



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5174

by Rep. Joyce Mason

SYNOPSIS AS INTRODUCED:

750 ILCS 60/102	from Ch. 40, par. 2311-2
750 ILCS 60/103	from Ch. 40, par. 2311-3
750 ILCS 60/202	from Ch. 40, par. 2312-2
750 ILCS 60/214	from Ch. 40, par. 2312-14
750 ILCS 60/302	from Ch. 40, par. 2313-2
750 ILCS 60/302.5 new	

Amends the Domestic Violence Act of 1986. Changes the purposes of the Act. Deletes provisions related to a pilot program to allow the electronic filing of petitions for temporary orders of protection and the issuance of such orders. Provides that the clerk of court shall provide resources and information on domestic violence and how to obtain assistance as a victim of domestic violence to all petitioners seeking an order of protection. Provides that when determining whether to issue an order of protection, the court shall consider the pattern of domestic violence of the respondent. Provides that when determining whether to grant a specific remedy, the court shall consider the respondent's past abuse, neglect, exploitation of, or criminal actions against any person within the past 10 years. Provides that the court shall liberally grant both orders of protection and remedies to protect the physical, financial, mental, and emotional health of the victims. Provides that records maintained by the Illinois State Police shall be maintained for at least 20 years and also include expired orders of protection. Provides that data in the National Crime Information Center database shall be used to inform all dispatchers and law enforcement officers at the scene of an alleged abuse, neglect, or exploitation or violation of an order of protection. Makes other changes. Effective immediately.

LRB101 17228 LNS 66632 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 Illinois Domestic Violence Act of 1986 is
5 amended by changing Sections 102, 103, 202, 214, and 302 and by
6 adding Section 302.5 as follows:

7 (750 ILCS 60/102) (from Ch. 40, par. 2311-2)

8 Sec. 102. ~~Purposes, rules of construction.~~ This Act shall
9 be liberally construed and applied to promote its underlying
10 purposes, which are to:

11 (1) recognize that domestic violence is a widespread
12 epidemic in our society that has serious short-term and
13 long-term negative impacts on individuals, families,
14 communities, and institutions that work with families,
15 including trauma, physical and emotional ailments,
16 homelessness, poverty, and death ~~Recognize domestic violence~~
17 ~~as a serious crime against the individual and society which~~
18 ~~produces family disharmony in thousands of Illinois families,~~
19 ~~promotes a pattern of escalating violence which frequently~~
20 ~~culminates in intra-family homicide, and creates an emotional~~
21 ~~atmosphere that is not conducive to healthy childhood~~
22 ~~development;~~

23 (2) recognize domestic violence against high-risk adults

1 with disabilities, who are particularly vulnerable due to
2 impairments in ability to seek or obtain protection, as a
3 serious problem that takes on many forms, including physical
4 abuse, sexual abuse, neglect, and exploitation, and facilitate
5 accessibility to remedies under this Act in order to provide
6 immediate and effective assistance and protection; ~~Recognize~~
7 ~~domestic violence against high risk adults with disabilities,~~
8 ~~who are particularly vulnerable due to impairments in ability~~
9 ~~to seek or obtain protection, as a serious problem which takes~~
10 ~~on many forms, including physical abuse, sexual abuse, neglect,~~
11 ~~and exploitation, and facilitate accessibility of remedies~~
12 ~~under the Act in order to provide immediate and effective~~
13 ~~assistance and protection.~~

14 (3) recognize that domestic violence is a learned behavior,
15 that past abuse is the clearest indicator of future abuse, and
16 that a perpetrator of domestic violence often has multiple
17 victims, travels across state lines, and will continue to
18 escalate his or her abuse without appropriate interventions
19 ~~Recognize that the legal system has ineffectively dealt with~~
20 ~~family violence in the past, allowing abusers to escape~~
21 ~~effective prosecution or financial liability, and has not~~
22 ~~adequately acknowledged the criminal nature of domestic~~
23 ~~violence; that, although many laws have changed, in practice~~
24 ~~there is still widespread failure to appropriately protect and~~
25 ~~assist victims;~~

26 (4) recognize that courts and law enforcement do not always

1 have full access to all records pertaining to an abuser's use
2 of violence, that many actual incidents of domestic violence
3 are never reported to the justice system, that behaviors of
4 those experiencing, witnessing, and perpetrating domestic
5 violence are often misunderstood, and that a victim is the best
6 judge of his or her needs to determine safety ~~Support the~~
7 ~~efforts of victims of domestic violence to avoid further abuse~~
8 ~~by promptly entering and diligently enforcing court orders~~
9 ~~which prohibit abuse and, when necessary, reduce the abuser's~~
10 ~~access to the victim and address any related issues of child~~
11 ~~eustody and economic support, so that victims are not trapped~~
12 ~~in abusive situations by fear of retaliation, loss of a child,~~
13 ~~financial dependence, or loss of accessible housing or~~
14 ~~services;~~

