

# **Illinois Criminal Protective Order Statute**

***Full Text (Westlaw)  
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# **ILLINOIS CRIMINAL PROTECTIVE ORDER STATUTE**

## **725 ILCS 5/112A-1.5 through 112A-31**

### **Section 112A-1.5. Purpose and construction.**

The purpose of this Article is to protect the safety of victims of domestic violence, sexual assault, sexual abuse, and stalking and the safety of their family and household members; and to minimize the trauma and inconvenience associated with attending separate and multiple civil court proceedings to obtain protective orders. This Article shall be interpreted in accordance with the constitutional rights of crime victims set forth in Article I, Section 8.1 of the Illinois Constitution, the purposes set forth in Section 2 of the Rights of Crime Victims and Witnesses Act, and the use of protective orders to implement the victim's right to be reasonably protected from the defendant as provided in Section 4.5 of the Rights of Victims and Witnesses Act.

### **Section 112A-2.5. Types of protective orders.**

The following protective orders may be entered in conjunction with a delinquency petition or a criminal prosecution:

- (1) a domestic violence order of protection in cases involving domestic violence;
- (2) a civil no contact order in cases involving sexual offenses; or
- (3) a stalking no contact order in cases involving stalking offenses.

### **Section 112A-3. Definitions.**

- (a) In this Article:

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

“Named victim” means the person named as the victim in the delinquency petition or criminal prosecution.

“Protective order” means a domestic violence order of protection, a civil no contact order, or a stalking no contact order.

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

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

- (2) “Domestic violence” means abuse as described in paragraph (1) of this subsection (b).
- (3) “Family or household members” include spouses, former spouses, parents, children, stepchildren, and other persons related by blood or by present or prior marriage, persons who share or formerly shared a common dwelling, persons who have or allegedly have a child in common, persons who share or allegedly share a blood relationship through a child, persons who have or have had a dating or engagement relationship, persons with disabilities and their personal assistants, and caregivers as defined in subsection (e) of Section 12-4.4a of the Criminal Code of 2012. For purposes of this paragraph (3), neither a casual acquaintanceship nor ordinary fraternization between 2 individuals in business or social contexts shall be deemed to constitute a dating relationship.
- (4) “Harassment” means knowing conduct which is not necessary to accomplish a purpose which is reasonable under the circumstances; would cause a reasonable person emotional distress; and does cause emotional distress to the petitioner. Unless the presumption is rebutted by a preponderance of the evidence, the following types of conduct shall be presumed to cause emotional distress:
  - (i) creating a disturbance at petitioner’s place of employment or school;
  - (ii) repeatedly telephoning petitioner’s place of employment, home or residence;
  - (iii) repeatedly following petitioner about in a public place or places;
  - (iv) repeatedly keeping petitioner under surveillance by remaining present outside his or her home, school, place of employment, vehicle or other place occupied by petitioner or by peering in petitioner’s windows;
  - (v) improperly concealing a minor child from petitioner, repeatedly threatening to improperly remove a minor child of petitioner’s from the jurisdiction or from the physical care of petitioner, repeatedly threatening to conceal a minor child from petitioner, or making a single such threat following an actual or attempted improper removal or concealment, unless respondent was fleeing from an incident or pattern of domestic violence; or
  - (vi) threatening physical force, confinement or restraint on one or more occasions.
- (5) “Interference with personal liberty” means committing or threatening physical abuse, harassment, intimidation or willful deprivation so as to compel another to engage in conduct from which she or he has a right to abstain or to refrain from conduct in which she or he has a right to engage.
- (6) “Intimidation of a dependent” means subjecting a person who is dependent because of age, health, or disability to participation in or the witnessing of: physical force against another or physical confinement or restraint of another which constitutes physical abuse as defined in this Article, regardless of whether the abused person is a family or household member.

- (7) “Order of protection” or “domestic violence order of protection” means an ex parte or final order, granted pursuant to this Article, which includes any or all of the remedies authorized by Section 112A-14 of this Code.
  - (8) “Petitioner” may mean not only any named petitioner for the domestic violence order of protection and any named victim of abuse on whose behalf the petition is brought, but also any other person protected by this Article.
  - (9) “Physical abuse” includes sexual abuse and means any of the following:
    - (i) knowing or reckless use of physical force, confinement or restraint;
    - (ii) knowing, repeated and unnecessary sleep deprivation; or
    - (iii) knowing or reckless conduct which creates an immediate risk of physical harm.
  - (9.3) “Respondent” in a petition for a domestic violence order of protection means the defendant.
  - (9.5) “Stay away” means for the respondent to refrain from both physical presence and nonphysical contact with the petitioner whether direct, indirect (including, but not limited to, telephone calls, mail, email, faxes, and written notes), or through third parties who may or may not know about the domestic violence order of protection.
  - (10) “Willful deprivation” means wilfully denying a person who because of age, health or disability requires medication, medical care, shelter, accessible shelter or services, food, therapeutic device, or other physical assistance, and thereby exposing that person to the risk of physical, mental or emotional harm, except with regard to medical care and treatment when such dependent person has expressed the intent to forgo such medical care or treatment. This paragraph (10) does not create any new affirmative duty to provide support to dependent persons.
- (c) For the purposes of cases involving sexual offenses, the following terms shall have the following meanings in this Article:
- (1) “Civil no contact order” means an ex parte or final order granted under this Article, which includes a remedy authorized by Section 112A-14.5 of this Code.
  - (2) “Family or household members” include spouses, parents, children, stepchildren, and persons who share a common dwelling.
  - (3) “Non-consensual” means a lack of freely given agreement.
  - (4) “Petitioner” means not only any named petitioner for the civil no contact order and any named victim of non-consensual sexual conduct or non-consensual sexual penetration on whose behalf the petition is brought, but includes any other person sought to be protected under this Article.

- (5) “Respondent” in a petition for a civil no contact order means the defendant.
  - (6) “Sexual conduct” means any intentional or knowing touching or fondling by the petitioner or the respondent, either directly or through clothing, of the sex organs, anus, or breast of the petitioner or the respondent, or any part of the body of a child under 13 years of age, or any transfer or transmission of semen by the respondent upon any part of the clothed or unclothed body of the petitioner, for the purpose of sexual gratification or arousal of the petitioner or the respondent.
  - (7) “Sexual penetration” means any contact, however slight, between the sex organ or anus of one person by an object, the sex organ, mouth or anus of another person, or any intrusion, however slight, of any part of the body of one person or of any animal or object into the sex organ or anus of another person, including, but not limited to, cunnilingus, fellatio, or anal penetration. Evidence of emission of semen is not required to prove sexual penetration.
  - (8) “Stay away” means to refrain from both physical presence and nonphysical contact with the petitioner directly, indirectly, or through third parties who may or may not know of the order. “Nonphysical contact” includes, but is not limited to, telephone calls, mail, e-mail, fax, and written notes.
- (d) For the purposes of cases involving stalking offenses, the following terms shall have the following meanings in this Article:
- (1) “Course of conduct” means 2 or more acts, including, but not limited to, acts in which a respondent directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, engages in other contact, or interferes with or damages a person’s property or pet. A course of conduct may include contact via electronic communications. The incarceration of a person in a penal institution who commits the course of conduct is not a bar to prosecution.
  - (2) “Emotional distress” means significant mental suffering, anxiety, or alarm.
  - (3) “Contact” includes any contact with the victim, that is initiated or continued without the victim’s consent, or that is in disregard of the victim’s expressed desire that the contact be avoided or discontinued, including, but not limited to, being in the physical presence of the victim; appearing within the sight of the victim; approaching or confronting the victim in a public place or on private property; appearing at the workplace or residence of the victim; entering onto or remaining on property owned, leased, or occupied by the victim; or placing an object on, or delivering an object to, property owned, leased, or occupied by the victim.
  - (4) “Petitioner” means any named petitioner for the stalking no contact order or any named victim of stalking on whose behalf the petition is brought.
  - (5) “Reasonable person” means a person in the petitioner’s circumstances with the petitioner’s knowledge of the respondent and the respondent’s prior acts.

- (6) “Respondent” in a petition for a civil no contact order means the defendant.
- (7) “Stalking” means engaging in a course of conduct directed at a specific person, and he or she knows or should know that this course of conduct would cause a reasonable person to fear for his or her safety or the safety of a third person or suffer emotional distress. “Stalking” does not include an exercise of the right to free speech or assembly that is otherwise lawful or picketing occurring at the workplace that is otherwise lawful and arises out of a bona fide labor dispute, including any controversy concerning wages, salaries, hours, working conditions or benefits, including health and welfare, sick leave, insurance, and pension or retirement provisions, the making or maintaining of collective bargaining agreements, and the terms to be included in those agreements.
- (8) “Stalking no contact order” means an ex parte or final order granted under this Article, which includes a remedy authorized by Section 112A-14.7 of this Code.

**Section 112A-4. Persons protected by this Article.**

- (a) The following persons are protected by this Article in cases involving domestic violence:
  - (1) any person abused by a family or household member;
  - (2) any minor child or dependent adult in the care of such person;
  - (3) any person residing or employed at a private home or public shelter which is housing an abused family or household member; and
  - (4) any of the following persons if the person is abused by a family or household member of a child:
    - (i) a foster parent of that child if the child has been placed in the foster parent’s home by the Department of Children and Family Services or by another state’s public child welfare agency;
    - (ii) a legally appointed guardian or legally appointed custodian of that child;
    - (iii) an adoptive parent of that child; or
    - (iv) a prospective adoptive parent of that child if the child has been placed in the prospective adoptive parent’s home pursuant to the Adoption Act or pursuant to another state’s law.

For purposes of this paragraph (a)(4), individuals who would have been considered “family or household members” of the child under paragraph (3) of subsection (b) of Section 112A-3 before a termination of the parental rights with respect to the child continue to meet the definition of “family or household members” of the child.

- (a-5) The following persons are protected by this Article in cases involving sexual offenses:
- (1) any victim of non-consensual sexual conduct or non-consensual sexual penetration on whose behalf the petition is brought;
  - (2) any family or household member of the named victim; and
  - (3) any employee of or volunteer at a rape crisis center.

(a-10) The following persons are protected by this Article in cases involving stalking offenses:

- (1) any victim of stalking; and
- (2) any family or household member of the named victim.

(b) {Blank}

**Section 112A-4.5. Who may file petition.**

- (a) A petition for a domestic violence order of protection may be filed:
- (1) by a named victim who has been abused by a family or household member;
  - (2) by any person or by the State’s Attorney on behalf of a named victim who is a minor child or an adult who has been abused by a family or household member and who, because of age, health, disability, or inaccessibility, cannot file the petition;
  - (3) by a State’s Attorney on behalf of any minor child or dependent adult in the care of the named victim, if the named victim does not file a petition or request the State’s Attorney file the petition; or
  - (4) any of the following persons if the person is abused by a family or household member of a child:
    - (i) a foster parent of that child if the child has been placed in the foster parent’s home by the Department of Children and Family Services or by another state’s public child welfare agency;
    - (ii) a legally appointed guardian or legally appointed custodian of that child;
    - (iii) an adoptive parent of that child;
    - (iv) a prospective adoptive parent of that child if the child has been placed in the prospective adoptive parent’s home pursuant to the Adoption Act or pursuant to another state’s law.

