



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB3632

by Rep. Joyce Mason

#### SYNOPSIS AS INTRODUCED:

325 ILCS 5/3	from Ch. 23, par. 2053
725 ILCS 5/112A-3	from Ch. 38, par. 112A-3
750 ILCS 60/103	from Ch. 40, par. 2311-3

Amends the Abused and Neglected Child Reporting Act. Provides that an "abused child" includes a child whose parent or immediate family member, among others, causes or permits a child to suffer unjustifiable or significant mental suffering. Amends the Code of Criminal Procedure of 1963 and the Illinois Domestic Violence Act of 1986. Provides that "abuse" includes emotional abuse. Defines "emotional abuse" as unjustifiable or significant mental suffering caused or permitted by a person to another person.

LRB101 10933 LNS 56095 b

1 AN ACT concerning domestic violence.

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

4 Section 5. The Abused and Neglected Child Reporting Act is  
5 amended by changing Section 3 as follows:

6 (325 ILCS 5/3) (from Ch. 23, par. 2053)

7 Sec. 3. As used in this Act unless the context otherwise  
8 requires:

9 "Adult resident" means any person between 18 and 22 years  
10 of age who resides in any facility licensed by the Department  
11 under the Child Care Act of 1969. For purposes of this Act, the  
12 criteria set forth in the definitions of "abused child" and  
13 "neglected child" shall be used in determining whether an adult  
14 resident is abused or neglected.

15 "Agency" means a child care facility licensed under Section  
16 2.05 or Section 2.06 of the Child Care Act of 1969 and includes  
17 a transitional living program that accepts children and adult  
18 residents for placement who are in the guardianship of the  
19 Department.

20 "Blatant disregard" means an incident where the real,  
21 significant, and imminent risk of harm would be so obvious to a  
22 reasonable parent or caretaker that it is unlikely that a  
23 reasonable parent or caretaker would have exposed the child to

1 the danger without exercising precautionary measures to  
2 protect the child from harm. With respect to a person working  
3 at an agency in his or her professional capacity with a child  
4 or adult resident, "blatant disregard" includes a failure by  
5 the person to perform job responsibilities intended to protect  
6 the child's or adult resident's health, physical well-being, or  
7 welfare, and, when viewed in light of the surrounding  
8 circumstances, evidence exists that would cause a reasonable  
9 person to believe that the child was neglected. With respect to  
10 an agency, "blatant disregard" includes a failure to implement  
11 practices that ensure the health, physical well-being, or  
12 welfare of the children and adult residents residing in the  
13 facility.

14 "Child" means any person under the age of 18 years, unless  
15 legally emancipated by reason of marriage or entry into a  
16 branch of the United States armed services.

17 "Department" means Department of Children and Family  
18 Services.

19 "Local law enforcement agency" means the police of a city,  
20 town, village or other incorporated area or the sheriff of an  
21 unincorporated area or any sworn officer of the Illinois  
22 Department of State Police.

23 "Abused child" means a child whose parent or immediate  
24 family member, or any person responsible for the child's  
25 welfare, or any individual residing in the same home as the  
26 child, or a paramour of the child's parent:

1 (a) inflicts, causes to be inflicted, or allows to be  
2 inflicted upon such child physical injury, by other than  
3 accidental means, which causes death, disfigurement,  
4 impairment of physical or emotional health, or loss or  
5 impairment of any bodily function;

6 (b) creates a substantial risk of physical injury to  
7 such child by other than accidental means which would be  
8 likely to cause death, disfigurement, impairment of  
9 physical or emotional health, or loss or impairment of any  
10 bodily function;

11 (b-5) causes or permits a child to suffer unjustifiable  
12 or significant mental suffering;

13 (c) commits or allows to be committed any sex offense  
14 against such child, as such sex offenses are defined in the  
15 Criminal Code of 2012 or in the Wrongs to Children Act, and  
16 extending those definitions of sex offenses to include  
17 children under 18 years of age;

18 (d) commits or allows to be committed an act or acts of  
19 torture upon such child;

20 (e) inflicts excessive corporal punishment or, in the  
21 case of a person working for an agency who is prohibited  
22 from using corporal punishment, inflicts corporal  
23 punishment upon a child or adult resident with whom the  
24 person is working in his or her professional capacity;

25 (f) commits or allows to be committed the offense of  
26 female genital mutilation, as defined in Section 12-34 of

