

1 AN ACT concerning civil law.

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

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

6 (740 ILCS 21/80)

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

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

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

21 (1) prohibit the respondent from threatening to commit  
22 or committing stalking;

23 (2) order the respondent not to have any contact with

1 the petitioner or a third person specifically named by the  
2 court;

3 (3) prohibit the respondent from knowingly coming  
4 within, or knowingly remaining within a specified distance  
5 of the petitioner or the petitioner's residence, school,  
6 daycare, or place of employment, or any specified place  
7 frequented by the petitioner; however, the court may order  
8 the respondent to stay away from the respondent's own  
9 residence, school, or place of employment only if the  
10 respondent has been provided actual notice of the  
11 opportunity to appear and be heard on the petition;

12 (4) prohibit the respondent from possessing a Firearm  
13 Owners Identification Card, or possessing or buying  
14 firearms; and

15 (5) order other injunctive relief the court determines  
16 to be necessary to protect the petitioner or third party  
17 specifically named by the court.

18 (b-5) When the petitioner and the respondent attend the  
19 same public, private, or non-public elementary, middle, or high  
20 school, the court when issuing a stalking no contact order and  
21 providing relief shall consider the severity of the act, any  
22 continuing physical danger or emotional distress to the  
23 petitioner, the educational rights guaranteed to the  
24 petitioner and respondent under federal and State law, the  
25 availability of a transfer of the respondent to another school,  
26 a change of placement or a change of program of the respondent,

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

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

10 (b-6) The court may order the parents, guardian, or legal  
11 custodian of a minor respondent to take certain actions or to  
12 refrain from taking certain actions to ensure that the  
13 respondent complies with the order. In the event the court  
14 orders a transfer of the respondent to another school, the  
15 parents, guardian, or legal custodian of the respondent are  
16 responsible for transportation and other costs associated with  
17 the change of school by the respondent.

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

22 (b-8) The court may hold the parents, guardian, or legal  
23 custodian of a minor respondent in civil or criminal contempt  
24 for a violation of any provision of any order entered under  
25 this Act for conduct of the minor respondent in violation of  
26 this Act if the parents, guardian, or legal custodian directed,

1 encouraged, or assisted the respondent minor in such conduct.

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

4 (d) Monetary damages are not recoverable as a remedy.  
5 (Source: P.A. 96-246, eff. 1-1-10.)

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

8 (740 ILCS 22/213)

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

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

21 (b) (Blank).

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

23 (1) prohibit the respondent from knowingly coming  
24 within, or knowingly remaining within, a specified

1 distance from the petitioner;

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

6 (3) prohibit the respondent from knowingly coming  
7 within, or knowingly remaining within, a specified  
8 distance from the petitioner's residence, school, day care  
9 or other specified location;

10 (4) order the respondent to stay away from any property  
11 or animal owned, possessed, leased, kept, or held by the  
12 petitioner and forbid the respondent from taking,  
13 transferring, encumbering, concealing, harming, or  
14 otherwise disposing of the property or animal; and

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

17 (b-6) When the petitioner and the respondent attend the  
18 same public or private elementary, middle, or high school, the  
19 court when issuing a civil no contact order and providing  
20 relief shall consider, ~~among the other facts of the case,~~ the  
21 severity of the act, any continuing physical danger or  
22 emotional distress to the petitioner, the educational rights  
23 guaranteed to the petitioner and respondent under federal and  
24 State law, the availability of a transfer of the respondent to  
25 another school, a change of placement or a change of program of  
26 the respondent, the expense, difficulty, and educational

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

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

11 (b-7) The court may order the parents, guardian, or legal  
12 custodian of a minor respondent to take certain actions or to  
13 refrain from taking certain actions to ensure that the  
14 respondent complies with the order. In the event the court  
15 orders a transfer of the respondent to another school, the  
16 parents or legal guardians of the respondent are responsible  
17 for transportation and other costs associated with the change  
18 of school by the respondent.

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

21 (1) the respondent has cause for any use of force,  
22 unless that cause satisfies the standards for justifiable  
23 use of force provided by Article VII of the Criminal Code  
24 of 1961;

25 (2) the respondent was voluntarily intoxicated;

26 (3) the petitioner acted in self-defense or defense of



1 another, provided that, if the petitioner utilized force,  
2 such force was justifiable under Article VII of the  
3 Criminal Code of 1961;

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

6 (5) the petitioner left the residence or household to  
7 avoid further non-consensual sexual conduct or  
8 non-consensual sexual penetration by the respondent; or

9 (6) the petitioner did not leave the residence or  
10 household to avoid further non-consensual sexual conduct  
11 or non-consensual sexual penetration by the respondent.

