



Rep. Roger L. Eddy

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1 AMENDMENT TO HOUSE BILL 192

2 AMENDMENT NO. _____. Amend House Bill 192, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Stalking No Contact Order Act is amended by
6 changing Section 80 as follows:

7 (740 ILCS 21/80)

8 Sec. 80. Stalking no contact orders; remedies.

9 (a) If the court finds that the petitioner has been a
10 victim of stalking, a stalking no contact order shall issue;
11 provided that the petitioner must also satisfy the requirements
12 of Section 95 on emergency orders or Section 100 on plenary
13 orders. The petitioner shall not be denied a stalking no
14 contact order because the petitioner or the respondent is a
15 minor. The court, when determining whether or not to issue a
16 stalking no contact order, may not require physical injury on

1 the person of the petitioner. Modification and extension of
2 prior stalking no contact orders shall be in accordance with
3 this Act.

4 (b) A stalking no contact order shall order one or more of
5 the following:

6 (1) prohibit the respondent from threatening to commit
7 or committing stalking;

8 (2) order the respondent not to have any contact with
9 the petitioner or a third person specifically named by the
10 court;

11 (3) prohibit the respondent from knowingly coming
12 within, or knowingly remaining within a specified distance
13 of the petitioner or the petitioner's residence, school,
14 daycare, or place of employment, or any specified place
15 frequented by the petitioner; however, the court may order
16 the respondent to stay away from the respondent's own
17 residence, school, or place of employment only if the
18 respondent has been provided actual notice of the
19 opportunity to appear and be heard on the petition;

20 (4) prohibit the respondent from possessing a Firearm
21 Owners Identification Card, or possessing or buying
22 firearms; and

23 (5) order other injunctive relief the court determines
24 to be necessary to protect the petitioner or third party
25 specifically named by the court.

26 (b-5) When the petitioner and the respondent attend the

1 same public, private, or non-public elementary, middle, or high
2 school, the court when issuing a stalking no contact order and
3 providing relief shall consider the severity of the act, any
4 continuing physical danger or emotional distress to the
5 petitioner, the educational rights guaranteed to the
6 petitioner and respondent under federal and State law, the
7 availability of a transfer of the respondent to another school,
8 a change of placement or a change of program of the respondent,
9 the expense, difficulty, and educational disruption that would
10 be caused by a transfer of the respondent to another school,
11 and any other relevant facts of the case. The court may order
12 that the respondent not attend the public, private, or
13 non-public elementary, middle, or high school attended by the
14 petitioner, order that the respondent accept a change of
15 placement or program, as determined by the school district or
16 private or non-public school, or place restrictions on the
17 respondent's movements within the school attended by the
18 petitioner. The respondent bears the burden of proving by a
19 preponderance of the evidence that a transfer, change of
20 placement, or change of program of the respondent is not
21 available. The respondent also bears the burden of production
22 with respect to the expense, difficulty, and educational
23 disruption that would be caused by a transfer of the respondent
24 to another school. A transfer, change of placement, or change
25 of program is not unavailable to the respondent solely on the
26 ground that the respondent does not agree with the school

1 district's or private or non-public school's transfer, change
2 of placement, or change of program or solely on the ground that
3 the respondent fails or refuses to consent to or otherwise does
4 not take an action required to effectuate a transfer, change of
5 placement, or change of program. When a court orders a
6 respondent to stay away from the public, private, or nonpublic
7 school attended by the petitioner and the respondent requests a
8 transfer to another attendance center within the respondent's
9 school district or private or non-public school, the school
10 district or private or non-public school shall have sole
11 discretion to determine the attendance center to which the
12 respondent is transferred. In the event the court order results
13 in a transfer of the minor respondent to another attendance
14 center, a change in the respondent's placement, or a change of
15 the respondent's program, the parents, guardian, or legal
16 custodian of the respondent is responsible for transportation
17 and other costs associated with the transfer or change.

18 (b-6) The court may order the parents, guardian, or legal
19 custodian of a minor respondent to take certain actions or to
20 refrain from taking certain actions to ensure that the
21 respondent complies with the order. In the event the court
22 orders a transfer of the respondent to another school, the
23 parents, guardian, or legal custodian of the respondent are
24 responsible for transportation and other costs associated with
25 the change of school by the respondent.

26 (b-7) The court shall not hold a school district or private

1 or non-public school or any of its employees in civil or
2 criminal contempt unless the school district or private or
3 non-public school has been allowed to intervene.

4 (b-8) The court may hold the parents, guardian, or legal
5 custodian of a minor respondent in civil or criminal contempt
6 for a violation of any provision of any order entered under
7 this Act for conduct of the minor respondent in violation of
8 this Act if the parents, guardian, or legal custodian directed,
9 encouraged, or assisted the respondent minor in such conduct.

10 (c) The court may award the petitioner costs and attorneys
11 fees if a stalking no contact order is granted.

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

13 (Source: P.A. 96-246, eff. 1-1-10.)

14 Section 10. The Civil No Contact Order Act is amended by
15 changing Sections 213 and 220 as follows:

16 (740 ILCS 22/213)

17 Sec. 213. Civil no contact order; remedies.

18 (a) If the court finds that the petitioner has been a
19 victim of non-consensual sexual conduct or non-consensual
20 sexual penetration, a civil no contact order shall issue;
21 provided that the petitioner must also satisfy the requirements
22 of Section 214 on emergency orders or Section 215 on plenary
23 orders. The petitioner shall not be denied a civil no contact
24 order because the petitioner or the respondent is a minor. The

1 court, when determining whether or not to issue a civil no
2 contact order, may not require physical injury on the person of
3 the victim. Modification and extension of prior civil no
4 contact orders shall be in accordance with this Act.

5 (b) (Blank).

