

1 AN ACT in relation to 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 103 and 214 as follows:

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

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

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

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

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

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

28 (5) "Exploitation" means the illegal, including  
29 tortious, use of a high-risk adult with disabilities or of  
30 the assets or resources of a high-risk adult with  
31 disabilities. Exploitation includes, but is not limited to,

1 the misappropriation of assets or resources of a high-risk  
2 adult with disabilities by undue influence, by breach of a  
3 fiduciary relationship, by fraud, deception, or extortion, or  
4 the use of such assets or resources in a manner contrary to  
5 law.

6 (6) "Family or household members" include spouses,  
7 former spouses, parents, children, stepchildren and other  
8 persons related by blood or by present or prior marriage,  
9 persons who share or formerly shared a common dwelling,  
10 persons who have or allegedly have a child in common, persons  
11 who share or allegedly share a blood relationship through a  
12 child, persons who have or have had a dating or engagement  
13 relationship, persons with disabilities and their personal  
14 assistants, and caregivers as defined in paragraph (3) of  
15 subsection (b) of Section 12-21 of the Criminal Code of 1961.  
16 For purposes of this paragraph, neither a casual  
17 acquaintanceship nor ordinary fraternization between 2  
18 individuals in business or social contexts shall be deemed to  
19 constitute a dating relationship. In the case of a high-risk  
20 adult with disabilities, "family or household members"  
21 includes any person who has the responsibility for a  
22 high-risk adult as a result of a family relationship or who  
23 has assumed responsibility for all or a portion of the care  
24 of a high-risk adult with disabilities voluntarily, or by  
25 express or implied contract, or by court order.

26 (7) "Harassment" means knowing conduct which is not  
27 necessary to accomplish a purpose that is reasonable under  
28 the circumstances; would cause a reasonable person emotional  
29 distress; and does cause emotional distress to the  
30 petitioner. "Harassment" also means stalking as defined in  
31 Section 12-7.3 of the Criminal Code of 1961. Unless the  
32 presumption is rebutted by a preponderance of the evidence,  
33 the following types of conduct shall be presumed to cause  
34 emotional distress:

- 1           (i) creating a disturbance at petitioner's place of
- 2           employment or school;
- 3           (ii) repeatedly telephoning petitioner's place of
- 4           employment, home or residence;
- 5           (iii) repeatedly following petitioner about in a
- 6           public place or places;
- 7           (iv) repeatedly keeping petitioner under
- 8           surveillance by remaining present outside his or her
- 9           home, school, place of employment, vehicle or other place
- 10          occupied by petitioner or by peering in petitioner's
- 11          windows;
- 12          (v) improperly concealing a minor child from
- 13          petitioner, repeatedly threatening to improperly remove a
- 14          minor child of petitioner's from the jurisdiction or from
- 15          the physical care of petitioner, repeatedly threatening
- 16          to conceal a minor child from petitioner, or making a
- 17          single such threat following an actual or attempted
- 18          improper removal or concealment, unless respondent was
- 19          fleeing an incident or pattern of domestic violence; or
- 20          (vi) threatening physical force, confinement or
- 21          restraint on one or more occasions.
- 22          (8) "High-risk adult with disabilities" means a person
- 23          aged 18 or over whose physical or mental disability impairs
- 24          his or her ability to seek or obtain protection from abuse,
- 25          neglect, or exploitation.
- 26          (9) "Interference with personal liberty" means
- 27          committing or threatening physical abuse, harassment,
- 28          intimidation or willful deprivation so as to compel another
- 29          to engage in conduct from which she or he has a right to
- 30          abstain or to refrain from conduct in which she or he has a
- 31          right to engage.
- 32          (10) "Intimidation of a dependent" means subjecting a
- 33          person who is dependent because of age, health or disability
- 34          to participation in or the witnessing of: physical force

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

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

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

11 (ii) the repeated, careless imposition of  
12 unreasonable confinement;

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

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

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

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

27 (12) "Order of protection" means an emergency order,  
28 interim order or plenary order, granted pursuant to this Act,  
29 which includes any or all of the remedies authorized by  
30 Section 214 of this Act.

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

1 (14) "Physical abuse" includes sexual abuse and means  
2 any of the following:

3 (i) knowing or reckless use of physical force,  
4 confinement or restraint;

5 (ii) knowing, repeated and unnecessary sleep  
6 deprivation; or

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

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

19 (Source: P.A. 92-253, eff. 1-1-02.)

20 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

21 Sec. 214. Order of protection; remedies.

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

1 physical manifestations of abuse on the person of the victim.  
2 Modification and extension of prior orders of protection  
3 shall be in accordance with this Act.

