



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB3294

Introduced 2/17/2023, by Rep. Anne Stava-Murray

#### SYNOPSIS AS INTRODUCED:

725 ILCS 5/112A-3	from Ch. 38, par. 112A-3
725 ILCS 5/112A-14	from Ch. 38, par. 112A-14
750 ILCS 60/103	from Ch. 40, par. 2311-3
750 ILCS 60/214	from Ch. 40, par. 2312-14

Amends the Code of Criminal Procedure of 1963 and the Illinois Domestic Violence Act of 1986. Provides that "abuse" includes the infliction of fear of imminent conduct related to the cruel treatment of an animal, aggravated cruelty of an animal, animal torture, or sexual conduct or sexual contact with an animal, taken against a domestic animal when used as a method of coercion, control, punishment, intimidation, or revenge directed against a family member or member of an unmarried couple who has a close bond of affection to the domestic animal. Defines "domestic animal" as a dog, cat, or other animal that is domesticated and kept as a household pet, but does not include animals normally raised for agricultural or commercial purposes. Makes conforming changes.

LRB103 29410 LNS 55801 b

1 AN ACT concerning domestic violence.

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

4 Section 5. The Code of Criminal Procedure of 1963 is  
5 amended by changing Sections 112A-3 and 112A-14 as follows:

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

7 Sec. 112A-3. Definitions.

8 (a) In this Article:

9 "Advocate" means a person whose communications with the  
10 victim are privileged under Section 8-802.1 or 8-802.2 of the  
11 Code of Civil Procedure or Section 227 of the Illinois  
12 Domestic Violence Act of 1986.

13 "Named victim" means the person named as the victim in the  
14 delinquency petition or criminal prosecution.

15 "Protective order" means a domestic violence order of  
16 protection, a civil no contact order, or a stalking no contact  
17 order.

18 (b) For the purposes of domestic violence cases, the  
19 following terms shall have the following meanings in this  
20 Article:

21 (1) "Abuse" means physical abuse, harassment,  
22 intimidation of a dependent, interference with personal  
23 liberty or willful deprivation but does not include

1 reasonable direction of a minor child by a parent or  
2 person in loco parentis. "Abuse" includes the infliction  
3 of fear of imminent conduct described in Section 3.01,  
4 3.02, or 3.03 of the Humane Care for Animals Act or Section  
5 12-35 of the Criminal Code of 2012, taken against a  
6 domestic animal when used as a method of coercion,  
7 control, punishment, intimidation, or revenge directed  
8 against a family member or member of an unmarried couple  
9 who has a close bond of affection to the domestic animal.

10 (2.5) "Domestic animal" means a dog, cat, or other  
11 animal that is domesticated and kept as a household pet,  
12 but does not include animals normally raised for  
13 agricultural or commercial purposes.

14 (2) "Domestic violence" means abuse as described in  
15 paragraph (1) of this subsection (b).

16 (3) "Family or household members" include spouses,  
17 former spouses, parents, children, stepchildren, and other  
18 persons related by blood or by present or prior marriage,  
19 persons who share or formerly shared a common dwelling,  
20 persons who have or allegedly have a child in common,  
21 persons who share or allegedly share a blood relationship  
22 through a child, persons who have or have had a dating or  
23 engagement relationship, persons with disabilities and  
24 their personal assistants, and caregivers as defined in  
25 subsection (e) of Section 12-4.4a of the Criminal Code of  
26 2012. For purposes of this paragraph (3), neither a casual

1 acquaintanceship nor ordinary fraternization between 2  
2 individuals in business or social contexts shall be deemed  
3 to constitute a dating relationship.

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

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

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

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

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

22 (v) improperly concealing a minor child from  
23 petitioner, repeatedly threatening to improperly  
24 remove a minor child of petitioner's from the  
25 jurisdiction or from the physical care of petitioner,  
26 repeatedly threatening to conceal a minor child from

1           petitioner, or making a single such threat following  
2           an actual or attempted improper removal or  
3           concealment, unless respondent was fleeing from an  
4           incident or pattern of domestic violence; or

5                   (vi) threatening physical force, confinement or  
6           restraint on one or more occasions.

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

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

20          (7) "Order of protection" or "domestic violence order  
21          of protection" means an ex parte or final order, granted  
22          pursuant to this Article, which includes any or all of the  
23          remedies authorized by Section 112A-14 of this Code.

24          (8) "Petitioner" may mean not only any named  
25          petitioner for the domestic violence order of protection  
26          and any named victim of abuse on whose behalf the petition

1 is brought, but also any other person protected by this  
2 Article.

3 (9) "Physical abuse" includes sexual abuse and means  
4 any of the following:

5 (i) knowing or reckless use of physical force,  
6 confinement or restraint;

7 (ii) knowing, repeated and unnecessary sleep  
8 deprivation; or

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

11 (9.3) "Respondent" in a petition for a domestic  
12 violence order of protection means the defendant.

13 (9.5) "Stay away" means for the respondent to refrain  
14 from both physical presence and nonphysical contact with  
15 the petitioner whether direct, indirect (including, but  
16 not limited to, telephone calls, mail, email, faxes, and  
17 written notes), or through third parties who may or may  
18 not know about the domestic violence order of protection.

19 (10) "Willful deprivation" means wilfully denying a  
20 person who because of age, health or disability requires  
21 medication, medical care, shelter, accessible shelter or  
22 services, food, therapeutic device, or other physical  
23 assistance, and thereby exposing that person to the risk  
24 of physical, mental or emotional harm, except with regard  
25 to medical care and treatment when such dependent person  
26 has expressed the intent to forgo such medical care or

1 treatment. This paragraph (10) does not create any new  
2 affirmative duty to provide support to dependent persons.

