

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 or by the State's Attorney on behalf
24 of a named victim who is a minor child or an adult who has
25 been abused by a family or household member and who,

1 because of age, health, disability, or inaccessibility,
2 cannot file the petition; or.

3 (3) by a State's Attorney on behalf of any minor child
4 or dependent adult in the care of the named victim, if the
5 named victim does not file a petition or request the
6 State's Attorney file the petition.

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

8 (1) by any person who is a named victim of
9 non-consensual sexual conduct or non-consensual sexual
10 penetration, including a single incident of non-consensual
11 sexual conduct or non-consensual sexual penetration; ~~or~~

12 (2) by a person or by the State's Attorney on behalf of
13 a named victim who is a minor child or an adult who is a
14 victim of non-consensual sexual conduct or non-consensual
15 sexual penetration but, because of age, disability,
16 health, or inaccessibility, cannot file the petition; or.

17 (3) by a State's Attorney on behalf of any minor child
18 who is a family or household member of the named victim, if
19 the named victim does not file a petition or request the
20 State's Attorney file the petition.

21 (c) A petition for a stalking no contact order may be
22 filed:

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

24 (2) by a person or by the State's Attorney on behalf of
25 a named victim who is a minor child or an adult who is a
26 victim of stalking but, because of age, disability, health,

1 or inaccessibility, cannot file the petition; ~~or-~~

2 (3) by a State's Attorney on behalf of any minor child
3 who is a family or household member of the named victim, if
4 the named victim does not file a petition or request the
5 State's Attorney file the petition.

6 (d) The State's Attorney shall file a petition on behalf of
7 ~~en~~ any person who may file a petition under subsections (a),
8 (b), or (c) of this Section if the person requests the State's
9 Attorney to file a petition on the person's behalf, unless the
10 State's Attorney has a good faith basis to delay filing the
11 petition. The State's Attorney shall inform the person that the
12 State's Attorney will not be filing the petition at that time
13 and that the person may file a petition or may retain an
14 attorney to file the petition. The State's Attorney may file
15 the petition at a later date.

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

22 (2) Advocates shall be allowed to accompany the
23 petitioner and confer with the victim, unless otherwise
24 directed by the court. Advocates are not engaged in the
25 unauthorized practice of law when providing assistance to
26 the petitioner.

1 (e) Any petition properly filed under this Article may seek
2 protection for any additional persons protected by this
3 Article.

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

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

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

7 (a) A petition for a protective order shall be filed in
8 conjunction with a delinquency petition or criminal
9 prosecution, or in conjunction with imprisonment or a bond
10 forfeiture warrant, provided the petition names a victim of the
11 alleged crime. The petition may include a request for an ex
12 parte protective order, a final protective order, or both. The
13 petition shall be in writing and verified or accompanied by
14 affidavit and shall allege that:

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

17 (2) respondent has engaged in non-consensual sexual
18 conduct or non-consensual sexual penetration, including a
19 single incident of non-consensual sexual conduct or
20 non-consensual sexual penetration with petitioner; or

21 (3) petitioner has been stalked by respondent.

22 The petition shall further set forth whether there is any
23 other action between the petitioner and respondent. During the
24 pendency of this proceeding, the petitioner and respondent have
25 a continuing duty to inform the court of any subsequent

1 proceeding for a protective order in this State or any other
2 state.

3 (a-5) The petition shall indicate whether an ex parte
4 protective order, a protective order, or both are requested. If
5 the respondent receives notice of a petition for a final
6 protective order and the respondent requests a continuance to
7 respond to the petition, the petitioner may, either orally or
8 in writing, request an ex parte order. ~~petitioner has been~~
9 ~~abused by respondent, who is a family or household member. The~~
10 ~~petition shall further set forth whether there is any other~~
11 ~~action between the petitioner and respondent.~~

12 (b) The petitioner shall not be required to disclose the
13 petitioner's address. If the petition states that disclosure of
14 petitioner's address would risk abuse to or endanger the safety
15 of petitioner or any member of petitioner's family or household
16 or reveal the confidential address of a shelter for domestic
17 violence victims, that address may be omitted from all
18 documents filed with the court.

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

20 (725 ILCS 5/112A-5.5)

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

23 (a) A petition for a protective order may be filed at any
24 time after a criminal charge or delinquency petition is filed
25 and before the charge or delinquency petition is dismissed, the

1 defendant or juvenile is acquitted, or the defendant or
2 juvenile completes service of his or her sentence. ~~The petition~~
3 ~~can be considered at any court proceeding in the delinquency or~~
4 ~~criminal case at which the defendant is present. The court may~~
5 ~~schedule a separate court proceeding to consider the petition.~~

6 (b) The request for an ex parte protective order may be
7 considered without notice to the respondent under Section
8 112A-17.5 of this Code.

9 (c) A summons shall be issued and served for a protective
10 order. The summons may be served by delivery to the respondent
11 personally in open court in the criminal or juvenile
12 delinquency proceeding, in the form prescribed by subsection
13 (d) of Supreme Court Rule 101, except that it shall require
14 respondent to answer or appear within 7 days. Attachments to
15 the summons shall include the petition for protective order,
16 supporting affidavits, if any, and any ex parte protective
17 order that has been issued.

18 (d) The summons shall be served by the sheriff or other law
19 enforcement officer at the earliest time available and shall
20 take precedence over any other summons, except those of a
21 similar emergency nature. Attachments to the summons shall
22 include the petition for protective order, supporting
23 affidavits, if any, and any ex parte protective order that has
24 been issued. Special process servers may be appointed at any
25 time and their designation shall not affect the
26 responsibilities and authority of the sheriff or other official

1 process servers. In a county with a population over 3,000,000,
2 a special process server may not be appointed if the protective
3 order grants the surrender of a child, the surrender of a
4 firearm or Firearm Owner's Identification Card, or the
5 exclusive possession of a shared residence.

6 (e) If the respondent is not served within 30 days of the
7 filing of the petition, the court shall schedule a court
8 proceeding on the issue of service. Either the petitioner, the
9 petitioner's counsel, or the State's Attorney shall appear and
10 the court shall either order continued attempts at personal
11 service or shall order service by publication, in accordance
12 with Sections 2-203, 2-206, and 2-207 of the Code of Civil
13 Procedure.

14 (f) The request for a final protective order can be
15 considered at any court proceeding in the delinquency or
16 criminal case after service of the petition. If the petitioner
17 has not been provided notice of the court proceeding at least
18 10 days in advance of the proceeding, the court shall schedule
19 a hearing on the petition and provide notice to the petitioner.

20 (g) Default orders.

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

23 (A) for any of the remedies sought in the petition,
24 if respondent has been served with documents under
25 subsection (b) or (c) of this Section and if respondent
26 fails to appear on the specified return date or any

1 subsequent hearing date agreed to by the petitioner and
2 respondent or set by the court; or

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

10 (2) A final civil no contact order may be entered by
11 default for any of the remedies provided in Section
12 112A-14.5 of this Code, if respondent has been served with
13 documents under subsection (b) or (c) of this Section, and
14 if the respondent fails to answer or appear in accordance
15 with the date set in the publication notice or the return
16 date indicated on the service of a household member.

17 (3) A final stalking no contact order may be entered by
18 default for any of the remedies provided by Section
19 112A-14.7 of this Code, if respondent has been served with
20 documents under subsection (b) or (c) of this Section and
21 if the respondent fails to answer or appear in accordance
22 with the date set in the publication notice or the return
23 date indicated on the service of a household member.

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

25 (725 ILCS 5/112A-6.1 new)

1 Sec. 112A-6.1. Application of rules of civil procedure;
2 criminal law.

3 (a) Any proceeding to obtain, modify, re-open, or appeal a
4 protective order and service of pleadings and notices shall be
5 governed by the rules of civil procedure of this State. The
6 Code of Civil Procedure and Supreme Court and local court rules
7 applicable to civil proceedings shall apply, except as
8 otherwise provided by law. Civil law on venue, discovery, and
9 penalties for untrue statements shall not apply to protective
10 order proceedings heard under this Article.