For purposes of this paragraph (a)(4), individuals who would have been considered “family or

household members” of the child under paragraph (3) of subsection (b) of Section 112A-3 before a termination of the parental rights with respect to the child continue to meet the definition of “family or household members” of the child.

- (b) A petition for a civil no contact order may be filed:
    - (1) by any person who is a named victim of non-consensual sexual conduct or non-consensual sexual penetration, including a single incident of non-consensual sexual conduct or non-consensual sexual penetration;
    - (2) by a person or by the State’s Attorney on behalf of a named victim who is a minor child or an adult who is a victim of non-consensual sexual conduct or non-consensual sexual penetration but, because of age, disability, health, or inaccessibility, cannot file the petition; or
    - (3) by a State’s Attorney on behalf of any minor child who is a family or household member of the named victim, if the named victim does not file a petition or request the State’s Attorney file the petition.
  
  - (c) A petition for a stalking no contact order may be filed:
    - (1) by any person who is a named victim of stalking;
    - (2) by a person or by the State’s Attorney on behalf of a named victim who is a minor child or an adult who is a victim of stalking but, because of age, disability, health, or inaccessibility, cannot file the petition; or
    - (3) by a State’s Attorney on behalf of any minor child who is a family or household member of the named victim, if the named victim does not file a petition or request the State’s Attorney file the petition.
  
  - (d) The State’s Attorney shall file a petition on behalf of any person who may file a petition under subsections (a), (b), or (c) of this Section if the person requests the State’s Attorney to file a petition on the person’s behalf, unless the State’s Attorney has a good faith basis to delay filing the petition. The State’s Attorney shall inform the person that the State’s Attorney will not be filing the petition at that time and that the person may file a petition or may retain an attorney to file the petition. The State’s Attorney may file the petition at a later date.
- (d-5)
- (1) A person eligible to file a petition under subsection (a), (b), or (c) of this Section may retain an attorney to represent the petitioner on the petitioner’s request for a protective order. The attorney’s representation is limited to matters related to the petition and relief authorized under this Article.
  - (2) Advocates shall be allowed to accompany the petitioner and confer with the victim, unless otherwise directed by the court. Advocates are not engaged in the unauthorized

practice of law when providing assistance to the petitioner.

- (e) Any petition properly filed under this Article may seek protection for any additional persons protected by this Article.

**Section 112A-5. Pleading; non-disclosure of address.**

- (a) A petition for a protective order shall be filed in conjunction with a delinquency petition or criminal prosecution, or in conjunction with imprisonment or a bond forfeiture warrant, provided the petition names a victim of the alleged crime. The petition may include a request for an ex parte protective order, a final protective order, or both. The petition shall be in writing and verified or accompanied by affidavit and shall allege that:
  - (1) petitioner has been abused by respondent, who is a family or household member;
  - (2) respondent has engaged in non-consensual sexual conduct or non-consensual sexual penetration, including a single incident of non-consensual sexual conduct or non-consensual sexual penetration with petitioner; or
  - (3) petitioner has been stalked by respondent.

The petition shall further set forth whether there is any other action between the petitioner and respondent. During the pendency of this proceeding, the petitioner and respondent have a continuing duty to inform the court of any subsequent proceeding for a protective order in this State or any other state.

- (a-5) The petition shall indicate whether an ex parte protective order, a protective order, or both are requested. If the respondent receives notice of a petition for a final protective order and the respondent requests a continuance to respond to the petition, the petitioner may, either orally or in writing, request an ex parte order.
- (b) The petitioner shall not be required to disclose the petitioner's address. If the petition states that disclosure of petitioner's address would risk abuse to or endanger the safety of petitioner or any member of petitioner's family or household or reveal the confidential address of a shelter for domestic violence victims, that address may be omitted from all documents filed with the court.

**Section 112A-5.5. Time for filing petition; service on respondent, hearing on petition, and default orders.**

- (a) A petition for a protective order may be filed at any time after a criminal charge or delinquency petition is filed and before the charge or delinquency petition is dismissed, the defendant or juvenile is acquitted, or the defendant or juvenile completes service of his or her sentence.
- (b) The request for an ex parte protective order may be considered without notice to the respondent under Section 112A-17.5 of this Code.

- (c) A summons shall be issued and served for a protective order. The summons may be served by delivery to the respondent personally in open court in the criminal or juvenile delinquency proceeding, in the form prescribed by subsection (d) of Supreme Court Rule 101, except that it shall require respondent to answer or appear within 7 days. Attachments to the summons shall include the petition for protective order, supporting affidavits, if any, and any ex parte protective order that has been issued.
- (d) The summons shall be served by the sheriff or other law enforcement officer at the earliest time available and shall take precedence over any other summons, except those of a similar emergency nature. Attachments to the summons shall include the petition for protective order, supporting affidavits, if any, and any ex parte protective order that has been issued. Special process servers may be appointed at any time and their designation shall not affect the responsibilities and authority of the sheriff or other official process servers. In a county with a population over 3,000,000, a special process server may not be appointed if the protective order grants the surrender of a child, the surrender of a firearm or Firearm Owner's Identification Card, or the exclusive possession of a shared residence.
- (e) If the respondent is not served within 30 days of the filing of the petition, the court shall schedule a court proceeding on the issue of service. Either the petitioner, the petitioner's counsel, or the State's Attorney shall appear and the court shall either order continued attempts at personal service or shall order service by publication, in accordance with Sections 2-203, 2-206, and 2-207 of the Code of Civil Procedure.
- (f) The request for a final protective order can be considered at any court proceeding in the delinquency or criminal case after service of the petition. If the petitioner has not been provided notice of the court proceeding at least 10 days in advance of the proceeding, the court shall schedule a hearing on the petition and provide notice to the petitioner.
- (g) Default orders.
  - (1) A final domestic violence order of protection may be entered by default:
    - (A) for any of the remedies sought in the petition, if respondent has been served with documents under subsection (b) or (c) of this Section and if respondent fails to appear on the specified return date or any subsequent hearing date agreed to by the petitioner and respondent or set by the court; or
    - (B) for any of the remedies provided under paragraph (1), (2), (3), (5), (6), (7), (8), (9), (10), (11), (14), (15), (17), or (18) of subsection (b) of Section 112A-14 of this Code, or if the respondent fails to answer or appear in accordance with the date set in the publication notice or the return date indicated on the service of a household member.
  - (2) A final civil no contact order may be entered by default for any of the remedies provided in Section 112A-14.5 of this Code, if respondent has been served with documents under subsection (b) or (c) of this Section, and if the respondent fails to answer or appear in accordance with the date set in the publication notice or the return date indicated on the service of a household member.

- (3) A final stalking no contact order may be entered by default for any of the remedies provided by Section 112A-14.7 of this Code, if respondent has been served with documents under subsection (b) or (c) of this Section and if the respondent fails to answer or appear in accordance with the date set in the publication notice or the return date indicated on the service of a household member.

**Section 112A-6.1. Application of rules of civil procedure; criminal law.**

- (a) Any proceeding to obtain, modify, re-open, or appeal a protective order and service of pleadings and notices shall be governed by the rules of civil procedure of this State. The Code of Civil Procedure and Supreme Court and local court rules applicable to civil proceedings shall apply, except as otherwise provided by law. Civil law on venue, discovery, and penalties for untrue statements shall not apply to protective order proceedings heard under this Article.
- (b) Criminal law on discovery, venue, and penalties for untrue statements apply to protective order proceedings under this Article.
- (c) Court proceedings related to the entry of a protective order and the determination of remedies shall not be used to obtain discovery that would not otherwise be available in a criminal prosecution or juvenile delinquency case.

**Section 112A-8. Subject matter jurisdiction.**

Each of the circuit courts shall have the power to issue protective orders.

**Section 112A-9. Jurisdiction over persons.**

In child custody proceedings, the court's personal jurisdiction is determined by this State's Uniform Child-Custody Jurisdiction and Enforcement Act.<sup>1</sup> Otherwise, the courts of this State have jurisdiction to bind (i) State residents, and (ii) non-residents having minimum contacts with this State, to the extent permitted by the long-arm statute, Section 2-209 of the Code of Civil Procedure,<sup>2</sup> as now or hereafter amended.

**Section 112A-11.1. Procedure for determining whether certain misdemeanor crimes are crimes of domestic violence for purposes of federal law.**

- (a) When a defendant has been charged with a violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or 12-3.5 of the Criminal Code of 1961 or the Criminal Code of 2012, the State may, at arraignment or no later than 45 days after arraignment, for the purpose of notification to the Illinois State Police Firearm Owner's Identification Card Office, serve on the defendant and file with the court a notice alleging that conviction of the offense would subject the defendant to the prohibitions of 18 U.S.C. 922(g)(9) because of the relationship between the defendant and the alleged victim and the nature of the alleged offense.

- (b) The notice shall include the name of the person alleged to be the victim of the crime and shall specify the nature of the alleged relationship as set forth in 18 U.S.C. 921(a)(33)(A)(ii). It shall also specify the element of the charged offense which requires the use or attempted use of physical force, or the threatened use of a deadly weapon, as set forth 18 U.S.C. 921(a)(33)(A)(ii). It shall also include notice that the defendant is entitled to a hearing on the allegation contained in the notice and that if the allegation is sustained, that determination and conviction shall be reported to the Illinois State Police Firearm Owner's Identification Card Office.
- (c) After having been notified as provided in subsection (b) of this Section, the defendant may stipulate or admit, orally on the record or in writing, that conviction of the offense would subject the defendant to the prohibitions of 18 U.S.C. 922(g)(9). In that case, the applicability of 18 U.S.C. 922(g)(9) shall be deemed established for purposes of Section 112A-11.2. If the defendant denies the applicability of 18 U.S.C. 922(g)(9) as alleged in the notice served by the State, or stands mute with respect to that allegation, then the State shall bear the burden to prove beyond a reasonable doubt that the offense is one to which the prohibitions of 18 U.S.C. 922(g)(9) apply. The court may consider reliable hearsay evidence submitted by either party provided that it is relevant to the determination of the allegation. Facts previously proven at trial or elicited at the time of entry of a plea of guilty shall be deemed established beyond a reasonable doubt and shall not be relitigated. At the conclusion of the hearing, or upon a stipulation or admission, as applicable, the court shall make a specific written determination with respect to the allegation.

**Section 112A-11.2. Notification to the Illinois State Police Firearm Owner's Identification Card Office of determinations in certain misdemeanor cases.**

Upon judgment of conviction of a violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or 12-3.5 of the Criminal Code of 1961 or the Criminal Code of 2012 when the defendant has been determined, under Section 112A-11.1, to be subject to the prohibitions of 18 U.S.C. 922(g)(9), the circuit court clerk shall include notification and a copy of the written determination in a report of the conviction to the Illinois State Police Firearm Owner's Identification Card Office to enable the office to report that determination to the Federal Bureau of Investigation and assist the Bureau in identifying persons prohibited from purchasing and possessing a firearm pursuant to the provisions of 18 U.S.C. 922.