3 (c) For the purposes of cases involving sexual offenses,  
4 the following terms shall have the following meanings in this  
5 Article:

6 (1) "Civil no contact order" means an ex parte or  
7 final order granted under this Article, which includes a  
8 remedy authorized by Section 112A-14.5 of this Code.

9 (2) "Family or household members" include spouses,  
10 parents, children, stepchildren, and persons who share a  
11 common dwelling.

12 (3) "Non-consensual" means a lack of freely given  
13 agreement.

14 (4) "Petitioner" means not only any named petitioner  
15 for the civil no contact order and any named victim of  
16 non-consensual sexual conduct or non-consensual sexual  
17 penetration on whose behalf the petition is brought, but  
18 includes any other person sought to be protected under  
19 this Article.

20 (5) "Respondent" in a petition for a civil no contact  
21 order means the defendant.

22 (6) "Sexual conduct" means any intentional or knowing  
23 touching or fondling by the petitioner or the respondent,  
24 either directly or through clothing, of the sex organs,  
25 anus, or breast of the petitioner or the respondent, or  
26 any part of the body of a child under 13 years of age, or

1 any transfer or transmission of semen by the respondent  
2 upon any part of the clothed or unclothed body of the  
3 petitioner, for the purpose of sexual gratification or  
4 arousal of the petitioner or the respondent.

5 (7) "Sexual penetration" means any contact, however  
6 slight, between the sex organ or anus of one person by an  
7 object, the sex organ, mouth or anus of another person, or  
8 any intrusion, however slight, of any part of the body of  
9 one person or of any animal or object into the sex organ or  
10 anus of another person, including, but not limited to,  
11 cunnilingus, fellatio, or anal penetration. Evidence of  
12 emission of semen is not required to prove sexual  
13 penetration.

14 (8) "Stay away" means to refrain from both physical  
15 presence and nonphysical contact with the petitioner  
16 directly, indirectly, or through third parties who may or  
17 may not know of the order. "Nonphysical contact" includes,  
18 but is not limited to, telephone calls, mail, e-mail, fax,  
19 and written notes.

20 (d) For the purposes of cases involving stalking offenses,  
21 the following terms shall have the following meanings in this  
22 Article:

23 (1) "Course of conduct" means 2 or more acts,  
24 including, but not limited to, acts in which a respondent  
25 directly, indirectly, or through third parties, by any  
26 action, method, device, or means follows, monitors,



1 observes, surveils, threatens, or communicates to or  
2 about, a person, engages in other contact, or interferes  
3 with or damages a person's property or pet. A course of  
4 conduct may include contact via electronic communications.  
5 The incarceration of a person in a penal institution who  
6 commits the course of conduct is not a bar to prosecution.

7 (2) "Emotional distress" means significant mental  
8 suffering, anxiety, or alarm.

9 (3) "Contact" includes any contact with the victim,  
10 that is initiated or continued without the victim's  
11 consent, or that is in disregard of the victim's expressed  
12 desire that the contact be avoided or discontinued,  
13 including, but not limited to, being in the physical  
14 presence of the victim; appearing within the sight of the  
15 victim; approaching or confronting the victim in a public  
16 place or on private property; appearing at the workplace  
17 or residence of the victim; entering onto or remaining on  
18 property owned, leased, or occupied by the victim; or  
19 placing an object on, or delivering an object to, property  
20 owned, leased, or occupied by the victim.

21 (4) "Petitioner" means any named petitioner for the  
22 stalking no contact order or any named victim of stalking  
23 on whose behalf the petition is brought.

24 (5) "Reasonable person" means a person in the  
25 petitioner's circumstances with the petitioner's knowledge  
26 of the respondent and the respondent's prior acts.

1           (6) "Respondent" in a petition for a civil no contact  
2 order means the defendant.

3           (7) "Stalking" means engaging in a course of conduct  
4 directed at a specific person, and he or she knows or  
5 should know that this course of conduct would cause a  
6 reasonable person to fear for his or her safety or the  
7 safety of a third person or suffer emotional distress.  
8 "Stalking" does not include an exercise of the right to  
9 free speech or assembly that is otherwise lawful or  
10 picketing occurring at the workplace that is otherwise  
11 lawful and arises out of a bona fide labor dispute,  
12 including any controversy concerning wages, salaries,  
13 hours, working conditions or benefits, including health  
14 and welfare, sick leave, insurance, and pension or  
15 retirement provisions, the making or maintaining of  
16 collective bargaining agreements, and the terms to be  
17 included in those agreements.

18           (8) "Stalking no contact order" means an ex parte or  
19 final order granted under this Article, which includes a  
20 remedy authorized by Section 112A-14.7 of this Code.

21 (Source: P.A. 100-199, eff. 1-1-18; 100-597, eff. 6-29-18.)

22           (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

23           Sec. 112A-14. Domestic violence order of protection;  
24 remedies.

25           (a) (Blank).

1 (b) The court may order any of the remedies listed in this  
2 subsection (b). The remedies listed in this subsection (b)  
3 shall be in addition to other civil or criminal remedies  
4 available to petitioner.

5 (1) Prohibition of abuse. Prohibit respondent's  
6 harassment, interference with personal liberty,  
7 intimidation of a dependent, physical abuse, or willful  
8 deprivation, as defined in this Article, if such abuse has  
9 occurred or otherwise appears likely to occur if not  
10 prohibited.

