

1 AN ACT concerning protective orders.

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

4 Section 5. The Code of Criminal Procedure of 1963 is
5 amended by changing Section 112A-3 as follows:

6 (725 ILCS 5/112A-3) (from Ch. 38, par. 112A-3)

7 Sec. 112A-3. Definitions. For the purposes of this Article,
8 the 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) "Domestic violence" means abuse as described in
14 paragraph (1).

15 (3) "Family or household members" include spouses, former
16 spouses, parents, children, stepchildren and other persons
17 related by blood or by present or prior marriage, persons who
18 share or formerly shared a common dwelling, persons who have or
19 allegedly have a child in common, persons who share or
20 allegedly share a blood relationship through a child, persons
21 who have or have had a dating or engagement relationship,
22 persons with disabilities and their personal assistants, and
23 caregivers as defined in paragraph (3) of subsection (b) of
24 Section 12-21 of the Criminal Code of 1961. For purposes of
25 this paragraph, neither a casual acquaintanceship nor ordinary
26 fraternization between 2 individuals in business or social
27 contexts shall be deemed to constitute a dating relationship.

28 (4) "Harassment" means knowing conduct which is not
29 necessary to accomplish a purpose which is reasonable under the
30 circumstances; would cause a reasonable person emotional
31 distress; and does cause emotional distress to the petitioner.
32 Unless the presumption is rebutted by a preponderance of the

1 evidence, the following types of conduct shall be presumed to
2 cause emotional distress:

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

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

7 (iii) repeatedly following petitioner about in a
8 public place or places;

9 (iv) repeatedly keeping petitioner under surveillance
10 by remaining present outside his or her home, school, place
11 of employment, vehicle or other place occupied by
12 petitioner or by peering in petitioner's windows;

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

21 (vi) threatening physical force, confinement or
22 restraint on one or more occasions.

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

28 (6) "Intimidation of a dependent" means subjecting a person
29 who is dependent because of age, health or disability to
30 participation in or the witnessing of: physical force against
31 another or physical confinement or restraint of another which
32 constitutes physical abuse as defined in this Article,
33 regardless of whether the abused person is a family or
34 household member.

35 (7) "Order of protection" means an emergency order, interim
36 order or plenary order, granted pursuant to this Article, which

1 includes any or all of the remedies authorized by Section
2 112A-14 of this Code.

3 (8) "Petitioner" may mean not only any named petitioner for
4 the order of protection and any named victim of abuse on whose
5 behalf the petition is brought, but also any other person
6 protected by this Article.

7 (9) "Physical abuse" includes sexual abuse and means any of
8 the following:

9 (i) knowing or reckless use of physical force,
10 confinement or restraint;

11 (ii) knowing, repeated and unnecessary sleep
12 deprivation; or

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

15 (9.5) "Stay away" means for the respondent to refrain from
16 both physical presence and nonphysical contact with the
17 petitioner whether direct, indirect (including, but not
18 limited to, telephone calls, mail, email, faxes, and written
19 notes), or through third parties who may or may not know about
20 the order of protection.

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

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

32 Section 8. The Civil No Contact Order Act is amended by
33 changing Sections 103, 202, 213, 214, 217, and 218 and by
34 adding Sections 204.3 and 218.5 as follows:

1 (740 ILCS 22/103)

2 Sec. 103. Definitions. As used in this Act:

3 ~~"Abuse" means physical abuse, harassment, intimidation of~~
4 ~~a dependent, or interference with personal liberty.~~

5 "Civil no contact order" means an emergency order or
6 plenary order granted under this Act, which includes a remedy
7 authorized by Section 213 of this Act.

8 "Non-consensual" means a lack of freely given agreement.

9 "Petitioner" means any named petitioner for the no contact
10 order or any named victim of non-consensual sexual conduct or
11 non-consensual sexual penetration on whose behalf the petition
12 is brought.