11 (b) Criminal law on discovery, venue, and penalties for
12 untrue statements apply to protective order proceedings under
13 this Article.

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

18 (725 ILCS 5/112A-8) (from Ch. 38, par. 112A-8)

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

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

23 (725 ILCS 5/112A-11.5)

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

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

7 (1) an information, complaint, indictment, or
8 delinquency petition, charging a crime of domestic
9 violence, a sexual offense, or stalking or charging an
10 attempt to commit a crime of domestic violence, a sexual
11 offense, or stalking; ~~or~~

12 (2) an adjudication of delinquency, a finding of guilt
13 based upon a plea, or a finding of guilt after a trial for
14 a crime of domestic battery, a sexual crime, or stalking or
15 an attempt to commit a crime of domestic violence, a sexual
16 offense, or stalking;

17 (3) any dispositional order issued under Section 5-710
18 of the Juvenile Court Act of 1987, the imposition of
19 supervision, conditional discharge, probation, periodic
20 imprisonment, parole, aftercare release, or mandatory
21 supervised release for a crime of domestic violence, a
22 sexual offense, or stalking or an attempt to commit a crime
23 of domestic violence, a sexual offense, or stalking, or
24 imprisonment in conjunction with a bond forfeiture
25 warrant; or

26 (4) the entry of a protective order in a separate civil

1 case brought by the petitioner against the respondent.

2 (a-5) The respondent may rebut prima facie evidence of the
3 crime under paragraph (1) of subsection (a) of this Section by
4 presenting evidence of a meritorious defense. The respondent
5 shall file a written notice alleging a meritorious defense
6 which shall be verified and supported by affidavit. The
7 verified notice and affidavit shall set forth the evidence that
8 will be presented at a hearing. If the court finds that the
9 evidence presented at the hearing establishes a meritorious
10 defense by a preponderance of the evidence, the court may
11 decide not to issue a protective order.

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

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

17 (d) If the court issues a final protective order under this
18 Section, the court shall afford the petitioner and respondent
19 an opportunity to be heard on the remedies requested in the
20 petition.

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

22 (725 ILCS 5/112A-12) (from Ch. 38, par. 112A-12)

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

25 (a) (Blank).

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

7 (b) A criminal court may decline to decide contested issues
8 of physical care and possession of a minor child, temporary
9 allocation of parental responsibilities or significant
10 decision-making responsibility, parenting time, ~~custody,~~
11 visitation, or family support, unless a decision on one or more
12 of those contested issues is necessary to avoid the risk of
13 abuse, neglect, removal from the State, ~~state~~ or concealment
14 within the State ~~state~~ of the child or of separation of the
15 child from the primary caretaker.

16 (c) The court shall transfer to the appropriate court or
17 division any issue it has declined to decide. Any court may
18 transfer any matter which must be tried by jury to a more
19 appropriate calendar or division.

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

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

24 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

25 Sec. 112A-14. Domestic violence order ~~Order~~ of protection;

1 remedies.

2 (a) (Blank).

3 (b) The court may order any of the remedies listed in this
4 subsection (b). The remedies listed in this subsection (b)
5 shall be in addition to other civil or criminal remedies
6 available to petitioner.

7 (1) Prohibition of abuse. Prohibit respondent's
8 harassment, interference with personal liberty,
9 intimidation of a dependent, physical abuse, or willful
10 deprivation, as defined in this Article, if such abuse has
11 occurred or otherwise appears likely to occur if not
12 prohibited.

13 (2) Grant of exclusive possession of residence.
14 Prohibit respondent from entering or remaining in any
15 residence, household, or premises of the petitioner,
16 including one owned or leased by respondent, if petitioner
17 has a right to occupancy thereof. The grant of exclusive
18 possession of the residence, household, or premises shall
19 not affect title to real property, nor shall the court be
20 limited by the standard set forth in Section 701 of the
21 Illinois Marriage and Dissolution of Marriage Act.

22 (A) Right to occupancy. A party has a right to
23 occupancy of a residence or household if it is solely
24 or jointly owned or leased by that party, that party's
25 spouse, a person with a legal duty to support that
26 party or a minor child in that party's care, or by any

1 person or entity other than the opposing party that
2 authorizes that party's occupancy (e.g., a domestic
3 violence shelter). Standards set forth in subparagraph
4 (B) shall not preclude equitable relief.

5 (B) Presumption of hardships. If petitioner and
6 respondent each has the right to occupancy of a
7 residence or household, the court shall balance (i) the
8 hardships to respondent and any minor child or
9 dependent adult in respondent's care resulting from
10 entry of this remedy with (ii) the hardships to
11 petitioner and any minor child or dependent adult in
12 petitioner's care resulting from continued exposure to
13 the risk of abuse (should petitioner remain at the
14 residence or household) or from loss of possession of
15 the residence or household (should petitioner leave to
16 avoid the risk of abuse). When determining the balance
17 of hardships, the court shall also take into account
18 the accessibility of the residence or household.
19 Hardships need not be balanced if respondent does not
20 have a right to occupancy.

21 The balance of hardships is presumed to favor
22 possession by petitioner unless the presumption is
23 rebutted by a preponderance of the evidence, showing
24 that the hardships to respondent substantially
25 outweigh the hardships to petitioner and any minor
26 child or dependent adult in petitioner's care. The

1 court, on the request of petitioner or on its own
2 motion, may order respondent to provide suitable,
3 accessible, alternate housing for petitioner instead
4 of excluding respondent from a mutual residence or
5 household.

6 (3) Stay away order and additional prohibitions. Order
7 respondent to stay away from petitioner or any other person
8 protected by the domestic violence order of protection, or
9 prohibit respondent from entering or remaining present at
10 petitioner's school, place of employment, or other
11 specified places at times when petitioner is present, or
12 both, if reasonable, given the balance of hardships.
13 Hardships need not be balanced for the court to enter a
14 stay away order or prohibit entry if respondent has no
15 right to enter the premises.

16 (A) If a domestic violence ~~an~~ order of protection
17 grants petitioner exclusive possession of the
18 residence, ~~or~~ prohibits respondent from entering the
19 residence, or orders respondent to stay away from
20 petitioner or other protected persons, then the court
21 may allow respondent access to the residence to remove
22 items of clothing and personal adornment used
23 exclusively by respondent, medications, and other
24 items as the court directs. The right to access shall
25 be exercised on only one occasion as the court directs
26 and in the presence of an agreed-upon adult third party

1 or law enforcement officer.

2 (B) When the petitioner and the respondent attend
3 the same public, private, or non-public elementary,
4 middle, or high school, the court when issuing a
5 domestic violence ~~an~~ order of protection and providing
6 relief shall consider the severity of the act, any
7 continuing physical danger or emotional distress to
8 the petitioner, the educational rights guaranteed to
9 the petitioner and respondent under federal and State
10 law, the availability of a transfer of the respondent
11 to another school, a change of placement or a change of
12 program of the respondent, the expense, difficulty,
13 and educational disruption that would be caused by a
14 transfer of the respondent to another school, and any
15 other relevant facts of the case. The court may order
16 that the respondent not attend the public, private, or
17 non-public elementary, middle, or high school attended
18 by the petitioner, order that the respondent accept a
19 change of placement or change of program, as determined
20 by the school district or private or non-public school,
21 or place restrictions on the respondent's movements
22 within the school attended by the petitioner. The
23 respondent bears the burden of proving by a
24 preponderance of the evidence that a transfer, change
25 of placement, or change of program of the respondent is
26 not available. The respondent also bears the burden of

1 production with respect to the expense, difficulty,
2 and educational disruption that would be caused by a
3 transfer of the respondent to another school. A
4 transfer, change of placement, or change of program is
5 not unavailable to the respondent solely on the ground
6 that the respondent does not agree with the school
7 district's or private or non-public school's transfer,
8 change of placement, or change of program or solely on
9 the ground that the respondent fails or refuses to
10 consent or otherwise does not take an action required
11 to effectuate a transfer, change of placement, or
12 change of program. When a court orders a respondent to
13 stay away from the public, private, or non-public
14 school attended by the petitioner and the respondent
15 requests a transfer to another attendance center
16 within the respondent's school district or private or
17 non-public school, the school district or private or
18 non-public school shall have sole discretion to
19 determine the attendance center to which the
20 respondent is transferred. If the court order results
21 in a transfer of the minor respondent to another
22 attendance center, a change in the respondent's
23 placement, or a change of the respondent's program, the
24 parents, guardian, or legal custodian of the
25 respondent is responsible for transportation and other
26 costs associated with the transfer or change.

