of that Act.

14 (ii) Recovery of expenses. In the case of an
15 improper concealment or removal of a minor child, the
16 court may order respondent to pay the reasonable
17 expenses incurred or to be incurred in the search for
18 and recovery of the minor child, including, but not
19 limited to, legal fees, court costs, private
20 investigator fees, and travel costs.

21 (14) Prohibition of entry. Prohibit the respondent
22 from entering or remaining in the residence or household
23 while the respondent is under the influence of alcohol or
24 drugs and constitutes a threat to the safety and well-being
25 of the petitioner or the petitioner's children.

26 (14.5) Prohibition of firearm possession.

1 (A) A person who is subject to an existing domestic
2 violence order of protection, issued under this Code
3 may not lawfully possess weapons under Section 8.2 of
4 the Firearm Owners Identification Card Act.

5 (B) Any firearms in the possession of the
6 respondent, except as provided in subparagraph (C) of
7 this paragraph (14.5), shall be ordered by the court to
8 be turned over to a person with a valid Firearm Owner's
9 Identification Card for safekeeping. The court shall
10 issue an order that the respondent's Firearm Owner's
11 Identification Card be turned over to the local law
12 enforcement agency, which in turn shall immediately
13 mail the card to the Department of State Police Firearm
14 Owner's Identification Card Office for safekeeping.
15 The period of safekeeping shall be for the duration of
16 the domestic violence order of protection. The firearm
17 or firearms and Firearm Owner's Identification Card,
18 if unexpired, shall at the respondent's request be
19 returned to the respondent at expiration of the
20 domestic violence order of protection.

21 (C) If the respondent is a peace officer as defined
22 in Section 2-13 of the Criminal Code of 2012, the court
23 shall order that any firearms used by the respondent in
24 the performance of his or her duties as a peace officer
25 be surrendered to the chief law enforcement executive
26 of the agency in which the respondent is employed, who

1 shall retain the firearms for safekeeping for the
2 duration of the domestic violence order of protection.

3 (D) Upon expiration of the period of safekeeping,
4 if the firearms or Firearm Owner's Identification Card
5 cannot be returned to respondent because respondent
6 cannot be located, fails to respond to requests to
7 retrieve the firearms, or is not lawfully eligible to
8 possess a firearm, upon petition from the local law
9 enforcement agency, the court may order the local law
10 enforcement agency to destroy the firearms, use the
11 firearms for training purposes, or for any other
12 application as deemed appropriate by the local law
13 enforcement agency; or that the firearms be turned over
14 to a third party who is lawfully eligible to possess
15 firearms, and who does not reside with respondent.

16 (15) Prohibition of access to records. If a domestic
17 violence ~~an~~ order of protection prohibits respondent from
18 having contact with the minor child, or if petitioner's
19 address is omitted under subsection (b) of Section 112A-5
20 of this Code, or if necessary to prevent abuse or wrongful
21 removal or concealment of a minor child, the order shall
22 deny respondent access to, and prohibit respondent from
23 inspecting, obtaining, or attempting to inspect or obtain,
24 school or any other records of the minor child who is in
25 the care of petitioner.

26 (16) Order for payment of shelter services. Order

1 respondent to reimburse a shelter providing temporary
2 housing and counseling services to the petitioner for the
3 cost of the services, as certified by the shelter and
4 deemed reasonable by the court.

5 (17) Order for injunctive relief. Enter injunctive
6 relief necessary or appropriate to prevent further abuse of
7 a family or household member or to effectuate one of the
8 granted remedies, if supported by the balance of hardships.
9 If the harm to be prevented by the injunction is abuse or
10 any other harm that one of the remedies listed in
11 paragraphs (1) through (16) of this subsection is designed
12 to prevent, no further evidence is necessary to establish
13 that the harm is an irreparable injury.

14 (18) Telephone services.

15 (A) Unless a condition described in subparagraph
16 (B) of this paragraph exists, the court may, upon
17 request by the petitioner, order a wireless telephone
18 service provider to transfer to the petitioner the
19 right to continue to use a telephone number or numbers
20 indicated by the petitioner and the financial
21 responsibility associated with the number or numbers,
22 as set forth in subparagraph (C) of this paragraph. In
23 ~~For purposes of~~ this paragraph (18), the term "wireless
24 telephone service provider" means a provider of
25 commercial mobile service as defined in 47 U.S.C. 332.
26 The petitioner may request the transfer of each

1 telephone number that the petitioner, or a minor child
2 in his or her custody, uses. The clerk of the court
3 shall serve the order on the wireless telephone service
4 provider's agent for service of process provided to the
5 Illinois Commerce Commission. The order shall contain
6 all of the following:

7 (i) The name and billing telephone number of
8 the account holder including the name of the
9 wireless telephone service provider that serves
10 the account.

11 (ii) Each telephone number that will be
12 transferred.

13 (iii) A statement that the provider transfers
14 to the petitioner all financial responsibility for
15 and right to the use of any telephone number
16 transferred under this paragraph.

17 (B) A wireless telephone service provider shall
18 terminate the respondent's use of, and shall transfer
19 to the petitioner use of, the telephone number or
20 numbers indicated in subparagraph (A) of this
21 paragraph unless it notifies the petitioner, within 72
22 hours after it receives the order, that one of the
23 following applies:

24 (i) The account holder named in the order has
25 terminated the account.

26 (ii) A difference in network technology would

1 prevent or impair the functionality of a device on
2 a network if the transfer occurs.

3 (iii) The transfer would cause a geographic or
4 other limitation on network or service provision
5 to the petitioner.

6 (iv) Another technological or operational
7 issue would prevent or impair the use of the
8 telephone number if the transfer occurs.

9 (C) The petitioner assumes all financial
10 responsibility for and right to the use of any
11 telephone number transferred under this paragraph. In
12 this paragraph, "financial responsibility" includes
13 monthly service costs and costs associated with any
14 mobile device associated with the number.

15 (D) A wireless telephone service provider may
16 apply to the petitioner its routine and customary
17 requirements for establishing an account or
18 transferring a number, including requiring the
19 petitioner to provide proof of identification,
20 financial information, and customer preferences.