4 (b) Remedies and standards. The remedies to be included  
5 in an order of protection shall be determined in accordance  
6 with this Section and one of the following Sections, as  
7 appropriate: Section 217 on emergency orders, Section 218 on  
8 interim orders, and Section 219 on plenary orders. The  
9 remedies listed in this subsection shall be in addition to  
10 other civil or criminal remedies available to petitioner.

11 (1) Prohibition of abuse, neglect, or exploitation.  
12 Prohibit respondent's harassment, interference with  
13 personal liberty, intimidation of a dependent, physical  
14 abuse, or willful deprivation, neglect or exploitation,  
15 as defined in this Act, ~~or stalking of the petitioner, as~~  
16 ~~defined in Section 12-7.3 of the Criminal Code of 1961,~~  
17 if such abuse, neglect, or exploitation, ~~or stalking~~ has  
18 occurred or otherwise appears likely to occur if not  
19 prohibited.

20 (2) Grant of exclusive possession of residence.  
21 Prohibit respondent from entering or remaining in any  
22 residence or household of the petitioner, including one  
23 owned or leased by respondent, if petitioner has a right  
24 to occupancy thereof. The grant of exclusive possession  
25 of the residence shall not affect title to real property,  
26 nor shall the court be limited by the standard set forth  
27 in Section 701 of the Illinois Marriage and Dissolution  
28 of Marriage Act.

29 (A) Right to occupancy. A party has a right  
30 to occupancy of a residence or household if it is  
31 solely or jointly owned or leased by that party,  
32 that party's spouse, a person with a legal duty to  
33 support that party or a minor child in that party's  
34 care, or by any person or entity other than the

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

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

22          The balance of hardships is presumed to favor  
23          possession by petitioner unless the presumption is  
24          rebutted by a preponderance of the evidence, showing  
25          that the hardships to respondent substantially  
26          outweigh the hardships to petitioner and any minor  
27          child or dependent adult in petitioner's care. The  
28          court, on the request of petitioner or on its own  
29          motion, may order respondent to provide suitable,  
30          accessible, alternate housing for petitioner instead  
31          of excluding respondent from a mutual residence or  
32          household.

33          (3) Stay away order and additional prohibitions.  
34          Order respondent to stay away from petitioner or any

1 other person protected by the order of protection, or  
2 prohibit respondent from entering or remaining present at  
3 petitioner's school, place of employment, or other  
4 specified places at times when petitioner is present, or  
5 both, if reasonable, given the balance of hardships.  
6 Hardships need not be balanced for the court to enter a  
7 stay away order or prohibit entry if respondent has no  
8 right to enter the premises.

9 If an order of protection grants petitioner  
10 exclusive possession of the residence, or prohibits  
11 respondent from entering the residence, or orders  
12 respondent to stay away from petitioner or other  
13 protected persons, then the court may allow respondent  
14 access to the residence to remove items of clothing and  
15 personal adornment used exclusively by respondent,  
16 medications, and other items as the court directs. The  
17 right to access shall be exercised on only one occasion  
18 as the court directs and in the presence of an  
19 agreed-upon adult third party or law enforcement officer.

20 (4) Counseling. Require or recommend the  
21 respondent to undergo counseling for a specified duration  
22 with a social worker, psychologist, clinical  
23 psychologist, psychiatrist, family service agency,  
24 alcohol or substance abuse program, mental health center  
25 guidance counselor, agency providing services to elders,  
26 program designed for domestic violence abusers or any  
27 other guidance service the court deems appropriate.

28 (5) Physical care and possession of the minor  
29 child. In order to protect the minor child from abuse,  
30 neglect, or unwarranted separation from the person who  
31 has been the minor child's primary caretaker, or to  
32 otherwise protect the well-being of the minor child, the  
33 court may do either or both of the following: (i) grant  
34 petitioner physical care or possession of the minor



1 child, or both, or (ii) order respondent to return a  
2 minor child to, or not remove a minor child from, the  
3 physical care of a parent or person in loco parentis.

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

9 (6) Temporary legal custody. Award temporary legal  
10 custody to petitioner in accordance with this Section,  
11 the Illinois Marriage and Dissolution of Marriage Act,  
12 the Illinois Parentage Act of 1984, and this State's  
13 Uniform Child Custody Jurisdiction Act.

14 If a court finds, after a hearing, that respondent  
15 has committed abuse (as defined in Section 103) of a  
16 minor child, there shall be a rebuttable presumption that  
17 awarding temporary legal custody to respondent would not  
18 be in the child's best interest.