15 (5) recognize that all actors who are involved in systems
16 working with families that are experiencing domestic violence
17 need regular, ongoing, updated training in order to identify
18 domestic violence and to provide the most appropriate
19 assistance based on the individual family needs ~~Clarify the~~
20 ~~responsibilities and support the efforts of law enforcement~~
21 ~~officers to provide immediate, effective assistance and~~
22 ~~protection for victims of domestic violence, recognizing that~~
23 ~~law enforcement officers often become the secondary victims of~~
24 ~~domestic violence, as evidenced by the high rates of police~~
25 ~~injuries and deaths that occur in response to domestic violence~~
26 ~~calls; and~~

1 (6) (blank). ~~Expand the civil and criminal remedies for~~
2 ~~victims of domestic violence; including, when necessary, the~~
3 ~~remedies which effect physical separation of the parties to~~
4 ~~prevent further abuse.~~

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

6 (750 ILCS 60/103) (from Ch. 40, par. 2311-3)

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

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

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

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

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

1 member.

2 (5) "Exploitation" means the illegal, including tortious,
3 use of a high-risk adult with disabilities or of the assets or
4 resources of a high-risk adult with disabilities. Exploitation
5 includes, but is not limited to, the misappropriation of assets
6 or resources of a high-risk adult with disabilities by undue
7 influence, by breach of a fiduciary relationship, by fraud,
8 deception, or extortion, or the use of such assets or resources
9 in a manner contrary to law.

10 (6) "Family or household members" include spouses, former
11 spouses, parents, children, stepchildren and other persons
12 related by blood or by present or prior marriage, persons who
13 share or formerly shared a common dwelling, persons who have or
14 allegedly have a child in common, persons who share or
15 allegedly share a blood relationship through a child, persons
16 who have or have had a dating or engagement relationship,
17 persons with disabilities and their personal assistants, and
18 caregivers as defined in Section 12-4.4a of the Criminal Code
19 of 2012. For purposes of this paragraph, neither a casual
20 acquaintanceship nor ordinary fraternization between 2
21 individuals in business or social contexts shall be deemed to
22 constitute a dating relationship. In the case of a high-risk
23 adult with disabilities, "family or household members"
24 includes any person who has the responsibility for a high-risk
25 adult as a result of a family relationship or who has assumed
26 responsibility for all or a portion of the care of a high-risk

1 adult with disabilities voluntarily, or by express or implied
2 contract, or by court order.

3 (7) "Harassment" means knowing conduct which is not
4 necessary to accomplish a purpose that is reasonable under the
5 circumstances; would cause a reasonable person emotional
6 distress; and does cause emotional distress to the petitioner.
7 Unless the presumption is rebutted by a preponderance of the
8 evidence, the following types of conduct shall be presumed to
9 cause emotional distress:

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

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

14 (iii) repeatedly following petitioner about in a
15 public place or places;

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

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

1 incident or pattern of domestic violence; or

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

4 (8) "High-risk adult with disabilities" means a person aged
5 18 or over whose physical or mental disability impairs his or
6 her ability to seek or obtain protection from abuse, neglect,
7 or exploitation.

8 (8.5) "Household animal" means any animal owned,
9 possessed, leased, kept, or held by a person or a minor child
10 residing in the residence or household.

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

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

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

26 (i) the failure to take reasonable steps to protect a

- 1 high-risk adult with disabilities from acts of abuse;
- 2 (ii) the repeated, careless imposition of unreasonable
3 confinement;
- 4 (iii) the failure to provide food, shelter, clothing,
5 and personal hygiene to a high-risk adult with disabilities
6 who requires such assistance;
- 7 (iv) the failure to provide medical and rehabilitative
8 care for the physical and mental health needs of a
9 high-risk adult with disabilities; or
- 10 (v) the failure to protect a high-risk adult with
11 disabilities from health and safety hazards.

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

17 (12) "Order of protection" means an emergency order,
18 interim order or plenary order, granted pursuant to this Act,
19 which includes any or all of the remedies authorized by Section
20 214 of this Act.

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

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

1 (i) knowing or reckless use of physical force,
2 confinement or restraint;

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

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

7 (14.5) "Stay away" means for the respondent to refrain from
8 both physical presence and nonphysical contact with the
9 petitioner whether direct, indirect (including, but not
10 limited to, telephone calls, mail, email, faxes, and written
11 notes), or through third parties who may or may not know about
12 the order of protection.