1 (C) The court may order the parents, guardian, or
2 legal custodian of a minor respondent to take certain
3 actions or to refrain from taking certain actions to
4 ensure that the respondent complies with the order. If
5 the court orders a transfer of the respondent to
6 another school, the parents, guardian, or legal
7 custodian of the respondent is responsible for
8 transportation and other costs associated with the
9 change of school by the respondent.

10 (4) Counseling. Require or recommend the respondent to
11 undergo counseling for a specified duration with a social
12 worker, psychologist, clinical psychologist, psychiatrist,
13 family service agency, alcohol or substance abuse program,
14 mental health center guidance counselor, agency providing
15 services to elders, program designed for domestic violence
16 abusers or any other guidance service the court deems
17 appropriate. The court may order the respondent in any
18 intimate partner relationship to report to an Illinois
19 Department of Human Services protocol approved partner
20 abuse intervention program for an assessment and to follow
21 all recommended treatment.

22 (5) Physical care and possession of the minor child. In
23 order to protect the minor child from abuse, neglect, or
24 unwarranted separation from the person who has been the
25 minor child's primary caretaker, or to otherwise protect
26 the well-being of the minor child, the court may do either

1 or both of the following: (i) grant petitioner physical
2 care or possession of the minor child, or both, or (ii)
3 order respondent to return a minor child to, or not remove
4 a minor child from, the physical care of a parent or person
5 in loco parentis.

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

10 (6) Temporary allocation of parental responsibilities
11 and significant decision-making responsibilities ~~legal~~
12 ~~custody~~. Award temporary significant decision-making
13 responsibility ~~legal custody~~ to petitioner in accordance
14 with this Section, the Illinois Marriage and Dissolution of
15 Marriage Act, the Illinois Parentage Act of 2015, and this
16 State's Uniform Child-Custody Jurisdiction and Enforcement
17 Act.

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

23 (7) Parenting time ~~Visitation~~. Determine the parenting
24 time ~~visitation rights~~, if any, of respondent in any case
25 in which the court awards physical care or temporary
26 significant decision-making responsibility ~~legal custody~~

1 of a minor child to petitioner. The court shall restrict or
2 deny respondent's parenting time ~~visitation~~ with a minor
3 child if the court finds that respondent has done or is
4 likely to do any of the following:

5 (i) abuse or endanger the minor child during
6 parenting time ~~visitation~~;

7 (ii) use the parenting time ~~visitation~~ as an
8 opportunity to abuse or harass petitioner or
9 petitioner's family or household members;

10 (iii) improperly conceal or detain the minor
11 child; or

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

14 The court shall not be limited by the standards set
15 forth in Section 603.10 ~~607.1~~ of the Illinois Marriage and
16 Dissolution of Marriage Act. If the court grants parenting
17 time ~~visitation~~, the order shall specify dates and times
18 for the parenting time ~~visitation~~ to take place or other
19 specific parameters or conditions that are appropriate. No
20 order for parenting time ~~visitation~~ shall refer merely to
21 the term "reasonable parenting time" "~~reasonable~~
22 ~~visitation~~". Petitioner may deny respondent access to the
23 minor child if, when respondent arrives for parenting time
24 ~~visitation~~, respondent is under the influence of drugs or
25 alcohol and constitutes a threat to the safety and
26 well-being of petitioner or petitioner's minor children or

1 is behaving in a violent or abusive manner. If necessary to
2 protect any member of petitioner's family or household from
3 future abuse, respondent shall be prohibited from coming to
4 petitioner's residence to meet the minor child for
5 parenting time visitation, and the petitioner and
6 respondent parties shall submit to the court their
7 recommendations for reasonable alternative arrangements
8 for parenting time visitation. A person may be approved to
9 supervise parenting time visitation only after filing an
10 affidavit accepting that responsibility and acknowledging
11 accountability to the court.

12 (8) Removal or concealment of minor child. Prohibit
13 respondent from removing a minor child from the State or
14 concealing the child within the State.

15 (9) Order to appear. Order the respondent to appear in
16 court, alone or with a minor child, to prevent abuse,
17 neglect, removal or concealment of the child, to return the
18 child to the custody or care of the petitioner, or to
19 permit any court-ordered interview or examination of the
20 child or the respondent.

21 (10) Possession of personal property. Grant petitioner
22 exclusive possession of personal property and, if
23 respondent has possession or control, direct respondent to
24 promptly make it available to petitioner, if:

25 (i) petitioner, but not respondent, owns the
26 property; or

1 (ii) the petitioner and respondent ~~parties~~ own the
2 property jointly; sharing it would risk abuse of
3 petitioner by respondent or is impracticable; and the
4 balance of hardships favors temporary possession by
5 petitioner.

6 If petitioner's sole claim to ownership of the property
7 is that it is marital property, the court may award
8 petitioner temporary possession thereof under the
9 standards of subparagraph (ii) of this paragraph only if a
10 proper proceeding has been filed under the Illinois
11 Marriage and Dissolution of Marriage Act, as now or
12 hereafter amended.

13 No order under this provision shall affect title to
14 property.

15 (11) Protection of property. Forbid the respondent
16 from taking, transferring, encumbering, concealing,
17 damaging, or otherwise disposing of any real or personal
18 property, except as explicitly authorized by the court, if:

19 (i) petitioner, but not respondent, owns the
20 property; or

21 (ii) the petitioner and respondent ~~parties~~ own the
22 property jointly, and the balance of hardships favors
23 granting this remedy.

24 If petitioner's sole claim to ownership of the property
25 is that it is marital property, the court may grant
26 petitioner relief under subparagraph (ii) of this

1 paragraph only if a proper proceeding has been filed under
2 the Illinois Marriage and Dissolution of Marriage Act, as
3 now or hereafter amended.

4 The court may further prohibit respondent from
5 improperly using the financial or other resources of an
6 aged member of the family or household for the profit or
7 advantage of respondent or of any other person.

8 (11.5) Protection of animals. Grant the petitioner the
9 exclusive care, custody, or control of any animal owned,
10 possessed, leased, kept, or held by either the petitioner
11 or the respondent or a minor child residing in the
12 residence or household of either the petitioner or the
13 respondent and order the respondent to stay away from the
14 animal and forbid the respondent from taking,
15 transferring, encumbering, concealing, harming, or
16 otherwise disposing of the animal.

17 (12) Order for payment of support. Order respondent to
18 pay temporary support for the petitioner or any child in
19 the petitioner's care or over whom the petitioner has been
20 allocated parental responsibility ~~custody~~, when the
21 respondent has a legal obligation to support that person,
22 in accordance with the Illinois Marriage and Dissolution of
23 Marriage Act, which shall govern, among other matters, the
24 amount of support, payment through the clerk and
25 withholding of income to secure payment. An order for child
26 support may be granted to a petitioner with lawful physical

1 care ~~or custody~~ of a child, or an order or agreement for
2 physical care of a child ~~or custody~~, prior to entry of an
3 order allocating significant decision-making
4 responsibility for legal custody. Such a support order
5 shall expire upon entry of a valid order allocating
6 parental responsibility differently and vacating
7 petitioner's significant decision-making responsibility
8 ~~granting legal custody to another,~~ unless otherwise
9 provided in the ~~custody~~ order.