21 (E) Except for willful or wanton misconduct, a
22 wireless telephone service provider is immune from
23 civil liability for its actions taken in compliance
24 with a court order issued under this paragraph.

25 (F) All wireless service providers that provide
26 services to residential customers shall provide to the

1 Illinois Commerce Commission the name and address of an
2 agent for service of orders entered under this
3 paragraph (18). Any change in status of the registered
4 agent must be reported to the Illinois Commerce
5 Commission within 30 days of such change.

6 (G) The Illinois Commerce Commission shall
7 maintain the list of registered agents for service for
8 each wireless telephone service provider on the
9 Commission's website. The Commission may consult with
10 wireless telephone service providers and the Circuit
11 Court Clerks on the manner in which this information is
12 provided and displayed.

13 (c) Relevant factors; findings.

14 (1) In determining whether to grant a specific remedy,
15 other than payment of support, the court shall consider
16 relevant factors, including, but not limited to, the
17 following:

18 (i) the nature, frequency, severity, pattern, and
19 consequences of the respondent's past abuse of the
20 petitioner or any family or household member,
21 including the concealment of his or her location in
22 order to evade service of process or notice, and the
23 likelihood of danger of future abuse to petitioner or
24 any member of petitioner's or respondent's family or
25 household; and

26 (ii) the danger that any minor child will be abused

1 or neglected or improperly relocated ~~removed~~ from the
2 jurisdiction, improperly concealed within the State or
3 improperly separated from the child's primary
4 caretaker.

5 (2) In comparing relative hardships resulting to the
6 parties from loss of possession of the family home, the
7 court shall consider relevant factors, including, but not
8 limited to, the following:

9 (i) availability, accessibility, cost, safety,
10 adequacy, location and other characteristics of
11 alternate housing for each party and any minor child or
12 dependent adult in the party's care;

13 (ii) the effect on the party's employment; and

14 (iii) the effect on the relationship of the party,
15 and any minor child or dependent adult in the party's
16 care, to family, school, church, and community.

17 (3) Subject to the exceptions set forth in paragraph
18 (4) of this subsection (c), the court shall make its
19 findings in an official record or in writing, and shall at
20 a minimum set forth the following:

21 (i) That the court has considered the applicable
22 relevant factors described in paragraphs (1) and (2) of
23 this subsection (c).

24 (ii) Whether the conduct or actions of respondent,
25 unless prohibited, will likely cause irreparable harm
26 or continued abuse.

1 (iii) Whether it is necessary to grant the
2 requested relief in order to protect petitioner or
3 other alleged abused persons.

4 (4) (Blank).

5 (5) Never married parties. No rights or
6 responsibilities for a minor child born outside of marriage
7 attach to a putative father until a father and child
8 relationship has been established under the Illinois
9 Parentage Act of 1984, ~~or under~~ the Illinois Parentage Act
10 of 2015, the Illinois Public Aid Code, Section 12 of the
11 Vital Records Act, the Juvenile Court Act of 1987, the
12 Probate Act of 1975, the Uniform Interstate Family Support
13 Act, the Expedited Child Support Act of 1990, any judicial,
14 administrative, or other act of another state or territory,
15 any other statute of this State, or by any foreign nation
16 establishing the father and child relationship, any other
17 proceeding substantially in conformity with the federal
18 Personal Responsibility and Work Opportunity
19 Reconciliation Act of 1996, or when both parties appeared
20 in open court or at an administrative hearing acknowledging
21 under oath or admitting by affirmation the existence of a
22 father and child relationship ~~on and after the effective~~
23 ~~date of that Act.~~ Absent such an adjudication, no putative
24 father shall be granted temporary allocation of parental
25 responsibilities, including parenting time ~~custody of the~~
26 ~~minor child, visitation~~ with the minor child, or physical

1 care and possession of the minor child, nor shall an order
2 of payment for support of the minor child be entered.

3 (d) Balance of hardships; findings. If the court finds that
4 the balance of hardships does not support the granting of a
5 remedy governed by paragraph (2), (3), (10), (11), or (16) of
6 subsection (b) of this Section, which may require such
7 balancing, the court's findings shall so indicate and shall
8 include a finding as to whether granting the remedy will result
9 in hardship to respondent that would substantially outweigh the
10 hardship to petitioner from denial of the remedy. The findings
11 shall be an official record or in writing.

12 (e) Denial of remedies. Denial of any remedy shall not be
13 based, in whole or in part, on evidence that:

14 (1) respondent ~~Respondent~~ has cause for any use of
15 force, unless that cause satisfies the standards for
16 justifiable use of force provided by Article 7 of the
17 Criminal Code of 2012;

18 (2) respondent ~~Respondent~~ was voluntarily intoxicated;

19 (3) petitioner ~~Petitioner~~ acted in self-defense or
20 defense of another, provided that, if petitioner utilized
21 force, such force was justifiable under Article 7 of the
22 Criminal Code of 2012;

23 (4) petitioner ~~Petitioner~~ did not act in self-defense
24 or defense of another;

25 (5) petitioner ~~Petitioner~~ left the residence or
26 household to avoid further abuse by respondent;

1 (6) petitioner ~~Petitioner~~ did not leave the residence
2 or household to avoid further abuse by respondent; or

3 (7) conduct ~~Conduct~~ by any family or household member
4 excused the abuse by respondent, unless that same conduct
5 would have excused such abuse if the parties had not been
6 family or household members.

7 (Source: P.A. 99-85, eff. 1-1-16; 100-199, eff. 1-1-18;
8 100-388, eff. 1-1-18; revised 10-10-17.)

9 (725 ILCS 5/112A-16) (from Ch. 38, par. 112A-16)

10 Sec. 112A-16. Accountability for Actions of Others. For the
11 purposes of issuing a domestic violence ~~an~~ order of protection,
12 deciding what remedies should be included and enforcing the
13 order, Article 5 of the Criminal Code of 2012 shall govern
14 whether respondent is legally accountable for the conduct of
15 another person.