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

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

23 (750 ILCS 60/202) (from Ch. 40, par. 2312-2)

24 Sec. 202. Commencement of action; filing fees; dismissal.

25 (a) How to commence action. Actions for orders of

1 protection are commenced:

2 (1) Independently: By filing a petition for an order of
3 protection in any civil court, unless specific courts are
4 designated by local rule or order.

5 (2) In conjunction with another civil proceeding: By
6 filing a petition for an order of protection under the same
7 case number as another civil proceeding involving the
8 parties, including but not limited to: (i) any proceeding
9 under the Illinois Marriage and Dissolution of Marriage
10 Act, Illinois Parentage Act of 2015, Nonsupport of Spouse
11 and Children Act, Revised Uniform Reciprocal Enforcement
12 of Support Act or an action for nonsupport brought under
13 Article X of the Illinois Public Aid Code, provided that a
14 petitioner and the respondent are a party to or the subject
15 of that proceeding or (ii) a guardianship proceeding under
16 the Probate Act of 1975, or a proceeding for involuntary
17 commitment under the Mental Health and Developmental
18 Disabilities Code, or any proceeding, other than a
19 delinquency petition, under the Juvenile Court Act of 1987,
20 provided that a petitioner or the respondent is a party to
21 or the subject of such proceeding.

22 (3) In conjunction with a delinquency petition or a
23 criminal prosecution as provided in Section 112A-20 of the
24 Code of Criminal Procedure of 1963.

25 (a-5) When a petition for an emergency order of protection
26 is filed, the petition shall not be publicly available until

1 the petition is served on the respondent.

2 (b) Filing, certification, and service fees. No fee shall
3 be charged by the clerk for filing, amending, vacating,
4 certifying, or photocopying petitions or orders; or for issuing
5 alias summons; or for any related filing service. No fee shall
6 be charged by the sheriff for service by the sheriff of a
7 petition, rule, motion, or order in an action commenced under
8 this Section.

9 (c) Dismissal and consolidation. Withdrawal or dismissal
10 of any petition for an order of protection prior to
11 adjudication where the petitioner is represented by the State
12 shall operate as a dismissal without prejudice. No action for
13 an order of protection shall be dismissed because the
14 respondent is being prosecuted for a crime against the
15 petitioner. An independent action may be consolidated with
16 another civil proceeding, as provided by paragraph (2) of
17 subsection (a) of this Section. For any action commenced under
18 paragraph (2) or (3) of subsection (a) of this Section,
19 dismissal of the conjoined case (or a finding of not guilty)
20 shall not require dismissal of the action for the order of
21 protection; instead, it may be treated as an independent action
22 and, if necessary and appropriate, transferred to a different
23 court or division. Dismissal of any conjoined case shall not
24 affect the validity of any previously issued order of
25 protection, and thereafter subsections (b)(1) and (b)(2) of
26 Section 220 shall be inapplicable to such order.

1 (d) Pro se petitions. The court shall provide, through the
2 office of the clerk of the court, simplified forms and clerical
3 assistance to help with the writing and filing of a petition
4 under this Section by any person not represented by counsel. In
5 addition, that assistance may be provided by the state's
6 attorney.

7 (e) (Blank). ~~As provided in this subsection, the~~
8 ~~administrative director of the Administrative Office of the~~
9 ~~Illinois Courts, with the approval of the administrative board~~
10 ~~of the courts, may adopt rules to establish and implement a~~
11 ~~pilot program to allow the electronic filing of petitions for~~
12 ~~temporary orders of protection and the issuance of such orders~~
13 ~~by audio visual means to accommodate litigants for whom~~
14 ~~attendance in court to file for and obtain emergency relief~~
15 ~~would constitute an undue hardship or would constitute a risk~~
16 ~~of harm to the litigant.~~

17 ~~(1) As used in this subsection:~~

18 ~~(A) "Electronic means" means any method of~~
19 ~~transmission of information between computers or other~~
20 ~~machines designed for the purpose of sending or~~
21 ~~receiving electronic transmission and that allows for~~
22 ~~the recipient of information to reproduce the~~
23 ~~information received in a tangible medium of~~
24 ~~expression.~~

25 ~~(B) "Independent audio visual system" means an~~
26 ~~electronic system for the transmission and receiving~~

1 ~~of audio and visual signals, including those with the~~
2 ~~means to preclude the unauthorized reception and~~
3 ~~decoding of the signals by commercially available~~
4 ~~television receivers, channel converters, or other~~
5 ~~available receiving devices.~~