10 (13) Order for payment of losses. Order respondent to
11 pay petitioner for losses suffered as a direct result of
12 the abuse. Such losses shall include, but not be limited
13 to, medical expenses, lost earnings or other support,
14 repair or replacement of property damaged or taken,
15 reasonable attorney's fees, court costs, and moving or
16 other travel expenses, including additional reasonable
17 expenses for temporary shelter and restaurant meals.

18 (i) Losses affecting family needs. If a party is
19 entitled to seek maintenance, child support, or
20 property distribution from the other party under the
21 Illinois Marriage and Dissolution of Marriage Act, as
22 now or hereafter amended, the court may order
23 respondent to reimburse petitioner's actual losses, to
24 the extent that such reimbursement would be
25 "appropriate temporary relief", as authorized by
26 subsection (a) (3) of Section 501 of that Act.

1 (ii) Recovery of expenses. In the case of an
2 improper concealment or removal of a minor child, the
3 court may order respondent to pay the reasonable
4 expenses incurred or to be incurred in the search for
5 and recovery of the minor child, including, but not
6 limited to, legal fees, court costs, private
7 investigator fees, and travel costs.

8 (14) Prohibition of entry. Prohibit the respondent
9 from entering or remaining in the residence or household
10 while the respondent is under the influence of alcohol or
11 drugs and constitutes a threat to the safety and well-being
12 of the petitioner or the petitioner's children.

13 (14.5) Prohibition of firearm possession.

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

18 (B) Any firearms in the possession of the
19 respondent, except as provided in subparagraph (C) of
20 this paragraph (14.5), shall be ordered by the court to
21 be turned over to a person with a valid Firearm Owner's
22 Identification Card for safekeeping. The court shall
23 issue an order that the respondent's Firearm Owner's
24 Identification Card be turned over to the local law
25 enforcement agency, which in turn shall immediately
26 mail the card to the Department of State Police Firearm

1 Owner's Identification Card Office for safekeeping.
2 The period of safekeeping shall be for the duration of
3 the domestic violence order of protection. The firearm
4 or firearms and Firearm Owner's Identification Card,
5 if unexpired, shall at the respondent's request be
6 returned to the respondent at expiration of the
7 domestic violence order of protection.

8 (C) If the respondent is a peace officer as defined
9 in Section 2-13 of the Criminal Code of 2012, the court
10 shall order that any firearms used by the respondent in
11 the performance of his or her duties as a peace officer
12 be surrendered to the chief law enforcement executive
13 of the agency in which the respondent is employed, who
14 shall retain the firearms for safekeeping for the
15 duration of the domestic violence order of protection.

16 (D) Upon expiration of the period of safekeeping,
17 if the firearms or Firearm Owner's Identification Card
18 cannot be returned to respondent because respondent
19 cannot be located, fails to respond to requests to
20 retrieve the firearms, or is not lawfully eligible to
21 possess a firearm, upon petition from the local law
22 enforcement agency, the court may order the local law
23 enforcement agency to destroy the firearms, use the
24 firearms for training purposes, or for any other
25 application as deemed appropriate by the local law
26 enforcement agency; or that the firearms be turned over

1 to a third party who is lawfully eligible to possess
2 firearms, and who does not reside with respondent.

3 (15) Prohibition of access to records. If a domestic
4 violence ~~an~~ order of protection prohibits respondent from
5 having contact with the minor child, or if petitioner's
6 address is omitted under subsection (b) of Section 112A-5
7 of this Code, or if necessary to prevent abuse or wrongful
8 removal or concealment of a minor child, the order shall
9 deny respondent access to, and prohibit respondent from
10 inspecting, obtaining, or attempting to inspect or obtain,
11 school or any other records of the minor child who is in
12 the care of petitioner.

13 (16) Order for payment of shelter services. Order
14 respondent to reimburse a shelter providing temporary
15 housing and counseling services to the petitioner for the
16 cost of the services, as certified by the shelter and
17 deemed reasonable by the court.

18 (17) Order for injunctive relief. Enter injunctive
19 relief necessary or appropriate to prevent further abuse of
20 a family or household member or to effectuate one of the
21 granted remedies, if supported by the balance of hardships.
22 If the harm to be prevented by the injunction is abuse or
23 any other harm that one of the remedies listed in
24 paragraphs (1) through (16) of this subsection is designed
25 to prevent, no further evidence is necessary to establish
26 that the harm is an irreparable injury.

1 (18) Telephone services.

2 (A) Unless a condition described in subparagraph
3 (B) of this paragraph exists, the court may, upon
4 request by the petitioner, order a wireless telephone
5 service provider to transfer to the petitioner the
6 right to continue to use a telephone number or numbers
7 indicated by the petitioner and the financial
8 responsibility associated with the number or numbers,
9 as set forth in subparagraph (C) of this paragraph. In
10 ~~For purposes of~~ this paragraph (18), the term "wireless
11 telephone service provider" means a provider of
12 commercial mobile service as defined in 47 U.S.C. 332.
13 The petitioner may request the transfer of each
14 telephone number that the petitioner, or a minor child
15 in his or her custody, uses. The clerk of the court
16 shall serve the order on the wireless telephone service
17 provider's agent for service of process provided to the
18 Illinois Commerce Commission. The order shall contain
19 all of the following:

20 (i) The name and billing telephone number of
21 the account holder including the name of the
22 wireless telephone service provider that serves
23 the account.

24 (ii) Each telephone number that will be
25 transferred.

26 (iii) A statement that the provider transfers

1 to the petitioner all financial responsibility for
2 and right to the use of any telephone number
3 transferred under this paragraph.

4 (B) A wireless telephone service provider shall
5 terminate the respondent's use of, and shall transfer
6 to the petitioner use of, the telephone number or
7 numbers indicated in subparagraph (A) of this
8 paragraph unless it notifies the petitioner, within 72
9 hours after it receives the order, that one of the
10 following applies:

11 (i) The account holder named in the order has
12 terminated the account.

13 (ii) A difference in network technology would
14 prevent or impair the functionality of a device on
15 a network if the transfer occurs.

16 (iii) The transfer would cause a geographic or
17 other limitation on network or service provision
18 to the petitioner.

19 (iv) Another technological or operational
20 issue would prevent or impair the use of the
21 telephone number if the transfer occurs.

22 (C) The petitioner assumes all financial
23 responsibility for and right to the use of any
24 telephone number transferred under this paragraph. In
25 this paragraph, "financial responsibility" includes
26 monthly service costs and costs associated with any

1 mobile device associated with the number.

2 (D) A wireless telephone service provider may
3 apply to the petitioner its routine and customary
4 requirements for establishing an account or
5 transferring a number, including requiring the
6 petitioner to provide proof of identification,
7 financial information, and customer preferences.

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

12 (F) All wireless service providers that provide
13 services to residential customers shall provide to the
14 Illinois Commerce Commission the name and address of an
15 agent for service of orders entered under this
16 paragraph (18). Any change in status of the registered
17 agent must be reported to the Illinois Commerce
18 Commission within 30 days of such change.

19 (G) The Illinois Commerce Commission shall
20 maintain the list of registered agents for service for
21 each wireless telephone service provider on the
22 Commission's website. The Commission may consult with
23 wireless telephone service providers and the Circuit
24 Court Clerks on the manner in which this information is
25 provided and displayed.

26 (c) Relevant factors; findings.

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

5 (i) the nature, frequency, severity, pattern, and
6 consequences of the respondent's past abuse of the
7 petitioner or any family or household member,
8 including the concealment of his or her location in
9 order to evade service of process or notice, and the
10 likelihood of danger of future abuse to petitioner or
11 any member of petitioner's or respondent's family or
12 household; and

13 (ii) the danger that any minor child will be abused
14 or neglected or improperly relocated ~~removed~~ from the
15 jurisdiction, improperly concealed within the State or
16 improperly separated from the child's primary
17 caretaker.