16 (Source: P.A. 97-1150, eff. 1-25-13.)

17 (725 ILCS 5/112A-17.5 new)

18 Sec. 112A-17.5. Ex parte protective orders.

19 (a) The petitioner may request expedited consideration of
20 the petition for an ex parte protective order. The court shall
21 consider the request on an expedited basis without requiring
22 the respondent's presence or requiring notice to the
23 respondent.

24 (b) Issuance of ex parte protective orders in cases

1 involving domestic violence. An ex parte domestic violence
2 order of protection shall be issued if petitioner satisfies the
3 requirements of this subsection (b) for one or more of the
4 requested remedies. For each remedy requested, petitioner
5 shall establish that:

6 (1) the court has jurisdiction under Section 112A-9 of
7 this Code;

8 (2) the requirements of subsection (a) of Section
9 112A-11.5 of this Code are satisfied; and

10 (3) there is good cause to grant the remedy, regardless
11 of prior service of process or notice upon the respondent,
12 because:

13 (A) for the remedy of prohibition of abuse
14 described in paragraph (1) of subsection (b) of Section
15 112A-14 of this Code; stay away order and additional
16 prohibitions described in paragraph (3) of subsection
17 (b) of Section 112A-14 of this Code; removal or
18 concealment of minor child described in paragraph (8)
19 of subsection (b) of Section 112A-14 of this Code;
20 order to appear described in paragraph (9) of
21 subsection (b) of Section 112A-14 of this Code;
22 physical care and possession of the minor child
23 described in paragraph (5) of subsection (b) of Section
24 112A-14 of this Code; protection of property described
25 in paragraph (11) of subsection (b) of Section 112A-14
26 of this Code; prohibition of entry described in

1 paragraph (14) of subsection (b) of Section 112A-14 of
2 this Code; prohibition of firearm possession described
3 in paragraph (14.5) of subsection (b) of Section
4 112A-14 of this Code; prohibition of access to records
5 described in paragraph (15) of subsection (b) of
6 Section 112A-14 of this Code; injunctive relief
7 described in paragraph (16) of subsection (b) of
8 Section 112A-14 of this Code; and telephone services
9 described in paragraph (18) of subsection (b) of
10 Section 112A-14 of this Code, the harm which that
11 remedy is intended to prevent would be likely to occur
12 if the respondent were given any prior notice, or
13 greater notice than was actually given, of the
14 petitioner's efforts to obtain judicial relief;

15 (B) for the remedy of grant of exclusive possession
16 of residence described in paragraph (2) of subsection
17 (b) of Section 112A-14 of this Code; the immediate
18 danger of further abuse of the petitioner by the
19 respondent, if the petitioner chooses or had chosen to
20 remain in the residence or household while the
21 respondent was given any prior notice or greater notice
22 than was actually given of the petitioner's efforts to
23 obtain judicial relief outweighs the hardships to the
24 respondent of an emergency order granting the
25 petitioner exclusive possession of the residence or
26 household; and the remedy shall not be denied because

1 the petitioner has or could obtain temporary shelter
2 elsewhere while prior notice is given to the
3 respondent, unless the hardship to the respondent from
4 exclusion from the home substantially outweigh the
5 hardship to the petitioner; or

6 (C) for the remedy of possession of personal
7 property described in paragraph (10) of subsection (b)
8 of Section 112A-14 of this Code; improper disposition
9 of the personal property would be likely to occur if
10 the respondent were given any prior notice, or greater
11 notice than was actually given, of the petitioner's
12 efforts to obtain judicial relief or the petitioner has
13 an immediate and pressing need for the possession of
14 that property.

15 An ex parte domestic violence order of protection may not
16 include the counseling, custody, or payment of support or
17 monetary compensation remedies provided by paragraphs (4),
18 (12), (13), and (16) of subsection (b) of Section 112A-14 of
19 this Code.

20 (c) Issuance of ex parte civil no contact order in cases
21 involving sexual offenses. An ex parte civil no contact order
22 shall be issued if the petitioner establishes that:

23 (1) the court has jurisdiction under Section 112A-9 of
24 this Code;

25 (2) the requirements of subsection (a) of Section
26 112A-11.5 of this Code are satisfied; and

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

8 The court may order any of the remedies under Section
9 112A-14.5 of this Code.

10 (d) Issuance of ex parte stalking no contact order in cases
11 involving stalking offenses. An ex parte stalking no contact
12 order shall be issued if the petitioner establishes that:

13 (1) the court has jurisdiction under Section 112A-9 of
14 this Code;

15 (2) the requirements of subsection (a) of Section
16 112A-11.5 of this Code are satisfied; and

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

24 The court may order any of the remedies under Section
25 112A-14.7 of this Code.

26 (e) Issuance of ex parte protective orders on court

1 holidays and evenings.

2 When the court is unavailable at the close of business, the
3 petitioner may file a petition for an ex parte protective order
4 before any available circuit judge or associate judge who may
5 grant relief under this Article. If the judge finds that
6 petitioner has satisfied the prerequisites in subsection (b),
7 (c), or (d) of this Section, the judge shall issue an ex parte
8 protective order.

9 The chief judge of the circuit court may designate for each
10 county in the circuit at least one judge to be reasonably
11 available to issue orally, by telephone, by facsimile, or
12 otherwise, an ex parte protective order at all times, whether
13 or not the court is in session.

14 The judge who issued the order under this Section shall
15 promptly communicate or convey the order to the sheriff to
16 facilitate the entry of the order into the Law Enforcement
17 Agencies Data System by the Department of State Police under
18 Section 112A-28 of this Code. Any order issued under this
19 Section and any documentation in support of it shall be
20 certified on the next court day to the appropriate court. The
21 clerk of that court shall immediately assign a case number,
22 file the petition, order, and other documents with the court
23 and enter the order of record and file it with the sheriff for
24 service under subsection (f) of this Section. Failure to comply
25 with the requirements of this subsection (e) shall not affect
26 the validity of the order.

1 (f) Service of ex parte protective order on respondent.