**Section 112A-11.5. Issuance of protective order.**

- (a) Except as provided in subsection (a-5) of this Section, the court shall grant the petition and enter a protective order if the court finds prima facie evidence that a crime involving domestic violence, a sexual offense, or a crime involving stalking has been committed. The following shall be considered prima facie evidence of the crime:
  - (1) an information, complaint, indictment, or delinquency petition, charging a crime of domestic violence, a sexual offense, or stalking or charging an attempt to commit a crime of domestic violence, a sexual offense, or stalking;
  - (2) an adjudication of delinquency, a finding of guilt based upon a plea, or a finding of guilt

after a trial for a crime of domestic battery, a sexual crime, or stalking or an attempt to commit a crime of domestic violence, a sexual offense, or stalking;

- (3) any dispositional order issued under Section 5-710 of the Juvenile Court Act of 1987, the imposition of supervision, conditional discharge, probation, periodic imprisonment, parole, aftercare release, or mandatory supervised release for a crime of domestic violence, a sexual offense, or stalking or an attempt to commit a crime of domestic violence, a sexual offense, or stalking, or imprisonment in conjunction with a bond forfeiture warrant; or
  - (4) the entry of a protective order in a separate civil case brought by the petitioner against the respondent.
- (a-5) The respondent may rebut prima facie evidence of the crime under paragraph (1) of subsection (a) of this Section by presenting evidence of a meritorious defense. The respondent shall file a written notice alleging a meritorious defense which shall be verified and supported by affidavit. The verified notice and affidavit shall set forth the evidence that will be presented at a hearing. If the court finds that the evidence presented at the hearing establishes a meritorious defense by a preponderance of the evidence, the court may decide not to issue a protective order.
- (b) The petitioner shall not be denied a protective order because the petitioner or the respondent is a minor.
  - (c) The court, when determining whether or not to issue a protective order, may not require physical injury on the person of the victim.
  - (d) If the court issues a final protective order under this Section, the court shall afford the petitioner and respondent an opportunity to be heard on the remedies requested in the petition.

**Section 112A-12. Transfer of issues not decided in cases involving domestic violence.**

- (a) {Blank}
- (a-5) A petition for a domestic violence order of protection shall be treated as an expedited proceeding, and no court shall transfer or otherwise decline to decide all or part of the petition, except as otherwise provided in this Section. Nothing in this Section shall prevent the court from reserving issues when jurisdiction or notice requirements are not met.
- (b) A criminal court may decline to decide contested issues of physical care and possession of a minor child, temporary allocation of parental responsibilities or significant decision-making responsibility, parenting time, or family support, unless a decision on one or more of those contested issues is necessary to avoid the risk of abuse, neglect, removal from the State, or concealment within the State of the child or of separation of the child from the primary caretaker.
- (c) The court shall transfer to the appropriate court or division any issue it has declined to decide. Any court may transfer any matter which must be tried by jury to a more appropriate calendar or division.

- (d) If the court transfers or otherwise declines to decide any issue, judgment on that issue shall be expressly reserved and ruling on other issues shall not be delayed or declined.

**Section 112A-14. Domestic violence order of protection; remedies.**

- (a) {Blank}
- (b) The court may order any of the remedies listed in this subsection (b). The remedies listed in this subsection (b) shall be in addition to other civil or criminal remedies available to petitioner.
  - (1) Prohibition of abuse. Prohibit respondent’s harassment, interference with personal liberty, intimidation of a dependent, physical abuse, or willful deprivation, as defined in this Article, if such abuse has occurred or otherwise appears likely to occur if not prohibited.
  - (2) Grant of exclusive possession of residence. Prohibit respondent from entering or remaining in any residence, household, or premises of the petitioner, including one owned or leased by respondent, if petitioner has a right to occupancy thereof. The grant of exclusive possession of the residence, household, or premises shall not affect title to real property, nor shall the court be limited by the standard set forth in subsection (c-2) of Section 501 of the Illinois Marriage and Dissolution of Marriage Act.
    - (A) Right to occupancy. A party has a right to occupancy of a residence or household if it is solely or jointly owned or leased by that party, that party’s spouse, a person with a legal duty to support that party or a minor child in that party’s care, or by any person or entity other than the opposing party that authorizes that party’s occupancy (e.g., a domestic violence shelter). Standards set forth in subparagraph (B) shall not preclude equitable relief.
    - (B) Presumption of hardships. If petitioner and respondent each has the right to occupancy of a residence or household, the court shall balance (i) the hardships to respondent and any minor child or dependent adult in respondent’s care resulting from entry of this remedy with (ii) the hardships to petitioner and any minor child or dependent adult in petitioner’s care resulting from continued exposure to the risk of abuse (should petitioner remain at the residence or household) or from loss of possession of the residence or household (should petitioner leave to avoid the risk of abuse). When determining the balance of hardships, the court shall also take into account the accessibility of the residence or household. Hardships need not be balanced if respondent does not have a right to occupancy.

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

- (3) Stay away order and additional prohibitions. Order respondent to stay away from petitioner or any other person protected by the domestic violence order of protection, or prohibit respondent from entering or remaining present at petitioner's school, place of employment, or other specified places at times when petitioner is present, or both, if reasonable, given the balance of hardships. Hardships need not be balanced for the court to enter a stay away order or prohibit entry if respondent has no right to enter the premises.
- (A) If a domestic violence order of protection grants petitioner exclusive possession of the residence, prohibits respondent from entering the residence, or orders respondent to stay away from petitioner or other protected persons, then the court may allow respondent access to the residence to remove items of clothing and personal adornment used exclusively by respondent, medications, and other items as the court directs. The right to access shall be exercised on only one occasion as the court directs and in the presence of an agreed-upon adult third party or law enforcement officer.
- (B) When the petitioner and the respondent attend the same public, private, or non-public elementary, middle, or high school, the court when issuing a domestic violence order of protection and providing relief shall consider the severity of the act, any continuing physical danger or emotional distress to the petitioner, the educational rights guaranteed to the petitioner and respondent under federal and State law, the availability of a transfer of the respondent to another school, a change of placement or a change of program of the respondent, the expense, difficulty, and educational disruption that would be caused by a transfer of the respondent to another school, and any other relevant facts of the case. The court may order that the respondent not attend the public, private, or non-public elementary, middle, or high school attended by the petitioner, order that the respondent accept a change of placement or change of program, as determined by the school district or private or non-public school, or place restrictions on the respondent's movements within the school attended by the petitioner. The respondent bears the burden of proving by a preponderance of the evidence that a transfer, change of placement, or change of program of the respondent is not available. The respondent also bears the burden of production with respect to the expense, difficulty, and educational disruption that would be caused by a transfer of the respondent to another school. A transfer, change of placement, or change of program is not unavailable to the respondent solely on the ground that the respondent does not agree with the school district's or private or non-public school's transfer, change of placement, or change of program or solely on the ground that the respondent fails or refuses to consent or otherwise does not take an action required to effectuate a transfer, change of placement, or change of program. When a court orders a respondent to stay away from the public, private, or non-public school attended by the petitioner and the respondent requests a transfer to another attendance center within the respondent's school district or private or non-public school, the school district or private or non-public school shall have sole discretion to determine the attendance center to which the respondent is transferred. If the court order results in a transfer of the minor

respondent to another attendance center, a change in the respondent's placement, or a change of the respondent's program, the parents, guardian, or legal custodian of the respondent is responsible for transportation and other costs associated with the transfer or change.

- (C) The court may order the parents, guardian, or legal custodian of a minor respondent to take certain actions or to refrain from taking certain actions to ensure that the respondent complies with the order. If the court orders a transfer of the respondent to another school, the parents, guardian, or legal custodian of the respondent is responsible for transportation and other costs associated with the change of school by the respondent.
- (4) Counseling. Require or recommend the respondent to undergo counseling for a specified duration with a social worker, psychologist, clinical psychologist, psychiatrist, family service agency, alcohol or substance abuse program, mental health center guidance counselor, agency providing services to elders, program designed for domestic violence abusers, or any other guidance service the court deems appropriate. The court may order the respondent in any intimate partner relationship to report to an Illinois Department of Human Services protocol approved partner abuse intervention program for an assessment and to follow all recommended treatment.
- (5) Physical care and possession of the minor child. In order to protect the minor child from abuse, neglect, or unwarranted separation from the person who has been the minor child's primary caretaker, or to otherwise protect the well-being of the minor child, the court may do either or both of the following: (i) grant petitioner physical care or possession of the minor child, or both, or (ii) order respondent to return a minor child to, or not remove a minor child from, the physical care of a parent or person in loco parentis.

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

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

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

- (7) Parenting time. Determine the parenting time, if any, of respondent in any case in which the court awards physical care or temporary significant decision-making responsibility of a minor child to petitioner. The court shall restrict or deny respondent's parenting time with a minor child if the court finds that respondent has done or is likely to do any of the following:

- (i) abuse or endanger the minor child during parenting time;
- (ii) use the parenting time as an opportunity to abuse or harass petitioner or petitioner's family or household members;
- (iii) improperly conceal or detain the minor child; or
- (iv) otherwise act in a manner that is not in the best interests of the minor child.

The court shall not be limited by the standards set forth in Section 603.10 of the Illinois Marriage and Dissolution of Marriage Act. If the court grants parenting time, the order shall specify dates and times for the parenting time to take place or other specific parameters or conditions that are appropriate. No order for parenting time shall refer merely to the term "reasonable parenting time". Petitioner may deny respondent access to the minor child if, when respondent arrives for parenting time, respondent is under the influence of drugs or alcohol and constitutes a threat to the safety and well-being of petitioner or petitioner's minor children or is behaving in a violent or abusive manner. If necessary to protect any member of petitioner's family or household from future abuse, respondent shall be prohibited from coming to petitioner's residence to meet the minor child for parenting time, and the petitioner and respondent shall submit to the court their recommendations for reasonable alternative arrangements for parenting time. A person may be approved to supervise parenting time only after filing an affidavit accepting that responsibility and acknowledging accountability to the court.

- (8) Removal or concealment of minor child. Prohibit respondent from removing a minor child from the State or concealing the child within the State.
- (9) Order to appear. Order the respondent to appear in court, alone or with a minor child, to prevent abuse, neglect, removal or concealment of the child, to return the child to the custody or care of the petitioner, or to permit any court-ordered interview or examination of the child or the respondent.
- (10) Possession of personal property. Grant petitioner exclusive possession of personal property and, if respondent has possession or control, direct respondent to promptly make it available to petitioner, if:
  - (i) petitioner, but not respondent, owns the property; or
  - (ii) the petitioner and respondent own the property jointly; sharing it would risk abuse of petitioner by respondent or is impracticable; and the balance of hardships favors temporary possession by petitioner.