1 the Criminal Code of 2012, against the child;

2 (g) causes to be sold, transferred, distributed, or  
3 given to such child under 18 years of age, a controlled  
4 substance as defined in Section 102 of the Illinois  
5 Controlled Substances Act in violation of Article IV of the  
6 Illinois Controlled Substances Act or in violation of the  
7 Methamphetamine Control and Community Protection Act,  
8 except for controlled substances that are prescribed in  
9 accordance with Article III of the Illinois Controlled  
10 Substances Act and are dispensed to such child in a manner  
11 that substantially complies with the prescription; or

12 (h) commits or allows to be committed the offense of  
13 involuntary servitude, involuntary sexual servitude of a  
14 minor, or trafficking in persons as defined in Section 10-9  
15 of the Criminal Code of 2012 against the child.

16 A child shall not be considered abused for the sole reason  
17 that the child has been relinquished in accordance with the  
18 Abandoned Newborn Infant Protection Act.

19 "Neglected child" means any child who is not receiving the  
20 proper or necessary nourishment or medically indicated  
21 treatment including food or care not provided solely on the  
22 basis of the present or anticipated mental or physical  
23 impairment as determined by a physician acting alone or in  
24 consultation with other physicians or otherwise is not  
25 receiving the proper or necessary support or medical or other  
26 remedial care recognized under State law as necessary for a

1 child's well-being, or other care necessary for his or her  
2 well-being, including adequate food, clothing and shelter; or  
3 who is subjected to an environment which is injurious insofar  
4 as (i) the child's environment creates a likelihood of harm to  
5 the child's health, physical well-being, or welfare and (ii)  
6 the likely harm to the child is the result of a blatant  
7 disregard of parent, caretaker, or agency responsibilities; or  
8 who is abandoned by his or her parents or other person  
9 responsible for the child's welfare without a proper plan of  
10 care; or who has been provided with interim crisis intervention  
11 services under Section 3-5 of the Juvenile Court Act of 1987  
12 and whose parent, guardian, or custodian refuses to permit the  
13 child to return home and no other living arrangement agreeable  
14 to the parent, guardian, or custodian can be made, and the  
15 parent, guardian, or custodian has not made any other  
16 appropriate living arrangement for the child; or who is a  
17 newborn infant whose blood, urine, or meconium contains any  
18 amount of a controlled substance as defined in subsection (f)  
19 of Section 102 of the Illinois Controlled Substances Act or a  
20 metabolite thereof, with the exception of a controlled  
21 substance or metabolite thereof whose presence in the newborn  
22 infant is the result of medical treatment administered to the  
23 mother or the newborn infant. A child shall not be considered  
24 neglected for the sole reason that the child's parent or other  
25 person responsible for his or her welfare has left the child in  
26 the care of an adult relative for any period of time. A child

1 shall not be considered neglected for the sole reason that the  
2 child has been relinquished in accordance with the Abandoned  
3 Newborn Infant Protection Act. A child shall not be considered  
4 neglected or abused for the sole reason that such child's  
5 parent or other person responsible for his or her welfare  
6 depends upon spiritual means through prayer alone for the  
7 treatment or cure of disease or remedial care as provided under  
8 Section 4 of this Act. A child shall not be considered  
9 neglected or abused solely because the child is not attending  
10 school in accordance with the requirements of Article 26 of The  
11 School Code, as amended.

12 "Child Protective Service Unit" means certain specialized  
13 State employees of the Department assigned by the Director to  
14 perform the duties and responsibilities as provided under  
15 Section 7.2 of this Act.

16 "Near fatality" means an act that, as certified by a  
17 physician, places the child in serious or critical condition,  
18 including acts of great bodily harm inflicted upon children  
19 under 13 years of age, and as otherwise defined by Department  
20 rule.

21 "Great bodily harm" includes bodily injury which creates a  
22 high probability of death, or which causes serious permanent  
23 disfigurement, or which causes a permanent or protracted loss  
24 or impairment of the function of any bodily member or organ, or  
25 other serious bodily harm.