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

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

14 (740 ILCS 22/220)

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

16 (a) Nothing in this Act shall preclude any Illinois court  
17 from enforcing a valid protective order issued in another  
18 state.

19 (b) Illinois courts may enforce civil no contact orders  
20 through both criminal proceedings and civil contempt  
21 proceedings, unless the action which is second in time is  
22 barred by collateral estoppel or the constitutional  
23 prohibition against double jeopardy.

24 (b-1) The court shall not hold a school district or private  
25 or non-public school or any of its employees in civil or

1 criminal contempt unless the school district or private or  
2 non-public school has been allowed to intervene.

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

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

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

16 (2) a provision of an order, which is substantially  
17 similar to provisions of Section 213, in a valid civil no  
18 contact order which is authorized under the laws of another  
19 state, tribe, or United States territory.

20 Prosecution for a violation of a civil no contact order  
21 shall not bar a concurrent prosecution for any other crime,  
22 including any crime that may have been committed at the time of  
23 the violation of the civil no contact order.

24 (d) Contempt of court. A violation of any valid Illinois  
25 civil no contact order, whether issued in a civil or criminal  
26 proceeding, may be enforced through civil or criminal contempt

1 procedures, as appropriate, by any court with jurisdiction,  
2 regardless of where the act or acts which violated the civil no  
3 contact order were committed, to the extent consistent with the  
4 venue provisions of this Act.

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

16 (2) A petition for a rule to show cause or a petition  
17 for adjudication of criminal contempt for violation of a  
18 civil no contact order shall be treated as an expedited  
19 proceeding.

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

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

25 (2) by notice under Section 218;

26 (3) by service of a civil no contact order under

1 Section 218; or

2 (4) by other means demonstrating actual knowledge of  
3 the contents of the order.

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

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

9 (2) any finding or order entered in a conjoined  
10 criminal proceeding.

11 (g) Circumstances. The court, when determining whether or  
12 not a violation of a civil no contact order has occurred, shall  
13 not require physical manifestations of abuse on the person of  
14 the victim.

15 (h) Penalties.

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

24 (2) The court shall hear and take into account evidence  
25 of any factors in aggravation or mitigation before deciding  
26 an appropriate penalty under paragraph (1) of this

1 subsection.

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

4 (i) increase the penalty for the knowing violation  
5 of any civil no contact order over any penalty  
6 previously imposed by any court for respondent's  
7 violation of any civil no contact order or penal  
8 statute involving petitioner as victim and respondent  
9 as defendant;

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

13 (iii) impose a minimum penalty of 48 hours  
14 imprisonment for respondent's second or subsequent  
15 violation of a civil no contact order unless the court  
16 explicitly finds that an increased penalty or that  
17 period of imprisonment would be manifestly unjust.

18 (4) In addition to any other penalties imposed for a  
19 violation of a civil no contact order, a criminal court may  
20 consider evidence of any previous violations of a civil no  
21 contact order:

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

25 (ii) to revoke or modify an order of probation,  
26 conditional discharge or supervision, pursuant to

1           Section 5-6-4 of the Unified Code of Corrections; or  
2           (iii) to revoke or modify a sentence of periodic  
3           imprisonment, pursuant to Section 5-7-2 of the Unified  
4           Code of Corrections.

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

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

8           (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

9           Sec. 214. Order of protection; remedies.

10          (a) Issuance of order. If the court finds that petitioner  
11          has been abused by a family or household member or that  
12          petitioner is a high-risk adult who has been abused, neglected,  
13          or exploited, as defined in this Act, an order of protection  
14          prohibiting the abuse, neglect, or exploitation shall issue;  
15          provided that petitioner must also satisfy the requirements of  
16          one of the following Sections, as appropriate: Section 217 on  
17          emergency orders, Section 218 on interim orders, or Section 219  
18          on plenary orders. Petitioner shall not be denied an order of  
19          protection because petitioner or respondent is a minor. The  
20          court, when determining whether or not to issue an order of  
21          protection, shall not require physical manifestations of abuse  
22          on the person of the victim. Modification and extension of  
23          prior orders of protection shall be in accordance with this  
24          Act.