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

No order under this provision shall affect title to property.

- (11) Protection of property. Forbid the respondent from taking, transferring, encumbering, concealing, damaging, or otherwise disposing of any real or personal property, except as explicitly authorized by the court, if:
- (i) petitioner, but not respondent, owns the property; or
  - (ii) the petitioner and respondent own the property jointly, and the balance of hardships favors granting this remedy.

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

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

- (11.5) Protection of animals. Grant the petitioner the exclusive care, custody, or control of any animal owned, possessed, leased, kept, or held by either the petitioner or the respondent or a minor child residing in the residence or household of either the petitioner or the respondent and order the respondent to stay away from the animal and forbid the respondent from taking, transferring, encumbering, concealing, harming, or otherwise disposing of the animal.
- (12) Order for payment of support. Order respondent to pay temporary support for the petitioner or any child in the petitioner's care or over whom the petitioner has been allocated parental responsibility, when the respondent has a legal obligation to support that person, in accordance with the Illinois Marriage and Dissolution of Marriage Act, which shall govern, among other matters, the amount of support, payment through the clerk and withholding of income to secure payment. An order for child support may be granted to a petitioner with lawful physical care of a child, or an order or agreement for physical care of a child, prior to entry of an order allocating significant decision-making responsibility. Such a support order shall expire upon entry of a valid order allocating parental responsibility differently and vacating petitioner's significant decision-making responsibility unless otherwise provided in the order.
- (13) Order for payment of losses. Order respondent to pay petitioner for losses suffered as a direct result of the abuse. Such losses shall include, but not be limited to, medical expenses, lost earnings or other support, repair or replacement of property damaged or taken, reasonable attorney's fees, court costs, and moving or other travel expenses, including additional reasonable expenses for temporary shelter and restaurant meals.
- (i) Losses affecting family needs. If a party is entitled to seek maintenance, child support, or property distribution from the other party under the Illinois Marriage

and Dissolution of Marriage Act, as now or hereafter amended, the court may order respondent to reimburse petitioner's actual losses, to the extent that such reimbursement would be "appropriate temporary relief", as authorized by subsection (a)(3) of Section 501 of that Act.

- (ii) Recovery of expenses. In the case of an improper concealment or removal of a minor child, the court may order respondent to pay the reasonable expenses incurred or to be incurred in the search for and recovery of the minor child, including, but not limited to, legal fees, court costs, private investigator fees, and travel costs.
- (14) Prohibition of entry. Prohibit the respondent from entering or remaining in the residence or household while the respondent is under the influence of alcohol or drugs and constitutes a threat to the safety and well-being of the petitioner or the petitioner's children.
- (14.5) Prohibition of firearm possession.
- (A) A person who is subject to an existing domestic violence order of protection issued under this Code may not lawfully possess weapons or a Firearm Owner's Identification Card under Section 8.2 of the Firearm Owners Identification Card Act.<sup>4</sup>
  - (B) Any firearms in the possession of the respondent, except as provided in subparagraph (C) of this paragraph (14.5), shall be ordered by the court to be turned over to a person with a valid Firearm Owner's Identification Card for safekeeping. The court shall issue an order that the respondent comply with Section 9.5 of the Firearm Owners Identification Card Act.
  - (C) If the respondent is a peace officer as defined in Section 2-13 of the Criminal Code of 2012, the court shall order that any firearms used by the respondent in the performance of his or her duties as a peace officer be surrendered to the chief law enforcement executive of the agency in which the respondent is employed, who shall retain the firearms for safekeeping for the duration of the domestic violence order of protection.
  - (D) Upon expiration of the period of safekeeping, if the firearms or Firearm Owner's Identification Card cannot be returned to respondent because respondent cannot be located, fails to respond to requests to retrieve the firearms, or is not lawfully eligible to possess a firearm, upon petition from the local law enforcement agency, the court may order the local law enforcement agency to destroy the firearms, use the firearms for training purposes, or for any other application as deemed appropriate by the local law enforcement agency; or that the firearms be turned over to a third party who is lawfully eligible to possess firearms, and who does not reside with respondent.
- (15) Prohibition of access to records. If a domestic violence order of protection prohibits respondent from having contact with the minor child, or if petitioner's address is omitted

under subsection (b) of Section 112A-5 of this Code, or if necessary to prevent abuse or wrongful removal or concealment of a minor child, the order shall deny respondent access to, and prohibit respondent from inspecting, obtaining, or attempting to inspect or obtain, school or any other records of the minor child who is in the care of petitioner.

- (16) Order for payment of shelter services. Order respondent to reimburse a shelter providing temporary housing and counseling services to the petitioner for the cost of the services, as certified by the shelter and deemed reasonable by the court.
- (17) Order for injunctive relief. Enter injunctive relief necessary or appropriate to prevent further abuse of a family or household member or to effectuate one of the granted remedies, if supported by the balance of hardships. If the harm to be prevented by the injunction is abuse or any other harm that one of the remedies listed in paragraphs (1) through (16) of this subsection is designed to prevent, no further evidence is necessary to establish that the harm is an irreparable injury.
- (18) Telephone services.
  - (A) Unless a condition described in subparagraph (B) of this paragraph exists, the court may, upon request by the petitioner, order a wireless telephone service provider to transfer to the petitioner the right to continue to use a telephone number or numbers indicated by the petitioner and the financial responsibility associated with the number or numbers, as set forth in subparagraph (C) of this paragraph. In this paragraph (18), the term “wireless telephone service provider” means a provider of commercial mobile service as defined in 47 U.S.C. 332. The petitioner may request the transfer of each telephone number that the petitioner, or a minor child in his or her custody, uses. The clerk of the court shall serve the order on the wireless telephone service provider’s agent for service of process provided to the Illinois Commerce Commission. The order shall contain all of the following:
    - (i) The name and billing telephone number of the account holder including the name of the wireless telephone service provider that serves the account.
    - (ii) Each telephone number that will be transferred.
    - (iii) A statement that the provider transfers to the petitioner all financial responsibility for and right to the use of any telephone number transferred under this paragraph.
  - (B) A wireless telephone service provider shall terminate the respondent’s use of, and shall transfer to the petitioner use of, the telephone number or numbers indicated in subparagraph (A) of this paragraph unless it notifies the petitioner, within 72 hours after it receives the order, that one of the following applies:
    - (i) The account holder named in the order has terminated the account.

- (ii) A difference in network technology would prevent or impair the functionality of a device on a network if the transfer occurs.
  - (iii) The transfer would cause a geographic or other limitation on network or service provision to the petitioner.
  - (iv) Another technological or operational issue would prevent or impair the use of the telephone number if the transfer occurs.
- (C) The petitioner assumes all financial responsibility for and right to the use of any telephone number transferred under this paragraph. In this paragraph, “financial responsibility” includes monthly service costs and costs associated with any mobile device associated with the number.
  - (D) A wireless telephone service provider may apply to the petitioner its routine and customary requirements for establishing an account or transferring a number, including requiring the petitioner to provide proof of identification, financial information, and customer preferences.
  - (E) Except for willful or wanton misconduct, a wireless telephone service provider is immune from civil liability for its actions taken in compliance with a court order issued under this paragraph.
  - (F) All wireless service providers that provide services to residential customers shall provide to the Illinois Commerce Commission the name and address of an agent for service of orders entered under this paragraph (18). Any change in status of the registered agent must be reported to the Illinois Commerce Commission within 30 days of such change.
  - (G) The Illinois Commerce Commission shall maintain the list of registered agents for service for each wireless telephone service provider on the Commission’s website. The Commission may consult with wireless telephone service providers and the Circuit Court Clerks on the manner in which this information is provided and displayed.
- (c) Relevant factors; findings.
- (1) In determining whether to grant a specific remedy, other than payment of support, the court shall consider relevant factors, including, but not limited to, the following:
    - (i) the nature, frequency, severity, pattern, and consequences of the respondent’s past abuse of the petitioner or any family or household member, including the concealment of his or her location in order to evade service of process or notice, and the likelihood of danger of future abuse to petitioner or any member of petitioner’s or respondent’s family or household; and
    - (ii) the danger that any minor child will be abused or neglected or improperly

relocated from the jurisdiction, improperly concealed within the State, or improperly separated from the child's primary caretaker.

- (2) In comparing relative hardships resulting to the parties from loss of possession of the family home, the court shall consider relevant factors, including, but not limited to, the following:
    - (i) availability, accessibility, cost, safety, adequacy, location, and other characteristics of alternate housing for each party and any minor child or dependent adult in the party's care;
    - (ii) the effect on the party's employment; and
    - (iii) the effect on the relationship of the party, and any minor child or dependent adult in the party's care, to family, school, church, and community.
  - (3) Subject to the exceptions set forth in paragraph (4) of this subsection (c), the court shall make its findings in an official record or in writing, and shall at a minimum set forth the following:
    - (i) That the court has considered the applicable relevant factors described in paragraphs (1) and (2) of this subsection (c).
    - (ii) Whether the conduct or actions of respondent, unless prohibited, will likely cause irreparable harm or continued abuse.
    - (iii) Whether it is necessary to grant the requested relief in order to protect petitioner or other alleged abused persons.
  - (4) {Blank}
  - (5) Never married parties. No rights or responsibilities for a minor child born outside of marriage attach to a putative father until a father and child relationship has been established under the Illinois Parentage Act of 1984, the Illinois Parentage Act of 2015, the Illinois Public Aid Code, Section 12 of the Vital Records Act, the Juvenile Court Act of 1987, the Probate Act of 1975, the Uniform Interstate Family Support Act, the Expedited Child Support Act of 1990, any judicial, administrative, or other act of another state or territory, any other statute of this State, or by any foreign nation establishing the father and child relationship, any other proceeding substantially in conformity with the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, or when both parties appeared in open court or at an administrative hearing acknowledging under oath or admitting by affirmation the existence of a father and child relationship. Absent such an adjudication, no putative father shall be granted temporary allocation of parental responsibilities, including parenting time with the minor child, or physical care and possession of the minor child, nor shall an order of payment for support of the minor child be entered.
- (d) Balance of hardships; findings. If the court finds that the balance of hardships does not support

the granting of a remedy governed by paragraph (2), (3), (10), (11), or (16) of subsection (b) of this Section, which may require such balancing, the court's findings shall so indicate and shall include a finding as to whether granting the remedy will result in hardship to respondent that would substantially outweigh the hardship to petitioner from denial of the remedy. The findings shall be an official record or in writing.

- (e) Denial of remedies. Denial of any remedy shall not be based, in whole or in part, on evidence that:
- (1) respondent has cause for any use of force, unless that cause satisfies the standards for justifiable use of force provided by Article 7 of the Criminal Code of 2012;
  - (2) respondent was voluntarily intoxicated;
  - (3) petitioner acted in self-defense or defense of another, provided that, if petitioner utilized force, such force was justifiable under Article 7 of the Criminal Code of 2012;
  - (4) petitioner did not act in self-defense or defense of another;
  - (5) petitioner left the residence or household to avoid further abuse by respondent;
  - (6) petitioner did not leave the residence or household to avoid further abuse by respondent;  
or
  - (7) conduct by any family or household member excused the abuse by respondent, unless that same conduct would have excused such abuse if the parties had not been family or household members.