13 "Sexual conduct" means any intentional or knowing touching
14 or fondling by the petitioner or the respondent, either
15 directly or through clothing, of the sex organs, anus, or
16 breast of the petitioner or the respondent, or any part of the
17 body of a child under 13 years of age, or any transfer or
18 transmission of semen by the respondent upon any part of the
19 clothed or unclothed body of the petitioner, for the purpose of
20 sexual gratification or arousal of the petitioner or the
21 respondent.

22 "Sexual penetration" means any contact, however slight,
23 between the sex organ or anus of one person by an object, the
24 sex organ, mouth or anus of another person, or any intrusion,
25 however slight, of any part of the body of one person or of any
26 animal or object into the sex organ or anus of another person,
27 including but not limited to cunnilingus, fellatio or anal
28 penetration. Evidence of emission of semen is not required to
29 prove sexual penetration.

30 "Stay away" means to refrain from both physical presence
31 and nonphysical contact with the petitioner directly,
32 indirectly, or through third parties who may or may not know of
33 the order. "Nonphysical contact" includes, but is not limited
34 to, telephone calls, mail, e-mail, fax, and written notes.

35 (Source: P.A. 93-236, eff. 1-1-04.)

1 (740 ILCS 22/202)

2 Sec. 202. Commencement of action; filing fees.

3 (a) An action for a civil no contact order is commenced:

4 (1) independently, by filing a petition for a civil no
5 contact order in any civil court, unless specific courts
6 are designated by local rule or order; or

7 (2) in conjunction with a delinquency petition or a
8 criminal prosecution, by filing a petition for a civil no
9 contact order under the same case number as the delinquency
10 petition or criminal prosecution, to be granted during
11 pre-trial release of a defendant, with any dispositional
12 order issued under Section 5-710 of the Juvenile Court Act
13 of 1987 or as a condition of release, supervision,
14 conditional discharge, probation, periodic imprisonment,
15 parole, or mandatory supervised release, or in conjunction
16 with imprisonment or a bond forfeiture warrant, provided
17 that (i) the violation is alleged in an information,
18 complaint, indictment, or delinquency petition on file and
19 the alleged victim is a person protected by this Act, and
20 (ii) the petition, which is filed by the State's Attorney,
21 names a victim of the alleged crime as a petitioner.

22 (b) Withdrawal or dismissal of any petition for a civil no
23 contact order prior to adjudication where the petitioner is
24 represented by the State shall operate as a dismissal without
25 prejudice. No action for a civil no contact order shall be
26 dismissed because the respondent is being prosecuted for a
27 crime against the petitioner. For any action commenced under
28 item (2) of subsection (a) of this Section, dismissal of the
29 conjoined case (or a finding of not guilty) shall not require
30 dismissal of the action for a civil no contact order; instead,
31 it may be treated as an independent action and, if necessary
32 and appropriate, transferred to a different court or division.

33 (c) No fee shall be charged by the clerk of the court for
34 filing petitions or modifying or certifying orders. No fee
35 shall be charged by the sheriff for service by the sheriff of a
36 petition, rule, motion, or order in an action commenced under

1 this Section.

2 (d) The court shall provide, through the office of the
3 clerk of the court, simplified forms for ~~and clerical~~
4 ~~assistance to help with the writing and~~ filing of a petition
5 under this Section by any person not represented by counsel.

6 (Source: P.A. 93-236, eff. 1-1-04.)

7 (740 ILCS 22/204.3 new)

8 Sec. 204.3. Appointment of counsel. The court may appoint
9 counsel to represent the petitioner if the respondent is
10 represented by counsel.

11 (740 ILCS 22/213)

12 Sec. 213. Civil no contact order; remedy.

13 (a) If the court finds that the petitioner has been a
14 victim of non-consensual sexual conduct or non-consensual
15 sexual penetration, a civil no contact order shall issue;
16 provided that the petitioner must also satisfy the requirements
17 of Section 214 on emergency orders or Section 215 on plenary
18 orders. The petitioner shall not be denied a civil no contact
19 order because the petitioner or the respondent is a minor. The
20 court, when determining whether or not to issue a civil no
21 contact order, may not require physical injury on the person of
22 the victim. Modification and extension of prior civil no
23 contact orders shall be in accordance with this Act.