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

21 (A) Right to occupancy. A party has a right to  
22 occupancy of a residence or household if it is solely  
23 or jointly owned or leased by that party, that party's  
24 spouse, a person with a legal duty to support that  
25 party or a minor child in that party's care, or by any  
26 person or entity other than the opposing party that

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

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

20 The balance of hardships is presumed to favor  
21 possession by petitioner unless the presumption is  
22 rebutted by a preponderance of the evidence, showing  
23 that the hardships to respondent substantially  
24 outweigh the hardships to petitioner and any minor  
25 child or dependent adult in petitioner's care. The  
26 court, on the request of petitioner or on its own

1 motion, may order respondent to provide suitable,  
2 accessible, alternate housing for petitioner instead  
3 of excluding respondent from a mutual residence or  
4 household.

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

15 (A) If a domestic violence order of protection  
16 grants petitioner exclusive possession of the  
17 residence, prohibits respondent from entering the  
18 residence, or orders respondent to stay away from  
19 petitioner or other protected persons, then the court  
20 may allow respondent access to the residence to remove  
21 items of clothing and personal adornment used  
22 exclusively by respondent, medications, and other  
23 items as the court directs. The right to access shall  
24 be exercised on only one occasion as the court directs  
25 and in the presence of an agreed-upon adult third  
26 party or law enforcement officer.

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

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

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

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

22 (5) Physical care and possession of the minor child.  
23 In order to protect the minor child from abuse, neglect,  
24 or unwarranted separation from the person who has been the  
25 minor child's primary caretaker, or to otherwise protect  
26 the well-being of the minor child, the court may do either



1 or both of the following: (i) grant petitioner physical  
2 care or possession of the minor child, or both, or (ii)  
3 order respondent to return a minor child to, or not remove  
4 a minor child from, the physical care of a parent or person  
5 in loco parentis.

6 If the respondent is charged with abuse (as defined in  
7 Section 112A-3 of this Code) of a minor child, there shall  
8 be a rebuttable presumption that awarding physical care to  
9 respondent would not be in the minor child's best  
10 interest.

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

18 If the respondent is charged with abuse (as defined in  
19 Section 112A-3 of this Code) of a minor child, there shall  
20 be a rebuttable presumption that awarding temporary  
21 significant decision-making responsibility to respondent  
22 would not be in the child's best interest.

23 (7) Parenting time. Determine the parenting time, if  
24 any, of respondent in any case in which the court awards  
25 physical care or temporary significant decision-making  
26 responsibility of a minor child to petitioner. The court

1 shall restrict or deny respondent's parenting time with a  
2 minor child if the court finds that respondent has done or  
3 is likely to do any of the following:

4 (i) abuse or endanger the minor child during  
5 parenting time;

6 (ii) use the parenting time as an opportunity to  
7 abuse or harass petitioner or petitioner's family or  
8 household members;

9 (iii) improperly conceal or detain the minor  
10 child; or

11 (iv) otherwise act in a manner that is not in the  
12 best interests of the minor child.

13 The court shall not be limited by the standards set  
14 forth in Section 603.10 of the Illinois Marriage and  
15 Dissolution of Marriage Act. If the court grants parenting  
16 time, the order shall specify dates and times for the  
17 parenting time to take place or other specific parameters  
18 or conditions that are appropriate. No order for parenting  
19 time shall refer merely to the term "reasonable parenting  
20 time". Petitioner may deny respondent access to the minor  
21 child if, when respondent arrives for parenting time,  
22 respondent is under the influence of drugs or alcohol and  
23 constitutes a threat to the safety and well-being of  
24 petitioner or petitioner's minor children or is behaving  
25 in a violent or abusive manner. If necessary to protect  
26 any member of petitioner's family or household from future

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

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

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

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

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

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

1 balance of hardships favors temporary possession by  
2 petitioner.

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

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

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

17 (i) petitioner, but not respondent, owns the  
18 property; or

19 (ii) the petitioner and respondent own the  
20 property jointly, and the balance of hardships favors  
21 granting this remedy.

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

1 now or hereafter amended.

2 The court may further prohibit respondent from  
3 improperly using the financial or other resources of an  
4 aged member of the family or household for the profit or  
5 advantage of respondent or of any other person.

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

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

1 child, prior to entry of an order allocating significant  
2 decision-making responsibility. Such a support order shall  
3 expire upon entry of a valid order allocating parental  
4 responsibility differently and vacating petitioner's  
5 significant decision-making responsibility unless  
6 otherwise provided in the order.

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

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

24 (ii) Recovery of expenses. In the case of an  
25 improper concealment or removal of a minor child, the  
26 court may order respondent to pay the reasonable

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

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

10 (14.5) Prohibition of firearm possession.

11 (A) A person who is subject to an existing  
12 domestic violence order of protection issued under  
13 this Code may not lawfully possess weapons or a  
14 Firearm Owner's Identification Card under Section 8.2  
15 of the Firearm Owners Identification Card Act.

16 (B) Any firearms in the possession of the  
17 respondent, except as provided in subparagraph (C) of  
18 this paragraph (14.5), shall be ordered by the court  
19 to be turned over to a person with a valid Firearm  
20 Owner's Identification Card for safekeeping. The court  
21 shall issue an order that the respondent comply with  
22 Section 9.5 of the Firearm Owners Identification Card  
23 Act.