**Section 112A-14.5. Civil no contact order; remedies.**

- (a) The court may order any of the remedies listed in this Section. The remedies listed in this Section shall be in addition to other civil or criminal remedies available to petitioner:
- (1) prohibit the respondent from knowingly coming within, or knowingly remaining within, a specified distance from the petitioner;
  - (2) restrain the respondent from having any contact, including nonphysical contact, with the petitioner directly, indirectly, or through third parties, regardless of whether those third parties know of the order;
  - (3) prohibit the respondent from knowingly coming within, or knowingly remaining within, a specified distance from the petitioner's residence, school, day care or other specified location;
  - (4) order the respondent to stay away from any property or animal owned, possessed, leased, kept, or held by the petitioner and forbid the respondent from taking, transferring, encumbering, concealing, harming, or otherwise disposing of the property or animal; and

- (5) order any other injunctive relief as necessary or appropriate for the protection of the petitioner.
- (b) When the petitioner and the respondent attend the same public or private elementary, middle, or high school, the court when issuing a civil no contact order and providing relief shall consider the severity of the act, any continuing physical danger or emotional distress to the petitioner, the educational rights guaranteed to the petitioner and respondent under federal and State law, the availability of a transfer of the respondent to another school, a change of placement or a change of program of the respondent, the expense, difficulty, and educational disruption that would be caused by a transfer of the respondent to another school, and any other relevant facts of the case. The court may order that the respondent not attend the public, private, or non-public elementary, middle, or high school attended by the petitioner, order that the respondent accept a change of placement or program, as determined by the school district or private or non-public school, or place restrictions on the respondent's movements within the school attended by the petitioner. The respondent bears the burden of proving by a preponderance of the evidence that a transfer, change of placement, or change of program of the respondent is not available. The respondent also bears the burden of production with respect to the expense, difficulty, and educational disruption that would be caused by a transfer of the respondent to another school. A transfer, change of placement, or change of program is not unavailable to the respondent solely on the ground that the respondent does not agree with the school district's or private or non-public school's transfer, change of placement, or change of program or solely on the ground that the respondent fails or refuses to consent to or otherwise does not take an action required to effectuate a transfer, change of placement, or change of program. When a court orders a respondent to stay away from the public, private, or non-public school attended by the petitioner and the respondent requests a transfer to another attendance center within the respondent's school district or private or non-public school, the school district or private or non-public school shall have sole discretion to determine the attendance center to which the respondent is transferred. If the court order results in a transfer of the minor respondent to another attendance center, a change in the respondent's placement, or a change of the respondent's program, the parents, guardian, or legal custodian of the respondent is responsible for transportation and other costs associated with the transfer or change.
- (c) The court may order the parents, guardian, or legal custodian of a minor respondent to take certain actions or to refrain from taking certain actions to ensure that the respondent complies with the order. If the court orders a transfer of the respondent to another school, the parents or legal guardians of the respondent are responsible for transportation and other costs associated with the change of school by the respondent.
- (d) Denial of a remedy may not be based, in whole or in part, on evidence that:
- (1) the respondent has cause for any use of force, unless that cause satisfies the standards for justifiable use of force provided by Article 7 of the Criminal Code of 2012;
  - (2) the respondent was voluntarily intoxicated;
  - (3) the petitioner acted in self-defense or defense of another, provided that, if the petitioner utilized force, such force was justifiable under Article 7 of the Criminal Code of 2012;

- (4) the petitioner did not act in self-defense or defense of another;
  - (5) the petitioner left the residence or household to avoid further non-consensual sexual conduct or non-consensual sexual penetration by the respondent; or
  - (6) the petitioner did not leave the residence or household to avoid further non-consensual sexual conduct or non-consensual sexual penetration by the respondent.
- (e) Monetary damages are not recoverable as a remedy.

**Section 112A-14.7. Stalking no contact order; remedies.**

- (a) The court may order any of the remedies listed in this Section. The remedies listed in this Section shall be in addition to other civil or criminal remedies available to petitioner. A stalking no contact order shall order one or more of the following:
- (1) prohibit the respondent from threatening to commit or committing stalking;
  - (2) order the respondent not to have any contact with the petitioner or a third person specifically named by the court;
  - (3) prohibit the respondent from knowingly coming within, or knowingly remaining within a specified distance of the petitioner or the petitioner's residence, school, daycare, or place of employment, or any specified place frequented by the petitioner; however, the court may order the respondent to stay away from the respondent's own residence, school, or place of employment only if the respondent has been provided actual notice of the opportunity to appear and be heard on the petition;
  - (4) prohibit the respondent from possessing a Firearm Owners Identification Card, or possessing or buying firearms; and
  - (5) order other injunctive relief the court determines to be necessary to protect the petitioner or third party specifically named by the court.
- (b) When the petitioner and the respondent attend the same public, private, or non-public elementary, middle, or high school, the court when issuing a stalking no contact order and providing relief shall consider the severity of the act, any continuing physical danger or emotional distress to the petitioner, the educational rights guaranteed to the petitioner and respondent under federal and State law, the availability of a transfer of the respondent to another school, a change of placement or a change of program of the respondent, the expense, difficulty, and educational disruption that would be caused by a transfer of the respondent to another school, and any other relevant facts of the case. The court may order that the respondent not attend the public, private, or non-public elementary, middle, or high school attended by the petitioner, order that the respondent accept a change of placement or program, as determined by the school district or private or non-public school, or place restrictions on the respondent's movements within the school attended by the petitioner. The respondent bears the burden of

proving by a preponderance of the evidence that a transfer, change of placement, or change of program of the respondent is not available. The respondent also bears the burden of production with respect to the expense, difficulty, and educational disruption that would be caused by a transfer of the respondent to another school. A transfer, change of placement, or change of program is not unavailable to the respondent solely on the ground that the respondent does not agree with the school district's or private or non-public school's transfer, change of placement, or change of program or solely on the ground that the respondent fails or refuses to consent to or otherwise does not take an action required to effectuate a transfer, change of placement, or change of program. When a court orders a respondent to stay away from the public, private, or non-public school attended by the petitioner and the respondent requests a transfer to another attendance center within the respondent's school district or private or non-public school, the school district or private or non-public school shall have sole discretion to determine the attendance center to which the respondent is transferred. If the court order results in a transfer of the minor respondent to another attendance center, a change in the respondent's placement, or a change of the respondent's program, the parents, guardian, or legal custodian of the respondent is responsible for transportation and other costs associated with the transfer or change.

- (c) The court may order the parents, guardian, or legal custodian of a minor respondent to take certain actions or to refrain from taking certain actions to ensure that the respondent complies with the order. If the court orders a transfer of the respondent to another school, the parents, guardian, or legal custodian of the respondent are responsible for transportation and other costs associated with the change of school by the respondent.
- (d) The court shall not hold a school district or private or non-public school or any of its employees in civil or criminal contempt unless the school district or private or non-public school has been allowed to intervene.
- (e) The court may hold the parents, guardian, or legal custodian of a minor respondent in civil or criminal contempt for a violation of any provision of any order entered under this Article for conduct of the minor respondent in violation of this Article if the parents, guardian, or legal custodian directed, encouraged, or assisted the respondent minor in the conduct.
- (f) Monetary damages are not recoverable as a remedy.
- (g) If the stalking no contact order prohibits the respondent from possessing a Firearm Owner's Identification Card, or possessing or buying firearms; the court shall confiscate the respondent's Firearm Owner's Identification Card and immediately return the card to the Illinois State Police Firearm Owner's Identification Card Office.

**Section 112A-15. Mutual orders of protection; correlative separate orders.**

Mutual orders of protection are prohibited. Correlative separate orders of protection undermine the purposes of this Article and are prohibited. Nothing in this Section prohibits a victim from seeking a civil order of protection.

**Section 112A-16. Accountability for Actions of Others.**

For the purposes of issuing a domestic violence order of protection, deciding what remedies should be included and enforcing the order, Article 5 of the Criminal Code of 2012<sup>1</sup> shall govern whether respondent is legally accountable for the conduct of another person.

**Section 112A-17.5. Ex parte protective orders.**

- (a) The petitioner may request expedited consideration of the petition for an ex parte protective order. The court shall consider the request on an expedited basis without requiring the respondent's presence or requiring notice to the respondent.
- (b) Issuance of ex parte protective orders in cases involving domestic violence. An ex parte domestic violence order of protection shall be issued if petitioner satisfies the requirements of this subsection (b) for one or more of the requested remedies. For each remedy requested, petitioner shall establish that:
  - (1) the court has jurisdiction under Section 112A-9 of this Code;
  - (2) the requirements of subsection (a) of Section 112A-11.5 of this Code are satisfied; and
  - (3) there is good cause to grant the remedy, regardless of prior service of process or notice upon the respondent, because:
    - (A) for the remedy of prohibition of abuse described in paragraph (1) of subsection (b) of Section 112A-14 of this Code; stay away order and additional prohibitions described in paragraph (3) of subsection (b) of Section 112A-14 of this Code; removal or concealment of minor child described in paragraph (8) of subsection (b) of Section 112A-14 of this Code; order to appear described in paragraph (9) of subsection (b) of Section 112A-14 of this Code; physical care and possession of the minor child described in paragraph (5) of subsection (b) of Section 112A-14 of this Code; protection of property described in paragraph (11) of subsection (b) of Section 112A-14 of this Code; prohibition of entry described in paragraph (14) of subsection (b) of Section 112A-14 of this Code; prohibition of firearm possession described in paragraph (14.5) of subsection (b) of Section 112A-14 of this Code; prohibition of access to records described in paragraph (15) of subsection (b) of Section 112A-14 of this Code; injunctive relief described in paragraph (16) of subsection (b) of Section 112A-14 of this Code; and telephone services described in paragraph (18) of subsection (b) of Section 112A-14 of this Code, the harm which that remedy is intended to prevent would be likely to occur if the respondent were given any prior notice, or greater notice than was actually given, of the petitioner's efforts to obtain judicial relief;
    - (B) for the remedy of grant of exclusive possession of residence described in paragraph (2) of subsection (b) of Section 112A-14 of this Code; the immediate danger of further abuse of the petitioner by the respondent, if the petitioner chooses or had chosen to remain in the residence or household while the

respondent was given any prior notice or greater notice than was actually given of the petitioner's efforts to obtain judicial relief outweighs the hardships to the respondent of an emergency order granting the petitioner exclusive possession of the residence or household; and the remedy shall not be denied because the petitioner has or could obtain temporary shelter elsewhere while prior notice is given to the respondent, unless the hardship to the respondent from exclusion from the home substantially outweighs the hardship to the petitioner; or

- (C) for the remedy of possession of personal property described in paragraph (10) of subsection (b) of Section 112A-14 of this Code; improper disposition of the personal property would be likely to occur if the respondent were given any prior notice, or greater notice than was actually given, of the petitioner's efforts to obtain judicial relief or the petitioner has an immediate and pressing need for the possession of that property.