6 ~~(C) "Electronic appearance" means an appearance in~~
7 ~~which one or more of the parties are not present in the~~
8 ~~court, but in which, by means of an independent~~
9 ~~audio visual system, all of the participants are~~
10 ~~simultaneously able to see and hear reproductions of~~
11 ~~the voices and images of the judge, counsel, parties,~~
12 ~~witnesses, and any other participants.~~

13 ~~(2) Any pilot program under this subsection (c) shall~~
14 ~~be developed by the administrative director or his or her~~
15 ~~delegate in consultation with at least one local~~
16 ~~organization providing assistance to domestic violence~~
17 ~~victims. The program plan shall include but not be limited~~
18 ~~to:~~

19 ~~(A) identification of agencies equipped with or~~
20 ~~that have access to an independent audio visual system~~
21 ~~and electronic means for filing documents; and~~

22 ~~(B) identification of one or more organizations~~
23 ~~who are trained and available to assist petitioners in~~
24 ~~preparing and filing petitions for temporary orders of~~
25 ~~protection and in their electronic appearances before~~
26 ~~the court to obtain such orders; and~~

1 ~~(C) identification of the existing resources~~
2 ~~available in local family courts for the~~
3 ~~implementation and oversight of the pilot program; and~~

4 ~~(D) procedures for filing petitions and documents~~
5 ~~by electronic means, swearing in the petitioners and~~
6 ~~witnesses, preparation of a transcript of testimony~~
7 ~~and evidence presented, and a prompt transmission of~~
8 ~~any orders issued to the parties; and~~

9 ~~(E) a timeline for implementation and a plan for~~
10 ~~informing the public about the availability of the~~
11 ~~program; and~~

12 ~~(F) a description of the data to be collected in~~
13 ~~order to evaluate and make recommendations for~~
14 ~~improvements to the pilot program.~~

15 ~~(3) In conjunction with an electronic appearance, any~~
16 ~~petitioner for an ex parte temporary order of protection~~
17 ~~may, using the assistance of a trained advocate if~~
18 ~~necessary, commence the proceedings by filing a petition by~~
19 ~~electronic means.~~

20 ~~(A) A petitioner who is seeking an ex parte~~
21 ~~temporary order of protection using an electronic~~
22 ~~appearance must file a petition in advance of the~~
23 ~~appearance and may do so electronically.~~

24 ~~(B) The petitioner must show that traveling to or~~
25 ~~appearing in court would constitute an undue hardship~~
26 ~~or create a risk of harm to the petitioner. In granting~~

1 ~~or denying any relief sought by the petitioner, the~~
2 ~~court shall state the names of all participants and~~
3 ~~whether it is granting or denying an appearance by~~
4 ~~electronic means and the basis for such a~~
5 ~~determination. A party is not required to file a~~
6 ~~petition or other document by electronic means or to~~
7 ~~testify by means of an electronic appearance.~~

8 ~~(C) Nothing in this subsection (c) affects or~~
9 ~~changes any existing laws governing the service of~~
10 ~~process, including requirements for personal service~~
11 ~~or the sealing and confidentiality of court records in~~
12 ~~court proceedings or access to court records by the~~
13 ~~parties to the proceedings.~~

14 ~~(4) Appearances.~~

15 ~~(A) All electronic appearances by a petitioner~~
16 ~~seeking an ex parte temporary order of protection under~~
17 ~~this subsection (c) are strictly voluntary and the~~
18 ~~court shall obtain the consent of the petitioner on the~~
19 ~~record at the commencement of each appearance.~~

20 ~~(B) Electronic appearances under this subsection~~
21 ~~(c) shall be recorded and preserved for transcription.~~
22 ~~Documentary evidence, if any, referred to by a party or~~
23 ~~witness or the court may be transmitted and submitted~~
24 ~~and introduced by electronic means.~~

25 (f) The clerk of the court shall provide to all petitioners
26 seeking an order of protection, regardless of whether an order

1 of protection is issued, resources and information on domestic
2 violence and how to obtain assistance as a victim of domestic
3 violence, including, but not limited to: (i) contact
4 information for the nearest domestic violence victim support
5 organization, the Illinois Coalition Against Domestic
6 Violence, the National Domestic Violence Hotline, the local
7 police and State's Attorney, and a local legal services clinic;
8 and (ii) information concerning the various forms of domestic
9 abuse, including emotional, verbal, financial, physical,
10 sexual, and spiritual abuse.

11 (Source: P.A. 100-199, eff. 1-1-18; 100-201, eff. 8-18-17;
12 101-255, eff. 1-1-20.)