6 (b-5) The court may provide relief as follows:

7 (1) prohibit the respondent from knowingly coming
8 within, or knowingly remaining within, a specified
9 distance from the petitioner;

10 (2) restrain the respondent from having any contact,
11 including nonphysical contact, with the petitioner
12 directly, indirectly, or through third parties, regardless
13 of whether those third parties know of the order;

14 (3) prohibit the respondent from knowingly coming
15 within, or knowingly remaining within, a specified
16 distance from the petitioner's residence, school, day care
17 or other specified location;

18 (4) order the respondent to stay away from any property
19 or animal owned, possessed, leased, kept, or held by the
20 petitioner and forbid the respondent from taking,
21 transferring, encumbering, concealing, harming, or
22 otherwise disposing of the property or animal; and

23 (5) order any other injunctive relief as necessary or
24 appropriate for the protection of the petitioner.

25 (b-6) When the petitioner and the respondent attend the
26 same public or private elementary, middle, or high school, the

1 court when issuing a civil no contact order and providing
2 relief shall consider, ~~among the other facts of the case,~~ the
3 severity of the act, any continuing physical danger or
4 emotional distress to the petitioner, the educational rights
5 guaranteed to the petitioner and respondent under federal and
6 State law, the availability of a transfer of the respondent to
7 another school, a change of placement or a change of program of
8 the respondent, the expense, difficulty, and educational
9 disruption that would be caused by a transfer of the respondent
10 to another school, and any other relevant facts of the case ~~and~~
11 ~~the expense, difficulty, and educational disruption that would~~
12 ~~be caused by a transfer of the respondent to another school.~~

13 The court may order that the respondent not attend the public,
14 ~~or~~ private, or non-public elementary, middle, or high school
15 attended by the petitioner, order that the respondent accept a
16 change of placement or program, as determined by the school
17 district or private or non-public school, or place restrictions
18 on the respondent's movements within the school attended by the
19 petitioner. The respondent bears the burden of proving by a
20 preponderance of the evidence that a transfer, change of
21 placement, or change of program of the respondent is not
22 available. The respondent also bears the burden of production
23 with respect to the expense, difficulty, and educational
24 disruption that would be caused by a transfer of the respondent
25 to another school. A transfer, change of placement, or change
26 of program is not unavailable to the respondent solely on the

1 ground that the respondent does not agree with the school
2 district's or private or non-public school's transfer, change
3 of placement, or change of program or solely on the ground that
4 the respondent fails or refuses to consent to or otherwise does
5 not take an action required to effectuate a transfer, change of
6 placement, or change of program. When a court orders a
7 respondent to stay away from the public, private, or non-public
8 school attended by the petitioner and the respondent requests a
9 transfer to another attendance center within the respondent's
10 school district or private or non-public school, the school
11 district or private or non-public school shall have sole
12 discretion to determine the attendance center to which the
13 respondent is transferred. In the event the court order results
14 in a transfer of the minor respondent to another attendance
15 center, a change in the respondent's placement, or a change of
16 the respondent's program, the parents, guardian, or legal
17 custodian of the respondent is responsible for transportation
18 and other costs associated with the transfer or change.

19 (b-7) The court may order the parents, guardian, or legal
20 custodian of a minor respondent to take certain actions or to
21 refrain from taking certain actions to ensure that the
22 respondent complies with the order. In the event the court
23 orders a transfer of the respondent to another school, the
24 parents or legal guardians of the respondent are responsible
25 for transportation and other costs associated with the change
26 of school by the respondent.

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

3 (1) the respondent has cause for any use of force,
4 unless that cause satisfies the standards for justifiable
5 use of force provided by Article VII of the Criminal Code
6 of 1961;

7 (2) the respondent was voluntarily intoxicated;

8 (3) the petitioner acted in self-defense or defense of
9 another, provided that, if the petitioner utilized force,
10 such force was justifiable under Article VII of the
11 Criminal Code of 1961;

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

14 (5) the petitioner left the residence or household to
15 avoid further non-consensual sexual conduct or
16 non-consensual sexual penetration by the respondent; or

17 (6) the petitioner did not leave the residence or
18 household to avoid further non-consensual sexual conduct
19 or non-consensual sexual penetration by the respondent.

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

21 (Source: P.A. 96-311, eff. 1-1-10.)

22 (740 ILCS 22/220)

23 Sec. 220. Enforcement of a civil no contact order.

24 (a) Nothing in this Act shall preclude any Illinois court
25 from enforcing a valid protective order issued in another

1 state.

2 (b) Illinois courts may enforce civil no contact orders
3 through both criminal proceedings and civil contempt
4 proceedings, unless the action which is second in time is
5 barred by collateral estoppel or the constitutional
6 prohibition against double jeopardy.

7 (b-1) The court shall not hold a school district or private
8 or non-public school or any of its employees in civil or
9 criminal contempt unless the school district or private or
10 non-public school has been allowed to intervene.

11 (b-2) The court may hold the parents, guardian, or legal
12 custodian of a minor respondent in civil or criminal contempt
13 for a violation of any provision of any order entered under
14 this Act for conduct of the minor respondent in violation of
15 this Act if the parents, guardian, or legal custodian directed,
16 encouraged, or assisted the respondent minor in such conduct.

17 (c) Criminal prosecution. A violation of any civil no
18 contact order, whether issued in a civil or criminal
19 proceeding, shall be enforced by a criminal court when the
20 respondent commits the crime of violation of a civil no contact
21 order pursuant to Section 219 by having knowingly violated:

22 (1) remedies described in Section 213 and included in a
23 civil no contact order; or

24 (2) a provision of an order, which is substantially
25 similar to provisions of Section 213, in a valid civil no
26 contact order which is authorized under the laws of another

1 state, tribe, or United States territory.

2 Prosecution for a violation of a civil no contact order
3 shall not bar a concurrent prosecution for any other crime,
4 including any crime that may have been committed at the time of
5 the violation of the civil no contact order.