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

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

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

26 (A) Right to occupancy. A party has a right to

1 occupancy of a residence or household if it is solely  
2 or jointly owned or leased by that party, that party's  
3 spouse, a person with a legal duty to support that  
4 party or a minor child in that party's care, or by any  
5 person or entity other than the opposing party that  
6 authorizes that party's occupancy (e.g., a domestic  
7 violence shelter). Standards set forth in subparagraph  
8 (B) shall not preclude equitable relief.

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

25 The balance of hardships is presumed to favor  
26 possession by petitioner unless the presumption is



1           rebutted by a preponderance of the evidence, showing  
2           that the hardships to respondent substantially  
3           outweigh the hardships to petitioner and any minor  
4           child or dependent adult in petitioner's care. The  
5           court, on the request of petitioner or on its own  
6           motion, may order respondent to provide suitable,  
7           accessible, alternate housing for petitioner instead  
8           of excluding respondent from a mutual residence or  
9           household.

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

20           (A) If an order of protection grants petitioner  
21           exclusive possession of the residence, or prohibits  
22           respondent from entering the residence, or orders  
23           respondent to stay away from petitioner or other  
24           protected persons, then the court may allow respondent  
25           access to the residence to remove items of clothing and  
26           personal adornment used exclusively by respondent,

1 medications, and other items as the court directs. The  
2 right to access shall be exercised on only one occasion  
3 as the court directs and in the presence of an  
4 agreed-upon adult third party or law enforcement  
5 officer.

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

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

1           the respondent's program, the parents, guardian, or  
2           legal custodian of the respondent is responsible for  
3           transportation and other costs associated with the  
4           transfer or change.

5           (C) The court may order the parents, guardian, or  
6           legal custodian of a minor respondent to take certain  
7           actions or to refrain from taking certain actions to  
8           ensure that the respondent complies with the order. The  
9           court may order the parents, guardian, or legal  
10           custodian of a minor respondent to take certain actions  
11           or to refrain from taking certain actions to ensure  
12           that the respondent complies with the order. In the  
13           event the court orders a transfer of the respondent to  
14           another school, the parents, guardian, or legal  
15           custodian of the respondent is responsible for  
16           transportation and other costs associated with the  
17           change of school by the respondent.

18           (4) Counseling. Require or recommend the respondent to  
19           undergo counseling for a specified duration with a social  
20           worker, psychologist, clinical psychologist, psychiatrist,  
21           family service agency, alcohol or substance abuse program,  
22           mental health center guidance counselor, agency providing  
23           services to elders, program designed for domestic violence  
24           abusers or any other guidance service the court deems  
25           appropriate. The Court may order the respondent in any  
26           intimate partner relationship to report to an Illinois

1 Department of Human Services protocol approved partner  
2 abuse intervention program for an assessment and to follow  
3 all recommended treatment.

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

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

19 (6) Temporary legal custody. Award temporary legal  
20 custody to petitioner in accordance with this Section, the  
21 Illinois Marriage and Dissolution of Marriage Act, the  
22 Illinois Parentage Act of 1984, and this State's Uniform  
23 Child-Custody Jurisdiction and Enforcement Act.

24 If a court finds, after a hearing, that respondent has  
25 committed abuse (as defined in Section 103) of a minor  
26 child, there shall be a rebuttable presumption that

1           awarding temporary legal custody to respondent would not be  
2           in the child's best interest.

3           (7) Visitation. Determine the visitation rights, if  
4           any, of respondent in any case in which the court awards  
5           physical care or temporary legal custody of a minor child  
6           to petitioner. The court shall restrict or deny  
7           respondent's visitation with a minor child if the court  
8           finds that respondent has done or is likely to do any of  
9           the following: (i) abuse or endanger the minor child during  
10          visitation; (ii) use the visitation as an opportunity to  
11          abuse or harass petitioner or petitioner's family or  
12          household members; (iii) improperly conceal or detain the  
13          minor child; or (iv) otherwise act in a manner that is not  
14          in the best interests of the minor child. The court shall  
15          not be limited by the standards set forth in Section 607.1  
16          of the Illinois Marriage and Dissolution of Marriage Act.  
17          If the court grants visitation, the order shall specify  
18          dates and times for the visitation to take place or other  
19          specific parameters or conditions that are appropriate. No  
20          order for visitation shall refer merely to the term  
21          "reasonable visitation".