An ex parte domestic violence order of protection may not include the counseling, custody, or payment of support or monetary compensation remedies provided by paragraphs (4), (12), (13), and (16) of subsection (b) of Section 112A-14 of this Code.

- (c) Issuance of ex parte civil no contact order in cases involving sexual offenses. An ex parte civil no contact order shall be issued if the petitioner establishes that:
  - (1) the court has jurisdiction under Section 112A-9 of this Code;
  - (2) the requirements of subsection (a) of Section 112A-11.5 of this Code are satisfied; and
  - (3) there is good cause to grant the remedy, regardless of prior service of process or of notice upon the respondent, because the harm which that remedy is intended to prevent would be likely to occur if the respondent were given any prior notice, or greater notice than was actually given, of the petitioner's efforts to obtain judicial relief.

The court may order any of the remedies under Section 112A-14.5 of this Code.

- (d) Issuance of ex parte stalking no contact order in cases involving stalking offenses. An ex parte stalking no contact order shall be issued if the petitioner establishes that:
  - (1) the court has jurisdiction under Section 112A-9 of this Code;
  - (2) the requirements of subsection (a) of Section 112A-11.5 of this Code are satisfied; and
  - (3) there is good cause to grant the remedy, regardless of prior service of process or of notice upon the respondent, because the harm which that remedy is intended to prevent would be likely to occur if the respondent were given any prior notice, or greater notice than was actually given, of the petitioner's efforts to obtain judicial relief.

The court may order any of the remedies under Section 112A-14.7 of this Code.

- (e) Issuance of ex parte protective orders on court holidays and evenings.

When the court is unavailable at the close of business, the petitioner may file a petition for an ex parte protective order before any available circuit judge or associate judge who may grant relief under this Article. If the judge finds that petitioner has satisfied the prerequisites in subsection (b), (c), or (d) of this Section, the judge shall issue an ex parte protective order.

The chief judge of the circuit court may designate for each county in the circuit at least one judge to be reasonably available to issue orally, by telephone, by facsimile, or otherwise, an ex parte protective order at all times, whether or not the court is in session.

The judge who issued the order under this Section shall promptly communicate or convey the order to the sheriff to facilitate the entry of the order into the Law Enforcement Agencies Data System by the Illinois State Police under Section 112A-28 of this Code. Any order issued under this Section and any documentation in support of it shall be certified on the next court day to the appropriate court. The clerk of that court shall immediately assign a case number, file the petition, order, and other documents with the court and enter the order of record and file it with the sheriff for service under subsection (f) of this Section. Failure to comply with the requirements of this subsection (e) shall not affect the validity of the order.

- (f) Service of ex parte protective order on respondent.
- (1) If an ex parte protective order is entered at the time a summons or arrest warrant is issued for the criminal charge, the petition for the protective order, any supporting affidavits, if any, and the ex parte protective order that has been issued shall be served with the summons or arrest warrant. The enforcement of a protective order under Section 112A-23 of this Code shall not be affected by the lack of service or delivery, provided the requirements of subsection (a) of Section 112A-23 of this Code are otherwise met.
  - (2) If an ex parte protective order is entered after a summons or arrest warrant is issued and before the respondent makes an initial appearance in the criminal case, the summons shall be in the form prescribed by subsection (d) of Supreme Court Rule 101, except that it shall require respondent to answer or appear within 7 days and shall be accompanied by the petition for the protective order, any supporting affidavits, if any, and the ex parte protective order that has been issued.
  - (3) If an ex parte protective order is entered after the respondent has been served notice of a petition for a final protective order and the respondent has requested a continuance to respond to the petition, the ex parte protective order shall be served: (A) in open court if the respondent is present at the proceeding at which the order was entered; or (B) by summons in the form prescribed by subsection (d) of Supreme Court Rule 101.
  - (4) No fee shall be charged for service of summons.
  - (5) The summons shall be served by the sheriff or other law enforcement officer at the earliest time and shall take precedence over other summonses except those of a similar emergency nature. Special process servers may be appointed at any time, and their designation shall not affect the responsibilities and authority of the sheriff or other official process servers. In a county with a population over 3,000,000, a special process

server may not be appointed if an ex parte protective order grants the surrender of a child, the surrender of a firearm or Firearm Owner's Identification Card, or the exclusive possession of a shared residence. Process may be served in court.

- (g) Upon 7 days' notice to the petitioner, or a shorter notice period as the court may prescribe, a respondent subject to an ex parte protective order may appear and petition the court to re-hear the petition. Any petition to re-hear shall be verified and shall allege the following:
  - (1) that respondent did not receive prior notice of the initial hearing in which the ex parte protective order was entered under Section 112A-17.5 of this Code; and
  - (2) that respondent had a meritorious defense to the order or any of its remedies or that the order or any of its remedies was not authorized under this Article.

The verified petition and affidavit shall set forth the evidence of the meritorious defense that will be presented at a hearing. If the court finds that the evidence presented at the hearing on the petition establishes a meritorious defense by a preponderance of the evidence, the court may decide to vacate the protective order or modify the remedies.

- (h) If the ex parte protective order granted petitioner exclusive possession of the residence and the petition of respondent seeks to re-open or vacate that grant, the court shall set a date for hearing within 14 days on all issues relating to exclusive possession. Under no circumstances shall a court continue a hearing concerning exclusive possession beyond the 14th day except by agreement of the petitioner and the respondent. Other issues raised by the pleadings may be consolidated for the hearing if the petitioner, the respondent, and the court do not object.
- (i) Duration of ex parte protective order. An ex parte order shall remain in effect until the court considers the request for a final protective order after notice has been served on the respondent or a default final protective order is entered, whichever occurs first. If a court date is scheduled for the issuance of a default protective order and the petitioner fails to personally appear or appear through counsel or the prosecuting attorney, the petition shall be dismissed and the ex parte order terminated.

**Section 112A-20. Duration and extension of final protective orders.**

- (a) {Blank}
- (b) A final protective order shall remain in effect as follows:
  - (1) if entered during pre-trial release, until disposition, withdrawal, or dismissal of the underlying charge; if, however, the case is continued as an independent cause of action, the order's duration may be for a fixed period of time not to exceed 2 years;
  - (2) if in effect in conjunction with a bond forfeiture warrant, until final disposition or an additional period of time not exceeding 2 years; no domestic violence order of protection, however, shall be terminated by a dismissal that is accompanied by the issuance of a bond forfeiture warrant;

- (3) until 2 years after the expiration of any supervision, conditional discharge, probation, periodic imprisonment, parole, aftercare release, or mandatory supervised release for domestic violence orders of protection and civil no contact orders;
  - (4) until 2 years after the date set by the court for expiration of any sentence of imprisonment and subsequent parole, aftercare release, or mandatory supervised release for domestic violence orders of protection and civil no contact orders;
  - (5) permanent for a stalking no contact order if a judgment of conviction for stalking is entered; or
  - (6) permanent for a civil no contact order at the victim's request if a judgment of conviction for criminal sexual assault, aggravated criminal sexual assault, criminal sexual abuse, excluding a conviction under subsection (c) of Section 11-1.50 of the Criminal Code of 2012, or aggravated criminal sexual abuse is entered.
- (c) Computation of time. The duration of a domestic violence order of protection shall not be reduced by the duration of any prior domestic violence order of protection.
- (d) Law enforcement records. When a protective order expires upon the occurrence of a specified event, rather than upon a specified date as provided in subsection (b), no expiration date shall be entered in Illinois State Police records. To remove the protective order from those records, either the petitioner or the respondent shall request the clerk of the court to file a certified copy of an order stating that the specified event has occurred or that the protective order has been vacated or modified with the sheriff, and the sheriff shall direct that law enforcement records shall be promptly corrected in accordance with the filed order.
- (e) Extension of Orders. Any domestic violence order of protection or civil no contact order that expires 2 years after the expiration of the defendant's sentence under paragraph (2), (3), or (4) of subsection (b) of Section 112A-20 of this Article may be extended one or more times, as required. The petitioner, petitioner's counsel, or the State's Attorney on the petitioner's behalf shall file the motion for an extension of the final protective order in the criminal case and serve the motion in accordance with Supreme Court Rules 11 and 12. The court shall transfer the motion to the appropriate court or division for consideration under subsection (e) of Section 220 of the Illinois Domestic Violence Act of 1986, subsection (c) of Section 216 of the Civil No Contact Order Act, or subsection (c) of Section 105 of the Stalking No Contact Order as appropriate.
- (f) Termination date. Any final protective order which would expire on a court holiday shall instead expire at the close of the next court business day.
- (g) Statement of purpose. The practice of dismissing or suspending a criminal prosecution in exchange for issuing a protective order undermines the purposes of this Article. This Section shall not be construed as encouraging that practice.

**Section 112A-21. Contents of orders.**

- (a) Any domestic violence order of protection shall describe, in reasonable detail and not by reference to any other document, the following:
  - (1) Each remedy granted by the court, in reasonable detail and not by reference to any other document, so that respondent may clearly understand what he or she must do or refrain from doing. Pre-printed form orders of protection shall include the definitions of the types of abuse, as provided in Section 112A-3 of this Code. Remedies set forth in pre-printed form for domestic violence orders shall be numbered consistently with and corresponding to the numerical sequence of remedies listed in Section 112A-14 of this Code (at least as of the date the form orders are printed).
  - (2) The reason for denial of petitioner’s request for any remedy listed in Section 112A-14 of this Code.
- (b) A domestic violence order of protection shall further state the following:
  - (1) The name of each petitioner that the court finds is a victim of a charged offense, and that respondent is a member of the family or household of each such petitioner, and the name of each other person protected by the order and that such person is protected by this Code.
  - (2) For any remedy requested by petitioner on which the court has declined to rule, that that remedy is reserved.
  - (3) The date and time the domestic violence order of protection was issued.
  - (4) {Blank}
  - (5) {Blank}
  - (6) {Blank}
- (c) Any domestic violence order of protection shall include the following notice, printed in conspicuous type:

“Any knowing violation of a domestic violence order of protection forbidding physical abuse, harassment, intimidation, interference with personal liberty, willful deprivation, or entering or remaining present at specified places when the protected person is present, or granting exclusive possession of the residence or household, or granting a stay away order is a Class A misdemeanor for a first offense, and a Class 4 felony for persons with a prior conviction for certain offenses under subsection (d) of Section 12-3.4 of the Criminal Code of 2012. Grant of exclusive possession of the residence or household shall constitute notice forbidding trespass to land. Any knowing violation of an order awarding legal custody or physical care of a child or prohibiting removal or concealment of a child may be a Class 4 felony. Any willful violation of any order is contempt of court. Any violation may result in fine or imprisonment.”