6 (d) Contempt of court. A violation of any valid Illinois
7 civil no contact order, whether issued in a civil or criminal
8 proceeding, may be enforced through civil or criminal contempt
9 procedures, as appropriate, by any court with jurisdiction,
10 regardless of where the act or acts which violated the civil no
11 contact order were committed, to the extent consistent with the
12 venue provisions of this Act.

13 (1) In a contempt proceeding where the petition for a
14 rule to show cause or petition for adjudication of criminal
15 contempt sets forth facts evidencing an immediate danger
16 that the respondent will flee the jurisdiction or inflict
17 physical abuse on the petitioner or minor children or on
18 dependent adults in the petitioner's care, the court may
19 order the attachment of the respondent without prior
20 service of the petition for a rule to show cause, the rule
21 to show cause, the petition for adjudication of criminal
22 contempt or the adjudication of criminal contempt. Bond
23 shall be set unless specifically denied in writing.

24 (2) A petition for a rule to show cause or a petition
25 for adjudication of criminal contempt for violation of a
26 civil no contact order shall be treated as an expedited

1 proceeding.

2 (e) Actual knowledge. A civil no contact order may be
3 enforced pursuant to this Section if the respondent violates
4 the order after the respondent has actual knowledge of its
5 contents as shown through one of the following means:

6 (1) by service, delivery, or notice under Section 208;

7 (2) by notice under Section 218;

8 (3) by service of a civil no contact order under
9 Section 218; or

10 (4) by other means demonstrating actual knowledge of
11 the contents of the order.

12 (f) The enforcement of a civil no contact order in civil or
13 criminal court shall not be affected by either of the
14 following:

15 (1) the existence of a separate, correlative order,
16 entered under Section 202; or

17 (2) any finding or order entered in a conjoined
18 criminal proceeding.

19 (g) Circumstances. The court, when determining whether or
20 not a violation of a civil no contact order has occurred, shall
21 not require physical manifestations of abuse on the person of
22 the victim.

23 (h) Penalties.

24 (1) Except as provided in paragraph (3) of this
25 subsection, where the court finds the commission of a crime
26 or contempt of court under subsection (a) or (b) of this

1 Section, the penalty shall be the penalty that generally
2 applies in such criminal or contempt proceedings, and may
3 include one or more of the following: incarceration,
4 payment of restitution, a fine, payment of attorneys' fees
5 and costs, or community service.

6 (2) The court shall hear and take into account evidence
7 of any factors in aggravation or mitigation before deciding
8 an appropriate penalty under paragraph (1) of this
9 subsection.

10 (3) To the extent permitted by law, the court is
11 encouraged to:

12 (i) increase the penalty for the knowing violation
13 of any civil no contact order over any penalty
14 previously imposed by any court for respondent's
15 violation of any civil no contact order or penal
16 statute involving petitioner as victim and respondent
17 as defendant;

18 (ii) impose a minimum penalty of 24 hours
19 imprisonment for respondent's first violation of any
20 civil no contact order; and

21 (iii) impose a minimum penalty of 48 hours
22 imprisonment for respondent's second or subsequent
23 violation of a civil no contact order unless the court
24 explicitly finds that an increased penalty or that
25 period of imprisonment would be manifestly unjust.

26 (4) In addition to any other penalties imposed for a

1 violation of a civil no contact order, a criminal court may
2 consider evidence of any previous violations of a civil no
3 contact order:

4 (i) to increase, revoke or modify the bail bond on
5 an underlying criminal charge pursuant to Section
6 110-6 of the Code of Criminal Procedure of 1963;

7 (ii) to revoke or modify an order of probation,
8 conditional discharge or supervision, pursuant to
9 Section 5-6-4 of the Unified Code of Corrections; or

10 (iii) to revoke or modify a sentence of periodic
11 imprisonment, pursuant to Section 5-7-2 of the Unified
12 Code of Corrections.

13 (Source: P.A. 96-311, eff. 1-1-10.)

14 Section 15. The Illinois Domestic Violence Act of 1986 is
15 amended by changing Sections 214 and 223 as follows:

16 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

17 Sec. 214. Order of protection; remedies.

18 (a) Issuance of order. If the court finds that petitioner
19 has been abused by a family or household member or that
20 petitioner is a high-risk adult who has been abused, neglected,
21 or exploited, as defined in this Act, an order of protection
22 prohibiting the abuse, neglect, or exploitation shall issue;
23 provided that petitioner must also satisfy the requirements of
24 one of the following Sections, as appropriate: Section 217 on

1 emergency orders, Section 218 on interim orders, or Section 219
2 on plenary orders. Petitioner shall not be denied an order of
3 protection because petitioner or respondent is a minor. The
4 court, when determining whether or not to issue an order of
5 protection, shall not require physical manifestations of abuse
6 on the person of the victim. Modification and extension of
7 prior orders of protection shall be in accordance with this
8 Act.

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

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

25 (2) Grant of exclusive possession of residence.
26 Prohibit respondent from entering or remaining in any

1 residence, household, or premises of the petitioner,
2 including one owned or leased by respondent, if petitioner
3 has a right to occupancy thereof. The grant of exclusive
4 possession of the residence, household, or premises shall
5 not affect title to real property, nor shall the court be
6 limited by the standard set forth in Section 701 of the
7 Illinois Marriage and Dissolution of Marriage Act.

8 (A) Right to occupancy. A party has a right to
9 occupancy of a residence or household if it is solely
10 or jointly owned or leased by that party, that party's
11 spouse, a person with a legal duty to support that
12 party or a minor child in that party's care, or by any
13 person or entity other than the opposing party that
14 authorizes that party's occupancy (e.g., a domestic
15 violence shelter). Standards set forth in subparagraph
16 (B) shall not preclude equitable relief.