18 (2) In comparing relative hardships resulting to the
19 parties from loss of possession of the family home, the
20 court shall consider relevant factors, including, but not
21 limited to, the following:

22 (i) availability, accessibility, cost, safety,
23 adequacy, location and other characteristics of
24 alternate housing for each party and any minor child or
25 dependent adult in the party's care;

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

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

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

8 (i) That the court has considered the applicable
9 relevant factors described in paragraphs (1) and (2) of
10 this subsection (c).

11 (ii) Whether the conduct or actions of respondent,
12 unless prohibited, will likely cause irreparable harm
13 or continued abuse.

14 (iii) Whether it is necessary to grant the
15 requested relief in order to protect petitioner or
16 other alleged abused persons.

17 (4) (Blank).

18 (5) Never married parties. No rights or
19 responsibilities for a minor child born outside of marriage
20 attach to a putative father until a father and child
21 relationship has been established under the Illinois
22 Parentage Act of 1984, ~~or under~~ the Illinois Parentage Act
23 of 2015, the Illinois Public Aid Code, Section 12 of the
24 Vital Records Act, the Juvenile Court Act of 1987, the
25 Probate Act of 1975, the Uniform Interstate Family Support
26 Act, the Expedited Child Support Act of 1990, any judicial,

1 administrative, or other act of another state or territory,
2 any other statute of this State, or by any foreign nation
3 establishing the father and child relationship, any other
4 proceeding substantially in conformity with the federal
5 Personal Responsibility and Work Opportunity
6 Reconciliation Act of 1996, or when both parties appeared
7 in open court or at an administrative hearing acknowledging
8 under oath or admitting by affirmation the existence of a
9 father and child relationship ~~on and after the effective~~
10 ~~date of that Act.~~ Absent such an adjudication, no putative
11 father shall be granted temporary allocation of parental
12 responsibilities, including parenting time ~~custody of the~~
13 ~~minor child, visitation~~ with the minor child, or physical
14 care and possession of the minor child, nor shall an order
15 of payment for support of the minor child be entered.

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

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

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

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

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

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

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

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

16 (7) conduct ~~Conduct~~ by any family or household member
17 excused the abuse by respondent, unless that same conduct
18 would have excused such abuse if the parties had not been
19 family or household members.

20 (Source: P.A. 99-85, eff. 1-1-16; 100-199, eff. 1-1-18;
21 100-388, eff. 1-1-18; revised 10-10-17.)

22 (725 ILCS 5/112A-16) (from Ch. 38, par. 112A-16)

23 Sec. 112A-16. Accountability for Actions of Others. For the
24 purposes of issuing a domestic violence ~~an~~ order of protection,
25 deciding what remedies should be included and enforcing the

1 order, Article 5 of the Criminal Code of 2012 shall govern
2 whether respondent is legally accountable for the conduct of
3 another person.

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

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

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

7 (a) The petitioner may request expedited consideration of
8 the petition for an ex parte protective order. The court shall
9 consider the request on an expedited basis without requiring
10 the respondent's presence or requiring notice to the
11 respondent.

12 (b) Issuance of ex parte protective orders in cases
13 involving domestic violence. An ex parte domestic violence
14 order of protection shall be issued if petitioner satisfies the
15 requirements of this subsection (b) for one or more of the
16 requested remedies. For each remedy requested, petitioner
17 shall establish that:

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

20 (2) the requirements of subsection (a) of Section
21 112A-11.5 of this Code are satisfied; and

22 (3) there is good cause to grant the remedy, regardless
23 of prior service of process or notice upon the respondent,
24 because:

25 (A) for the remedy of prohibition of abuse

1 described in paragraph (1) of subsection (b) of Section
2 112A-14 of this Code; stay away order and additional
3 prohibitions described in paragraph (3) of subsection
4 (b) of Section 112A-14 of this Code; removal or
5 concealment of minor child described in paragraph (8)
6 of subsection (b) of Section 112A-14 of this Code;
7 order to appear described in paragraph (9) of
8 subsection (b) of Section 112A-14 of this Code;
9 physical care and possession of the minor child
10 described in paragraph (5) of subsection (b) of Section
11 112A-14 of this Code; protection of property described
12 in paragraph (11) of subsection (b) of Section 112A-14
13 of this Code; prohibition of entry described in
14 paragraph (14) of subsection (b) of Section 112A-14 of
15 this Code; prohibition of firearm possession described
16 in paragraph (14.5) of subsection (b) of Section
17 112A-14 of this Code; prohibition of access to records
18 described in paragraph (15) of subsection (b) of
19 Section 112A-14 of this Code; injunctive relief
20 described in paragraph (16) of subsection (b) of
21 Section 112A-14 of this Code; and telephone services
22 described in paragraph (18) of subsection (b) of
23 Section 112A-14 of this Code, the harm which that
24 remedy is intended to prevent would be likely to occur
25 if the respondent were given any prior notice, or
26 greater notice than was actually given, of the

1 petitioner's efforts to obtain judicial relief;

2 (B) for the remedy of grant of exclusive possession
3 of residence described in paragraph (2) of subsection
4 (b) of Section 112A-14 of this Code; the immediate
5 danger of further abuse of the petitioner by the
6 respondent, if the petitioner chooses or had chosen to
7 remain in the residence or household while the
8 respondent was given any prior notice or greater notice
9 than was actually given of the petitioner's efforts to
10 obtain judicial relief outweighs the hardships to the
11 respondent of an emergency order granting the
12 petitioner exclusive possession of the residence or
13 household; and the remedy shall not be denied because
14 the petitioner has or could obtain temporary shelter
15 elsewhere while prior notice is given to the
16 respondent, unless the hardship to the respondent from
17 exclusion from the home substantially outweigh the
18 hardship to the petitioner; or

19 (C) for the remedy of possession of personal
20 property described in paragraph (10) of subsection (b)
21 of Section 112A-14 of this Code; improper disposition
22 of the personal property would be likely to occur if
23 the respondent were given any prior notice, or greater
24 notice than was actually given, of the petitioner's
25 efforts to obtain judicial relief or the petitioner has
26 an immediate and pressing need for the possession of

1 that property.

2 An ex parte domestic violence order of protection may not
3 include the counseling, custody, or payment of support or
4 monetary compensation remedies provided by paragraphs (4),
5 (12), (13), and (16) of subsection (b) of Section 112A-14 of
6 this Code.

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

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

12 (2) the requirements of subsection (a) of Section
13 112A-11.5 of this Code are satisfied; and

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

21 The court may order any of the remedies under Section
22 112A-14.5 of this Code.

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

26 (1) the court has jurisdiction under Section 112A-9 of

1 this Code;

2 (2) the requirements of subsection (a) of Section
3 112A-11.5 of this Code are satisfied; and

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

11 The court may order any of the remedies under Section
12 112A-14.7 of this Code.

13 (e) Issuance of ex parte protective orders on court
14 holidays and evenings.

15 When the court is unavailable at the close of business, the
16 petitioner may file a petition for an ex parte protective order
17 before any available circuit judge or associate judge who may
18 grant relief under this Article. If the judge finds that
19 petitioner has satisfied the prerequisites in subsection (b),
20 (c), or (d) of this Section, the judge shall issue an ex parte
21 protective order.

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

1 The judge who issued the order under this Section shall
2 promptly communicate or convey the order to the sheriff to
3 facilitate the entry of the order into the Law Enforcement
4 Agencies Data System by the Department of State Police under
5 Section 112A-28 of this Code. Any order issued under this
6 Section and any documentation in support of it shall be
7 certified on the next court day to the appropriate court. The
8 clerk of that court shall immediately assign a case number,
9 file the petition, order, and other documents with the court
10 and enter the order of record and file it with the sheriff for
11 service under subsection (f) of this Section. Failure to comply
12 with the requirements of this subsection (e) shall not affect
13 the validity of the order.

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

15 (1) If an ex parte protective order is entered at the
16 time a summons or arrest warrant is issued for the criminal
17 charge, the petition for the protective order, any
18 supporting affidavits, if any, and the ex parte protective
19 order that has been issued shall be served with the summons
20 or arrest warrant. The enforcement of a protective order
21 under Section 112A-23 of this Code shall not be affected by
22 the lack of service or delivery, provided the requirements
23 of subsection (a) of Section 112A-23 of this Code are
24 otherwise met.