2 (1) If an ex parte protective order is entered at the
3 time a summons or arrest warrant is issued for the criminal
4 charge, the petition for the protective order, any
5 supporting affidavits, if any, and the ex parte protective
6 order that has been issued shall be served with the summons
7 or arrest warrant. The enforcement of a protective order
8 under Section 112A-23 of this Code shall not be affected by
9 the lack of service or delivery, provided the requirements
10 of subsection (a) of Section 112A-23 of this Code are
11 otherwise met.

12 (2) If an ex parte protective order is entered after a
13 summons or arrest warrant is issued and before the
14 respondent makes an initial appearance in the criminal
15 case, the summons shall be in the form prescribed by
16 subsection (d) of Supreme Court Rule 101, except that it
17 shall require respondent to answer or appear within 7 days
18 and shall be accompanied by the petition for the protective
19 order, any supporting affidavits, if any, and the ex parte
20 protective order that has been issued.

21 (3) If an ex parte protective order is entered after
22 the respondent has been served notice of a petition for a
23 final protective order and the respondent has requested a
24 continuance to respond to the petition, the ex parte
25 protective order shall be served: (A) in open court if the
26 respondent is present at the proceeding at which the order

1 was entered; or (B) by summons in the form prescribed by
2 subsection (d) of Supreme Court Rule 101.

3 (4) No fee shall be charged for service of summons.

4 (5) The summons shall be served by the sheriff or other
5 law enforcement officer at the earliest time and shall take
6 precedence over other summonses except those of a similar
7 emergency nature. Special process servers may be appointed
8 at any time, and their designation shall not affect the
9 responsibilities and authority of the sheriff or other
10 official process servers. In a county with a population
11 over 3,000,000, a special process server may not be
12 appointed if an ex parte protective order grants the
13 surrender of a child, the surrender of a firearm or Firearm
14 Owner's Identification Card, or the exclusive possession
15 of a shared residence. Process may be served in court.

16 (g) Upon 7 days' notice to the petitioner, or a shorter
17 notice period as the court may prescribe, a respondent subject
18 to an ex parte protective order may appear and petition the
19 court to re-hear the petition. Any petition to re-hear shall be
20 verified and shall allege the following:

21 (1) that respondent did not receive prior notice of the
22 initial hearing in which the ex parte protective order was
23 entered under Section 112A-17.5 of this Code; and

24 (2) that respondent had a meritorious defense to the
25 order or any of its remedies or that the order or any of
26 its remedies was not authorized under this Article.

1 The verified petition and affidavit shall set forth the
2 evidence of the meritorious defense that will be presented at a
3 hearing. If the court finds that the evidence presented at the
4 hearing on the petition establishes a meritorious defense by a
5 preponderance of the evidence, the court may decide to vacate
6 the protective order or modify the remedies.

7 (h) If the ex parte protective order granted petitioner
8 exclusive possession of the residence and the petition of
9 respondent seeks to re-open or vacate that grant, the court
10 shall set a date for hearing within 14 days on all issues
11 relating to exclusive possession. Under no circumstances shall
12 a court continue a hearing concerning exclusive possession
13 beyond the 14th day except by agreement of the petitioner and
14 the respondent. Other issues raised by the pleadings may be
15 consolidated for the hearing if the petitioner, the respondent,
16 and the court do not object.

17 (i) Duration of ex parte protective order. An ex parte
18 order shall remain in effect until the court considers the
19 request for a final protective order after notice has been
20 served on the respondent or a default final protective order is
21 entered, whichever occurs first. If a court date is scheduled
22 for the issuance of a default protective order and the
23 petitioner fails to personally appear or appear through counsel
24 or the prosecuting attorney, the petition shall be dismissed
25 and the ex parte order terminated.

1 (725 ILCS 5/112A-20) (from Ch. 38, par. 112A-20)

2 Sec. 112A-20. Duration and extension of final protective
3 orders.

4 (a) (Blank).

5 (b) A final protective order shall remain in effect as
6 follows:

7 (1) if entered during pre-trial release, until
8 disposition, withdrawal, or dismissal of the underlying
9 charge; if, however, the case is continued as an
10 independent cause of action, the order's duration may be
11 for a fixed period of time not to exceed 2 years;

12 (2) if in effect in conjunction with a bond forfeiture
13 warrant, until final disposition or an additional period of
14 time not exceeding 2 years; no domestic violence order of
15 protection, however, shall be terminated by a dismissal
16 that is accompanied by the issuance of a bond forfeiture
17 warrant;

18 (3) until 2 years after the expiration of any
19 supervision, conditional discharge, probation, periodic
20 imprisonment, parole, aftercare release, or mandatory
21 supervised release for domestic violence orders of
22 protection and civil no contact orders; or

23 (4) until 2 years after the date set by the court for
24 expiration of any sentence of imprisonment and subsequent
25 parole, aftercare release, or mandatory supervised release
26 for domestic violence orders of protection and civil no

1 contact orders; and

2 (5) permanent for a stalking no contact order if a
3 judgment of conviction for stalking is entered.

4 (c) Computation of time. The duration of a domestic
5 violence ~~an~~ order of protection shall not be reduced by the
6 duration of any prior domestic violence order of protection.

7 (d) Law enforcement records. When a protective order
8 expires upon the occurrence of a specified event, rather than
9 upon a specified date as provided in subsection (b), no
10 expiration date shall be entered in Department of State Police
11 records. To remove the protective order from those records,
12 either the petitioner or the respondent shall request the clerk
13 of the court to file a certified copy of an order stating that
14 the specified event has occurred or that the protective order
15 has been vacated or modified with the sheriff, and the sheriff
16 shall direct that law enforcement records shall be promptly
17 corrected in accordance with the filed order.

18 (e) Extension of Orders. Any domestic violence order of
19 protection or civil no contact order that expires 2 years after
20 the expiration of the defendant's sentence under paragraph (2),
21 (3), or (4) of subsection (b) of Section 112A-20 of this
22 Article may be extended one or more times, as required. The
23 petitioner, petitioner's counsel, or the State's Attorney on
24 the petitioner's behalf shall file the motion for an extension
25 of the final protective order in the criminal case and serve
26 the motion in accordance with Supreme Court Rules 11 and 12.