13 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

14 Sec. 214. Order of protection; remedies.

15 (a) Issuance of order. If the court finds that petitioner
16 has been abused by a family or household member or that
17 petitioner is a high-risk adult who has been abused, neglected,
18 or exploited, as defined in this Act, an order of protection
19 prohibiting the abuse, neglect, or exploitation shall issue;
20 provided that petitioner must also satisfy the requirements of
21 one of the following Sections, as appropriate: Section 217 on
22 emergency orders, Section 218 on interim orders, or Section 219
23 on plenary orders. Petitioner shall not be denied an order of
24 protection because petitioner or respondent is a minor. The
25 court, when determining whether or not to issue an order of

1 protection, shall not require physical manifestations of abuse
2 on the person of the victim. Modification and extension of
3 prior orders of protection shall be in accordance with this
4 Act.

5 (1) The court, in determining whether to issue an order
6 of protection, shall consider the pattern of domestic
7 violence of the respondent. At a minimum, the court shall
8 consider the records contained in the National Crime
9 Information Center and the Law Enforcement Agencies Data
10 System in this State and all other states for a period of
11 at least 10 years. A prior indication of abuse or violence,
12 whether against the petitioner or against another victim,
13 shall be a significant factor in favor of issuing an order
14 of protection. There is a rebuttable presumption, which may
15 be overcome by clear and convincing evidence, that there is
16 a significant likelihood that the perpetrator shall
17 continue his or her pattern of domestic violence and abuse
18 in the absence of an issued order of protection.

19 (2) The court, in determining whether to issue an order
20 of protection, shall liberally grant orders of protection
21 in line with the purposes of this Act to protect the
22 physical, financial, mental, and emotional health of the
23 victim.

24 (b) Remedies and standards. The remedies to be included in
25 an order of protection shall be determined in accordance with
26 this Section and one of the following Sections, as appropriate:

1 Section 217 on emergency orders, Section 218 on interim orders,
2 and Section 219 on plenary orders. The remedies listed in this
3 subsection shall be in addition to other civil or criminal
4 remedies available to petitioner.

5 (1) Prohibition of abuse, neglect, or exploitation.
6 Prohibit respondent's harassment, interference with
7 personal liberty, intimidation of a dependent, physical
8 abuse, or willful deprivation, neglect or exploitation, as
9 defined in this Act, or stalking of the petitioner, as
10 defined in Section 12-7.3 of the Criminal Code of 2012, if
11 such abuse, neglect, exploitation, or stalking has
12 occurred or otherwise appears likely to occur if not
13 prohibited.

14 (2) Grant of exclusive possession of residence.
15 Prohibit respondent from entering or remaining in any
16 residence, household, or premises of the petitioner,
17 including one owned or leased by respondent, if petitioner
18 has a right to occupancy thereof. The grant of exclusive
19 possession of the residence, household, or premises shall
20 not affect title to real property, nor shall the court be
21 limited by the standard set forth in subsection (c-2) of
22 Section 501 of the Illinois Marriage and Dissolution of
23 Marriage Act.

24 (A) Right to occupancy. A party has a right to
25 occupancy of a residence or household if it is solely
26 or jointly owned or leased by that party, that party's

1 spouse, a person with a legal duty to support that
2 party or a minor child in that party's care, or by any
3 person or entity other than the opposing party that
4 authorizes that party's occupancy (e.g., a domestic
5 violence shelter). Standards set forth in subparagraph
6 (B) shall not preclude equitable relief.

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

23 The balance of hardships is presumed to favor
24 possession by petitioner unless the presumption is
25 rebutted by a preponderance of the evidence, showing
26 that the hardships to respondent substantially

1 outweigh the hardships to petitioner and any minor
2 child or dependent adult in petitioner's care. The
3 court, on the request of petitioner or on its own
4 motion, may order respondent to provide suitable,
5 accessible, alternate housing for petitioner instead
6 of excluding respondent from a mutual residence or
7 household.

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

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

1 as the court directs and in the presence of an
2 agreed-upon adult third party or law enforcement
3 officer.

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

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

1 transportation and other costs associated with the
2 transfer or change.

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

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

24 (5) Physical care and possession of the minor child. In
25 order to protect the minor child from abuse, neglect, or
26 unwarranted separation from the person who has been the

1 minor child's primary caretaker, or to otherwise protect
2 the well-being of the minor child, the court may do either
3 or both of the following: (i) grant petitioner physical
4 care or possession of the minor child, or both, or (ii)
5 order respondent to return a minor child to, or not remove
6 a minor child from, the physical care of a parent or person
7 in loco parentis.

8 If a court finds, after a hearing, that respondent has
9 committed abuse (as defined in Section 103) of a minor
10 child, there shall be a rebuttable presumption that
11 awarding physical care to respondent would not be in the
12 minor child's best interest.