25 (2) If an ex parte protective order is entered after a
26 summons or arrest warrant is issued and before the

1 respondent makes an initial appearance in the criminal
2 case, the summons shall be in the form prescribed by
3 subsection (d) of Supreme Court Rule 101, except that it
4 shall require respondent to answer or appear within 7 days
5 and shall be accompanied by the petition for the protective
6 order, any supporting affidavits, if any, and the ex parte
7 protective order that has been issued.

8 (3) If an ex parte protective order is entered after
9 the respondent has been served notice of a petition for a
10 final protective order and the respondent has requested a
11 continuance to respond to the petition, the ex parte
12 protective order shall be served: (A) in open court if the
13 respondent is present at the proceeding at which the order
14 was entered; or (B) by summons in the form prescribed by
15 subsection (d) of Supreme Court Rule 101.

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

17 (5) The summons shall be served by the sheriff or other
18 law enforcement officer at the earliest time and shall take
19 precedence over other summonses except those of a similar
20 emergency nature. Special process servers may be appointed
21 at any time, and their designation shall not affect the
22 responsibilities and authority of the sheriff or other
23 official process servers. In a county with a population
24 over 3,000,000, a special process server may not be
25 appointed if an ex parte protective order grants the
26 surrender of a child, the surrender of a firearm or Firearm

1 Owner's Identification Card, or the exclusive possession
2 of a shared residence. Process may be served in court.

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

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

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

14 The verified petition and affidavit shall set forth the
15 evidence of the meritorious defense that will be presented at a
16 hearing. If the court finds that the evidence presented at the
17 hearing on the petition establishes a meritorious defense by a
18 preponderance of the evidence, the court may decide to vacate
19 the protective order or modify the remedies.

20 (h) If the ex parte protective order granted petitioner
21 exclusive possession of the residence and the petition of
22 respondent seeks to re-open or vacate that grant, the court
23 shall set a date for hearing within 14 days on all issues
24 relating to exclusive possession. Under no circumstances shall
25 a court continue a hearing concerning exclusive possession
26 beyond the 14th day except by agreement of the petitioner and

1 the respondent. Other issues raised by the pleadings may be
2 consolidated for the hearing if the petitioner, the respondent,
3 and the court do not object.

4 (i) Duration of ex parte protective order. An ex parte
5 order shall remain in effect until the court considers the
6 request for a final protective order after notice has been
7 served on the respondent or a default final protective order is
8 entered, whichever occurs first. If a court date is scheduled
9 for the issuance of a default protective order and the
10 petitioner fails to personally appear or appear through counsel
11 or the prosecuting attorney, the petition shall be dismissed
12 and the ex parte order terminated.

13 (725 ILCS 5/112A-20) (from Ch. 38, par. 112A-20)

14 Sec. 112A-20. Duration and extension of final protective
15 orders.

16 (a) (Blank).

17 (b) A final protective order shall remain in effect as
18 follows:

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

24 (2) if in effect in conjunction with a bond forfeiture
25 warrant, until final disposition or an additional period of

1 time not exceeding 2 years; no domestic violence order of
2 protection, however, shall be terminated by a dismissal
3 that is accompanied by the issuance of a bond forfeiture
4 warrant;

5 (3) until 2 years after the expiration of any
6 supervision, conditional discharge, probation, periodic
7 imprisonment, parole, aftercare release, or mandatory
8 supervised release for domestic violence orders of
9 protection and civil no contact orders; or

10 (4) until 2 years after the date set by the court for
11 expiration of any sentence of imprisonment and subsequent
12 parole, aftercare release, or mandatory supervised release
13 for domestic violence orders of protection and civil no
14 contact orders; and

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

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

20 (d) Law enforcement records. When a protective order
21 expires upon the occurrence of a specified event, rather than
22 upon a specified date as provided in subsection (b), no
23 expiration date shall be entered in Department of State Police
24 records. To remove the protective order from those records,
25 either the petitioner or the respondent shall request the clerk
26 of the court to file a certified copy of an order stating that

1 the specified event has occurred or that the protective order
2 has been vacated or modified with the sheriff, and the sheriff
3 shall direct that law enforcement records shall be promptly
4 corrected in accordance with the filed order.

5 (e) Extension of Orders. Any domestic violence order of
6 protection or civil no contact order that expires 2 years after
7 the expiration of the defendant's sentence under paragraph (2),
8 (3), or (4) of subsection (b) of Section 112A-20 of this
9 Article may be extended one or more times, as required. The
10 petitioner, petitioner's counsel, or the State's Attorney on
11 the petitioner's behalf shall file the motion for an extension
12 of the final protective order in the criminal case and serve
13 the motion in accordance with Supreme Court Rules 11 and 12.
14 The court shall transfer the motion to the appropriate court or
15 division for consideration under subsection (e) of Section 220
16 of the Illinois Domestic Violence Act of 1986, ~~or~~ subsection
17 (c) of Section 216 of the Civil No Contact Order Act, or
18 subsection (c) of Section 105 of the Stalking No Contact Order
19 as appropriate.

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

23 (g) Statement of purpose. The practice of dismissing or
24 suspending a criminal prosecution in exchange for issuing a
25 protective ~~an~~ order ~~of protection~~ undermines the purposes of
26 this Article. This Section shall not be construed as

1 encouraging that practice.

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

3 (725 ILCS 5/112A-21) (from Ch. 38, par. 112A-21)

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

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

8 (1) Each remedy granted by the court, in reasonable
9 detail and not by reference to any other document, so that
10 respondent may clearly understand what he or she must do or
11 refrain from doing. Pre-printed form orders of protection
12 shall include the definitions of the types of abuse, as
13 provided in Section 112A-3 of this Code. Remedies set forth
14 in pre-printed form for domestic violence orders shall be
15 numbered consistently with and corresponding to the
16 numerical sequence of remedies listed in Section 112A-14 of
17 this Code (at least as of the date the form orders are
18 printed).

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

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

23 (1) The name of each petitioner that the court finds is
24 a victim of a charged offense, and that respondent is a
25 member of the family or household of each such petitioner,

1 and the name of each other person protected by the order
2 and that such person is protected by this Code Act.

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

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

7 (4) (Blank).

8 (5) (Blank).

9 (6) (Blank).

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

12 "Any knowing violation of a domestic violence ~~an~~ order
13 of protection forbidding physical abuse, harassment,
14 intimidation, interference with personal liberty, willful
15 deprivation, or entering or remaining present at specified
16 places when the protected person is present, or granting
17 exclusive possession of the residence or household, or
18 granting a stay away order is a Class A misdemeanor for a
19 first offense, and a Class 4 felony for persons with a
20 prior conviction for certain offenses under subsection (d)
21 of Section 12-3.4 of the Criminal Code of 2012. Grant of
22 exclusive possession of the residence or household shall
23 constitute notice forbidding trespass to land. Any knowing
24 violation of an order awarding legal custody or physical
25 care of a child or prohibiting removal or concealment of a
26 child may be a Class 4 felony. Any willful violation of any

1 order is contempt of court. Any violation may result in
2 fine or imprisonment."

3 (d) (Blank).

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

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

15 (725 ILCS 5/112A-22) (from Ch. 38, par. 112A-22)

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

17 (a) Entry and issuance. Upon issuance of any protective
18 ~~order of protection~~, the clerk shall immediately, or on the
19 next court day if an ex parte order is issued under subsection
20 (e) of Section 112A-17.5 of this Code, (i) enter the order on
21 the record and file it in accordance with the circuit court
22 procedures and (ii) provide a file stamped copy of the order to
23 respondent and to petitioner, if present, and to the State's
24 Attorney. If the victim is not present the State's Attorney
25 shall (i) as soon as practicable notify the petitioner the

1 order has been entered and (ii) provide a file stamped copy of
2 the order to the petitioner within 3 days.