1 The court shall transfer the motion to the appropriate court or
2 division for consideration under subsection (e) of Section 220
3 of the Illinois Domestic Violence Act of 1986, ~~or~~ subsection
4 (c) of Section 216 of the Civil No Contact Order Act, or
5 subsection (c) of Section 105 of the Stalking No Contact Order
6 as appropriate.

7 (f) Termination date. Any final protective order ~~of~~
8 ~~protection~~ which would expire on a court holiday shall instead
9 expire at the close of the next court business day.

10 (g) Statement of purpose. The practice of dismissing or
11 suspending a criminal prosecution in exchange for issuing a
12 protective ~~an~~ order ~~of protection~~ undermines the purposes of
13 this Article. This Section shall not be construed as
14 encouraging that practice.

15 (Source: P.A. 100-199, eff. 1-1-18.)

16 (725 ILCS 5/112A-21) (from Ch. 38, par. 112A-21)

17 Sec. 112A-21. Contents of orders.

18 (a) Any domestic violence order of protection shall
19 describe, in reasonable detail and not by reference to any
20 other document, the following:

21 (1) Each remedy granted by the court, in reasonable
22 detail and not by reference to any other document, so that
23 respondent may clearly understand what he or she must do or
24 refrain from doing. Pre-printed form orders of protection
25 shall include the definitions of the types of abuse, as

1 provided in Section 112A-3 of this Code. Remedies set forth
2 in pre-printed form for domestic violence orders shall be
3 numbered consistently with and corresponding to the
4 numerical sequence of remedies listed in Section 112A-14 of
5 this Code (at least as of the date the form orders are
6 printed).

7 (2) The reason for denial of petitioner's request for
8 any remedy listed in Section 112A-14 of this Code.

9 (b) A domestic violence ~~An~~ order of protection shall
10 further state the following:

11 (1) The name of each petitioner that the court finds is
12 a victim of a charged offense, and that respondent is a
13 member of the family or household of each such petitioner,
14 and the name of each other person protected by the order
15 and that such person is protected by this Code Act.

16 (2) For any remedy requested by petitioner on which the
17 court has declined to rule, that that remedy is reserved.

18 (3) The date and time the domestic violence order of
19 protection was issued.

20 (4) (Blank).

21 (5) (Blank).

22 (6) (Blank).

23 (c) Any domestic violence order of protection shall include
24 the following notice, printed in conspicuous type:

25 "Any knowing violation of a domestic violence ~~an~~ order
26 of protection forbidding physical abuse, harassment,

1 intimidation, interference with personal liberty, willful
2 deprivation, or entering or remaining present at specified
3 places when the protected person is present, or granting
4 exclusive possession of the residence or household, or
5 granting a stay away order is a Class A misdemeanor for a
6 first offense, and a Class 4 felony for persons with a
7 prior conviction for certain offenses under subsection (d)
8 of Section 12-3.4 of the Criminal Code of 2012. Grant of
9 exclusive possession of the residence or household shall
10 constitute notice forbidding trespass to land. Any knowing
11 violation of an order awarding legal custody or physical
12 care of a child or prohibiting removal or concealment of a
13 child may be a Class 4 felony. Any willful violation of any
14 order is contempt of court. Any violation may result in
15 fine or imprisonment."

16 (d) (Blank).

17 (e) A domestic violence ~~An~~ order of protection shall state,
18 "This Order of Protection is enforceable, even without
19 registration, in all 50 states, the District of Columbia,
20 tribal lands, and the U.S. territories pursuant to the Violence
21 Against Women Act (18 U.S.C. 2265). Violating this Order of
22 Protection may subject the respondent to federal charges and
23 punishment (18 U.S.C. 2261-2262). The respondent may be subject
24 to federal criminal penalties for possessing, transporting,
25 shipping, or receiving any firearm or ammunition under the Gun
26 Control Act (18 U.S.C. 922(g)(8) and (9))."

1 (Source: P.A. 100-199, eff. 1-1-18.)

2 (725 ILCS 5/112A-22) (from Ch. 38, par. 112A-22)

3 Sec. 112A-22. Notice of orders.

4 (a) Entry and issuance. Upon issuance of any protective
5 order ~~of protection~~, the clerk shall immediately, or on the
6 next court day if an ex parte order is issued under subsection
7 (e) of Section 112A-17.5 of this Code, (i) enter the order on
8 the record and file it in accordance with the circuit court
9 procedures and (ii) provide a file stamped copy of the order to
10 respondent and to petitioner, if present, and to the State's
11 Attorney. If the victim is not present the State's Attorney
12 shall (i) as soon as practicable notify the petitioner the
13 order has been entered and (ii) provide a file stamped copy of
14 the order to the petitioner within 3 days.

15 (b) Filing with sheriff. The clerk of the issuing judge
16 shall, on the same day that a protective order is issued, file
17 a copy of that order with the sheriff or other law enforcement
18 officials charged with maintaining Department of State Police
19 records or charged with serving the order upon respondent. If
20 the order was issued under subsection (e) of Section 112A-17.5
21 of this Code, the clerk on the next court day shall file a
22 certified copy of the order with the sheriff or other law
23 enforcement officials charged with maintaining Department of
24 State Police records.

25 (c) (Blank).

1 (c-2) Service by sheriff. Unless respondent was present in
2 court when the order was issued, the sheriff, other law
3 enforcement official, or special process server shall promptly
4 serve that order upon respondent and file proof of the service,
5 in the manner provided for service of process in civil
6 proceedings. Instead of serving the order upon the respondent;
7 however, the sheriff, other law enforcement official, special
8 process server, or other persons defined in Section 112A-22.1
9 of this Code may serve the respondent with a short form
10 notification as provided in Section 112A-22.1 of this Code. If
11 process has not yet been served upon the respondent, process
12 shall be served with the order or short form notification if
13 the service is made by the sheriff, other law enforcement
14 official, or special process server.