- (d) {Blank}
- (e) A domestic violence order of protection shall state, “This Order of Protection is enforceable, even without registration, in all 50 states, the District of Columbia, tribal lands, and the U.S. territories pursuant to the Violence Against Women Act (18 U.S.C. 2265). Violating this Order of Protection may subject the respondent to federal charges and punishment (18 U.S.C. 2261-2262). The respondent may be subject to federal criminal penalties for possessing, transporting, shipping, or receiving any firearm or ammunition under the Gun Control Act (18 U.S.C. 922(g)(8) and (9)).”

**Section 112A-21.5. Contents of civil no contact orders.**

- (a) Any civil no contact order shall describe each remedy granted by the court, in reasonable detail and not by reference to any other document, so that the respondent may clearly understand what he or she must do or refrain from doing.
- (b) A civil no contact order shall further state the following:
  - (1) The name of each petitioner that the court finds is a victim of a charged offense and the name of each other person protected by the civil no contact order.
  - (2) The date and time the civil no contact order was issued.
- (c) A civil no contact order shall include the following notice, printed in conspicuous type:

“Any knowing violation of a civil no contact order is a Class A misdemeanor. Any second or subsequent violation is a Class 4 felony.”

“This Civil No Contact Order is enforceable, even without registration, in all 50 states, the District of Columbia, tribal lands, and the U.S. territories under the Violence Against Women Act (18 U.S.C. 2265).”

**Section 112A-21.7. Contents of stalking no contact orders.**

- (a) Any stalking no contact order shall describe each remedy granted by the court, in reasonable detail and not by reference to any other document, so that the respondent may clearly understand what he or she must do or refrain from doing.
- (b) A stalking no contact order shall further state the following:
  - (1) The name of each petitioner that the court finds was the victim of stalking by the respondent.
  - (2) The date and time the stalking no contact order was issued.
- (c) A stalking no contact order shall include the following notice, printed in conspicuous type:

“An initial knowing violation of a stalking no contact order is a Class A misdemeanor. Any second or subsequent knowing violation is a Class 4 felony.”

“This Stalking No Contact Order is enforceable, even without registration, in all 50 states, the District of Columbia, tribal lands, and the U.S. territories under the Violence Against Women Act (18 U.S.C. 2265).”

**Section 112A-22. Notice of orders.**

- (a) Entry and issuance. Upon issuance of any protective order, the clerk shall immediately, or on the next court day if an ex parte order is issued under subsection (e) of Section 112A-17.5 of this Code, (i) enter the order on the record and file it in accordance with the circuit court procedures and (ii) provide a file stamped copy of the order to respondent and to petitioner, if present, and to the State’s Attorney. If the victim is not present the State’s Attorney shall (i) as soon as practicable notify the petitioner the order has been entered and (ii) provide a file stamped copy of the order to the petitioner within 3 days.
- (b) Filing with sheriff. The clerk of the issuing judge shall, on the same day that a protective order is issued, file a copy of that order with the sheriff or other law enforcement officials charged with maintaining Illinois State Police records or charged with serving the order upon respondent. If the order was issued under subsection (e) of Section 112A-17.5 of this Code, the clerk on the next court day shall file a certified copy of the order with the sheriff or other law enforcement officials charged with maintaining Illinois State Police records.
- (c) {Blank}
- (c-2) Service by sheriff. Unless respondent was present in court when the order was issued, the sheriff, other law enforcement official, or special process server shall promptly serve that order upon respondent and file proof of the service, in the manner provided for service of process in civil proceedings. Instead of serving the order upon the respondent; however, the sheriff, other law enforcement official, special process server, or other persons defined in Section 112A-22.1 of this Code may serve the respondent with a short form notification as provided in Section 112A-22.1 of this Code. If process has not yet been served upon the respondent, process shall be served with the order or short form notification if the service is made by the sheriff, other law enforcement official, or special process server.
- (c-3) If the person against whom the protective order is issued is arrested and the written order is issued under subsection (e) of Section 112A-17.5 of this Code and received by the custodial law enforcement agency before the respondent or arrestee is released from custody, the custodial law enforcement agency shall promptly serve the order upon the respondent or arrestee before the respondent or arrestee is released from custody. In no event shall detention of the respondent or arrestee be extended for a hearing on the petition for protective order or receipt of the order issued under Section 112A-17 of this Code.
- (c-4) Extensions, modifications, and revocations. Any order extending, modifying, or revoking any protective order shall be promptly recorded, issued, and served as provided in this Section.

- (c-5) {Blank}
- (d) {Blank}
- (e) Notice to health care facilities and health care practitioners. Upon the request of the petitioner, the clerk of the circuit court shall send a certified copy of the protective order to any specified health care facility or health care practitioner requested by the petitioner at the mailing address provided by the petitioner.
- (f) Disclosure by health care facilities and health care practitioners. After receiving a certified copy of a protective order that prohibits a respondent's access to records, no health care facility or health care practitioner shall allow a respondent access to the records of any child who is a protected person under the protective order, or release information in those records to the respondent, unless the order has expired or the respondent shows a certified copy of the court order vacating the corresponding protective order that was sent to the health care facility or practitioner. Nothing in this Section shall be construed to require health care facilities or health care practitioners to alter procedures related to billing and payment. The health care facility or health care practitioner may file the copy of the protective order in the records of a child who is a protected person under the protective order, or may employ any other method to identify the records to which a respondent is prohibited access. No health care facility or health care practitioner shall be civilly or professionally liable for reliance on a copy of a protective order, except for willful and wanton misconduct.
- (g) Notice to schools. Upon the request of the petitioner, within 24 hours of the issuance of a protective order, the clerk of the issuing judge shall send a certified copy of the protective order to the day-care facility, pre-school or pre-kindergarten, or private school or the principal office of the public school district or any college or university in which any child who is a protected person under the protective order or any child of the petitioner is enrolled as requested by the petitioner at the mailing address provided by the petitioner. If the child transfers enrollment to another day-care facility, pre-school, pre-kindergarten, private school, public school, college, or university, the petitioner may, within 24 hours of the transfer, send to the clerk written notice of the transfer, including the name and address of the institution to which the child is transferring. Within 24 hours of receipt of notice from the petitioner that a child is transferring to another day-care facility, pre-school, pre-kindergarten, private school, public school, college, or university, the clerk shall send a certified copy of the order to the institution to which the child is transferring.
- (h) Disclosure by schools. After receiving a certified copy of a protective order that prohibits a respondent's access to records, neither a day-care facility, pre-school, pre-kindergarten, public or private school, college, or university nor its employees shall allow a respondent access to a protected child's records or release information in those records to the respondent. The school shall file the copy of the protective order in the records of a child who is a protected person under the order. When a child who is a protected person under the protective order transfers to another day-care facility, pre-school, pre-kindergarten, public or private school, college, or university, the institution from which the child is transferring may, at the request of the petitioner, provide, within 24 hours of the transfer, written notice of the protective order, along with a certified copy of the order, to the institution to which the child is transferring.

**Section 112A-22.1. Short form notification.**

- (a) Instead of personal service of a protective order under Section 112A-22 of this Code, a sheriff, other law enforcement official, special process server, or personnel assigned by the Department of Corrections or Department of Juvenile Justice to investigate the alleged misconduct of committed persons or alleged violations of the person's conditions of parole, aftercare release, or mandatory supervised release, may serve a respondent with a short form notification. The short form notification shall include the following:
  - (1) Respondent's name.
  - (2) Respondent's date of birth, if known.
  - (3) Petitioner's name.
  - (4) Names of other protected parties.
  - (5) Date and county in which the protective order was filed.
  - (6) Court file number.
  - (7) Hearing date and time, if known.
  - (8) Conditions that apply to the respondent, either in checklist form or handwritten.
- (b) The short form notification shall contain the following notice in bold print:

“The order is now enforceable. You must report to the office of the sheriff or the office of the circuit court in (name of county) County to obtain a copy of the order. You are subject to arrest and may be charged with a misdemeanor or felony if you violate any of the terms of the order.”
- (c) Upon verification of the identity of the respondent and the existence of an unserved order against the respondent, a sheriff or other law enforcement official may detain the respondent for a reasonable time necessary to complete and serve the short form notification.
- (d) When service is made by short form notification under this Section, it may be proved by the affidavit of the person making the service.
- (e) The Attorney General shall make the short form notification form available to law enforcement agencies in this State.

**Section 112A-22.3. Withdrawal or dismissal of charges or petition.**

- (a) Voluntary dismissal or withdrawal of any delinquency petition or criminal prosecution or a finding of not guilty shall not require dismissal or vacation of the protective order; instead, at the request of the petitioner, petitioner's counsel, or the State's Attorney on behalf of the petitioner, it may be treated as an independent action and, if necessary and appropriate, transferred to a

different court or division. Dismissal of any delinquency petition or criminal prosecution shall not affect the validity of any previously issued protective order.

- (b) Withdrawal or dismissal of any petition for a protective order shall operate as a dismissal without prejudice.

**Section 112A-23. Enforcement of protective orders.**

- (a) When violation is crime. A violation of any protective order, whether issued in a civil, quasi-criminal proceeding, shall be enforced by a criminal court when:
  - (1) The respondent commits the crime of violation of a domestic violence order of protection pursuant to Section 12-3.4 or 12-30 of the Criminal Code of 1961 or the Criminal Code of 2012,<sup>1</sup> by having knowingly violated:
    - (i) remedies described in paragraphs (1), (2), (3), (14), or (14.5) of subsection (b) of Section 112A-14 of this Code
    - (ii) a remedy, which is substantially similar to the remedies authorized under paragraphs (1), (2), (3), (14), or (14.5) of subsection (b) of Section 214 of the Illinois Domestic Violence Act of 1986,<sup>2</sup> in a valid order of protection, which is authorized under the laws of another state, tribe or United States territory, or
    - (iii) any other remedy when the act constitutes a crime against the protected parties as defined by the Criminal Code of 1961 or the Criminal Code of 2012.<sup>3</sup>

Prosecution for a violation of a domestic violence order of protection shall not bar concurrent prosecution for any other crime, including any crime that may have been committed at the time of the violation of the domestic violence order of protection; or

- (2) The respondent commits the crime of child abduction pursuant to Section 10-5 of the Criminal Code of 1961 or the Criminal Code of 2012,<sup>4</sup> by having knowingly violated:
  - (i) remedies described in paragraphs (5), (6), or (8) of subsection (b) of Section 112A-14 of this Code, or
  - (ii) a remedy, which is substantially similar to the remedies authorized under paragraphs (1), (5), (6), or (8) of subsection (b) of Section 214 of the Illinois Domestic Violence Act of 1986, in a valid domestic violence order of protection, which is authorized under the laws of another state, tribe or United States territory.
- (3) The respondent commits the crime of violation of a civil no contact order when the respondent violates Section 12-3.8 of the Criminal Code of 2012. Prosecution for a violation of a civil no contact order shall not bar concurrent prosecution for any other crime, including any crime that may have been committed at the time of the violation of the civil no contact order.