3 (b) Filing with sheriff. The clerk of the issuing judge
4 shall, on the same day that a protective order is issued, file
5 a copy of that order with the sheriff or other law enforcement
6 officials charged with maintaining Department of State Police
7 records or charged with serving the order upon respondent. If
8 the order was issued under subsection (e) of Section 112A-17.5
9 of this Code, the clerk on the next court day shall file a
10 certified copy of the order with the sheriff or other law
11 enforcement officials charged with maintaining Department of
12 State Police records.

13 (c) (Blank).

14 (c-2) Service by sheriff. Unless respondent was present in
15 court when the order was issued, the sheriff, other law
16 enforcement official, or special process server shall promptly
17 serve that order upon respondent and file proof of the service,
18 in the manner provided for service of process in civil
19 proceedings. Instead of serving the order upon the respondent;
20 however, the sheriff, other law enforcement official, special
21 process server, or other persons defined in Section 112A-22.1
22 of this Code may serve the respondent with a short form
23 notification as provided in Section 112A-22.1 of this Code. If
24 process has not yet been served upon the respondent, process
25 shall be served with the order or short form notification if
26 the service is made by the sheriff, other law enforcement

1 official, or special process server.

2 (c-3) If the person against whom the protective order is
3 issued is arrested and the written order is issued under
4 subsection (e) of Section 112A-17.5 of this Code and received
5 by the custodial law enforcement agency before the respondent
6 or arrestee is released from custody, the custodial law
7 enforcement agency shall promptly serve the order upon the
8 respondent or arrestee before the respondent or arrestee is
9 released from custody. In no event shall detention of the
10 respondent or arrestee be extended for a hearing on the
11 petition for protective order or receipt of the order issued
12 under Section 112A-17 of this Code.

13 (c-4) Extensions, modifications, and revocations. Any
14 order extending, modifying, or revoking any protective order
15 shall be promptly recorded, issued, and served as provided in
16 this Section.

17 (c-5) (Blank).

18 (d) (Blank).

19 (e) Notice to health care facilities and health care
20 practitioners. Upon the request of the petitioner, the clerk of
21 the circuit court shall send a certified copy of the protective
22 order to any specified health care facility or health care
23 practitioner requested by the petitioner at the mailing address
24 provided by the petitioner.

25 (f) Disclosure by health care facilities and health care
26 practitioners. After receiving a certified copy of a protective

1 order that prohibits a respondent's access to records, no
2 health care facility or health care practitioner shall allow a
3 respondent access to the records of any child who is a
4 protected person under the protective order, or release
5 information in those records to the respondent, unless the
6 order has expired or the respondent shows a certified copy of
7 the court order vacating the corresponding protective order
8 that was sent to the health care facility or practitioner.
9 Nothing in this Section shall be construed to require health
10 care facilities or health care practitioners to alter
11 procedures related to billing and payment. The health care
12 facility or health care practitioner may file the copy of the
13 protective order in the records of a child who is a protected
14 person under the protective order, or may employ any other
15 method to identify the records to which a respondent is
16 prohibited access. No health care facility or health care
17 practitioner shall be civilly or professionally liable for
18 reliance on a copy of a protective order, except for willful
19 and wanton misconduct.

20 (g) Notice to schools. Upon the request of the petitioner,
21 within 24 hours of the issuance of a protective order, the
22 clerk of the issuing judge shall send a certified copy of the
23 protective order to the day-care facility, pre-school or
24 pre-kindergarten, or private school or the principal office of
25 the public school district or any college or university in
26 which any child who is a protected person under the protective

1 order or any child of the petitioner is enrolled as requested
2 by the petitioner at the mailing address provided by the
3 petitioner. If the child transfers enrollment to another
4 day-care facility, pre-school, pre-kindergarten, private
5 school, public school, college, or university, the petitioner
6 may, within 24 hours of the transfer, send to the clerk written
7 notice of the transfer, including the name and address of the
8 institution to which the child is transferring. Within 24 hours
9 of receipt of notice from the petitioner that a child is
10 transferring to another day-care facility, pre-school,
11 pre-kindergarten, private school, public school, college, or
12 university, the clerk shall send a certified copy of the order
13 to the institution to which the child is transferring.

14 (h) Disclosure by schools. After receiving a certified copy
15 of a protective order that prohibits a respondent's access to
16 records, neither a day-care facility, pre-school,
17 pre-kindergarten, public or private school, college, or
18 university nor its employees shall allow a respondent access to
19 a protected child's records or release information in those
20 records to the respondent. The school shall file the copy of
21 the protective order in the records of a child who is a
22 protected person under the order. When a child who is a
23 protected person under the protective order transfers to
24 another day-care facility, pre-school, pre-kindergarten,
25 public or private school, college, or university, the
26 institution from which the child is transferring may, at the

1 request of the petitioner, provide, within 24 hours of the
2 transfer, written notice of the protective order, along with a
3 certified copy of the order, to the institution to which the
4 child is transferring.

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

6 (725 ILCS 5/112A-22.1 new)

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

8 (a) Instead of personal service of a protective order under
9 Section 112A-22 of this Code, a sheriff, other law enforcement
10 official, special process server, or personnel assigned by the
11 Department of Corrections or Department of Juvenile Justice to
12 investigate the alleged misconduct of committed persons or
13 alleged violations of the person's conditions of parole,
14 aftercare release, or mandatory supervised release, may serve a
15 respondent with a short form notification. The short form
16 notification shall include the following:

17 (1) Respondent's name.

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

19 (3) Petitioner's name.

20 (4) Names of other protected parties.

21 (5) Date and county in which the protective order was
22 filed.

23 (6) Court file number.

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

25 (8) Conditions that apply to the respondent, either in

1 checklist form or handwritten.

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

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

9 (c) Upon verification of the identity of the respondent and
10 the existence of an unserved order against the respondent, a
11 sheriff or other law enforcement official may detain the
12 respondent for a reasonable time necessary to complete and
13 serve the short form notification.

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

17 (e) The Attorney General shall make the short form
18 notification form available to law enforcement agencies in this
19 State.

20 (725 ILCS 5/112A-22.3)

21 Sec. 112A-22.3. Withdrawal or dismissal of charges or
22 petition.

23 (a) Voluntary dismissal or withdrawal of any delinquency
24 petition or criminal prosecution or a finding of not guilty
25 shall not require dismissal or vacation of the protective

1 order; instead, at the request of the petitioner, petitioner's
2 counsel, or the State's Attorney on behalf of the petitioner ~~in~~
3 ~~the discretion of the State's Attorney, or on the court's~~
4 ~~motion~~, it may be treated as an independent action and, if
5 necessary and appropriate, transferred to a different court or
6 division. Dismissal of any delinquency petition or criminal
7 prosecution shall not affect the validity of any previously
8 issued protective order.

9 (b) Withdrawal or dismissal of any petition for a
10 protective order shall operate as a dismissal without
11 prejudice.

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

13 (725 ILCS 5/112A-23) (from Ch. 38, par. 112A-23)

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

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

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

22 (i) remedies described in paragraphs (1), (2),
23 (3), (14), or (14.5) of subsection (b) of Section
24 112A-14 of this Code,

25 (ii) a remedy, which is substantially similar to

1 the remedies authorized under paragraphs (1), (2),
2 (3), (14), or (14.5) of subsection (b) of Section 214
3 of the Illinois Domestic Violence Act of 1986, in a
4 valid order of protection, which is authorized under
5 the laws of another state, tribe or United States
6 territory,

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

10 Prosecution for a violation of a domestic violence ~~an~~
11 order of protection shall not bar concurrent prosecution
12 for any other crime, including any crime that may have been
13 committed at the time of the violation of the domestic
14 violence order of protection; or

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

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

21 (ii) a remedy, which is substantially similar to
22 the remedies authorized under paragraphs (1), (5),
23 (6), or (8) of subsection (b) of Section 214 of the
24 Illinois Domestic Violence Act of 1986, in a valid
25 domestic violence order of protection, which is
26 authorized under the laws of another state, tribe or

1 United States territory.

2 (3) The respondent commits the crime of violation of a
3 civil no contact order when the respondent violates Section
4 12-3.8 of the Criminal Code of 2012. Prosecution for a
5 violation of a civil no contact order shall not bar
6 concurrent prosecution for any other crime, including any
7 crime that may have been committed at the time of the
8 violation of the civil no contact order.