17 (B) Presumption of hardships. If petitioner and
18 respondent each has the right to occupancy of a
19 residence or household, the court shall balance (i) the
20 hardships to respondent and any minor child or
21 dependent adult in respondent's care resulting from
22 entry of this remedy with (ii) the hardships to
23 petitioner and any minor child or dependent adult in
24 petitioner's care resulting from continued exposure to
25 the risk of abuse (should petitioner remain at the
26 residence or household) or from loss of possession of

1 the residence or household (should petitioner leave to
2 avoid the risk of abuse). When determining the balance
3 of hardships, the court shall also take into account
4 the accessibility of the residence or household.
5 Hardships need not be balanced if respondent does not
6 have a right to occupancy.

7 The balance of hardships is presumed to favor
8 possession by petitioner unless the presumption is
9 rebutted by a preponderance of the evidence, showing
10 that the hardships to respondent substantially
11 outweigh the hardships to petitioner and any minor
12 child or dependent adult in petitioner's care. The
13 court, on the request of petitioner or on its own
14 motion, may order respondent to provide suitable,
15 accessible, alternate housing for petitioner instead
16 of excluding respondent from a mutual residence or
17 household.

18 (3) Stay away order and additional prohibitions. Order
19 respondent to stay away from petitioner or any other person
20 protected by the order of protection, or prohibit
21 respondent from entering or remaining present at
22 petitioner's school, place of employment, or other
23 specified places at times when petitioner is present, or
24 both, if reasonable, given the balance of hardships.
25 Hardships need not be balanced for the court to enter a
26 stay away order or prohibit entry if respondent has no

1 right to enter the premises.

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

14 (B) When the petitioner and the respondent attend
15 the same public, private, or non-public elementary,
16 middle, or high school, the court when issuing an order
17 of protection and providing relief shall consider the
18 severity of the act, any continuing physical danger or
19 emotional distress to the petitioner, the educational
20 rights guaranteed to the petitioner and respondent
21 under federal and State law, the availability of a
22 transfer of the respondent to another school, a change
23 of placement or a change of program of the respondent,
24 the expense, difficulty, and educational disruption
25 that would be caused by a transfer of the respondent to
26 another school, and any other relevant facts of the

1 case. The court may order that the respondent not
2 attend the public, private, or non-public elementary,
3 middle, or high school attended by the petitioner,
4 order that the respondent accept a change of placement
5 or change of program, as determined by the school
6 district or private or non-public school, or place
7 restrictions on the respondent's movements within the
8 school attended by the petitioner. The respondent
9 bears the burden of proving by a preponderance of the
10 evidence that a transfer, change of placement, or
11 change of program of the respondent is not available.
12 The respondent also bears the burden of production with
13 respect to the expense, difficulty, and educational
14 disruption that would be caused by a transfer of the
15 respondent to another school. A transfer, change of
16 placement, or change of program is not unavailable to
17 the respondent solely on the ground that the respondent
18 does not agree with the school district's or private or
19 non-public school's transfer, change of placement, or
20 change of program or solely on the ground that the
21 respondent fails or refuses to consent or otherwise
22 does not take an action required to effectuate a
23 transfer, change of placement, or change of program.
24 When a court orders a respondent to stay away from the
25 public, private, or nonpublic school attended by the
26 petitioner and the respondent requests a transfer to

1 another attendance center within the respondent's
2 school district or private or non-public school, the
3 school district or private or non-public school shall
4 have sole discretion to determine the attendance
5 center to which the respondent is transferred. In the
6 event the court order results in a transfer of the
7 minor respondent to another attendance center, a
8 change in the respondent's placement, or a change of
9 the respondent's program, the parents, guardian, or
10 legal custodian of the respondent is responsible for
11 transportation and other costs associated with the
12 transfer or change.

13 (C) The court may order the parents, guardian, or
14 legal custodian of a minor respondent to take certain
15 actions or to refrain from taking certain actions to
16 ensure that the respondent complies with the order. The
17 court may order the parents, guardian, or legal
18 custodian of a minor respondent to take certain actions
19 or to refrain from taking certain actions to ensure
20 that the respondent complies with the order. In the
21 event the court orders a transfer of the respondent to
22 another school, the parents, guardian, or legal
23 custodian of the respondent is responsible for
24 transportation and other costs associated with the
25 change of school by the respondent.

26 (4) Counseling. Require or recommend the respondent to

1 undergo counseling for a specified duration with a social
2 worker, psychologist, clinical psychologist, psychiatrist,
3 family service agency, alcohol or substance abuse program,
4 mental health center guidance counselor, agency providing
5 services to elders, program designed for domestic violence
6 abusers or any other guidance service the court deems
7 appropriate. The Court may order the respondent in any
8 intimate partner relationship to report to an Illinois
9 Department of Human Services protocol approved partner
10 abuse intervention program for an assessment and to follow
11 all recommended treatment.

12 (5) Physical care and possession of the minor child. In
13 order to protect the minor child from abuse, neglect, or
14 unwarranted separation from the person who has been the
15 minor child's primary caretaker, or to otherwise protect
16 the well-being of the minor child, the court may do either
17 or both of the following: (i) grant petitioner physical
18 care or possession of the minor child, or both, or (ii)
19 order respondent to return a minor child to, or not remove
20 a minor child from, the physical care of a parent or person
21 in loco parentis.

22 If a court finds, after a hearing, that respondent has
23 committed abuse (as defined in Section 103) of a minor
24 child, there shall be a rebuttable presumption that
25 awarding physical care to respondent would not be in the
26 minor child's best interest.

1 (6) Temporary legal custody. Award temporary legal
2 custody to petitioner in accordance with this Section, the
3 Illinois Marriage and Dissolution of Marriage Act, the
4 Illinois Parentage Act of 1984, and this State's Uniform
5 Child-Custody Jurisdiction and Enforcement Act.

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

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

1 specific parameters or conditions that are appropriate. No
2 order for visitation shall refer merely to the term
3 "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 in
9 a violent or abusive manner.