26 "Person responsible for the child's welfare" means the

1 child's parent; guardian; foster parent; relative caregiver;  
2 any person responsible for the child's welfare in a public or  
3 private residential agency or institution; any person  
4 responsible for the child's welfare within a public or private  
5 profit or not for profit child care facility; or any other  
6 person responsible for the child's welfare at the time of the  
7 alleged abuse or neglect, including any person that is the  
8 custodian of a child under 18 years of age who commits or  
9 allows to be committed, against the child, the offense of  
10 involuntary servitude, involuntary sexual servitude of a  
11 minor, or trafficking in persons for forced labor or services,  
12 as provided in Section 10-9 of the Criminal Code of 2012, or  
13 any person who came to know the child through an official  
14 capacity or position of trust, including but not limited to  
15 health care professionals, educational personnel, recreational  
16 supervisors, members of the clergy, and volunteers or support  
17 personnel in any setting where children may be subject to abuse  
18 or neglect.

19 "Temporary protective custody" means custody within a  
20 hospital or other medical facility or a place previously  
21 designated for such custody by the Department, subject to  
22 review by the Court, including a licensed foster home, group  
23 home, or other institution; but such place shall not be a jail  
24 or other place for the detention of criminal or juvenile  
25 offenders.

26 "An unfounded report" means any report made under this Act



1 for which it is determined after an investigation that no  
2 credible evidence of abuse or neglect exists.

3 "An indicated report" means a report made under this Act if  
4 an investigation determines that credible evidence of the  
5 alleged abuse or neglect exists.

6 "An undetermined report" means any report made under this  
7 Act in which it was not possible to initiate or complete an  
8 investigation on the basis of information provided to the  
9 Department.

10 "Subject of report" means any child reported to the central  
11 register of child abuse and neglect established under Section  
12 7.7 of this Act as an alleged victim of child abuse or neglect  
13 and the parent or guardian of the alleged victim or other  
14 person responsible for the alleged victim's welfare who is  
15 named in the report or added to the report as an alleged  
16 perpetrator of child abuse or neglect.

17 "Perpetrator" means a person who, as a result of  
18 investigation, has been determined by the Department to have  
19 caused child abuse or neglect.

20 "Member of the clergy" means a clergyman or practitioner of  
21 any religious denomination accredited by the religious body to  
22 which he or she belongs.

23 (Source: P.A. 99-350, eff. 6-1-16; 100-733, eff. 1-1-19.)

24 Section 10. The Code of Criminal Procedure of 1963 is  
25 amended by changing Section 112A-3 as follows:

1 (725 ILCS 5/112A-3) (from Ch. 38, par. 112A-3)

2 Sec. 112A-3. Definitions.

3 (a) In this Article:

4 "Advocate" means a person whose communications with the  
5 victim are privileged under Section 8-802.1 or 8-802.2 of the  
6 Code of Civil Procedure or Section 227 of the Illinois Domestic  
7 Violence Act of 1986.

8 "Named victim" means the person named as the victim in the  
9 delinquency petition or criminal prosecution.

10 "Protective order" means a domestic violence order of  
11 protection, a civil no contact order, or a stalking no contact  
12 order.

13 (b) For the purposes of domestic violence cases, the  
14 following terms shall have the following meanings in this  
15 Article:

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

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

23 (2.5) "Emotional abuse" means unjustifiable or  
24 significant mental suffering caused or permitted by a  
25 person to another person.

1           (3) "Family or household members" include spouses,  
2 former spouses, parents, children, stepchildren, and other  
3 persons related by blood or by present or prior marriage,  
4 persons who share or formerly shared a common dwelling,  
5 persons who have or allegedly have a child in common,  
6 persons who share or allegedly share a blood relationship  
7 through a child, persons who have or have had a dating or  
8 engagement relationship, persons with disabilities and  
9 their personal assistants, and caregivers as defined in  
10 subsection (e) of Section 12-4.4a of the Criminal Code of  
11 2012. For purposes of this paragraph (3), neither a casual  
12 acquaintanceship nor ordinary fraternization between 2  
13 individuals in business or social contexts shall be deemed  
14 to constitute a dating relationship.

15           (4) "Harassment" means knowing conduct which is not  
16 necessary to accomplish a purpose which is reasonable under  
17 the circumstances; would cause a reasonable person  
18 emotional distress; and does cause emotional distress to  
19 the petitioner. Unless the presumption is rebutted by a  
20 preponderance of the evidence, the following types of  
21 conduct shall be presumed to cause emotional distress:

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

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

26           (iii) repeatedly following petitioner about in a

1 public place or places;

2 (iv) repeatedly keeping petitioner under  
3 surveillance by remaining present outside his or her  
4 home, school, place of employment, vehicle or other  
5 place occupied by petitioner or by peering in  
6 petitioner's windows;

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

16 (vi) threatening physical force, confinement or  
17 restraint on one or more occasions.