22          Petitioner may deny respondent access to the minor  
23          child if, when respondent arrives for visitation,  
24          respondent is under the influence of drugs or alcohol and  
25          constitutes a threat to the safety and well-being of  
26          petitioner or petitioner's minor children or is behaving in

1 a violent or abusive manner.

2 If necessary to protect any member of petitioner's  
3 family or household from future abuse, respondent shall be  
4 prohibited from coming to petitioner's residence to meet  
5 the minor child for visitation, and the parties shall  
6 submit to the court their recommendations for reasonable  
7 alternative arrangements for visitation. A person may be  
8 approved to supervise visitation only after filing an  
9 affidavit accepting that responsibility and acknowledging  
10 accountability to the court.

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

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

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

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

26 (ii) the parties own the property jointly; sharing

1           it would risk abuse of petitioner by respondent or is  
2           impracticable; and the balance of hardships favors  
3           temporary possession by petitioner.

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

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

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

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

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

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



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

5           (11.5) Protection of animals. Grant the petitioner the  
6           exclusive care, custody, or control of any animal owned,  
7           possessed, leased, kept, or held by either the petitioner  
8           or the respondent or a minor child residing in the  
9           residence or household of either the petitioner or the  
10          respondent and order the respondent to stay away from the  
11          animal and forbid the respondent from taking,  
12          transferring, encumbering, concealing, harming, or  
13          otherwise disposing of the animal.

14          (12) Order for payment of support. Order respondent to  
15          pay temporary support for the petitioner or any child in  
16          the petitioner's care or custody, when the respondent has a  
17          legal obligation to support that person, in accordance with  
18          the Illinois Marriage and Dissolution of Marriage Act,  
19          which shall govern, among other matters, the amount of  
20          support, payment through the clerk and withholding of  
21          income to secure payment. An order for child support may be  
22          granted to a petitioner with lawful physical care or  
23          custody of a child, or an order or agreement for physical  
24          care or custody, prior to entry of an order for legal  
25          custody. Such a support order shall expire upon entry of a  
26          valid order granting legal custody to another, unless

1 otherwise provided in the custody order.

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

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

20 (ii) Recovery of expenses. In the case of an  
21 improper concealment or removal of a minor child, the  
22 court may order respondent to pay the reasonable  
23 expenses incurred or to be incurred in the search for  
24 and recovery of the minor child, including but not  
25 limited to legal fees, court costs, private  
26 investigator fees, and travel costs.

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

6           (14.5) Prohibition of firearm possession.

7           (a) When a complaint is made under a request for an  
8           order of protection, that the respondent has  
9           threatened or is likely to use firearms illegally  
10          against the petitioner, the court shall examine on oath  
11          the petitioner, and any witnesses who may be produced.  
12          If the court is satisfied that there is any danger of  
13          the illegal use of firearms, and the respondent is  
14          present in court, it shall issue an order that any  
15          firearms and any Firearm Owner's Identification Card  
16          in the possession of the respondent, except as provided  
17          in subsection (b), be turned over to the local law  
18          enforcement agency for safekeeping. If the court is  
19          satisfied that there is any danger of the illegal use  
20          of firearms, and if the respondent is not present in  
21          court, the court shall issue a warrant for seizure of  
22          any firearm and Firearm Owner's Identification Card in  
23          the possession of the respondent, to be kept by the  
24          local law enforcement agency for safekeeping, except  
25          as provided in subsection (b). The period of  
26          safekeeping shall be for a stated period of time not to

1 exceed 2 years. The firearm or firearms and Firearm  
2 Owner's Identification Card shall be returned to the  
3 respondent at the end of the stated period or at  
4 expiration of the order of protection, whichever is  
5 sooner.

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

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

1 firearms, and who does not reside with respondent.

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

12 (16) Order for payment of shelter services. Order  
13 respondent to reimburse a shelter providing temporary  
14 housing and counseling services to the petitioner for the  
15 cost of the services, as certified by the shelter and  
16 deemed reasonable by the court.