10 If necessary to protect any member of petitioner's
11 family or household from future abuse, respondent shall be
12 prohibited from coming to petitioner's residence to meet
13 the minor child for visitation, and the parties shall
14 submit to the court their recommendations for reasonable
15 alternative arrangements for visitation. A person may be
16 approved to supervise visitation only after filing an
17 affidavit accepting that responsibility and acknowledging
18 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 appear in
23 court, alone or with a minor child, to prevent abuse,
24 neglect, removal or concealment of the child, to return the
25 child to the custody or care of the petitioner or to permit
26 any court-ordered interview or examination of the child or

1 the respondent.

2 (10) Possession of personal property. Grant petitioner
3 exclusive possession of personal property and, if
4 respondent has possession or control, direct respondent to
5 promptly make it available to petitioner, if:

6 (i) petitioner, but not respondent, owns the
7 property; or

8 (ii) the parties own the property jointly; sharing
9 it would risk abuse of petitioner by respondent or is
10 impracticable; and the balance of hardships favors
11 temporary possession by petitioner.

12 If petitioner's sole claim to ownership of the property
13 is that it is marital property, the court may award
14 petitioner temporary possession thereof under the
15 standards of subparagraph (ii) of this paragraph only if a
16 proper proceeding has been filed under the Illinois
17 Marriage and Dissolution of Marriage Act, as now or
18 hereafter amended.

19 No order under this provision shall affect title to
20 property.

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

25 (i) petitioner, but not respondent, owns the
26 property; or

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

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

9 The court may further prohibit respondent from
10 improperly using the financial or other resources of an
11 aged member of the family or household for the profit or
12 advantage of respondent or of any other person.

13 (11.5) Protection of animals. Grant the petitioner the
14 exclusive care, custody, or control of any animal owned,
15 possessed, leased, kept, or held by either the petitioner
16 or the respondent or a minor child residing in the
17 residence or household of either the petitioner or the
18 respondent and order the respondent to stay away from the
19 animal and forbid the respondent from taking,
20 transferring, encumbering, concealing, harming, or
21 otherwise disposing of the animal.

22 (12) Order for payment of support. Order respondent to
23 pay temporary support for the petitioner or any child in
24 the petitioner's care or custody, when the respondent has a
25 legal obligation to support that person, in accordance with
26 the Illinois Marriage and Dissolution of Marriage Act,

1 which shall govern, among other matters, the amount of
2 support, payment through the clerk and withholding of
3 income to secure payment. An order for child support may be
4 granted to a petitioner with lawful physical care or
5 custody of a child, or an order or agreement for physical
6 care or custody, prior to entry of an order for legal
7 custody. Such a support order shall expire upon entry of a
8 valid order granting legal custody to another, unless
9 otherwise provided in the custody order.

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

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

1 subsection (a) (3) of Section 501 of that Act.

2 (ii) Recovery of expenses. In the case of an
3 improper concealment or removal of a minor child, the
4 court may order respondent to pay the reasonable
5 expenses incurred or to be incurred in the search for
6 and recovery of the minor child, including but not
7 limited to legal fees, court costs, private
8 investigator fees, and travel costs.

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

14 (14.5) Prohibition of firearm possession.

15 (a) When a complaint is made under a request for an
16 order of protection, that the respondent has
17 threatened or is likely to use firearms illegally
18 against the petitioner, the court shall examine on oath
19 the petitioner, and any witnesses who may be produced.
20 If the court is satisfied that there is any danger of
21 the illegal use of firearms, and the respondent is
22 present in court, it shall issue an order that any
23 firearms and any Firearm Owner's Identification Card
24 in the possession of the respondent, except as provided
25 in subsection (b), be turned over to the local law
26 enforcement agency for safekeeping. If the court is

1 satisfied that there is any danger of the illegal use
2 of firearms, and if the respondent is not present in
3 court, the court shall issue a warrant for seizure of
4 any firearm and Firearm Owner's Identification Card in
5 the possession of the respondent, to be kept by the
6 local law enforcement agency for safekeeping, except
7 as provided in subsection (b). The period of
8 safekeeping shall be for a stated period of time not to
9 exceed 2 years. The firearm or firearms and Firearm
10 Owner's Identification Card shall be returned to the
11 respondent at the end of the stated period or at
12 expiration of the order of protection, whichever is
13 sooner.

14 (b) If the respondent is a peace officer as defined
15 in Section 2-13 of the Criminal Code of 1961, the court
16 shall order that any firearms used by the respondent in
17 the performance of his or her duties as a peace officer
18 be surrendered to the chief law enforcement executive
19 of the agency in which the respondent is employed, who
20 shall retain the firearms for safekeeping for the
21 stated period not to exceed 2 years as set forth in the
22 court order.

23 (c) Upon expiration of the period of safekeeping,
24 if the firearms or Firearm Owner's Identification Card
25 cannot be returned to respondent because respondent
26 cannot be located, fails to respond to requests to

1 retrieve the firearms, or is not lawfully eligible to
2 possess a firearm, upon petition from the local law
3 enforcement agency, the court may order the local law
4 enforcement agency to destroy the firearms, use the
5 firearms for training purposes, or for any other
6 application as deemed appropriate by the local law
7 enforcement agency; or that the firearms be turned over
8 to a third party who is lawfully eligible to possess
9 firearms, and who does not reside with respondent.

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

1 a family or household member or further abuse, neglect, or
2 exploitation of a high-risk adult with disabilities or to
3 effectuate one of the granted remedies, if supported by the
4 balance of hardships. If the harm to be prevented by the
5 injunction is abuse or any other harm that one of the
6 remedies listed in paragraphs (1) through (16) of this
7 subsection is designed to prevent, no further evidence is
8 necessary that the harm is an irreparable injury.

9 (c) Relevant factors; findings.