24 (C) If the respondent is a peace officer as  
25 defined in Section 2-13 of the Criminal Code of 2012,  
26 the court shall order that any firearms used by the

1           respondent in the performance of his or her duties as a  
2           peace officer be surrendered to the chief law  
3           enforcement executive of the agency in which the  
4           respondent is employed, who shall retain the firearms  
5           for safekeeping for the duration of the domestic  
6           violence order of protection.

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

21          (15) Prohibition of access to records. If a domestic  
22          violence order of protection prohibits respondent from  
23          having contact with the minor child, or if petitioner's  
24          address is omitted under subsection (b) of Section 112A-5  
25          of this Code, or if necessary to prevent abuse or wrongful  
26          removal or concealment of a minor child, the order shall



1 deny respondent access to, and prohibit respondent from  
2 inspecting, obtaining, or attempting to inspect or obtain,  
3 school or any other records of the minor child who is in  
4 the care of petitioner.

5 (16) Order for payment of shelter services. Order  
6 respondent to reimburse a shelter providing temporary  
7 housing and counseling services to the petitioner for the  
8 cost of the services, as certified by the shelter and  
9 deemed reasonable by the court.

10 (17) Order for injunctive relief. Enter injunctive  
11 relief necessary or appropriate to prevent further abuse  
12 of a family or household member or to effectuate one of the  
13 granted remedies, if supported by the balance of  
14 hardships. If the harm to be prevented by the injunction  
15 is abuse or any other harm that one of the remedies listed  
16 in paragraphs (1) through (16) of this subsection is  
17 designed to prevent, no further evidence is necessary to  
18 establish that the harm is an irreparable injury.

19 (18) Telephone services.

20 (A) Unless a condition described in subparagraph  
21 (B) of this paragraph exists, the court may, upon  
22 request by the petitioner, order a wireless telephone  
23 service provider to transfer to the petitioner the  
24 right to continue to use a telephone number or numbers  
25 indicated by the petitioner and the financial  
26 responsibility associated with the number or numbers,

1 as set forth in subparagraph (C) of this paragraph. In  
2 this paragraph (18), the term "wireless telephone  
3 service provider" means a provider of commercial  
4 mobile service as defined in 47 U.S.C. 332. The  
5 petitioner may request the transfer of each telephone  
6 number that the petitioner, or a minor child in his or  
7 her custody, uses. The clerk of the court shall serve  
8 the order on the wireless telephone service provider's  
9 agent for service of process provided to the Illinois  
10 Commerce Commission. The order shall contain all of  
11 the following:

12 (i) The name and billing telephone number of  
13 the account holder including the name of the  
14 wireless telephone service provider that serves  
15 the account.

16 (ii) Each telephone number that will be  
17 transferred.

18 (iii) A statement that the provider transfers  
19 to the petitioner all financial responsibility for  
20 and right to the use of any telephone number  
21 transferred under this paragraph.

22 (B) A wireless telephone service provider shall  
23 terminate the respondent's use of, and shall transfer  
24 to the petitioner use of, the telephone number or  
25 numbers indicated in subparagraph (A) of this  
26 paragraph unless it notifies the petitioner, within 72

1 hours after it receives the order, that one of the  
2 following applies:

3 (i) The account holder named in the order has  
4 terminated the account.

5 (ii) A difference in network technology would  
6 prevent or impair the functionality of a device on  
7 a network if the transfer occurs.

8 (iii) The transfer would cause a geographic or  
9 other limitation on network or service provision  
10 to the petitioner.

11 (iv) Another technological or operational  
12 issue would prevent or impair the use of the  
13 telephone number if the transfer occurs.

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

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

26 (E) Except for willful or wanton misconduct, a

1 wireless telephone service provider is immune from  
2 civil liability for its actions taken in compliance  
3 with a court order issued under this paragraph.

4 (F) All wireless service providers that provide  
5 services to residential customers shall provide to the  
6 Illinois Commerce Commission the name and address of  
7 an agent for service of orders entered under this  
8 paragraph (18). Any change in status of the registered  
9 agent must be reported to the Illinois Commerce  
10 Commission within 30 days of such change.

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

18 (c) Relevant factors; findings.

19 (1) In determining whether to grant a specific remedy,  
20 other than payment of support, the court shall consider  
21 relevant factors, including, but not limited to, the  
22 following:

23 (i) the nature, frequency, severity, pattern, and  
24 consequences of the respondent's past abuse of the  
25 petitioner or any family or household member,  
26 including the concealment of his or her location in

1 order to evade service of process or notice, and the  
2 likelihood of danger of future abuse to petitioner or  
3 any member of petitioner's or respondent's family or  
4 household; and

5 (ii) the danger that any minor child will be  
6 abused or neglected or improperly relocated from the  
7 jurisdiction, improperly concealed within the State,  
8 or improperly separated from the child's primary  
9 caretaker.

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

14 (i) availability, accessibility, cost, safety,  
15 adequacy, location, and other characteristics of  
16 alternate housing for each party and any minor child  
17 or dependent adult in the party's care;

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

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

22 (3) Subject to the exceptions set forth in paragraph  
23 (4) of this subsection (c), the court shall make its  
24 findings in an official record or in writing, and shall at  
25 a minimum set forth the following:

26 (i) That the court has considered the applicable

1 relevant factors described in paragraphs (1) and (2)  
2 of this subsection (c).

3 (ii) Whether the conduct or actions of respondent,  
4 unless prohibited, will likely cause irreparable harm  
5 or continued abuse.

6 (iii) Whether it is necessary to grant the  
7 requested relief in order to protect petitioner or  
8 other alleged abused persons.

9 (4) (Blank).