9 (4) The respondent commits the crime of violation of a
10 stalking no contact order when the respondent violates
11 Section 12-3.9 of the Criminal Code of 2012. Prosecution
12 for a violation of a stalking no contact order shall not
13 bar concurrent prosecution for any other crime, including
14 any crime that may have been committed at the time of the
15 violation of the stalking no contact order.

16 (b) When violation is contempt of court. A violation of any
17 valid protective order, whether issued in a civil or criminal
18 proceeding, may be enforced through civil or criminal contempt
19 procedures, as appropriate, by any court with jurisdiction,
20 regardless where the act or acts which violated the protective
21 order were committed, to the extent consistent with the venue
22 provisions of this Article. Nothing in this Article shall
23 preclude any Illinois court from enforcing any valid protective
24 order issued in another state. Illinois courts may enforce
25 protective orders through both criminal prosecution and
26 contempt proceedings, unless the action which is second in time

1 is barred by collateral estoppel or the constitutional
2 prohibition against double jeopardy.

3 (1) In a contempt proceeding where the petition for a
4 rule to show cause sets forth facts evidencing an immediate
5 danger that the respondent will flee the jurisdiction,
6 conceal a child, or inflict physical abuse on the
7 petitioner or minor children or on dependent adults in
8 petitioner's care, the court may order the attachment of
9 the respondent without prior service of the rule to show
10 cause or the petition for a rule to show cause. Bond shall
11 be set unless specifically denied in writing.

12 (2) A petition for a rule to show cause for violation
13 of a protective order shall be treated as an expedited
14 proceeding.

15 (c) Violation of custody, allocation of parental
16 responsibility, or support orders. A violation of remedies
17 described in paragraphs (5), (6), (8), or (9) of subsection (b)
18 of Section 112A-14 of this Code may be enforced by any remedy
19 provided by Section 607.5 of the Illinois Marriage and
20 Dissolution of Marriage Act. The court may enforce any order
21 for support issued under paragraph (12) of subsection (b) of
22 Section 112A-14 of this Code in the manner provided for under
23 Parts V and VII of the Illinois Marriage and Dissolution of
24 Marriage Act.

25 (d) Actual knowledge. A protective order may be enforced
26 pursuant to this Section if the respondent violates the order

1 after respondent has actual knowledge of its contents as shown
2 through one of the following means:

3 (1) (Blank).

4 (2) (Blank).

5 (3) By service of a protective ~~an order of protection~~
6 under subsection (f) of Section 112A-17.5 or Section
7 112A-22 of this Code.

8 (4) By other means demonstrating actual knowledge of
9 the contents of the order.

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

13 (1) The existence of a separate, correlative order
14 entered under Section 112A-15 of this Code.

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

17 (f) Circumstances. The court, when determining whether or
18 not a violation of a protective order has occurred, shall not
19 require physical manifestations of abuse on the person of the
20 victim.

21 (g) Penalties.

22 (1) Except as provided in paragraph (3) of this
23 subsection (g), where the court finds the commission of a
24 crime or contempt of court under subsections (a) or (b) of
25 this Section, the penalty shall be the penalty that
26 generally applies in such criminal or contempt

1 proceedings, and may include one or more of the following:
2 incarceration, payment of restitution, a fine, payment of
3 attorneys' fees and costs, or community service.

4 (2) The court shall hear and take into account evidence
5 of any factors in aggravation or mitigation before deciding
6 an appropriate penalty under paragraph (1) of this
7 subsection (g).

8 (3) To the extent permitted by law, the court is
9 encouraged to:

10 (i) increase the penalty for the knowing violation
11 of any protective order over any penalty previously
12 imposed by any court for respondent's violation of any
13 protective order or penal statute involving petitioner
14 as victim and respondent as defendant;

15 (ii) impose a minimum penalty of 24 hours
16 imprisonment for respondent's first violation of any
17 protective order; and

18 (iii) impose a minimum penalty of 48 hours
19 imprisonment for respondent's second or subsequent
20 violation of a protective order

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

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

26 (i) to increase, revoke, or modify the bail bond on

1 an underlying criminal charge pursuant to Section
2 110-6 of this Code;

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

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

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

10 (725 ILCS 5/112A-24) (from Ch. 38, par. 112A-24)

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

13 (a) Except as otherwise provided in this Section, upon
14 motion by petitioner, petitioner's counsel, or the State's
15 Attorney on behalf of the petitioner, the court may modify a
16 protective order:

17 (1) If respondent has abused petitioner since the
18 hearing for that order, by adding or altering one or more
19 remedies, as authorized by Section 112A-14, 112A-14.5, or
20 112A-14.7 of this Code Article; and

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

23 (i) reserved in that protective order;

24 (ii) not requested for inclusion in that
25 protective order; or

1 (iii) denied on procedural grounds, but not on the
2 merits.

3 (a-5) A petitioner, petitioner's counsel, or the State's
4 Attorney on the petitioner's behalf may file a motion to vacate
5 or modify a final permanent stalking no contact order ~~2 years~~
6 ~~or more after the expiration of the defendant's sentence~~. The
7 motion shall be served in accordance with Supreme Court Rules
8 11 and 12.

9 (b) Upon motion by the petitioner, petitioner's counsel,
10 State's Attorney, or respondent, the court may modify any prior
11 domestic violence order of protection's remedy for custody,
12 visitation or payment of support in accordance with the
13 relevant provisions of the Illinois Marriage and Dissolution of
14 Marriage Act.

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

19 (d) (Blank).

20 (e) (Blank).

21 (f) (Blank).

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

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

25 (725 ILCS 5/112A-26) (from Ch. 38, par. 112A-26)

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

2 (a) Any law enforcement officer may make an arrest without
3 warrant if the officer has probable cause to believe that the
4 person has committed or is committing any crime, including but
5 not limited to violation of a domestic violence ~~an~~ order of
6 protection, under Section 12-3.4 or 12-30 of the Criminal Code
7 of 1961 or the Criminal Code of 2012, violation of a civil no
8 contact order, under Section 11-1.75 of the Criminal Code of
9 2012, or violation of a stalking no contact order, under
10 Section 12-7.5A of the Criminal Code of 2012, even if the crime
11 was not committed in the presence of the officer.

12 (b) The law enforcement officer may verify the existence of
13 a protective order by telephone or radio communication with his
14 or her law enforcement agency or by referring to the copy of
15 the order provided by petitioner or respondent.

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

17 (725 ILCS 5/112A-28) (from Ch. 38, par. 112A-28)

18 Sec. 112A-28. Data maintenance by law enforcement
19 agencies.

20 (a) All sheriffs shall furnish to the Department of State
21 Police, daily, in the form and detail the Department requires,
22 copies of any recorded protective orders issued by the court,
23 and any foreign protective orders ~~of protection~~ filed by the
24 clerk of the court, and transmitted to the sheriff by the clerk
25 of the court. Each protective order shall be entered in the Law

1 Enforcement Agencies Data System on the same day it is issued
2 by the court.

3 (b) The Department of State Police shall maintain a
4 complete and systematic record and index of all valid and
5 recorded protective orders issued or filed under this Act. The
6 data shall be used to inform all dispatchers and law
7 enforcement officers at the scene of an alleged incident of
8 abuse or violation of a protective order of any recorded prior
9 incident of abuse involving the abused party and the effective
10 dates and terms of any recorded protective order.

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

13 (1) any valid emergency, interim or plenary domestic
14 violence order of protection, civil no contact or stalking
15 no contact order issued in a civil proceeding; and

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

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

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.