10 (1) In determining whether to grant a specific remedy,
11 other than payment of support, the court shall consider
12 relevant factors, including but not limited to the
13 following:

14 (i) the nature, frequency, severity, pattern and
15 consequences of the respondent's past abuse, neglect
16 or exploitation of the petitioner or any family or
17 household member, including the concealment of his or
18 her location in order to evade service of process or
19 notice, and the likelihood of danger of future abuse,
20 neglect, or exploitation to petitioner or any member of
21 petitioner's or respondent's family or household; and

22 (ii) the danger that any minor child will be abused
23 or neglected or improperly removed from the
24 jurisdiction, improperly concealed within the State or
25 improperly separated from the child's primary
26 caretaker.

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

5 (i) availability, accessibility, cost, safety,
6 adequacy, location and other characteristics of
7 alternate housing for each party and any minor child or
8 dependent adult in the party's care;

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

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

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

17 (i) That the court has considered the applicable
18 relevant factors described in paragraphs (1) and (2) of
19 this subsection.

20 (ii) Whether the conduct or actions of respondent,
21 unless prohibited, will likely cause irreparable harm
22 or continued abuse.

23 (iii) Whether it is necessary to grant the
24 requested relief in order to protect petitioner or
25 other alleged abused persons.

26 (4) For purposes of issuing an ex parte emergency order

1 of protection, the court, as an alternative to or as a
2 supplement to making the findings described in paragraphs
3 (c)(3)(i) through (c)(3)(iii) of this subsection, may use
4 the following procedure:

5 When a verified petition for an emergency order of
6 protection in accordance with the requirements of Sections
7 203 and 217 is presented to the court, the court shall
8 examine petitioner on oath or affirmation. An emergency
9 order of protection shall be issued by the court if it
10 appears from the contents of the petition and the
11 examination of petitioner that the averments are
12 sufficient to indicate abuse by respondent and to support
13 the granting of relief under the issuance of the emergency
14 order of protection.

15 (5) Never married parties. No rights or
16 responsibilities for a minor child born outside of marriage
17 attach to a putative father until a father and child
18 relationship has been established under the Illinois
19 Parentage Act of 1984, the Illinois Public Aid Code,
20 Section 12 of the Vital Records Act, the Juvenile Court Act
21 of 1987, the Probate Act of 1985, the Revised Uniform
22 Reciprocal Enforcement of Support Act, the Uniform
23 Interstate Family Support Act, the Expedited Child Support
24 Act of 1990, any judicial, administrative, or other act of
25 another state or territory, any other Illinois statute, or
26 by any foreign nation establishing the father and child

1 relationship, any other proceeding substantially in
2 conformity with the Personal Responsibility and Work
3 Opportunity Reconciliation Act of 1996 (Pub. L. 104-193),
4 or where both parties appeared in open court or at an
5 administrative hearing acknowledging under oath or
6 admitting by affirmation the existence of a father and
7 child relationship. Absent such an adjudication, finding,
8 or acknowledgement, no putative father shall be granted
9 temporary custody of the minor child, visitation with the
10 minor child, or physical care and possession of the minor
11 child, nor shall an order of payment for support of the
12 minor child be entered.

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

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

24 (1) Respondent has cause for any use of force, unless
25 that cause satisfies the standards for justifiable use of
26 force provided by Article VII of the Criminal Code of 1961;

1 (2) Respondent was voluntarily intoxicated;

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

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

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

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

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

18 (Source: P.A. 95-234, eff. 1-1-08; 95-773, eff. 1-1-09; 96-701,
19 eff. 1-1-10; 96-1239, eff. 1-1-11.)

20 (750 ILCS 60/223) (from Ch. 40, par. 2312-23)

21 (Text of Section before amendment by P.A. 96-1551)

22 Sec. 223. Enforcement of orders of protection.

23 (a) When violation is crime. A violation of any order of
24 protection, whether issued in a civil or criminal proceeding,
25 shall be enforced by a criminal court when:

1 (1) The respondent commits the crime of violation of an
2 order of protection pursuant to Section 12-30 of the
3 Criminal Code of 1961, by having knowingly violated:

4 (i) remedies described in paragraphs (1), (2),
5 (3), (14), or (14.5) of subsection (b) of Section 214
6 of this Act; or

7 (ii) a remedy, which is substantially similar to
8 the remedies authorized under paragraphs (1), (2),
9 (3), (14), and (14.5) of subsection (b) of Section 214
10 of this Act, in a valid order of protection which is
11 authorized under the laws of another state, tribe, or
12 United States territory; or

13 (iii) any other remedy when the act constitutes a
14 crime against the protected parties as defined by the
15 Criminal Code of 1961.

16 Prosecution for a violation of an order of protection
17 shall not bar concurrent prosecution for any other crime,
18 including any crime that may have been committed at the
19 time of the violation of the order of protection; or

20 (2) The respondent commits the crime of child abduction
21 pursuant to Section 10-5 of the Criminal Code of 1961, by
22 having knowingly violated:

23 (i) remedies described in paragraphs (5), (6) or
24 (8) of subsection (b) of Section 214 of this Act; or

25 (ii) a remedy, which is substantially similar to
26 the remedies authorized under paragraphs (5), (6), or

1 (8) of subsection (b) of Section 214 of this Act, in a
2 valid order of protection which is authorized under the
3 laws of another state, tribe, or United States
4 territory.

5 (b) When violation is contempt of court. A violation of any
6 valid Illinois order of protection, whether issued in a civil
7 or criminal proceeding, may be enforced through civil or
8 criminal contempt procedures, as appropriate, by any court with
9 jurisdiction, regardless where the act or acts which violated
10 the order of protection were committed, to the extent
11 consistent with the venue provisions of this Act. Nothing in
12 this Act shall preclude any Illinois court from enforcing any
13 valid order of protection issued in another state. Illinois
14 courts may enforce orders of protection through both criminal
15 prosecution and contempt proceedings, unless the action which
16 is second in time is barred by collateral estoppel or the
17 constitutional prohibition against double jeopardy.