10 (5) Never married parties. No rights or  
11 responsibilities for a minor child born outside of  
12 marriage attach to a putative father until a father and  
13 child relationship has been established under the Illinois  
14 Parentage Act of 1984, the Illinois Parentage Act of 2015,  
15 the Illinois Public Aid Code, Section 12 of the Vital  
16 Records Act, the Juvenile Court Act of 1987, the Probate  
17 Act of 1975, the Uniform Interstate Family Support Act,  
18 the Expedited Child Support Act of 1990, any judicial,  
19 administrative, or other act of another state or  
20 territory, any other statute of this State, or by any  
21 foreign nation establishing the father and child  
22 relationship, any other proceeding substantially in  
23 conformity with the federal Personal Responsibility and  
24 Work Opportunity Reconciliation Act of 1996, or when both  
25 parties appeared in open court or at an administrative  
26 hearing acknowledging under oath or admitting by

1 affirmation the existence of a father and child  
2 relationship. Absent such an adjudication, no putative  
3 father shall be granted temporary allocation of parental  
4 responsibilities, including parenting time with the minor  
5 child, or physical care and possession of the minor child,  
6 nor shall an order of payment for support of the minor  
7 child be entered.

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

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

19 (1) respondent has cause for any use of force, unless  
20 that cause satisfies the standards for justifiable use of  
21 force provided by Article 7 of the Criminal Code of 2012;

22 (2) respondent was voluntarily intoxicated;

23 (3) petitioner acted in self-defense or defense of  
24 another, provided that, if petitioner utilized force, such  
25 force was justifiable under Article 7 of the Criminal Code  
26 of 2012;

1 (4) petitioner did not act in self-defense or defense  
2 of another;

3 (5) petitioner left the residence or household to  
4 avoid further abuse by respondent;

5 (6) petitioner did not leave the residence or  
6 household to avoid further abuse by respondent; or

7 (7) conduct by any family or household member excused  
8 the abuse by respondent, unless that same conduct would  
9 have excused such abuse if the parties had not been family  
10 or household members.

11 (Source: P.A. 101-81, eff. 7-12-19; 102-237, eff. 1-1-22;  
12 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

13 Section 10. The Illinois Domestic Violence Act of 1986 is  
14 amended by changing Sections 103 and 214 as follows:

15 (750 ILCS 60/103) (from Ch. 40, par. 2311-3)

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

18 (1) "Abuse" means physical abuse, harassment, intimidation  
19 of a dependent, interference with personal liberty or willful  
20 deprivation but does not include reasonable direction of a  
21 minor child by a parent or person in loco parentis. "Abuse"  
22 includes the infliction of fear of imminent conduct described  
23 in Section 3.01, 3.02, or 3.03 of the Humane Care for Animals  
24 Act or Section 12-35 of the Criminal Code of 2012, taken



1 against a domestic animal when used as a method of coercion,  
2 control, punishment, intimidation, or revenge directed against  
3 a family member or member of an unmarried couple who has a  
4 close bond of affection to the domestic animal.

5 (2) "Adult with disabilities" means an elder adult with  
6 disabilities or a high-risk adult with disabilities. A person  
7 may be an adult with disabilities for purposes of this Act even  
8 though he or she has never been adjudicated an incompetent  
9 adult. However, no court proceeding may be initiated or  
10 continued on behalf of an adult with disabilities over that  
11 adult's objection, unless such proceeding is approved by his  
12 or her legal guardian, if any.

13 (2.5) "Domestic animal" means a dog, cat, or other animal  
14 that is domesticated and kept as a household pet, but does not  
15 include animals normally raised for agricultural or commercial  
16 purposes.

17 (3) "Domestic violence" means abuse as defined in  
18 paragraph (1).

19 (4) "Elder adult with disabilities" means an adult  
20 prevented by advanced age from taking appropriate action to  
21 protect himself or herself from abuse by a family or household  
22 member.

23 (5) "Exploitation" means the illegal, including tortious,  
24 use of a high-risk adult with disabilities or of the assets or  
25 resources of a high-risk adult with disabilities. Exploitation  
26 includes, but is not limited to, the misappropriation of

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

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

24 (7) "Harassment" means knowing conduct which is not  
25 necessary to accomplish a purpose that is reasonable under the  
26 circumstances; would cause a reasonable person emotional

1 distress; and does cause emotional distress to the petitioner.  
2 Unless the presumption is rebutted by a preponderance of the  
3 evidence, the following types of conduct shall be presumed to  
4 cause emotional distress:

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

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

9 (iii) repeatedly following petitioner about in a  
10 public place or places;

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

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

23 (vi) threatening physical force, confinement or  
24 restraint on one or more occasions.

25 (8) "High-risk adult with disabilities" means a person  
26 aged 18 or over whose physical or mental disability impairs

1 his or her ability to seek or obtain protection from abuse,  
2 neglect, or exploitation.

3 (9) "Interference with personal liberty" means committing  
4 or threatening physical abuse, harassment, intimidation or  
5 willful deprivation so as to compel another to engage in  
6 conduct from which she or he has a right to abstain or to  
7 refrain from conduct in which she or he has a right to engage.

8 (10) "Intimidation of a dependent" means subjecting a  
9 person who is dependent because of age, health or disability  
10 to participation in or the witnessing of: physical force  
11 against another or physical confinement or restraint of  
12 another which constitutes physical abuse as defined in this  
13 Act, regardless of whether the abused person is a family or  
14 household member.