24 (b) A civil no contact order shall order one or more of the
25 following:

26 (1) order the respondent to stay away from the
27 petitioner; or

28 (2) other injunctive relief necessary or appropriate.
29 ~~Order the respondent to stay away from any other person~~
30 ~~protected by the civil no contact order;~~

31 ~~(3) prohibit the respondent from abuse, as defined in~~
32 ~~this Act, or stalking of the petitioner, as defined in~~
33 ~~Section 12-7.3 of the Criminal Code of 1961, if the abuse~~
34 ~~or stalking has occurred or otherwise appears likely to~~

1 ~~occur if not prohibited; or~~

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

9 (c) Denial of a remedy may not be based, in whole or in
10 part, on evidence that:

11 (1) the respondent has cause for any use of force,
12 unless that cause satisfies the standards for justifiable
13 use of force provided by Article VII of the Criminal Code
14 of 1961;

15 (2) the respondent was voluntarily intoxicated;

16 (3) the petitioner acted in self-defense or defense of
17 another, provided that, if the petitioner utilized force,
18 such force was justifiable under Article VII of the
19 Criminal Code of 1961;

20 (4) the petitioner did not act in self-defense or
21 defense of another;

22 (5) the petitioner left the residence or household to
23 avoid further non-consensual sexual conduct or
24 non-consensual sexual penetration by the respondent; or

25 (6) the petitioner did not leave the residence or
26 household to avoid further non-consensual sexual conduct
27 or non-consensual sexual penetration by the respondent.

28 (d) Monetary damages are not recoverable as a remedy.

29 (Source: P.A. 93-236, eff. 1-1-04.)

30 (740 ILCS 22/214)

31 Sec. 214. Emergency civil no contact order.

32 (a) An emergency civil no contact order shall issue if the
33 petitioner satisfies the requirements of this subsection (a).

34 The petitioner shall establish that:

35 (1) the court has jurisdiction under Section 206 ~~208~~;

1 (2) the requirements of Section 213 are satisfied; and

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

9 An emergency civil no contact order shall be issued by the
10 court if it appears from the contents of the petition and the
11 examination of the petitioner that the averments are sufficient
12 to indicate nonconsensual sexual penetration by the respondent
13 and to support the granting of relief under the issuance of the
14 civil no contact order.

15 An emergency civil no contact order shall be issued if the
16 court finds that subsections (1), (2), and (3) above are met.

17 (b) If the respondent appears in court for this hearing for
18 an emergency order, he or she may elect to file a general
19 appearance and testify. Any resulting order may be an emergency
20 order, governed by this Section. Notwithstanding the
21 requirements of this Section, if all requirements of Section
22 215 have been met, the court may issue a plenary order.

23 (c) Emergency orders; court holidays and evenings.

24 (1) When the court is unavailable at the close of
25 business, the petitioner may file a petition for a 21-day
26 emergency order before any available circuit judge or
27 associate judge who may grant relief under this Act. If the
28 judge finds that there is an immediate and present danger
29 of abuse against the petitioner and that the petitioner has
30 satisfied the prerequisites set forth in subsection (a),
31 that judge may issue an emergency civil no contact order.

32 (2) The chief judge of the circuit court may designate
33 for each county in the circuit at least one judge to be
34 reasonably available to issue orally, by telephone, by
35 facsimile, or otherwise, an emergency civil no contact
36 order at all times, whether or not the court is in session.

1 (3) Any order issued under this Section and any
2 documentation in support of the order shall be certified on
3 the next court day to the appropriate court. The clerk of
4 that court shall immediately assign a case number, file the
5 petition, order, and other documents with the court, and
6 enter the order of record and file it with the sheriff for
7 service, in accordance with Section 222. Filing the
8 petition shall commence proceedings for further relief
9 under Section 202. Failure to comply with the requirements
10 of this paragraph (3) does not affect the validity of the
11 order.

12 (Source: P.A. 93-236, eff. 1-1-04.)