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

20 If a court finds, after a hearing, that respondent has
21 committed abuse (as defined in Section 103) of a minor
22 child, there shall be a rebuttable presumption that
23 awarding temporary significant decision-making
24 responsibility to respondent would not be in the child's
25 best interest.

26 (7) Parenting time. Determine the parenting time, if

1 any, of respondent in any case in which the court awards
2 physical care or allocates temporary significant
3 decision-making responsibility of a minor child to
4 petitioner. The court shall restrict or deny respondent's
5 parenting time with a minor child if the court finds that
6 respondent has done or is likely to do any of the
7 following: (i) abuse or endanger the minor child during
8 parenting time; (ii) use the parenting time as an
9 opportunity to abuse or harass petitioner or petitioner's
10 family or household members; (iii) improperly conceal or
11 detain the minor child; or (iv) otherwise act in a manner
12 that is not in the best interests of the minor child. The
13 court shall not be limited by the standards set forth in
14 Section 603.10 of the Illinois Marriage and Dissolution of
15 Marriage Act. If the court grants parenting time, the order
16 shall specify dates and times for the parenting time to
17 take place or other specific parameters or conditions that
18 are appropriate. No order for parenting time shall refer
19 merely to the term "reasonable parenting time".

20 Petitioner may deny respondent access to the minor
21 child if, when respondent arrives for parenting time,
22 respondent is under the influence of drugs or alcohol and
23 constitutes a threat to the safety and well-being of
24 petitioner or petitioner's minor children or is behaving in
25 a violent or abusive manner.

26 If necessary to protect any member of petitioner's

1 family or household from future abuse, respondent shall be
2 prohibited from coming to petitioner's residence to meet
3 the minor child for parenting time, and the parties shall
4 submit to the court their recommendations for reasonable
5 alternative arrangements for parenting time. A person may
6 be approved to supervise parenting time only after filing
7 an affidavit accepting that responsibility and
8 acknowledging accountability to the court.

9 (8) Removal or concealment of minor child. Prohibit
10 respondent from removing a minor child from the State or
11 concealing the child within the State.

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

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

22 (i) petitioner, but not respondent, owns the
23 property; or

24 (ii) the parties own the property jointly; sharing
25 it would risk abuse of petitioner by respondent or is
26 impracticable; and the balance of hardships favors

1 temporary possession by petitioner.

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

9 No order under this provision shall affect title to
10 property.

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

15 (i) petitioner, but not respondent, owns the
16 property; or

17 (ii) the parties own the property jointly, and the
18 balance of hardships favors granting this remedy.

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

25 The court may further prohibit respondent from
26 improperly using the financial or other resources of an

1 aged member of the family or household for the profit or
2 advantage of respondent or of any other person.

3 (11.5) Protection of animals. Grant the petitioner the
4 exclusive care, custody, or control of any animal owned,
5 possessed, leased, kept, or held by either the petitioner
6 or the respondent or a minor child residing in the
7 residence or household of either the petitioner or the
8 respondent and order the respondent to stay away from the
9 animal and forbid the respondent from taking,
10 transferring, encumbering, concealing, harming, or
11 otherwise disposing of the animal.

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

1 significant decision-making authority, unless otherwise
2 provided in the order.

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

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

22 (ii) Recovery of expenses. In the case of an
23 improper concealment or removal of a minor child, the
24 court may order respondent to pay the reasonable
25 expenses incurred or to be incurred in the search for
26 and recovery of the minor child, including but not

1 limited to legal fees, court costs, private
2 investigator fees, and travel costs.

3 (14) Prohibition of entry. Prohibit the respondent
4 from entering or remaining in the residence or household
5 while the respondent is under the influence of alcohol or
6 drugs and constitutes a threat to the safety and well-being
7 of the petitioner or the petitioner's children.

8 (14.5) Prohibition of firearm possession.

9 (a) Prohibit a respondent against whom an order of
10 protection was issued from possessing any firearms
11 during the duration of the order if the order:

12 (1) was issued after a hearing of which such
13 person received actual notice, and at which such
14 person had an opportunity to participate;

15 (2) restrains such person from harassing,
16 stalking, or threatening an intimate partner of
17 such person or child of such intimate partner or
18 person, or engaging in other conduct that would
19 place an intimate partner in reasonable fear of
20 bodily injury to the partner or child; and

21 (3) (i) includes a finding that such person
22 represents a credible threat to the physical
23 safety of such intimate partner or child; or (ii)
24 by its terms explicitly prohibits the use,
25 attempted use, or threatened use of physical force
26 against such intimate partner or child that would