15 (c-3) If the person against whom the protective order is
16 issued is arrested and the written order is issued under
17 subsection (e) of Section 112A-17.5 of this Code and received
18 by the custodial law enforcement agency before the respondent
19 or arrestee is released from custody, the custodial law
20 enforcement agency shall promptly serve the order upon the
21 respondent or arrestee before the respondent or arrestee is
22 released from custody. In no event shall detention of the
23 respondent or arrestee be extended for a hearing on the
24 petition for protective order or receipt of the order issued
25 under Section 112A-17 of this Code.

26 (c-4) Extensions, modifications, and revocations. Any

1 order extending, modifying, or revoking any protective order
2 shall be promptly recorded, issued, and served as provided in
3 this Section.

4 (c-5) (Blank).

5 (d) (Blank).

6 (e) Notice to health care facilities and health care
7 practitioners. Upon the request of the petitioner, the clerk of
8 the circuit court shall send a certified copy of the protective
9 order to any specified health care facility or health care
10 practitioner requested by the petitioner at the mailing address
11 provided by the petitioner.

12 (f) Disclosure by health care facilities and health care
13 practitioners. After receiving a certified copy of a protective
14 order that prohibits a respondent's access to records, no
15 health care facility or health care practitioner shall allow a
16 respondent access to the records of any child who is a
17 protected person under the protective order, or release
18 information in those records to the respondent, unless the
19 order has expired or the respondent shows a certified copy of
20 the court order vacating the corresponding protective order
21 that was sent to the health care facility or practitioner.
22 Nothing in this Section shall be construed to require health
23 care facilities or health care practitioners to alter
24 procedures related to billing and payment. The health care
25 facility or health care practitioner may file the copy of the
26 protective order in the records of a child who is a protected

1 person under the protective order, or may employ any other
2 method to identify the records to which a respondent is
3 prohibited access. No health care facility or health care
4 practitioner shall be civilly or professionally liable for
5 reliance on a copy of a protective order, except for willful
6 and wanton misconduct.

7 (g) Notice to schools. Upon the request of the petitioner,
8 within 24 hours of the issuance of a protective order, the
9 clerk of the issuing judge shall send a certified copy of the
10 protective order to the day-care facility, pre-school or
11 pre-kindergarten, or private school or the principal office of
12 the public school district or any college or university in
13 which any child who is a protected person under the protective
14 order or any child of the petitioner is enrolled as requested
15 by the petitioner at the mailing address provided by the
16 petitioner. If the child transfers enrollment to another
17 day-care facility, pre-school, pre-kindergarten, private
18 school, public school, college, or university, the petitioner
19 may, within 24 hours of the transfer, send to the clerk written
20 notice of the transfer, including the name and address of the
21 institution to which the child is transferring. Within 24 hours
22 of receipt of notice from the petitioner that a child is
23 transferring to another day-care facility, pre-school,
24 pre-kindergarten, private school, public school, college, or
25 university, the clerk shall send a certified copy of the order
26 to the institution to which the child is transferring.

1 (h) Disclosure by schools. After receiving a certified copy
2 of a protective order that prohibits a respondent's access to
3 records, neither a day-care facility, pre-school,
4 pre-kindergarten, public or private school, college, or
5 university nor its employees shall allow a respondent access to
6 a protected child's records or release information in those
7 records to the respondent. The school shall file the copy of
8 the protective order in the records of a child who is a
9 protected person under the order. When a child who is a
10 protected person under the protective order transfers to
11 another day-care facility, pre-school, pre-kindergarten,
12 public or private school, college, or university, the
13 institution from which the child is transferring may, at the
14 request of the petitioner, provide, within 24 hours of the
15 transfer, written notice of the protective order, along with a
16 certified copy of the order, to the institution to which the
17 child is transferring.

18 (Source: P.A. 100-199, eff. 1-1-18.)

19 (725 ILCS 5/112A-22.1 new)

20 Sec. 112A-22.1. Short form notification.

21 (a) Instead of personal service of a protective order under
22 Section 112A-22 of this Code, a sheriff, other law enforcement
23 official, special process server, or personnel assigned by the
24 Department of Corrections or Department of Juvenile Justice to
25 investigate the alleged misconduct of committed persons or

1 alleged violations of the person's conditions of parole,
2 aftercare release, or mandatory supervised release, may serve a
3 respondent with a short form notification. The short form
4 notification shall include the following:

5 (1) Respondent's name.

6 (2) Respondent's date of birth, if known.

7 (3) Petitioner's name.

8 (4) Names of other protected parties.

9 (5) Date and county in which the protective order was
10 filed.

11 (6) Court file number.

12 (7) Hearing date and time, if known.

13 (8) Conditions that apply to the respondent, either in
14 checklist form or handwritten.

15 (b) The short form notification shall contain the following
16 notice in bold print:

17 "The order is now enforceable. You must report to the
18 office of the sheriff or the office of the circuit court in
19 (name of county) County to obtain a copy of the order. You are
20 subject to arrest and may be charged with a misdemeanor or
21 felony if you violate any of the terms of the order."

22 (c) Upon verification of the identity of the respondent and
23 the existence of an unserved order against the respondent, a
24 sheriff or other law enforcement official may detain the
25 respondent for a reasonable time necessary to complete and
26 serve the short form notification.

1 (d) When service is made by short form notification under
2 this Section, it may be proved by the affidavit of the person
3 making the service.

4 (e) The Attorney General shall make the short form
5 notification form available to law enforcement agencies in this
6 State.

7 (725 ILCS 5/112A-22.3)

8 Sec. 112A-22.3. Withdrawal or dismissal of charges or
9 petition.

10 (a) Voluntary dismissal or withdrawal of any delinquency
11 petition or criminal prosecution or a finding of not guilty
12 shall not require dismissal or vacation of the protective
13 order; instead, at the request of the petitioner, petitioner's
14 counsel, or the State's Attorney on behalf of the petitioner ~~in~~
15 ~~the discretion of the State's Attorney, or on the court's~~
16 ~~motion~~, it may be treated as an independent action and, if
17 necessary and appropriate, transferred to a different court or
18 division. Dismissal of any delinquency petition or criminal
19 prosecution shall not affect the validity of any previously
20 issued protective order.