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

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

21 (ii) the repeated, careless imposition of unreasonable  
22 confinement;

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

26 (iv) the failure to provide medical and rehabilitative

1 care for the physical and mental health needs of a  
2 high-risk adult with disabilities; or

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

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

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

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

19 (14) "Physical abuse" includes sexual abuse and means any  
20 of the following:

21 (i) knowing or reckless use of physical force,  
22 confinement or restraint;

23 (ii) knowing, repeated and unnecessary sleep  
24 deprivation; or

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

1 (14.5) "Stay away" means for the respondent to refrain  
2 from both physical presence and nonphysical contact with the  
3 petitioner whether direct, indirect (including, but not  
4 limited to, telephone calls, mail, email, faxes, and written  
5 notes), or through third parties who may or may not know about  
6 the order of protection.

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

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

18 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

19 Sec. 214. Order of protection; remedies.

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

1 requirements of one of the following Sections, as appropriate:  
2 Section 217 on emergency orders, Section 218 on interim  
3 orders, or Section 219 on plenary orders. Petitioner shall not  
4 be denied an order of protection because petitioner or  
5 respondent is a minor. The court, when determining whether or  
6 not to issue an order of protection, shall not require  
7 physical manifestations of abuse on the person of the victim.  
8 Modification and extension of prior orders of protection shall  
9 be in accordance with this Act.

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

17 (1) Prohibition of abuse, neglect, or exploitation.  
18 Prohibit respondent's harassment, interference with  
19 personal liberty, intimidation of a dependent, physical  
20 abuse, or willful deprivation, neglect or exploitation, as  
21 defined in this Act, or stalking of the petitioner, as  
22 defined in Section 12-7.3 of the Criminal Code of 2012, if  
23 such abuse, neglect, exploitation, or stalking has  
24 occurred or otherwise appears likely to occur if not  
25 prohibited.

26 (2) Grant of exclusive possession of residence.

1 Prohibit respondent from entering or remaining in any  
2 residence, household, or premises of the petitioner,  
3 including one owned or leased by respondent, if petitioner  
4 has a right to occupancy thereof. The grant of exclusive  
5 possession of the residence, household, or premises shall  
6 not affect title to real property, nor shall the court be  
7 limited by the standard set forth in subsection (c-2) of  
8 Section 501 of the Illinois Marriage and Dissolution of  
9 Marriage Act.

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

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



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

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

20 (3) Stay away order and additional prohibitions. Order  
21 respondent to stay away from petitioner or any other  
22 person protected by the order of protection, or prohibit  
23 respondent from entering or remaining present at  
24 petitioner's school, place of employment, or other  
25 specified places at times when petitioner is present, or  
26 both, if reasonable, given the balance of hardships.

1 Hardships need not be balanced for the court to enter a  
2 stay away order or prohibit entry if respondent has no  
3 right to enter the premises.

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

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

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

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

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

25                 (4) Counseling. Require or recommend the respondent to  
26                 undergo counseling for a specified duration with a social

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

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

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

26 (6) Temporary allocation of parental responsibilities:

1 significant decision-making. Award temporary  
2 decision-making responsibility to petitioner in accordance  
3 with this Section, the Illinois Marriage and Dissolution  
4 of Marriage Act, the Illinois Parentage Act of 2015, and  
5 this State's Uniform Child-Custody Jurisdiction and  
6 Enforcement Act.

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

13 (7) Parenting time. Determine the parenting time, if  
14 any, of respondent in any case in which the court awards  
15 physical care or allocates temporary significant  
16 decision-making responsibility of a minor child to  
17 petitioner. The court shall restrict or deny respondent's  
18 parenting time with a minor child if the court finds that  
19 respondent has done or is likely to do any of the  
20 following: (i) abuse or endanger the minor child during  
21 parenting time; (ii) use the parenting time as an  
22 opportunity to abuse or harass petitioner or petitioner's  
23 family or household members; (iii) improperly conceal or  
24 detain the minor child; or (iv) otherwise act in a manner  
25 that is not in the best interests of the minor child. The  
26 court shall not be limited by the standards set forth in

1 Section 603.10 of the Illinois Marriage and Dissolution of  
2 Marriage Act. If the court grants parenting time, the  
3 order shall specify dates and times for the parenting time  
4 to take place or other specific parameters or conditions  
5 that are appropriate. No order for parenting time shall  
6 refer merely to the term "reasonable parenting time".

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

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

22 (8) Removal or concealment of minor child. Prohibit  
23 respondent from removing a minor child from the State or  
24 concealing the child within the State.

25 (9) Order to appear. Order the respondent to appear in  
26 court, alone or with a minor child, to prevent abuse,

1 neglect, removal or concealment of the child, to return  
2 the child to the custody or care of the petitioner or to  
3 permit any court-ordered interview or examination of the  
4 child or the respondent.

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

9 (i) petitioner, but not respondent, owns the  
10 property; or

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

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

22 No order under this provision shall affect title to  
23 property.

24 (11) Protection of property. Forbid the respondent  
25 from taking, transferring, encumbering, concealing,  
26 damaging or otherwise disposing of any real or personal



1 property, except as explicitly authorized by the court,  
2 if:

3 (i) petitioner, but not respondent, owns the  
4 property; or

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

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

13 The court may further prohibit respondent from  
14 improperly using the financial or other resources of an  
15 aged member of the family or household for the profit or  
16 advantage of respondent or of any other person.