- (4) The respondent commits the crime of violation of a stalking no contact order when the respondent violates Section 12-3.9 of the Criminal Code of 2012. Prosecution for a violation of a stalking no contact order shall not bar concurrent prosecution for any other crime, including any crime that may have been committed at the time of the violation of the stalking no contact order.
- (b) When violation is contempt of court. A violation of any valid protective order, whether issued in a civil or criminal proceeding, may be enforced through civil or criminal contempt procedures, as appropriate, by any court with jurisdiction, regardless where the act or acts which violated the protective order were committed, to the extent consistent with the venue provisions of this Article. Nothing in this Article shall preclude any Illinois court from enforcing any valid protective order issued in another state. Illinois courts may enforce protective orders through both criminal prosecution and contempt proceedings, unless the action which is second in time is barred by collateral estoppel or the constitutional prohibition against double jeopardy.
  - (1) In a contempt proceeding where the petition for a rule to show cause sets forth facts evidencing an immediate danger that the respondent will flee the jurisdiction, conceal a child, or inflict physical abuse on the petitioner or minor children or on dependent adults in petitioner's care, the court may order the attachment of the respondent without prior service of the rule to show cause or the petition for a rule to show cause. Bond shall be set unless specifically denied in writing.
  - (2) A petition for a rule to show cause for violation of a protective order shall be treated as an expedited proceeding.
- (c) Violation of custody, allocation of parental responsibility, or support orders. A violation of remedies described in paragraphs (5), (6), (8), or (9) of subsection (b) of Section 112A-14 of this Code may be enforced by any remedy provided by Section 607.5 of the Illinois Marriage and Dissolution of Marriage Act. The court may enforce any order for support issued under paragraph (12) of subsection (b) of Section 112A-14 of this Code in the manner provided for under Parts V and VII of the Illinois Marriage and Dissolution of Marriage Act.
- (d) Actual knowledge. A protective order may be enforced pursuant to this Section if the respondent violates the order after respondent has actual knowledge of its contents as shown through one of the following means:
  - (1) {Blank}
  - (2) {Blank}
  - (3) By service of a protective order under subsection (f) of Section 112A-17.5 or Section 112A-22 of this Code.
  - (4) By other means demonstrating actual knowledge of the contents of the order.
- (e) The enforcement of a protective order in civil or criminal court shall not be affected by either of the following:

- (1) The existence of a separate, correlative order entered under Section 112A-15 of this Code.
  - (2) Any finding or order entered in a conjoined criminal proceeding.
- (e-5) If a civil no contact order entered under subsection (6) of Section 112A-20 of the Code of Criminal Procedure of 1963 conflicts with an order issued pursuant to the Juvenile Court Act of 1987 or the Illinois Marriage and Dissolution of Marriage Act, the conflicting order issued under subsection (6) of Section 112A-20 of the Code of Criminal Procedure of 1963 shall be void.
- (f) Circumstances. The court, when determining whether or not a violation of a protective order has occurred, shall not require physical manifestations of abuse on the person of the victim.
- (g) Penalties.
- (1) Except as provided in paragraph (3) of this subsection (g), where the court finds the commission of a crime or contempt of court under subsections (a) or (b) of this Section, the penalty shall be the penalty that generally applies in such criminal or contempt proceedings, and may include one or more of the following: incarceration, payment of restitution, a fine, payment of attorneys' fees and costs, or community service.
  - (2) The court shall hear and take into account evidence of any factors in aggravation or mitigation before deciding an appropriate penalty under paragraph (1) of this subsection (g).
  - (3) To the extent permitted by law, the court is encouraged to:
    - (i) increase the penalty for the knowing violation of any protective order over any penalty previously imposed by any court for respondent's violation of any protective order or penal statute involving petitioner as victim and respondent as defendant;
    - (ii) impose a minimum penalty of 24 hours imprisonment for respondent's first violation of any protective order; and
    - (iii) impose a minimum penalty of 48 hours imprisonment for respondent's second or subsequent violation of a protective order unless the court explicitly finds that an increased penalty or that period of imprisonment would be manifestly unjust.
  - (4) In addition to any other penalties imposed for a violation of a protective order, a criminal court may consider evidence of any violations of a protective order:
    - (i) to increase, revoke, or modify the bail bond on an underlying criminal charge pursuant to Section 110-6 of this Code;
    - (ii) to revoke or modify an order of probation, conditional discharge, or supervision,

pursuant to Section 5-6-4 of the Unified Code of Corrections;

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

**Section 112A-25. Immunity from Prosecution.**

Any individual or organization acting in good faith to report the abuse of any person 60 years of age or older or to do any of the following in complying with the provisions of this Article shall not be subject to criminal prosecution or civil liability as a result of such action: providing any information to the appropriate law enforcement agency, providing that the giving of any information does not violate any privilege of confidentiality under law; assisting in any investigation; assisting in the preparation of any materials for distribution under this Article; or by providing services ordered under a protective order.

**Section 112A-26. Arrest without warrant.**

- (a) Any law enforcement officer may make an arrest without warrant if the officer has probable cause to believe that the person has committed or is committing any crime, including but not limited to violation of a domestic violence order of protection, under Section 12-3.4 or 12-30 of the Criminal Code of 1961 or the Criminal Code of 2012,<sup>1</sup> violation of a civil no contact order, under Section 11-1.75 of the Criminal Code of 2012, or violation of a stalking no contact order, under Section 12-7.5A of the Criminal Code of 2012, even if the crime was not committed in the presence of the officer.
- (b) The law enforcement officer may verify the existence of a protective order by telephone or radio communication with his or her law enforcement agency or by referring to the copy of the order provided by petitioner or respondent.

**Section 112A-27. Law enforcement policies.**

- (a) Every law enforcement agency shall develop, adopt, and implement written policies regarding arrest procedures for domestic violence incidents consistent with the provisions of this Article. In developing these policies, each law enforcement agency shall consult with community organizations and other law enforcement agencies with expertise in recognizing and handling domestic violence incidents.
- (b) In the initial training of new recruits and every 5 years in the continuing education of law enforcement officers, every law enforcement agency shall provide training to aid in understanding the actions of domestic violence victims and abusers and to prevent further victimization of those who have been abused, focusing specifically on looking beyond the physical evidence to the psychology of domestic violence situations, such as the dynamics of the aggressor-victim relationship, separately evaluating claims where both parties claim to be the victim, and long-term effects.

The Law Enforcement Training Standards Board shall formulate and administer the training

under this subsection (b) as part of the current programs for both new recruits and active law enforcement officers. The Board shall formulate the training by July 1, 2017, and implement the training statewide by July 1, 2018. In formulating the training, the Board shall work with community organizations with expertise in domestic violence to determine which topics to include. The Law Enforcement Training Standards Board shall oversee the implementation and continual administration of the training.

**Section 112A-28. Data maintenance by law enforcement agencies.**

- (a) All sheriffs shall furnish to the Illinois State Police, daily, in the form and detail the Department requires, copies of any recorded protective orders issued by the court, and any foreign protective orders filed by the clerk of the court, and transmitted to the sheriff by the clerk of the court. Each protective order shall be entered in the Law Enforcement Agencies Data System on the same day it is issued by the court.
- (b) The Illinois State Police shall maintain a complete and systematic record and index of all valid and recorded protective orders issued or filed under this Act. The data shall be used to inform all dispatchers and law enforcement officers at the scene of an alleged incident of abuse or violation of a protective order of any recorded prior incident of abuse involving the abused party and the effective dates and terms of any recorded protective order.
- (c) The data, records and transmittals required under this Section shall pertain to:
  - (1) any valid emergency, interim or plenary domestic violence order of protection, civil no contact or stalking no contact order issued in a civil proceeding; and
  - (2) any valid ex parte or final protective order issued in a criminal proceeding or authorized under the laws of another state, tribe, or United States territory.

**Section 112A-29. Reports by law enforcement officers.**

- (a) Every law enforcement officer investigating an alleged incident of abuse between family or household members shall make a written police report of any bona fide allegation and the disposition of such investigation. The police report shall include the victim's statements as to the frequency and severity of prior incidents of abuse by the same family or household member and the number of prior calls for police assistance to prevent such further abuse.
- (b) Every police report completed pursuant to this Section shall be recorded and compiled as a domestic crime within the meaning of Section 5.1 of the Criminal Identification Act.<sup>1</sup>

**Section 112A-30. Assistance by law enforcement officers.**

- (a) Whenever a law enforcement officer has reason to believe that a person has been abused by a family or household member, the officer shall immediately use all reasonable means to prevent further abuse, including:

- (1) Arresting the abusing party, where appropriate;
  - (2) If there is probable cause to believe that particular weapons were used to commit the incident of abuse, subject to constitutional limitations, seizing and taking inventory of the weapons;
  - (3) Accompanying the victim of abuse to his or her place of residence for a reasonable period of time to remove necessary personal belongings and possessions;
  - (4) Offering the victim of abuse immediate and adequate information (written in a language appropriate for the victim or in Braille or communicated in appropriate sign language), which shall include a summary of the procedures and relief available to victims of abuse under this Article and the officer's name and badge number;
  - (5) Providing the victim with one referral to an accessible service agency;
  - (6) Advising the victim of abuse about seeking medical attention and preserving evidence (specifically including photographs of injury or damage and damaged clothing or other property); and
  - (7) Providing or arranging accessible transportation for the victim of abuse (and, at the victim's request, any minors or dependents in the victim's care) to a medical facility for treatment of injuries or to a nearby place of shelter or safety; or, after the close of court business hours, providing or arranging for transportation for the victim (and, at the victim's request, any minors or dependents in the victim's care) to the nearest available circuit judge or associate judge so the victim may file a petition for an emergency order of protection under Section 217 of the Illinois Domestic Violence Act of 1986. When a victim of abuse chooses to leave the scene of the offense, it shall be presumed that it is in the best interests of any minors or dependents in the victim's care to remain with the victim or a person designated by the victim, rather than to remain with the abusing party.
- (b) Whenever a law enforcement officer does not exercise arrest powers or otherwise initiate criminal proceedings, the officer shall:
- (1) Make a police report of the investigation of any bona fide allegation of an incident of abuse and the disposition of the investigation, in accordance with subsection (a) of Section 112A-29;
  - (2) Inform the victim of abuse of the victim's right to request that a criminal proceeding be initiated where appropriate, including specific times and places for meeting with the State's Attorney's office, a warrant officer, or other official in accordance with local procedure; and
  - (3) Advise the victim of the importance of seeking medical attention and preserving evidence (specifically including photographs of injury or damage and damaged clothing or other property).

- (c) Except as provided by Section 24-6 of the Criminal Code of 2012<sup>1</sup> or under a court order, any weapon seized under subsection (a)(2) shall be returned forthwith to the person from whom it was seized when it is no longer needed for evidentiary purposes.

**Section 112A-31. Limited law enforcement liability.**

Any act of omission or commission by any law enforcement officer acting in good faith in rendering emergency assistance or otherwise enforcing this Article shall not impose civil liability upon the law enforcement officer or his or her supervisor or employer, unless the act is a result of willful or wanton misconduct.