1 reasonably be expected to cause bodily injury.
2 Any Firearm Owner's Identification Card in the
3 possession of the respondent, except as provided in
4 subsection (b), shall be ordered by the court to be
5 turned over to the local law enforcement agency. The
6 local law enforcement agency shall immediately mail
7 the card to the Department of State Police Firearm
8 Owner's Identification Card Office for safekeeping.
9 The court shall issue a warrant for seizure of any
10 firearm in the possession of the respondent, to be kept
11 by the local law enforcement agency for safekeeping,
12 except as provided in subsection (b). The period of
13 safekeeping shall be for the duration of the order of
14 protection. The firearm or firearms and Firearm
15 Owner's Identification Card, if unexpired, shall at
16 the respondent's request, be returned to the
17 respondent at the end of the order of protection. It is
18 the respondent's responsibility to notify the
19 Department of State Police Firearm Owner's
20 Identification Card Office.

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

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

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

16 (15) Prohibition of access to records. If an order of
17 protection prohibits respondent from having contact with
18 the minor child, or if petitioner's address is omitted
19 under subsection (b) of Section 203, or if necessary to
20 prevent abuse or wrongful removal or concealment of a minor
21 child, the order shall deny respondent access to, and
22 prohibit respondent from inspecting, obtaining, or
23 attempting to inspect or obtain, school or any other
24 records of the minor child who is in the care of
25 petitioner.

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

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

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

15 (18) Telephone services.

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

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

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

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

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

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

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

1 (ii) A difference in network technology would
2 prevent or impair the functionality of a device on
3 a network if the transfer occurs.

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

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

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

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

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

26 (F) All wireless service providers that provide

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

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

14 (c) Relevant factors; findings.

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

19 (i) the nature, frequency, severity, pattern and
20 consequences of the respondent's past abuse, neglect
21 or exploitation within the last 10 years of the
22 petitioner or any family or household member or
23 household animal, including the concealment of his or
24 her location in order to evade service of process or
25 notice, and the likelihood of danger of future abuse,
26 neglect, or exploitation to petitioner or any member of

1 petitioner's or respondent's family or household; ~~and~~

2 (ii) the danger that any minor child will be abused
3 or neglected or improperly relocated from the
4 jurisdiction, improperly concealed within the State or
5 improperly separated from the child's primary
6 caretaker; and -

7 (iii) the nature, frequency, severity, pattern,
8 and consequences of the respondent's past abuse,
9 neglect, exploitation of, or criminal actions against,
10 any other person within the past 10 years, including,
11 but not limited to, another witness or another
12 petitioner or any of his or her family or household
13 members or household animals in another order of
14 protection that was issued against respondent in this
15 State or another state, and any criminal actions
16 involving the respondent, regardless of whether the
17 respondent's actions were directed against the
18 petitioner.

19 A prior indication of abuse or violence, whether
20 against the petitioner or against another victim, shall be
21 a significant factor in granting a specific remedy. There
22 is a rebuttable presumption, which may be overcome by clear
23 and convincing evidence, that there is a significant
24 likelihood that the perpetrator shall continue his or her
25 pattern of domestic violence and abuse in the absence of
26 the grant of a specific remedy.

1 The court, in determining whether to grant a specific
2 remedy, shall liberally grant remedies in line with the
3 purposes of this Act to protect the physical, financial,
4 mental, and emotional health of the victims.

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

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

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

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

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

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

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

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

4 (4) For purposes of issuing an ex parte emergency order
5 of protection, the court, as an alternative to or as a
6 supplement to making the findings described in
7 subparagraphs (i) through (iii) of paragraph (3)
8 ~~paragraphs (c) (3) (i) through (c) (3) (iii)~~ of this
9 subsection, may use the following procedure:

10 When a verified petition for an emergency order of
11 protection in accordance with the requirements of Sections
12 203 and 217 is presented to the court, the court shall
13 examine petitioner on oath or affirmation. An emergency
14 order of protection shall be issued by the court if it
15 appears from the contents of the petition and the
16 examination of petitioner that the averments are
17 sufficient to indicate abuse by respondent and to support
18 the granting of relief under the issuance of the emergency
19 order of protection.

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

1 Act of 1975, the Revised Uniform Reciprocal Enforcement of
2 Support Act, the Uniform Interstate Family Support Act, the
3 Expedited Child Support Act of 1990, any judicial,
4 administrative, or other act of another state or territory,
5 any other Illinois statute, or by any foreign nation
6 establishing the father and child relationship, any other
7 proceeding substantially in conformity with the Personal
8 Responsibility and Work Opportunity Reconciliation Act of
9 1996 (Pub. L. 104-193), or where both parties appeared in
10 open court or at an administrative hearing acknowledging
11 under oath or admitting by affirmation the existence of a
12 father and child relationship. Absent such an
13 adjudication, finding, or acknowledgment, no putative
14 father shall be granted temporary allocation of parental
15 responsibilities, including parenting time with the minor
16 child, or physical care and possession of the minor child,
17 nor shall an order of payment for support of the minor
18 child be entered.