17 (17) Order for injunctive relief. Enter injunctive  
18 relief necessary or appropriate to prevent further abuse of  
19 a family or household member or further abuse, neglect, or  
20 exploitation of a high-risk adult with disabilities or to  
21 effectuate one of the granted remedies, if supported by the  
22 balance of hardships. If the harm to be prevented by the  
23 injunction is abuse or any other harm that one of the  
24 remedies listed in paragraphs (1) through (16) of this  
25 subsection is designed to prevent, no further evidence is  
26 necessary that the harm is an irreparable injury.

1 (c) Relevant factors; findings.

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

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

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

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

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

1           (ii) the effect on the party's employment; and  
2           (iii) the effect on the relationship of the party,  
3           and any minor child or dependent adult in the party's  
4           care, to family, school, church and community.

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

9           (i) That the court has considered the applicable  
10           relevant factors described in paragraphs (1) and (2) of  
11           this subsection.

12           (ii) Whether the conduct or actions of respondent,  
13           unless prohibited, will likely cause irreparable harm  
14           or continued abuse.

15           (iii) Whether it is necessary to grant the  
16           requested relief in order to protect petitioner or  
17           other alleged abused persons.

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

23           When a verified petition for an emergency order of  
24           protection in accordance with the requirements of Sections  
25           203 and 217 is presented to the court, the court shall  
26           examine petitioner on oath or affirmation. An emergency

1 order of protection shall be issued by the court if it  
2 appears from the contents of the petition and the  
3 examination of petitioner that the averments are  
4 sufficient to indicate abuse by respondent and to support  
5 the granting of relief under the issuance of the emergency  
6 order of protection.

7 (5) Never married parties. No rights or  
8 responsibilities for a minor child born outside of marriage  
9 attach to a putative father until a father and child  
10 relationship has been established under the Illinois  
11 Parentage Act of 1984, the Illinois Public Aid Code,  
12 Section 12 of the Vital Records Act, the Juvenile Court Act  
13 of 1987, the Probate Act of 1985, the Revised Uniform  
14 Reciprocal Enforcement of Support Act, the Uniform  
15 Interstate Family Support Act, the Expedited Child Support  
16 Act of 1990, any judicial, administrative, or other act of  
17 another state or territory, any other Illinois statute, or  
18 by any foreign nation establishing the father and child  
19 relationship, any other proceeding substantially in  
20 conformity with the Personal Responsibility and Work  
21 Opportunity Reconciliation Act of 1996 (Pub. L. 104-193),  
22 or where both parties appeared in open court or at an  
23 administrative hearing acknowledging under oath or  
24 admitting by affirmation the existence of a father and  
25 child relationship. Absent such an adjudication, finding,  
26 or acknowledgement, no putative father shall be granted



1 temporary custody of the minor child, visitation with the  
2 minor child, or physical care and possession of the minor  
3 child, nor shall an order of payment for support of the  
4 minor child be entered.

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

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

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

19 (2) Respondent was voluntarily intoxicated;

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

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

26 (5) Petitioner left the residence or household to avoid

1 further abuse, neglect, or exploitation by respondent;

2 (6) Petitioner did not leave the residence or household  
3 to avoid further abuse, neglect, or exploitation by  
4 respondent;

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

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

12 (750 ILCS 60/223) (from Ch. 40, par. 2312-23)

13 (Text of Section before 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 12-30 of the  
20 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.)

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

6 Sec. 223. Enforcement of orders of protection.

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

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

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

16 (ii) a remedy, which is substantially similar to  
17 the remedies authorized under paragraphs (1), (2),  
18 (3), (14), and (14.5) of subsection (b) of Section 214  
19 of this Act, in a valid order of protection which is  
20 authorized under the laws of another state, tribe, or  
21 United States territory; or

22 (iii) any other remedy when the act constitutes a  
23 crime against the protected parties as defined by the  
24 Criminal Code of 1961.

25 Prosecution for a violation of an order of protection



1 shall not bar concurrent prosecution for any other crime,  
2 including any crime that may have been committed at the  
3 time of the violation of the order of protection; or

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

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

9 (ii) a remedy, which is substantially similar to  
10 the remedies authorized under paragraphs (5), (6), or  
11 (8) of subsection (b) of Section 214 of this Act, in a  
12 valid order of protection which is authorized under the  
13 laws of another state, tribe, or United States  
14 territory.