21 (b) Withdrawal or dismissal of any petition for a
22 protective order shall operate as a dismissal without
23 prejudice.

24 (Source: P.A. 100-199, eff. 1-1-18.)

1 (725 ILCS 5/112A-23) (from Ch. 38, par. 112A-23)

2 Sec. 112A-23. Enforcement of protective orders.

3 (a) When violation is crime. A violation of any protective
4 ~~order of protection~~, whether issued in a civil, quasi-criminal
5 proceeding, shall be enforced by a criminal court when:

6 (1) The respondent commits the crime of violation of a
7 domestic violence ~~an~~ order of protection pursuant to
8 Section 12-3.4 or 12-30 of the Criminal Code of 1961 or the
9 Criminal Code of 2012, by having knowingly violated:

10 (i) remedies described in paragraphs (1), (2),
11 (3), (14), or (14.5) of subsection (b) of Section
12 112A-14 of this Code,

13 (ii) a remedy, which is substantially similar to
14 the remedies authorized under paragraphs (1), (2),
15 (3), (14), or (14.5) of subsection (b) of Section 214
16 of the Illinois Domestic Violence Act of 1986, in a
17 valid order of protection, which is authorized under
18 the laws of another state, tribe or United States
19 territory,

20 (iii) or any other remedy when the act constitutes
21 a crime against the protected parties as defined by the
22 Criminal Code of 1961 or the Criminal Code of 2012.

23 Prosecution for a violation of a domestic violence ~~an~~
24 order of protection shall not bar concurrent prosecution
25 for any other crime, including any crime that may have been
26 committed at the time of the violation of the domestic

1 violence order of protection; or

2 (2) The respondent commits the crime of child abduction
3 pursuant to Section 10-5 of the Criminal Code of 1961 or
4 the Criminal Code of 2012, by having knowingly violated:

5 (i) remedies described in paragraphs (5), (6), or
6 (8) of subsection (b) of Section 112A-14 of this Code,
7 or

8 (ii) a remedy, which is substantially similar to
9 the remedies authorized under paragraphs (1), (5),
10 (6), or (8) of subsection (b) of Section 214 of the
11 Illinois Domestic Violence Act of 1986, in a valid
12 domestic violence order of protection, which is
13 authorized under the laws of another state, tribe or
14 United States territory.

15 (3) The respondent commits the crime of violation of a
16 civil no contact order when the respondent violates Section
17 12-3.8 of the Criminal Code of 2012. Prosecution for a
18 violation of a civil no contact order shall not bar
19 concurrent prosecution for any other crime, including any
20 crime that may have been committed at the time of the
21 violation of the civil no contact order.

22 (4) The respondent commits the crime of violation of a
23 stalking no contact order when the respondent violates
24 Section 12-3.9 of the Criminal Code of 2012. Prosecution
25 for a violation of a stalking no contact order shall not
26 bar concurrent prosecution for any other crime, including

1 any crime that may have been committed at the time of the
2 violation of the stalking no contact order.

3 (b) When violation is contempt of court. A violation of any
4 valid protective order, whether issued in a civil or criminal
5 proceeding, may be enforced through civil or criminal contempt
6 procedures, as appropriate, by any court with jurisdiction,
7 regardless where the act or acts which violated the protective
8 order were committed, to the extent consistent with the venue
9 provisions of this Article. Nothing in this Article shall
10 preclude any Illinois court from enforcing any valid protective
11 order issued in another state. Illinois courts may enforce
12 protective orders through both criminal prosecution and
13 contempt proceedings, unless the action which is second in time
14 is barred by collateral estoppel or the constitutional
15 prohibition against double jeopardy.

16 (1) In a contempt proceeding where the petition for a
17 rule to show cause sets forth facts evidencing an immediate
18 danger that the respondent will flee the jurisdiction,
19 conceal a child, or inflict physical abuse on the
20 petitioner or minor children or on dependent adults in
21 petitioner's care, the court may order the attachment of
22 the respondent without prior service of the rule to show
23 cause or the petition for a rule to show cause. Bond shall
24 be set unless specifically denied in writing.

25 (2) A petition for a rule to show cause for violation
26 of a protective order shall be treated as an expedited

1 proceeding.

2 (c) Violation of custody, allocation of parental
3 responsibility, or support orders. A violation of remedies
4 described in paragraphs (5), (6), (8), or (9) of subsection (b)
5 of Section 112A-14 of this Code may be enforced by any remedy
6 provided by Section 607.5 of the Illinois Marriage and
7 Dissolution of Marriage Act. The court may enforce any order
8 for support issued under paragraph (12) of subsection (b) of
9 Section 112A-14 of this Code in the manner provided for under
10 Parts V and VII of the Illinois Marriage and Dissolution of
11 Marriage Act.

12 (d) Actual knowledge. A protective order may be enforced
13 pursuant to this Section if the respondent violates the order
14 after respondent has actual knowledge of its contents as shown
15 through one of the following means:

16 (1) (Blank).

17 (2) (Blank).

18 (3) By service of a protective ~~an order of protection~~
19 under subsection (f) of Section 112A-17.5 or Section
20 112A-22 of this Code.

21 (4) By other means demonstrating actual knowledge of
22 the contents of the order.

23 (e) The enforcement of a protective ~~an order of protection~~
24 in civil or criminal court shall not be affected by either of
25 the following:

26 (1) The existence of a separate, correlative order

1 entered under Section 112A-15 of this Code.

2 (2) Any finding or order entered in a conjoined
3 criminal proceeding.

4 (f) Circumstances. The court, when determining whether or
5 not a violation of a protective order has occurred, shall not
6 require physical manifestations of abuse on the person of the
7 victim.

8 (g) Penalties.