18 (1) In a contempt proceeding where the petition for a
19 rule to show cause sets forth facts evidencing an immediate
20 danger that the respondent will flee the jurisdiction,
21 conceal a child, or inflict physical abuse on the
22 petitioner or minor children or on dependent adults in
23 petitioner's care, the court may order the attachment of
24 the respondent without prior service of the rule to show
25 cause or the petition for a rule to show cause. Bond shall
26 be set unless specifically denied in writing.

1 (2) A petition for a rule to show cause for violation
2 of an order of protection shall be treated as an expedited
3 proceeding.

4 (b-1) The court shall not hold a school district or private
5 or non-public school or any of its employees in civil or
6 criminal contempt unless the school district or private or
7 non-public school has been allowed to intervene.

8 (b-2) The court may hold the parents, guardian, or legal
9 custodian of a minor respondent in civil or criminal contempt
10 for a violation of any provision of any order entered under
11 this Act for conduct of the minor respondent in violation of
12 this Act if the parents, guardian, or legal custodian directed,
13 encouraged, or assisted the respondent minor in such conduct.

14 (c) Violation of custody or support orders. A violation of
15 remedies described in paragraphs (5), (6), (8), or (9) of
16 subsection (b) of Section 214 of this Act may be enforced by
17 any remedy provided by Section 611 of the Illinois Marriage and
18 Dissolution of Marriage Act. The court may enforce any order
19 for support issued under paragraph (12) of subsection (b) of
20 Section 214 in the manner provided for under Parts V and VII of
21 the Illinois Marriage and Dissolution of Marriage Act.

22 (d) Actual knowledge. An order of protection may be
23 enforced pursuant to this Section if the respondent violates
24 the order after the respondent has actual knowledge of its
25 contents as shown through one of the following means:

26 (1) By service, delivery, or notice under Section 210.

1 (2) By notice under Section 210.1 or 211.

2 (3) By service of an order of protection under Section
3 222.

4 (4) By other means demonstrating actual knowledge of
5 the contents of the order.

6 (e) The enforcement of an order of protection in civil or
7 criminal court shall not be affected by either of the
8 following:

9 (1) The existence of a separate, correlative order,
10 entered under Section 215.

11 (2) Any finding or order entered in a conjoined
12 criminal proceeding.

13 (f) Circumstances. The court, when determining whether or
14 not a violation of an order of protection has occurred, shall
15 not require physical manifestations of abuse on the person of
16 the victim.

17 (g) Penalties.

18 (1) Except as provided in paragraph (3) of this
19 subsection, where the court finds the commission of a crime
20 or contempt of court under subsections (a) or (b) of this
21 Section, the penalty shall be the penalty that generally
22 applies in such criminal or contempt proceedings, and may
23 include one or more of the following: incarceration,
24 payment of restitution, a fine, payment of attorneys' fees
25 and costs, or community service.

26 (2) The court shall hear and take into account evidence

1 of any factors in aggravation or mitigation before deciding
2 an appropriate penalty under paragraph (1) of this
3 subsection.

4 (3) To the extent permitted by law, the court is
5 encouraged to:

6 (i) increase the penalty for the knowing violation
7 of any order of protection over any penalty previously
8 imposed by any court for respondent's violation of any
9 order of protection or penal statute involving
10 petitioner as victim and respondent as defendant;

11 (ii) impose a minimum penalty of 24 hours
12 imprisonment for respondent's first violation of any
13 order of protection; and

14 (iii) impose a minimum penalty of 48 hours
15 imprisonment for respondent's second or subsequent
16 violation of an order of protection

17 unless the court explicitly finds that an increased penalty
18 or that period of imprisonment would be manifestly unjust.

19 (4) In addition to any other penalties imposed for a
20 violation of an order of protection, a criminal court may
21 consider evidence of any violations of an order of
22 protection:

23 (i) to increase, revoke or modify the bail bond on
24 an underlying criminal charge pursuant to Section
25 110-6 of the Code of Criminal Procedure of 1963;

26 (ii) to revoke or modify an order of probation,

1 conditional discharge or supervision, pursuant to
2 Section 5-6-4 of the Unified Code of Corrections;

3 (iii) to revoke or modify a sentence of periodic
4 imprisonment, pursuant to Section 5-7-2 of the Unified
5 Code of Corrections.

6 (5) In addition to any other penalties, the court shall
7 impose an additional fine of \$20 as authorized by Section
8 5-9-1.11 of the Unified Code of Corrections upon any person
9 convicted of or placed on supervision for a violation of an
10 order of protection. The additional fine shall be imposed
11 for each violation of this Section.

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

13 (Text of Section after amendment by P.A. 96-1551)

14 Sec. 223. Enforcement of orders of protection.

15 (a) When violation is crime. A violation of any order of
16 protection, whether issued in a civil or criminal proceeding,
17 shall be enforced by a criminal court when:

18 (1) The respondent commits the crime of violation of an
19 order of protection pursuant to Section 12-3.4 or 12-30 of
20 the Criminal Code of 1961, by having knowingly violated:

21 (i) remedies described in paragraphs (1), (2),
22 (3), (14), or (14.5) of subsection (b) of Section 214
23 of this Act; or

24 (ii) a remedy, which is substantially similar to
25 the remedies authorized under paragraphs (1), (2),

1 (3), (14), and (14.5) of subsection (b) of Section 214
2 of this Act, in a valid order of protection which is
3 authorized under the laws of another state, tribe, or
4 United States territory; or

5 (iii) any other remedy when the act constitutes a
6 crime against the protected parties as defined by the
7 Criminal Code of 1961.