13 (740 ILCS 22/217)

14 Sec. 217. Contents of orders.

15 (a) Any civil no contact order shall describe each remedy
16 granted by the court, in reasonable detail and not by reference
17 to any other document, so that the respondent may clearly
18 understand what he or she must do or refrain from doing.

19 (b) A civil no contact order shall further state the
20 following:

21 (1) The name of each petitioner that the court finds
22 was the victim of non-consensual sexual conduct or
23 non-consensual sexual penetration by the respondent ~~and~~
24 ~~the name of each other person protected by the order and~~
25 ~~that the person is protected by this Act.~~

26 (2) The date and time the civil no contact order was
27 issued, whether it is an emergency or plenary order, and
28 the duration of the order.

29 (3) The date, time, and place for any scheduled hearing
30 for extension of that civil no contact order or for another
31 order of greater duration or scope.

32 (4) For each remedy in an emergency civil no contact
33 order, the reason for entering that remedy without prior
34 notice to the respondent or greater notice than was
35 actually given.

1 (5) For emergency civil no contact orders, that the
2 respondent may petition the court, in accordance with
3 Section 218.5, to reopen the order if he or she did not
4 receive actual prior notice of the hearing as required
5 under Section 209 of this Act and if the respondent alleges
6 that he or she had a meritorious defense to the order or
7 that the order or its remedy is not authorized by this Act.

8 (c) A civil no contact order shall include the following
9 notice, printed in conspicuous type: "Any knowing violation of
10 a civil no contact order is a Class A misdemeanor. Any second
11 or subsequent violation is a Class 4 felony."

12 (Source: P.A. 93-236, eff. 1-1-04.)

13 (740 ILCS 22/218)

14 Sec. 218. Notice of orders.

15 (a) Upon issuance of any civil no contact order, the clerk
16 shall immediately, or on the next court day if an emergency
17 order is issued in accordance with subsection (c) of Section
18 214:

19 (1) enter the order on the record and file it in
20 accordance with the circuit court procedures; and

21 (2) provide a file stamped copy of the order to the
22 respondent, if present, and to the petitioner.

23 (b) The clerk of the issuing judge shall, or the petitioner
24 may, on the same day that a civil no contact order is issued,
25 file a certified copy of that order with the sheriff or other
26 law enforcement officials charged with maintaining Department
27 of State Police records or charged with serving the order upon
28 the respondent. If the order was issued in accordance with
29 subsection (c) of Section 214, the clerk shall, on the next
30 court day, file a certified copy of the order with the Sheriff
31 or other law enforcement officials charged with maintaining
32 Department of State Police records.

33 (c) Unless the respondent was present in court when the
34 order was issued, the sheriff, other law enforcement official,
35 or special process server shall promptly serve that order upon

1 the respondent and file proof of such service in the manner
2 provided for service of process in civil proceedings. If
3 process has not yet been served upon the respondent, it shall
4 be served with the order or short form notification. ~~A single
5 fee may be charged for service of an order obtained in civil
6 court, or for service of such an order together with process,
7 unless waived or deferred under Section 208.~~

8 (d) If the person against whom the civil no contact order
9 is issued is arrested and the written order is issued in
10 accordance with subsection (c) of Section 214 and received by
11 the custodial law enforcement agency before the respondent or
12 arrestee is released from custody, the custodial law
13 enforcement agent shall promptly serve the order upon the
14 respondent or arrestee before the respondent or arrestee is
15 released from custody. In no event shall detention of the
16 respondent or arrestee be extended for hearing on the petition
17 for civil no contact order or receipt of the order issued under
18 Section 214 of this Act.

19 (e) Any order extending, modifying, or revoking any civil
20 no contact order shall be promptly recorded, issued, and served
21 as provided in this Section.

22 (f) Upon the request of the petitioner, within 24 hours of
23 the issuance of a civil no contact order, the clerk of the
24 issuing judge shall send written notice of the order along with
25 a certified copy of the order to any school, college, or
26 university at which the petitioner is enrolled.

27 (Source: P.A. 93-236, eff. 1-1-04.)