9 (1) Except as provided in paragraph (3) of this
10 subsection (g), where the court finds the commission of a
11 crime or contempt of court under subsections (a) or (b) of
12 this Section, the penalty shall be the penalty that
13 generally applies in such criminal or contempt
14 proceedings, and may include one or more of the following:
15 incarceration, payment of restitution, a fine, payment of
16 attorneys' fees and costs, or community service.

17 (2) The court shall hear and take into account evidence
18 of any factors in aggravation or mitigation before deciding
19 an appropriate penalty under paragraph (1) of this
20 subsection (g).

21 (3) To the extent permitted by law, the court is
22 encouraged to:

23 (i) increase the penalty for the knowing violation
24 of any protective order over any penalty previously
25 imposed by any court for respondent's violation of any
26 protective order or penal statute involving petitioner

1 as victim and respondent as defendant;

2 (ii) impose a minimum penalty of 24 hours
3 imprisonment for respondent's first violation of any
4 protective order; and

5 (iii) impose a minimum penalty of 48 hours
6 imprisonment for respondent's second or subsequent
7 violation of a protective order

8 unless the court explicitly finds that an increased penalty
9 or that period of imprisonment would be manifestly unjust.

10 (4) In addition to any other penalties imposed for a
11 violation of a protective order, a criminal court may
12 consider evidence of any violations of a protective order:

13 (i) to increase, revoke, or modify the bail bond on
14 an underlying criminal charge pursuant to Section
15 110-6 of this Code;

16 (ii) to revoke or modify an order of probation,
17 conditional discharge, or supervision, pursuant to
18 Section 5-6-4 of the Unified Code of Corrections;

19 (iii) to revoke or modify a sentence of periodic
20 imprisonment, pursuant to Section 5-7-2 of the Unified
21 Code of Corrections.

22 (Source: P.A. 99-90, eff. 1-1-16; 100-199, eff. 1-1-18.)

23 (725 ILCS 5/112A-24) (from Ch. 38, par. 112A-24)

24 Sec. 112A-24. Modification, re-opening, and extension of
25 orders.

1 (a) Except as otherwise provided in this Section, upon
2 motion by petitioner, petitioner's counsel, or the State's
3 Attorney on behalf of the petitioner, the court may modify a
4 protective order:

5 (1) If respondent has abused petitioner since the
6 hearing for that order, by adding or altering one or more
7 remedies, as authorized by Section 112A-14, 112A-14.5, or
8 112A-14.7 of this Code Article; and

9 (2) Otherwise, by adding any remedy authorized by
10 Section 112A-14, 112A-14.5, or 112A-14.7 which was:

11 (i) reserved in that protective order;

12 (ii) not requested for inclusion in that
13 protective order; or

14 (iii) denied on procedural grounds, but not on the
15 merits.

16 (a-5) A petitioner, petitioner's counsel, or the State's
17 Attorney on the petitioner's behalf may file a motion to vacate
18 or modify a final permanent stalking no contact order ~~2 years~~
19 ~~or more after the expiration of the defendant's sentence~~. The
20 motion shall be served in accordance with Supreme Court Rules
21 11 and 12.

22 (b) Upon motion by the petitioner, petitioner's counsel,
23 State's Attorney, or respondent, the court may modify any prior
24 domestic violence order of protection's remedy for custody,
25 visitation or payment of support in accordance with the
26 relevant provisions of the Illinois Marriage and Dissolution of

1 Marriage Act.

2 (c) After 30 days following the entry of a protective
3 order, a court may modify that order only when changes in the
4 applicable law or facts since that final plenary order was
5 entered warrant a modification of its terms.

6 (d) (Blank).

7 (e) (Blank).

8 (f) (Blank).

9 (g) This Section does not limit the means, otherwise
10 available by law, for vacating or modifying protective orders.

11 (Source: P.A. 100-199, eff. 1-1-18.)

12 (725 ILCS 5/112A-26) (from Ch. 38, par. 112A-26)

13 Sec. 112A-26. Arrest without warrant.

14 (a) Any law enforcement officer may make an arrest without
15 warrant if the officer has probable cause to believe that the
16 person has committed or is committing any crime, including but
17 not limited to violation of a domestic violence ~~an~~ order of
18 protection, under Section 12-3.4 or 12-30 of the Criminal Code
19 of 1961 or the Criminal Code of 2012, violation of a civil no
20 contact order, under Section 11-1.75 of the Criminal Code of
21 2012, or violation of a stalking no contact order, under
22 Section 12-7.5A of the Criminal Code of 2012, even if the crime
23 was not committed in the presence of the officer.

24 (b) The law enforcement officer may verify the existence of
25 a protective order by telephone or radio communication with his

1 or her law enforcement agency or by referring to the copy of
2 the order provided by petitioner or respondent.

3 (Source: P.A. 100-199, eff. 1-1-18.)

4 (725 ILCS 5/112A-28) (from Ch. 38, par. 112A-28)

5 Sec. 112A-28. Data maintenance by law enforcement
6 agencies.

7 (a) All sheriffs shall furnish to the Department of State
8 Police, daily, in the form and detail the Department requires,
9 copies of any recorded protective orders issued by the court,
10 and any foreign protective orders ~~of protection~~ filed by the
11 clerk of the court, and transmitted to the sheriff by the clerk
12 of the court. Each protective order shall be entered in the Law
13 Enforcement Agencies Data System on the same day it is issued
14 by the court.

15 (b) The Department of State Police shall maintain a
16 complete and systematic record and index of all valid and
17 recorded protective orders issued or filed under this Act. The
18 data shall be used to inform all dispatchers and law
19 enforcement officers at the scene of an alleged incident of
20 abuse or violation of a protective order of any recorded prior
21 incident of abuse involving the abused party and the effective
22 dates and terms of any recorded protective order.

23 (c) The data, records and transmittals required under this
24 Section shall pertain to:

25 (1) any valid emergency, interim or plenary domestic

1 violence order of protection, civil no contact or stalking
2 no contact order issued in a civil proceeding; and

3 (2) any valid ex parte or final protective order issued
4 in a criminal proceeding or authorized under the laws of
5 another state, tribe, or United States territory.

6 (Source: P.A. 100-199, eff. 1-1-18.)

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.