

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 Section 103 as follows:

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

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

23 (4) (Blank). ~~"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~~
26 ~~member.~~

27 (5) "Exploitation" means the illegal, including tortious,
28 use of a high-risk adult with disabilities or of the assets or
29 resources of a high-risk adult with disabilities. Exploitation
30 includes, but is not limited to, the misappropriation of assets
31 or resources of a high-risk adult with disabilities by undue
32 influence, by breach of a fiduciary relationship, by fraud,

1 deception, or extortion, or the use of such assets or resources
2 in a manner contrary to law.

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

27 (7) "Harassment" means knowing conduct which is not
28 necessary to accomplish a purpose that is reasonable under the
29 circumstances; would cause a reasonable person emotional
30 distress; and does cause emotional distress to the petitioner.
31 Unless the presumption is rebutted by a preponderance of the
32 evidence, the following types of conduct shall be presumed to
33 cause emotional distress:

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

36 (ii) repeatedly telephoning petitioner's place of

1 employment, home or residence;

2 (iii) repeatedly following petitioner about in a
3 public place or places;

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

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

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

18 (8) "High-risk adult with disabilities" means a person aged
19 18 or over whose physical or mental disability or advanced age
20 impairs his or her ability to seek or obtain protection from
21 abuse, neglect, or exploitation. A person may be an adult with
22 disabilities for purposes of this Act even though he or she has
23 never been adjudicated an incompetent adult. However, no court
24 proceedings may be initiated or continued on behalf of an adult
25 with disabilities over that adult's objection, unless the
26 proceeding is approved by his or her legal guardian, if any.

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 (15) "Willful deprivation" means wilfully denying a person
4 who because of age, health or disability requires medication,
5 medical care, shelter, accessible shelter or services, food,
6 therapeutic device, or other physical assistance, and thereby
7 exposing that person to the risk of physical, mental or
8 emotional harm, except with regard to medical care or treatment
9 when the dependent person has expressed an intent to forgo such
10 medical care or treatment. This paragraph does not create any
11 new affirmative duty to provide support to dependent persons.
12 (Source: P.A. 92-253, eff. 1-1-02.)

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.