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

1           (12) Order for payment of support. Order respondent to  
2           pay temporary support for the petitioner or any child in  
3           the petitioner's care or over whom the petitioner has been  
4           allocated parental responsibility, when the respondent has  
5           a legal obligation to support that person, in accordance  
6           with the Illinois Marriage and Dissolution of Marriage  
7           Act, which shall govern, among other matters, the amount  
8           of support, payment through the clerk and withholding of  
9           income to secure payment. An order for child support may  
10          be granted to a petitioner with lawful physical care of a  
11          child, or an order or agreement for physical care of a  
12          child, prior to entry of an order allocating significant  
13          decision-making responsibility. Such a support order shall  
14          expire upon entry of a valid order allocating parental  
15          responsibility differently and vacating the petitioner's  
16          significant decision-making authority, unless otherwise  
17          provided in the order.

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

1           (i) Losses affecting family needs. If a party is  
2           entitled to seek maintenance, child support or  
3           property distribution from the other party under the  
4           Illinois Marriage and Dissolution of Marriage Act, as  
5           now or hereafter amended, the court may order  
6           respondent to reimburse petitioner's actual losses, to  
7           the extent that such reimbursement would be  
8           "appropriate temporary relief", as authorized by  
9           subsection (a) (3) of Section 501 of that Act.

10           (ii) Recovery of expenses. In the case of an  
11           improper concealment or removal of a minor child, the  
12           court may order respondent to pay the reasonable  
13           expenses incurred or to be incurred in the search for  
14           and recovery of the minor child, including but not  
15           limited to legal fees, court costs, private  
16           investigator fees, and travel costs.

17           (14) Prohibition of entry. Prohibit the respondent  
18           from entering or remaining in the residence or household  
19           while the respondent is under the influence of alcohol or  
20           drugs and constitutes a threat to the safety and  
21           well-being of the petitioner or the petitioner's children.

22           (14.5) Prohibition of firearm possession.

23           (a) Prohibit a respondent against whom an order of  
24           protection was issued from possessing any firearms  
25           during the duration of the order if the order:

26           (1) was issued after a hearing of which such

1 person received actual notice, and at which such  
2 person had an opportunity to participate;

3 (2) restrains such person from harassing,  
4 stalking, or threatening an intimate partner of  
5 such person or child of such intimate partner or  
6 person, or engaging in other conduct that would  
7 place an intimate partner in reasonable fear of  
8 bodily injury to the partner or child; and

9 (3)(i) includes a finding that such person  
10 represents a credible threat to the physical  
11 safety of such intimate partner or child; or (ii)  
12 by its terms explicitly prohibits the use,  
13 attempted use, or threatened use of physical force  
14 against such intimate partner or child that would  
15 reasonably be expected to cause bodily injury.

16 Any Firearm Owner's Identification Card in the  
17 possession of the respondent, except as provided in  
18 subsection (b), shall be ordered by the court to be  
19 turned over to the local law enforcement agency. The  
20 local law enforcement agency shall immediately mail  
21 the card to the Illinois State Police Firearm Owner's  
22 Identification Card Office for safekeeping. The court  
23 shall issue a warrant for seizure of any firearm in the  
24 possession of the respondent, to be kept by the local  
25 law enforcement agency for safekeeping, except as  
26 provided in subsection (b). The period of safekeeping

1 shall be for the duration of the order of protection.  
2 The firearm or firearms and Firearm Owner's  
3 Identification Card, if unexpired, shall at the  
4 respondent's request, be returned to the respondent at  
5 the end of the order of protection. It is the  
6 respondent's responsibility to notify the Illinois  
7 State Police Firearm Owner's Identification Card  
8 Office.

9 (b) If the respondent is a peace officer as  
10 defined in Section 2-13 of the Criminal Code of 2012,  
11 the court shall order that any firearms used by the  
12 respondent in the performance of his or her duties as a  
13 peace officer be surrendered to the chief law  
14 enforcement executive of the agency in which the  
15 respondent is employed, who shall retain the firearms  
16 for safekeeping for the duration of the order of  
17 protection.

18 (c) Upon expiration of the period of safekeeping,  
19 if the firearms or Firearm Owner's Identification Card  
20 cannot be returned to respondent because respondent  
21 cannot be located, fails to respond to requests to  
22 retrieve the firearms, or is not lawfully eligible to  
23 possess a firearm, upon petition from the local law  
24 enforcement agency, the court may order the local law  
25 enforcement agency to destroy the firearms, use the  
26 firearms for training purposes, or for any other

1 application as deemed appropriate by the local law  
2 enforcement agency; or that the firearms be turned  
3 over to a third party who is lawfully eligible to  
4 possess firearms, and who does not reside with  
5 respondent.

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

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

21 (17) Order for injunctive relief. Enter injunctive  
22 relief necessary or appropriate to prevent further abuse  
23 of a family or household member or further abuse, neglect,  
24 or exploitation of a high-risk adult with disabilities or  
25 to effectuate one of the granted remedies, if supported by  
26 the balance of hardships. If the harm to be prevented by

1 the injunction is abuse or any other harm that one of the  
2 remedies listed in paragraphs (1) through (16) of this  
3 subsection is designed to prevent, no further evidence is  
4 necessary that the harm is an irreparable injury.

5 (18) Telephone services.

6 (A) Unless a condition described in subparagraph  
7 (B) of this paragraph exists, the court may, upon  
8 request by the petitioner, order a wireless telephone  
9 service provider to transfer to the petitioner the  
10 right to continue to use a telephone number or numbers  
11 indicated by the petitioner and the financial  
12 responsibility associated with the number or numbers,  
13 as set forth in subparagraph (C) of this paragraph.  
14 For purposes of this paragraph (18), the term  
15 "wireless telephone service provider" means a provider  
16 of commercial mobile service as defined in 47 U.S.C.  
17 332. The petitioner may request the transfer of each  
18 telephone number that the petitioner, or a minor child  
19 in his or her custody, uses. The clerk of the court  
20 shall serve the order on the wireless telephone  
21 service provider's agent for service of process  
22 provided to the Illinois Commerce Commission. The  
23 order shall contain all of the following:

24 (i) The name and billing telephone number of  
25 the account holder including the name of the  
26 wireless telephone service provider that serves

1 the account.