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

24 (6) "Intimidation of a dependent" means subjecting a  
25 person who is dependent because of age, health, or  
26 disability to participation in or the witnessing of:

1 physical force against another or physical confinement or  
2 restraint of another which constitutes physical abuse as  
3 defined in this Article, regardless of whether the abused  
4 person is a family or household member.

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

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

13 (9) "Physical abuse" includes sexual abuse and means  
14 any of the following:

15 (i) knowing or reckless use of physical force,  
16 confinement or restraint;

17 (ii) knowing, repeated and unnecessary sleep  
18 deprivation; or

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

21 (9.3) "Respondent" in a petition for a domestic  
22 violence order of protection means the defendant.

23 (9.5) "Stay away" means for the respondent to refrain  
24 from both physical presence and nonphysical contact with  
25 the petitioner whether direct, indirect (including, but  
26 not limited to, telephone calls, mail, email, faxes, and

1 written notes), or through third parties who may or may not  
2 know about the domestic violence order of protection.

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

13 (c) For the purposes of cases involving sexual offenses,  
14 the following terms shall have the following meanings in this  
15 Article:

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

19 (2) "Family or household members" include spouses,  
20 parents, children, stepchildren, and persons who share a  
21 common dwelling.

22 (3) "Non-consensual" means a lack of freely given  
23 agreement.

24 (4) "Petitioner" means not only any named petitioner  
25 for the civil no contact order and any named victim of  
26 non-consensual sexual conduct or non-consensual sexual

1 penetration on whose behalf the petition is brought, but  
2 includes any other person sought to be protected under this  
3 Article.

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

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

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

24 (8) "Stay away" means to refrain from both physical  
25 presence and nonphysical contact with the petitioner  
26 directly, indirectly, or through third parties who may or

1           may not know of the order. "Nonphysical contact" includes,  
2           but is not limited to, telephone calls, mail, e-mail, fax,  
3           and written notes.

4           (d) For the purposes of cases involving stalking offenses,  
5           the following terms shall have the following meanings in this  
6           Article:

7           (1) "Course of conduct" means 2 or more acts,  
8           including, but not limited to, acts in which a respondent  
9           directly, indirectly, or through third parties, by any  
10          action, method, device, or means follows, monitors,  
11          observes, surveils, threatens, or communicates to or  
12          about, a person, engages in other contact, or interferes  
13          with or damages a person's property or pet. A course of  
14          conduct may include contact via electronic communications.  
15          The incarceration of a person in a penal institution who  
16          commits the course of conduct is not a bar to prosecution.

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

19          (3) "Contact" includes any contact with the victim,  
20          that is initiated or continued without the victim's  
21          consent, or that is in disregard of the victim's expressed  
22          desire that the contact be avoided or discontinued,  
23          including, but not limited to, being in the physical  
24          presence of the victim; appearing within the sight of the  
25          victim; approaching or confronting the victim in a public  
26          place or on private property; appearing at the workplace or



1 residence of the victim; entering onto or remaining on  
2 property owned, leased, or occupied by the victim; or  
3 placing an object on, or delivering an object to, property  
4 owned, leased, or occupied by the victim.

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

8 (5) "Reasonable person" means a person in the  
9 petitioner's circumstances with the petitioner's knowledge  
10 of the respondent and the respondent's prior acts.

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

13 (7) "Stalking" means engaging in a course of conduct  
14 directed at a specific person, and he or she knows or  
15 should know that this course of conduct would cause a  
16 reasonable person to fear for his or her safety or the  
17 safety of a third person or suffer emotional distress.  
18 "Stalking" does not include an exercise of the right to  
19 free speech or assembly that is otherwise lawful or  
20 picketing occurring at the workplace that is otherwise  
21 lawful and arises out of a bona fide labor dispute,  
22 including any controversy concerning wages, salaries,  
23 hours, working conditions or benefits, including health  
24 and welfare, sick leave, insurance, and pension or  
25 retirement provisions, the making or maintaining of  
26 collective bargaining agreements, and the terms to be

1 included in those agreements.