15 (b) When violation is contempt of court. A violation of any  
16 valid Illinois order of protection, whether issued in a civil  
17 or criminal proceeding, may be enforced through civil or  
18 criminal contempt procedures, as appropriate, by any court with  
19 jurisdiction, regardless where the act or acts which violated  
20 the order of protection were committed, to the extent  
21 consistent with the venue provisions of this Act. Nothing in  
22 this Act shall preclude any Illinois court from enforcing any  
23 valid order of protection issued in another state. Illinois  
24 courts may enforce orders of protection through both criminal  
25 prosecution and contempt proceedings, unless the action which  
26 is second in time is barred by collateral estoppel or the

1 constitutional prohibition against double jeopardy.

2 (1) In a contempt proceeding where the petition for a  
3 rule to show cause sets forth facts evidencing an immediate  
4 danger that the respondent will flee the jurisdiction,  
5 conceal a child, or inflict physical abuse on the  
6 petitioner or minor children or on dependent adults in  
7 petitioner's care, the court may order the attachment of  
8 the respondent without prior service of the rule to show  
9 cause or the petition for a rule to show cause. Bond shall  
10 be set unless specifically denied in writing.

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

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

18 (b-2) The court may hold the parents, guardian, or legal  
19 custodian of a minor respondent in civil or criminal contempt  
20 for a violation of any provision of any order entered under  
21 this Act for conduct of the minor respondent in violation of  
22 this Act if the parents, guardian, or legal custodian directed,  
23 encouraged, or assisted the respondent minor in such conduct.

24 (c) Violation of custody or support orders. A violation of  
25 remedies described in paragraphs (5), (6), (8), or (9) of  
26 subsection (b) of Section 214 of this Act may be enforced by

1 any remedy provided by Section 611 of the Illinois Marriage and  
2 Dissolution of Marriage Act. The court may enforce any order  
3 for support issued under paragraph (12) of subsection (b) of  
4 Section 214 in the manner provided for under Parts V and VII of  
5 the Illinois Marriage and Dissolution of Marriage Act.

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

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

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

12 (3) By service of an order of protection under Section  
13 222.

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

16 (e) The enforcement of an order of protection in civil or  
17 criminal court shall not be affected by either of the  
18 following:

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

21 (2) Any finding or order entered in a conjoined  
22 criminal proceeding.

23 (f) Circumstances. The court, when determining whether or  
24 not a violation of an order of protection has occurred, shall  
25 not require physical manifestations of abuse on the person of  
26 the victim.

1 (g) Penalties.

2 (1) Except as provided in paragraph (3) of this  
3 subsection, where the court finds the commission of a crime  
4 or contempt of court under subsections (a) or (b) of this  
5 Section, the penalty shall be the penalty that generally  
6 applies in such criminal or contempt proceedings, and may  
7 include one or more of the following: incarceration,  
8 payment of restitution, a fine, payment of attorneys' fees  
9 and costs, or community service.

10 (2) The court shall hear and take into account evidence  
11 of any factors in aggravation or mitigation before deciding  
12 an appropriate penalty under paragraph (1) of this  
13 subsection.

14 (3) To the extent permitted by law, the court is  
15 encouraged to:

16 (i) increase the penalty for the knowing violation  
17 of any order of protection over any penalty previously  
18 imposed by any court for respondent's violation of any  
19 order of protection or penal statute involving  
20 petitioner as victim and respondent as defendant;

21 (ii) impose a minimum penalty of 24 hours  
22 imprisonment for respondent's first violation of any  
23 order of protection; and

24 (iii) impose a minimum penalty of 48 hours  
25 imprisonment for respondent's second or subsequent  
26 violation of an order of protection

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

3           (4) In addition to any other penalties imposed for a  
4           violation of an order of protection, a criminal court may  
5           consider evidence of any violations of an order of  
6           protection:

7                   (i) to increase, revoke or modify the bail bond on  
8                   an underlying criminal charge pursuant to Section  
9                   110-6 of the Code of Criminal Procedure of 1963;

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

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

16           (5) In addition to any other penalties, the court shall  
17           impose an additional fine of \$20 as authorized by Section  
18           5-9-1.11 of the Unified Code of Corrections upon any person  
19           convicted of or placed on supervision for a violation of an  
20           order of protection. The additional fine shall be imposed  
21           for each violation of this Section.

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