



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB4796

by Rep. Sara Feigenholtz

SYNOPSIS AS INTRODUCED:

725 ILCS 5/112A-4	from Ch. 38, par. 112A-4
725 ILCS 5/112A-4.5	
750 ILCS 60/201	from Ch. 40, par. 2312-1

Amends the Illinois Domestic Violence Act of 1986 and the Protective Orders Article of the Code of Criminal Procedure of 1963. To the list of protected persons, adds any of the following persons abused by a family or household member of a child: (1) a foster parent of that child if the child has been placed in the foster parent's home by the Department of Children and Family Services or by another state's public child welfare agency; (2) a legally appointed guardian or legally appointed custodian of that child; (3) an adoptive parent of that child; or (4) a prospective adoptive parent of that child if the child has been placed in the prospective adoptive parent's home pursuant to the Adoption Act or pursuant to another state's law. Includes these persons in the list of persons permitted to file a petition for an order of protection. Provides that, for purposes of the provisions of the amendatory Act, individuals who would have been considered "family or household members" of the child before a termination of the parental rights with respect to the child continue to meet the definition of "family or household members" of the child.

LRB100 16595 HEP 35345 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 Code of Criminal Procedure of 1963 is
5 amended by changing Sections 112A-4 and 112A-4.5 as follows:

6 (725 ILCS 5/112A-4) (from Ch. 38, par. 112A-4)

7 Sec. 112A-4. Persons protected by this Article.

8 (a) The following persons are protected by this Article in
9 cases involving domestic violence:

10 (1) any person abused by a family or household member;

11 (2) any minor child or dependent adult in the care of
12 such person; ~~and~~

13 (3) any person residing or employed at a private home
14 or public shelter which is housing an abused family or
15 household member; ~~and~~

16 (4) any of the following persons if the person is
17 abused by a family or household member of a child:

18 (i) a foster parent of that child if the child has
19 been placed in the foster parent's home by the
20 Department of Children and Family Services or by
21 another state's public child welfare agency;

22 (ii) a legally appointed guardian or legally
23 appointed custodian of that child;

1 (iii) an adoptive parent of that child; or

2 (iv) a prospective adoptive parent of that child if
3 the child has been placed in the prospective adoptive
4 parent's home pursuant to the Adoption Act or pursuant
5 to another state's law.

6 For purposes of this paragraph (a)(4), individuals who
7 would have been considered "family or household members" of the
8 child under paragraph (3) of subsection (b) of Section 112A-3
9 before a termination of the parental rights with respect to the
10 child continue to meet the definition of "family or household
11 members" of the child.

12 (a-5) The following persons are protected by this Article
13 in cases involving sexual offenses:

14 (1) any victim of non-consensual sexual conduct or
15 non-consensual sexual penetration on whose behalf the
16 petition is brought;

17 (2) any family or household member of the named victim;
18 and

19 (3) any employee of or volunteer at a rape crisis
20 center.

21 (a-10) The following persons are protected by this Article
22 in cases involving stalking offenses:

23 (1) any victim of stalking; and

24 (2) any family or household member of the named victim.

25 (b) (Blank).

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

1 (725 ILCS 5/112A-4.5)

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

3 (a) A petition for an order of protection may be filed:

4 (1) by a person who has been abused by a family or
5 household member; ~~or~~

6 (2) by any person on behalf of a minor child or an
7 adult who has been abused by a family or household member
8 and who, because of age, health, disability, or
9 inaccessibility, cannot file the petition; or-

10 (3) any of the following persons if the person is
11 abused by a family or household member of a child:

12 (i) a foster parent of that child if the child has
13 been placed in the foster parent's home by the
14 Department of Children and Family Services or by
15 another state's public child welfare agency;

16 (ii) a legally appointed guardian or legally
17 appointed custodian of that child;

18 (iii) an adoptive parent of that child;

19 (iv) a prospective adoptive parent of that child if
20 the child has been placed in the prospective adoptive
21 parent's home pursuant to the Adoption Act or pursuant
22 to another state's law.

23 For purposes of this paragraph (a)(3), individuals who
24 would have been considered "family or household members" of the
25 child under paragraph (3) of subsection (b) of Section 112A-3

1 before a termination of the parental rights with respect to the
2 child continue to meet the definition of "family or household
3 members" of the child.

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

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

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

14 (c) A petition for a stalking no contact order may be
15 filed:

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

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

21 (d) The State's Attorney shall file a petition on behalf on
22 any person who may file a petition under subsections (a), (b)
23 or (c) of this Section if the person requests the State's
24 Attorney to file a petition on the person's behalf.

25 (e) Any petition properly filed under this Article may seek
26 protection for any additional persons protected by this

1 Article.

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

3 Section 10. The Illinois Domestic Violence Act of 1986 is
4 amended by changing Section 201 as follows:

5 (750 ILCS 60/201) (from Ch. 40, par. 2312-1)

6 Sec. 201. Persons protected by this Act.

7 (a) The following persons are protected by this Act:

8 (i) any person abused by a family or household member;

9 (ii) any high-risk adult with disabilities who is
10 abused, neglected, or exploited by a family or household
11 member;

12 (iii) any minor child or dependent adult in the care of
13 such person; ~~and~~

14 (iv) any person residing or employed at a private home
15 or public shelter which is housing an abused family or
16 household member; ~~and~~

17 (v) any of the following persons if the person is
18 abused by a family or household member of a child:

19 (A) a foster parent of that child if the child has
20 been placed in the foster parent's home by the
21 Department of Children and Family Services or by
22 another state's public child welfare agency;

23 (B) a legally appointed guardian or legally
24 appointed custodian of that child;

1 (C) an adoptive parent of that child; or

2 (D) a prospective adoptive parent of that child if
3 the child has been placed in the prospective adoptive
4 parent's home pursuant to the Adoption Act or pursuant
5 to another state's law.

6 For purposes of this paragraph (a) (v), individuals who
7 would have been considered "family or household members" of
8 the child under subsection (6) of Section 103 of this Act
9 before a termination of the parental rights with respect to
10 the child continue to meet the definition of "family or
11 household members" of the child.

12 (b) A petition for an order of protection may be filed
13 only:

14 (i) by a person who has been abused by a family or
15 household member or by any person on behalf of a minor
16 child or an adult who has been abused by a family or
17 household member and who, because of age, health,
18 disability, or inaccessibility, cannot file the petition;

19 ~~or~~

20 (ii) by any person on behalf of a high-risk adult with
21 disabilities who has been abused, neglected, or exploited
22 by a family or household member; or

23 (iii) any of the following persons if the person is
24 abused by a family or household member of a child:

25 (A) a foster parent of that child if the child has
26 been placed in the foster parent's home by the

1 Department of Children and Family Services or by
2 another state's public child welfare agency;

3 (B) a legally appointed guardian or legally
4 appointed custodian of that child;

5 (C) an adoptive parent of that child;

6 (D) a prospective adoptive parent of that child if
7 the child has been placed in the prospective adoptive
8 parent's home pursuant to the Adoption Act or pursuant
9 to another state's law.

10 For purposes of this paragraph (b)(iii), individuals
11 who would have been considered "family or household
12 members" of the child under subsection (6) of Section 103
13 of this Act before a termination of the parental rights
14 with respect to the child continue to meet the definition
15 of "family or household members" of the child. However, any
16 (c) Any petition properly filed under this Act may seek
17 protection for any additional persons protected by this Act.

18 (Source: P.A. 86-542; 87-1186.)