8 Prosecution for a violation of an order of protection
9 shall not bar concurrent prosecution for any other crime,
10 including any crime that may have been committed at the
11 time of the violation of the order of protection; or

12 (2) The respondent commits the crime of child abduction
13 pursuant to Section 10-5 of the Criminal Code of 1961, by
14 having knowingly violated:

15 (i) remedies described in paragraphs (5), (6) or
16 (8) of subsection (b) of Section 214 of this Act; or

17 (ii) a remedy, which is substantially similar to
18 the remedies authorized under paragraphs (5), (6), or
19 (8) of subsection (b) of Section 214 of this Act, in a
20 valid order of protection which is authorized under the
21 laws of another state, tribe, or United States
22 territory.

23 (b) When violation is contempt of court. A violation of any
24 valid Illinois order of protection, whether issued in a civil
25 or criminal proceeding, may be enforced through civil or
26 criminal contempt procedures, as appropriate, by any court with

1 jurisdiction, regardless where the act or acts which violated
2 the order of protection were committed, to the extent
3 consistent with the venue provisions of this Act. Nothing in
4 this Act shall preclude any Illinois court from enforcing any
5 valid order of protection issued in another state. Illinois
6 courts may enforce orders of protection through both criminal
7 prosecution and contempt proceedings, unless the action which
8 is second in time is barred by collateral estoppel or the
9 constitutional prohibition against double jeopardy.

10 (1) In a contempt proceeding where the petition for a
11 rule to show cause sets forth facts evidencing an immediate
12 danger that the respondent will flee the jurisdiction,
13 conceal a child, or inflict physical abuse on the
14 petitioner or minor children or on dependent adults in
15 petitioner's care, the court may order the attachment of
16 the respondent without prior service of the rule to show
17 cause or the petition for a rule to show cause. Bond shall
18 be set unless specifically denied in writing.

19 (2) A petition for a rule to show cause for violation
20 of an order of protection shall be treated as an expedited
21 proceeding.

22 (b-1) The court shall not hold a school district or private
23 or non-public school or any of its employees in civil or
24 criminal contempt unless the school district or private or
25 non-public school has been allowed to intervene.

26 (b-2) The court may hold the parents, guardian, or legal

1 custodian of a minor respondent in civil or criminal contempt
2 for a violation of any provision of any order entered under
3 this Act for conduct of the minor respondent in violation of
4 this Act if the parents, guardian, or legal custodian directed,
5 encouraged, or assisted the respondent minor in such conduct.

6 (c) Violation of custody or support orders. A violation of
7 remedies described in paragraphs (5), (6), (8), or (9) of
8 subsection (b) of Section 214 of this Act may be enforced by
9 any remedy provided by Section 611 of the Illinois Marriage and
10 Dissolution of Marriage Act. The court may enforce any order
11 for support issued under paragraph (12) of subsection (b) of
12 Section 214 in the manner provided for under Parts V and VII of
13 the Illinois Marriage and Dissolution of Marriage Act.

14 (d) Actual knowledge. An order of protection may be
15 enforced pursuant to this Section if the respondent violates
16 the order after the respondent has actual knowledge of its
17 contents as shown through one of the following means:

18 (1) By service, delivery, or notice under Section 210.

19 (2) By notice under Section 210.1 or 211.

20 (3) By service of an order of protection under Section
21 222.

22 (4) By other means demonstrating actual knowledge of
23 the contents of the order.

24 (e) The enforcement of an order of protection in civil or
25 criminal court shall not be affected by either of the
26 following:

1 (1) The existence of a separate, correlative order,
2 entered under Section 215.

3 (2) Any finding or order entered in a conjoined
4 criminal proceeding.

5 (f) Circumstances. The court, when determining whether or
6 not a violation of an order of protection has occurred, shall
7 not require physical manifestations of abuse on the person of
8 the victim.

9 (g) Penalties.

10 (1) Except as provided in paragraph (3) of this
11 subsection, where the court finds the commission of a crime
12 or contempt of court under subsections (a) or (b) of this
13 Section, the penalty shall be the penalty that generally
14 applies in such criminal or contempt proceedings, and may
15 include one or more of the following: incarceration,
16 payment of restitution, a fine, payment of attorneys' fees
17 and costs, or community service.

18 (2) The court shall hear and take into account evidence
19 of any factors in aggravation or mitigation before deciding
20 an appropriate penalty under paragraph (1) of this
21 subsection.

22 (3) To the extent permitted by law, the court is
23 encouraged to:

24 (i) increase the penalty for the knowing violation
25 of any order of protection over any penalty previously
26 imposed by any court for respondent's violation of any

1 order of protection or penal statute involving
2 petitioner as victim and respondent as defendant;

3 (ii) impose a minimum penalty of 24 hours
4 imprisonment for respondent's first violation of any
5 order of protection; and

6 (iii) impose a minimum penalty of 48 hours
7 imprisonment for respondent's second or subsequent
8 violation of an order of protection

9 unless the court explicitly finds that an increased penalty
10 or that period of imprisonment would be manifestly unjust.

11 (4) In addition to any other penalties imposed for a
12 violation of an order of protection, a criminal court may
13 consider evidence of any violations of an order of
14 protection:

15 (i) to increase, revoke or modify the bail bond on
16 an underlying criminal charge pursuant to Section
17 110-6 of the Code of Criminal Procedure of 1963;

18 (ii) to revoke or modify an order of probation,
19 conditional discharge or supervision, pursuant to
20 Section 5-6-4 of the Unified Code of Corrections;

21 (iii) to revoke or modify a sentence of periodic
22 imprisonment, pursuant to Section 5-7-2 of the Unified
23 Code of Corrections.

24 (5) In addition to any other penalties, the court shall
25 impose an additional fine of \$20 as authorized by Section
26 5-9-1.11 of the Unified Code of Corrections upon any person

1 convicted of or placed on supervision for a violation of an
2 order of protection. The additional fine shall be imposed
3 for each violation of this Section.

4 (Source: P.A. 95-331, eff. 8-21-07; 96-1551, eff. 7-1-11.)".