28 (740 ILCS 22/218.5 new)

29 Sec. 218.5. Modification; reopening of orders.

30 (a) Except as otherwise provided in this Section, upon
31 motion by the petitioner, the court may modify an emergency or
32 plenary civil no contact order by altering the remedy, subject
33 to Section 213.

34 (b) After 30 days following entry of a plenary civil no
35 contact order, a court may modify that order only when a change

1 in the applicable law or facts since that plenary order was
2 entered warrants a modification of its terms.

3 (c) Upon 2 days' notice to the petitioner, or such shorter
4 notice as the court may prescribe, a respondent subject to an
5 emergency civil no contact order issued under this Act may
6 appear and petition the court to rehear the original or amended
7 petition. Any petition to rehear shall be verified and shall
8 allege the following:

9 (1) that the respondent did not receive prior notice of
10 the initial hearing in which the emergency order was
11 entered under Sections 209 and 214; and

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

15 Section 10. The Illinois Domestic Violence Act of 1986 is
16 amended by changing Section 103 as follows:

17 (750 ILCS 60/103) (from Ch. 40, par. 2311-3)

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

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

24 (2) "Adult with disabilities" means an elder adult with
25 disabilities or a high-risk adult with disabilities. A person
26 may be an adult with disabilities for purposes of this Act even
27 though he or she has never been adjudicated an incompetent
28 adult. However, no court proceeding may be initiated or
29 continued on behalf of an adult with disabilities over that
30 adult's objection, unless such proceeding is approved by his or
31 her legal guardian, if any.

32 (3) "Domestic violence" means abuse as defined in paragraph
33 (1).

34 (4) "Elder adult with disabilities" means an adult

1 prevented by advanced age from taking appropriate action to
2 protect himself or herself from abuse by a family or household
3 member.

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

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

32 (7) "Harassment" means knowing conduct which is not
33 necessary to accomplish a purpose that is reasonable under the
34 circumstances; would cause a reasonable person emotional
35 distress; and does cause emotional distress to the petitioner.
36 Unless the presumption is rebutted by a preponderance of the

1 evidence, the following types of conduct shall be presumed to
2 cause emotional distress:

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

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

7 (iii) repeatedly following petitioner about in a
8 public place or places;

9 (iv) repeatedly keeping petitioner under surveillance
10 by remaining present outside his or her home, school, place
11 of employment, vehicle or other place occupied by
12 petitioner or by peering in petitioner's windows;

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

21 (vi) threatening physical force, confinement or
22 restraint on one or more occasions.

23 (8) "High-risk adult with disabilities" means a person aged
24 18 or over whose physical or mental disability impairs his or
25 her ability to seek or obtain protection from abuse, neglect,
26 or exploitation.

27 (9) "Interference with personal liberty" means committing
28 or threatening physical abuse, harassment, intimidation or
29 willful deprivation so as to compel another to engage in
30 conduct from which she or he has a right to abstain or to
31 refrain from conduct in which she or he has a right to engage.

32 (10) "Intimidation of a dependent" means subjecting a
33 person who is dependent because of age, health or disability to
34 participation in or the witnessing of: physical force against
35 another or physical confinement or restraint of another which
36 constitutes physical abuse as defined in this Act, regardless

1 of whether the abused person is a family or household member.

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

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

8 (ii) the repeated, careless imposition of unreasonable
9 confinement;

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

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

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

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

23 (12) "Order of protection" means an emergency order,
24 interim order or plenary order, granted pursuant to this Act,
25 which includes any or all of the remedies authorized by Section
26 214 of this Act.

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

31 (14) "Physical abuse" includes sexual abuse and means any
32 of the following:

33 (i) knowing or reckless use of physical force,
34 confinement or restraint;

35 (ii) knowing, repeated and unnecessary sleep
36 deprivation; or

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

3 (14.5) "Stay away" means for the respondent to refrain from
4 both physical presence and nonphysical contact with the
5 petitioner whether direct, indirect (including, but not
6 limited to, telephone calls, mail, email, faxes, and written
7 notes), or through third parties who may or may not know about
8 the order of protection.

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

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