19 (7) Visitation. Determine the visitation rights,  
20 if any, of respondent in any case in which the court  
21 awards physical care or temporary legal custody of a  
22 minor child to petitioner. The court shall restrict or  
23 deny respondent's visitation with a minor child if the  
24 court finds that respondent has done or is likely to do  
25 any of the following: (i) abuse or endanger the minor  
26 child during visitation; (ii) use the visitation as an  
27 opportunity to abuse or harass petitioner or petitioner's  
28 family or household members; (iii) improperly conceal or  
29 detain the minor child; or (iv) otherwise act in a manner  
30 that is not in the best interests of the minor child.  
31 The court shall not be limited by the standards set forth  
32 in Section 607.1 of the Illinois Marriage and Dissolution  
33 of Marriage Act. If the court grants visitation, the  
34 order shall specify dates and times for the visitation to

1 take place or other specific parameters or conditions  
2 that are appropriate. No order for visitation shall  
3 refer merely to the term "reasonable visitation".

4 Petitioner may deny respondent access to the minor  
5 child if, when respondent arrives for visitation,  
6 respondent is under the influence of drugs or alcohol and  
7 constitutes a threat to the safety and well-being of  
8 petitioner or petitioner's minor children or is behaving  
9 in a violent or abusive manner.

10 If necessary to protect any member of petitioner's  
11 family or household from future abuse, respondent shall  
12 be prohibited from coming to petitioner's residence to  
13 meet the minor child for visitation, and the parties  
14 shall submit to the court their recommendations for  
15 reasonable alternative arrangements for visitation. A  
16 person may be approved to supervise visitation only after  
17 filing an affidavit accepting that responsibility and  
18 acknowledging accountability to the court.

19 (8) Removal or concealment of minor child. Prohibit  
20 respondent from removing a minor child from the State or  
21 concealing the child within the State.

22 (9) Order to appear. Order the respondent to  
23 appear in court, alone or with a minor child, to prevent  
24 abuse, neglect, removal or concealment of the child, to  
25 return the child to the custody or care of the petitioner  
26 or to permit any court-ordered interview or examination  
27 of the child or the respondent.

28 (10) Possession of personal property. Grant  
29 petitioner exclusive possession of personal property and,  
30 if respondent has possession or control, direct  
31 respondent to promptly make it available to petitioner,  
32 if:

33 (i) petitioner, but not respondent, owns the  
34 property; or

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

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

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

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

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

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

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

30          The court may further prohibit respondent from  
 31          improperly using the financial or other resources of an  
 32          aged member of the family or household for the profit or  
 33          advantage of respondent or of any other person.

34          (12) Order for payment of support. Order

1           respondent to pay temporary support for the petitioner or  
2           any child in the petitioner's care or custody, when the  
3           respondent has a legal obligation to support that person,  
4           in accordance with the Illinois Marriage and Dissolution  
5           of Marriage Act, which shall govern, among other matters,  
6           the amount of support, payment through the clerk and  
7           withholding of income to secure payment. An order for  
8           child support may be granted to a petitioner with lawful  
9           physical care or custody of a child, or an order or  
10          agreement for physical care or custody, prior to entry of  
11          an order for legal custody. Such a support order shall  
12          expire upon entry of a valid order granting legal custody  
13          to another, unless otherwise provided in the custody  
14          order.

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

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

33                         (ii) Recovery of expenses. In the case of an  
34          improper concealment or removal of a minor child,

1 the court may order respondent to pay the reasonable  
2 expenses incurred or to be incurred in the search  
3 for and recovery of the minor child, including but  
4 not limited to legal fees, court costs, private  
5 investigator fees, and travel costs.

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

12 (14.5) Prohibition of firearm possession.

13 (a) When a complaint is made under a request  
14 for an order of protection, that the respondent has  
15 threatened or is likely to use firearms illegally  
16 against the petitioner, and the respondent is  
17 present in court, or has failed to appear after  
18 receiving actual notice, the court shall examine on  
19 oath the petitioner, and any witnesses who may be  
20 produced. If the court is satisfied that there is  
21 any danger of the illegal use of firearms, it shall  
22 issue an order that any firearms in the possession  
23 of the respondent, except as provided in subsection  
24 (b), be turned over to the local law enforcement  
25 agency for safekeeping. If the respondent has  
26 failed to appear, the court shall issue a warrant  
27 for seizure of any firearm in the possession of the  
28 respondent. The period of safekeeping shall be for a  
29 stated period of time not to exceed 2 years. The  
30 firearm or firearms shall be returned to the  
31 respondent at the end of the stated period or at  
32 expiration of the order of protection, whichever is  
33 sooner.

34 (b) If the respondent is a peace officer as

1 defined in Section 2-13 of the Criminal Code of  
2 1961, the court shall order that any firearms used  
3 by the respondent in the performance of his or her  
4 duties as a peace officer be surrendered to the  
5 chief law enforcement executive of the agency in  
6 which the respondent is employed, who shall retain  
7 the firearms for safekeeping for the stated period  
8 not to exceed 2 years as set forth in the court  
9 order.