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

1 shall be an official record or in writing.

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

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

7 (2) Respondent was voluntarily intoxicated;

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

12 (4) Petitioner did not act in self-defense or defense
13 of another;

14 (5) Petitioner left the residence or household to avoid
15 further abuse, neglect, or exploitation by respondent;

16 (6) Petitioner did not leave the residence or household
17 to avoid further abuse, neglect, or exploitation by
18 respondent;

19 (7) Conduct by any family or household member excused
20 the abuse, neglect, or exploitation by respondent, unless
21 that same conduct would have excused such abuse, neglect,
22 or exploitation if the parties had not been family or
23 household members.

24 (Source: P.A. 99-85, eff. 1-1-16; 99-90, eff. 1-1-16; 99-642,
25 eff. 7-28-16; 100-388, eff. 1-1-18; 100-863, eff. 8-14-18;
26 100-923, eff. 1-1-19.)

1 (750 ILCS 60/302) (from Ch. 40, par. 2313-2)

2 Sec. 302. Data maintenance by law enforcement agencies.

3 (a) All sheriffs shall furnish to the Department of State
4 Police, on the same day as received, in the form and detail the
5 Department requires, copies of any recorded emergency,
6 interim, or plenary orders of protection issued by the court,
7 and any foreign orders of protection filed by the clerk of the
8 court, and transmitted to the sheriff by the clerk of the court
9 pursuant to subsection (b) of Section 222 of this Act. Each
10 order of protection shall be entered in the Law Enforcement
11 Agencies Data System on the same day it is issued by the court.
12 If an emergency order of protection was issued in accordance
13 with subsection (c) of Section 217, the order shall be entered
14 in the Law Enforcement Agencies Data System as soon as possible
15 after receipt from the clerk.

16 (b) The Department of State Police shall maintain a
17 complete and systematic record and index of all valid or
18 expired and recorded orders of protection issued pursuant to
19 this Act for at least 20 years. The data shall be used to
20 inform all dispatchers and law enforcement officers at the
21 scene of an alleged incident of abuse, neglect, or exploitation
22 or violation of an order of protection of (i) any recorded
23 prior incident of abuse, neglect, or exploitation involving the
24 abused, neglected, or exploited party and the effective dates
25 and terms of any recorded order of protection, and (ii) any

1 recorded prior incident of abuse, neglect, or exploitation
2 involving the respondent engaging in abuse, neglect, or
3 exploitation against other parties and the effective dates and
4 terms of any recorded order of protection. The data shall also
5 be used pursuant to paragraph (1) of subsection (a) of Section
6 214 to inform the court in proceedings when determining whether
7 to issue an order of protection, and shall be used when
8 considering a pattern of abuse of (1) any recorded prior
9 incident of abuse, neglect, or exploitation involving the
10 abused, neglected, or exploited party and the effective dates
11 and terms of any recorded order of protection, and (2) any
12 recorded prior incident of abuse, neglect, or exploitation
13 involving the respondent engaging in abuse, neglect, or
14 exploitation against other parties and the effective dates and
15 terms of any recorded order of protection.

16 (c) The data, records and transmittals required under this
17 Section shall pertain to any valid emergency, interim or
18 plenary order of protection, whether issued in a civil or
19 criminal proceeding or authorized under the laws of another
20 state, tribe, or United States territory.

21 (Source: P.A. 95-331, eff. 8-21-07.)

22 (750 ILCS 60/302.5 new)

23 Sec. 302.5. National Crime Information Center.

24 (a) The data contained in the National Crime Information
25 Center database shall be used to inform all dispatchers and law

1 enforcement officers at the scene of an alleged incident of
2 abuse, neglect, or exploitation or violation of an order of
3 protection of (i) any prior criminal incident involving the
4 abused, neglected, or exploited party, and (ii) any prior
5 criminal incident involving the respondent. The data shall also
6 be used pursuant to paragraph (1) of subsection (a) of Section
7 214 to inform the court in proceedings when determining whether
8 to issue an order of protection, and shall be used when
9 considering a pattern of abuse of (1) any prior criminal
10 incident involving the abused, neglected, or exploited party,
11 and (2) any prior criminal incident involving the respondent.

12 (b) All criminal information meeting the criteria of the
13 information gathered by the National Crime Information Center
14 shall be provided to the National Crime Information Center for
15 the database by the courts, State and local law enforcement
16 agencies, and other State and local criminal justice agencies
17 within 24 hours of receipt of the information.

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.