

Illinois Domestic Violence Act - Victim Information
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Domestic Violence

Domestic violence is a crime. Any person who hits, chokes, kicks, threatens, harasses, or interferes with the personal liberty of another **family or household member** has broken the law. In Illinois law family or household members are defined as:

- family members related by blood or current or former marriage;
- people who share or used to share a home, apartment, or other common dwelling;
- people who have or allegedly have child in common or a blood relationship through a child;
- currently or formerly dating or engaged couples, including opposite and same sex couples; and
- people with disabilities and their personal assistants.

Law Enforcement Response

Law enforcement officers are to use all reasonable means to prevent further abuse, including:

- arresting the abuser where appropriate and completing a police report on all good faith allegations;
- if there is probable cause to believe that weapons were used, taking the weapons;
- arranging for or transporting the victims to a medical facility or shelter safe place;
- accompanying the victim back to the residence to get belongings;
- advising the victim of his or her right to an order of protection and the importance of preserving evidence, such as damaged clothing, property and photographs of injuries or damage.

The Illinois Domestic Violence Act assumes it is in the best interest of the child to remain with the victim or someone the victim designates.

Orders of protection

An order of protection is a court order available to family or household members prohibiting an abuser from certain activities and ordering the abuser to take certain actions. An order of protection may:

- prohibit abuser from continuing threats and abuse (abuse includes physical abuse, harassment, intimidation, interference with personal liberty, or willful deprivation)
- bar abuser from shared residence or bar abuser while under the influence of drugs or alcohol;
- order abuser to stay away from victim and other persons protected by the order and / or bar abuser from victim's work, school, or other specific locations;
- require abuser to attend counseling;
- prohibit abuser from removing child from state or concealing child;
- require abuser to bring child into court or appear in court without child;
- give victim temporary physical possession of children or grant victim temporary legal custody;
- specify visitation rights (if and when visitation is awarded);
- bar abuser from accessing child's records;
- give victim possession of personal property and require abuser to turn it over, or bar abuser from damaging, destroying or selling personal property;
- require abuser to pay support for minor children living with victim, require abuser to pay victim for losses suffered from the abuse, require abuser to pay for victim's shelter or counseling services;
- require abuser to turn weapons over to local law enforcement, if there is danger of illegal use against victim; and
- prohibit abuser from other actions or require abuser to take other steps to protect the victim.

To obtain an Order of Protection, you can:

- Contact a nearby domestic violence program and ask for assistance.
- Go to your local circuit clerk's office and request the necessary paperwork.
- Ask your attorney to file a petition in civil court.
- Request an order with your divorce proceedings.
- Request an order during a criminal prosecution.

Criminal Prosecutions

If an arrest wasn't made and you wish to seek criminal charges against your abuser, bring all relevant information, including the police report number and this form, to your local state's attorney. It may be helpful to contact a domestic violence program so they can help you through the system.

Bail Bond Provisions

When anyone is charged with a misdemeanor offense and the victim is a family or household member, that abuser is most likely prohibited from contacting the victim and from entering or remaining at the victim's residence for a minimum of 72 hours. If an abuser does contact the victim, the victim should call police because abuser can be charged with an additional offense, violation of bail bond, which is a Class A misdemeanor.

Violation of an Order of Protection

An abuser commits a Class A misdemeanor if they violate an order of protection. The first violation is punishable by up to 364 days in jail and a \$25 fine. A violation of an order of protection can be charged as a Class 4 felony if it is a second violation of order of protection or a violation after conviction of a serious crime against a family or household member. If an abuser commits a second violation of order of protection, courts must sentence the abuser to 24 hours jail time and order abuser to pay \$100 domestic violence fine, unless the increased penalty is found manifestly unjust or the fine will impose an undue harm on the *victim*.