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

20 (16) Order for payment of shelter services. Order  
21 respondent to reimburse a shelter providing temporary  
22 housing and counseling services to the petitioner for the  
23 cost of the services, as certified by the shelter and  
24 deemed reasonable by the court.

25 (17) Order for injunctive relief. Enter injunctive  
26 relief necessary or appropriate to prevent further abuse  
27 of a family or household member or further abuse,  
28 neglect, or exploitation of a high-risk adult with  
29 disabilities or to effectuate one of the granted  
30 remedies, if supported by the balance of hardships. If  
31 the harm to be prevented by the injunction is abuse or  
32 any other harm that one of the remedies listed in  
33 paragraphs (1) through (16) of this subsection is  
34 designed to prevent, no further evidence is necessary

1           that the harm is an irreparable injury.

2           (c) Relevant factors; findings.

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

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

16                   (ii) the danger that any minor child will be  
17                   abused or neglected or improperly removed from the  
18                   jurisdiction, improperly concealed within the State  
19                   or improperly separated from the child's primary  
20                   caretaker.

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

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

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

30                   (iii) the effect on the relationship of the  
31                   party, and any minor child or dependent adult in the  
32                   party's care, to family, school, church and  
33                   community.

34           (3) Subject to the exceptions set forth in

1 paragraph (4) of this subsection, the court shall make  
2 its findings in an official record or in writing, and  
3 shall at a minimum set forth the following:

4 (i) That the court has considered the  
5 applicable relevant factors described in paragraphs  
6 (1) and (2) of this subsection.

7 (ii) Whether the conduct or actions of  
8 respondent, unless prohibited, will likely cause  
9 irreparable harm or continued abuse.

10 (iii) Whether it is necessary to grant the  
11 requested relief in order to protect petitioner or  
12 other alleged abused persons.

13 (4) For purposes of issuing an ex parte emergency  
14 order of protection, the court, as an alternative to or  
15 as a supplement to making the findings described in  
16 paragraphs (c)(3)(i) through (c)(3)(iii) of this  
17 subsection, may use the following procedure:

18 When a verified petition for an emergency order of  
19 protection in accordance with the requirements of  
20 Sections 203 and 217 is presented to the court, the court  
21 shall examine petitioner on oath or affirmation. An  
22 emergency order of protection shall be issued by the  
23 court if it appears from the contents of the petition and  
24 the examination of petitioner that the averments are  
25 sufficient to indicate abuse by respondent and to support  
26 the granting of relief under the issuance of the  
27 emergency order of protection.

28 (5) Never married parties. No rights or  
29 responsibilities for a minor child born outside of  
30 marriage attach to a putative father until a father and  
31 child relationship has been established under the  
32 Illinois Parentage Act of 1984, the Illinois Public Aid  
33 Code, Section 12 of the Vital Records Act, the Juvenile  
34 Court Act of 1987, the Probate Act of 1985, the Revised



1 Uniform Reciprocal Enforcement of Support Act, the  
2 Uniform Interstate Family Support Act, the Expedited  
3 Child Support Act of 1990, any judicial, administrative,  
4 or other act of another state or territory, any other  
5 Illinois statute, or by any foreign nation establishing  
6 the father and child relationship, any other proceeding  
7 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  
12 a father and child relationship. Absent such an  
13 adjudication, finding, or acknowledgement, no putative  
14 father shall be granted temporary custody of the minor  
15 child, visitation with the minor child, or physical care  
16 and possession of the minor child, nor shall an order of  
17 payment for support of the minor child be entered.

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

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

30 (1) Respondent has cause for any use of force,  
31 unless that cause satisfies the standards for justifiable  
32 use of force provided by Article VII of the Criminal Code  
33 of 1961;

34 (2) Respondent was voluntarily intoxicated;

1           (3) Petitioner acted in self-defense or defense of  
2 another, provided that, if petitioner utilized force,  
3 such force was justifiable under Article VII of the  
4 Criminal Code of 1961;

5           (4) Petitioner did not act in self-defense or  
6 defense of another;

7           (5) Petitioner left the residence or household to  
8 avoid further abuse, neglect, or exploitation by  
9 respondent;

10           (6) Petitioner did not leave the residence or  
11 household to avoid further abuse, neglect, or  
12 exploitation by respondent;

13           (7) Conduct by any family or household member  
14 excused the abuse, neglect, or exploitation by  
15 respondent, unless that same conduct would have excused  
16 such abuse, neglect, or exploitation if the parties had  
17 not been family or household members.

18 (Source: P.A. 89-367, eff. 1-1-96; 90-118, eff. 1-1-98.)