2 (ii) Each telephone number that will be  
3 transferred.

4 (iii) A statement that the provider transfers  
5 to the petitioner all financial responsibility for  
6 and right to the use of any telephone number  
7 transferred under this paragraph.

8 (B) A wireless telephone service provider shall  
9 terminate the respondent's use of, and shall transfer  
10 to the petitioner use of, the telephone number or  
11 numbers indicated in subparagraph (A) of this  
12 paragraph unless it notifies the petitioner, within 72  
13 hours after it receives the order, that one of the  
14 following applies:

15 (i) The account holder named in the order has  
16 terminated the account.

17 (ii) A difference in network technology would  
18 prevent or impair the functionality of a device on  
19 a network if the transfer occurs.

20 (iii) The transfer would cause a geographic or  
21 other limitation on network or service provision  
22 to the petitioner.

23 (iv) Another technological or operational  
24 issue would prevent or impair the use of the  
25 telephone number if the transfer occurs.

26 (C) The petitioner assumes all financial



1 responsibility for and right to the use of any  
2 telephone number transferred under this paragraph. In  
3 this paragraph, "financial responsibility" includes  
4 monthly service costs and costs associated with any  
5 mobile device associated with the number.

6 (D) A wireless telephone service provider may  
7 apply to the petitioner its routine and customary  
8 requirements for establishing an account or  
9 transferring a number, including requiring the  
10 petitioner to provide proof of identification,  
11 financial information, and customer preferences.

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

16 (F) All wireless service providers that provide  
17 services to residential customers shall provide to the  
18 Illinois Commerce Commission the name and address of  
19 an agent for service of orders entered under this  
20 paragraph (18). Any change in status of the registered  
21 agent must be reported to the Illinois Commerce  
22 Commission within 30 days of such change.

23 (G) The Illinois Commerce Commission shall  
24 maintain the list of registered agents for service for  
25 each wireless telephone service provider on the  
26 Commission's website. The Commission may consult with

1 wireless telephone service providers and the Circuit  
2 Court Clerks on the manner in which this information  
3 is provided and displayed.

4 (c) Relevant factors; findings.

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

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

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

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

1 (i) availability, accessibility, cost, safety,  
2 adequacy, location and other characteristics of  
3 alternate housing for each party and any minor child  
4 or dependent adult in the party's care;

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

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

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

13 (i) That the court has considered the applicable  
14 relevant factors described in paragraphs (1) and (2)  
15 of this subsection.

16 (ii) Whether the conduct or actions of respondent,  
17 unless prohibited, will likely cause irreparable harm  
18 or continued abuse.

19 (iii) Whether it is necessary to grant the  
20 requested relief in order to protect petitioner or  
21 other alleged abused persons.

22 (4) For purposes of issuing an ex parte emergency  
23 order of protection, the court, as an alternative to or as  
24 a supplement to making the findings described in  
25 paragraphs (c)(3)(i) through (c)(3)(iii) of this  
26 subsection, may use the following procedure:

1           When a verified petition for an emergency order of  
2 protection in accordance with the requirements of Sections  
3 203 and 217 is presented to the court, the court shall  
4 examine petitioner on oath or affirmation. An emergency  
5 order of protection shall be issued by the court if it  
6 appears from the contents of the petition and the  
7 examination of petitioner that the averments are  
8 sufficient to indicate abuse by respondent and to support  
9 the granting of relief under the issuance of the emergency  
10 order of protection.

11           (5) Never married parties. No rights or  
12 responsibilities for a minor child born outside of  
13 marriage attach to a putative father until a father and  
14 child relationship has been established under the Illinois  
15 Parentage Act of 1984, the Illinois Parentage Act of 2015,  
16 the Illinois Public Aid Code, Section 12 of the Vital  
17 Records Act, the Juvenile Court Act of 1987, the Probate  
18 Act of 1975, the Revised Uniform Reciprocal Enforcement of  
19 Support Act, the Uniform Interstate Family Support Act,  
20 the Expedited Child Support Act of 1990, any judicial,  
21 administrative, or other act of another state or  
22 territory, any other Illinois statute, or by any foreign  
23 nation establishing the father and child relationship, any  
24 other proceeding substantially in conformity with the  
25 Personal Responsibility and Work Opportunity  
26 Reconciliation Act of 1996 (Pub. L. 104-193), or where

1 both parties appeared in open court or at an  
2 administrative hearing acknowledging under oath or  
3 admitting by affirmation the existence of a father and  
4 child relationship. Absent such an adjudication, finding,  
5 or acknowledgment, no putative father shall be granted  
6 temporary allocation of parental responsibilities,  
7 including parenting time with the minor child, or physical  
8 care and possession of the minor child, nor shall an order  
9 of payment for support of the minor child be entered.

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

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

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

24 (2) Respondent was voluntarily intoxicated;

25 (3) Petitioner acted in self-defense or defense of  
26 another, provided that, if petitioner utilized force, such

1 force was justifiable under Article 7 of the Criminal Code  
2 of 2012;

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

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

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

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

16 (Source: P.A. 102-538, eff. 8-20-21.)