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

5 (Source: P.A. 100-199, eff. 1-1-18; 100-597, eff. 6-29-18.)

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

8 (750 ILCS 60/103) (from Ch. 40, par. 2311-3)

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

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

16 (2) "Adult with disabilities" means an elder adult with  
17 disabilities or a high-risk adult with disabilities. A person  
18 may be an adult with disabilities for purposes of this Act even  
19 though he or she has never been adjudicated an incompetent  
20 adult. However, no court proceeding may be initiated or  
21 continued on behalf of an adult with disabilities over that  
22 adult's objection, unless such proceeding is approved by his or  
23 her legal guardian, if any.

24 (3) "Domestic violence" means abuse as defined in paragraph

1 (1).

2 (4) "Elder adult with disabilities" means an adult  
3 prevented by advanced age from taking appropriate action to  
4 protect himself or herself from abuse by a family or household  
5 member.

6 (4.5) "Emotional abuse" means unjustifiable or significant  
7 mental suffering caused or permitted by a person to another  
8 person.

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

17 (6) "Family or household members" include spouses, former  
18 spouses, parents, children, stepchildren and other persons  
19 related by blood or by present or prior marriage, persons who  
20 share or formerly shared a common dwelling, persons who have or  
21 allegedly have a child in common, persons who share or  
22 allegedly share a blood relationship through a child, persons  
23 who have or have had a dating or engagement relationship,  
24 persons with disabilities and their personal assistants, and  
25 caregivers as defined in Section 12-4.4a of the Criminal Code  
26 of 2012. For purposes of this paragraph, neither a casual

1 acquaintanceship nor ordinary fraternization between 2  
2 individuals in business or social contexts shall be deemed to  
3 constitute a dating relationship. In the case of a high-risk  
4 adult with disabilities, "family or household members"  
5 includes any person who has the responsibility for a high-risk  
6 adult as a result of a family relationship or who has assumed  
7 responsibility for all or a portion of the care of a high-risk  
8 adult with disabilities voluntarily, or by express or implied  
9 contract, or by court order.

10 (7) "Harassment" means knowing conduct which is not  
11 necessary to accomplish a purpose that is reasonable under the  
12 circumstances; would cause a reasonable person emotional  
13 distress; and does cause emotional distress to the petitioner.  
14 Unless the presumption is rebutted by a preponderance of the  
15 evidence, the following types of conduct shall be presumed to  
16 cause emotional distress:

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

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

21 (iii) repeatedly following petitioner about in a  
22 public place or places;

23 (iv) repeatedly keeping petitioner under surveillance  
24 by remaining present outside his or her home, school, place  
25 of employment, vehicle or other place occupied by  
26 petitioner or by peering in petitioner's windows;

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

9           (vi) threatening physical force, confinement or  
10 restraint on one or more occasions.

11           (8) "High-risk adult with disabilities" means a person aged  
12 18 or over whose physical or mental disability impairs his or  
13 her ability to seek or obtain protection from abuse, neglect,  
14 or exploitation.

15           (9) "Interference with personal liberty" means committing  
16 or threatening physical abuse, harassment, intimidation or  
17 willful deprivation so as to compel another to engage in  
18 conduct from which she or he has a right to abstain or to  
19 refrain from conduct in which she or he has a right to engage.

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

26           (11) (A) "Neglect" means the failure to exercise that

1 degree of care toward a high-risk adult with disabilities which  
2 a reasonable person would exercise under the circumstances and  
3 includes but is not limited to:

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

6 (ii) the repeated, careless imposition of unreasonable  
7 confinement;

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

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

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

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

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

25 (13) "Petitioner" may mean not only any named petitioner  
26 for the order of protection and any named victim of abuse on

1 whose behalf the petition is brought, but also any other person  
2 protected by this Act.

3 (14) "Physical abuse" includes sexual abuse and means any  
4 of the following:

5 (i) knowing or reckless use of physical force,  
6 confinement or restraint;

7 (ii) knowing, repeated and unnecessary sleep  
8 deprivation; or

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

11 (14.5) "Stay away" means for the respondent to refrain from  
12 both physical presence and nonphysical contact with the  
13 petitioner whether direct, indirect (including, but not  
14 limited to, telephone calls, mail, email, faxes, and written  
15 notes), or through third parties who may or may not know about  
16 the order of protection.

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

26 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)