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Civil No Contacts Orders for Victims of Sexual Abuse/Assault

Civil No Contact Orders (CNCOs) were created in 2004 to protect victims of non-consensual sexual conduct or sexual penetration from the person who assaulted them. More than 70% of sexual assaults are committed by someone the victim knows,¹ at least minimally, such as a classmate, co-worker or boss, neighbor, employee at a business the victim uses, family members or current/former intimate partners. The victim of an acquaintance rape is likely to encounter her attacker again. The CNCO is designed to protect the victim from unwanted contact from the attacker.

PETITIONING FOR A CNCO

The petitioner must be someone who has been the victim, at least once, of non-consensual sexual conduct or sexual penetration by the respondent.

Sexual conduct means any intentional or knowing:

- Touching or fondling by the petitioner or the respondent of the sex organs, anus or breast of the petitioner or respondent; or
- Any transfer or transmission of semen by the respondent upon any part of the clothed or unclothed body of the petitioner; for the sexual gratification of the petitioner or respondent. 740 ILCS 22/103

Sexual penetration means:

- Any contact, however slight, between the sex organs 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.

Sexual penetration includes, but is not limited to, cunnilingus, fellatio or anal penetration. 740 ILCS 22/103

The definitions of sexual conduct and sexual penetration come from the criminal code but the criminal charge requires the use of force or the threat of force. For the purpose of obtaining a CNCO, the petitioner only needs to show that the conduct was non-consensual, that is, there was no freely given agreement. 740 ILCS 22/203

REMEDIES

The court may provide the following relief:

- Prohibit the respondent from knowingly coming within, or knowingly remaining within, a specified distance from the petitioner;
- Restrain the respondent from having any contact with the petitioner directly, indirectly or through third parties, regardless of whether the third parties knows of the order, including both physical and non-physical contact;
- Prohibit the respondent from knowingly coming within, or knowing remaining within, a specified distance from the petitioner's residence, school, day care or other specified location;
- 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



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- Order any other injunctive relief as necessary or appropriate for the protection of the petitioner. 740 ILCS 22/213 (b -5)

When the petitioner and the respondent attend the same public or private elementary, middle or high school, the court may order that the respondent not attend that school. In making that determination, the court must consider:

- The severity of the act;
- Any continuing physical danger or emotional distress to the petitioner; and
- The expense, difficulty and educational disruption that would be caused by a transfer of the respondent to another school.

If the court does order a transfer of the respondent to another school, the parents or legal guardians of the respondent are responsible for transportation and other costs of attending the new school. 740 ILCS 22/213 (b -6)

AVAILABILITY AND DURATION OF CNCOs

CNCO orders are available in an independent proceeding or in a conjoined criminal or juvenile court case. 740 ILCS 22/202. In Chicago, a petition for a CNCO that is not connected to a criminal or juvenile case can be filed any day the court is open. Petitioners should arrive between 8:30 am and 2:00 pm. To obtain a CNCO as part of a criminal or juvenile case, the victim should speak to the assistant state's attorney handling their case.

It is not necessary for the victim to disclose an address not already known by the respondent. 740 ILCS 22/293. There are no filing or service fees for the petitioner. 740 ILCS 22/204(c). A CNCO can be entered on behalf of or against a minor. 740 ILCS 213 (a).

The orders are entered into the Law Enforcement Automated Data System (LEADS) on the same day issued. 740 ILCS 22/302(a).

An emergency CNCO is effective for 14-21 days. A plenary CNCO is effective for a fixed period of time up to 2 years unless it was entered in conjunction with a criminal case. In a criminal case, it is effective until 2 years after the criminal sentence or disposition has ended. 740 ILCS 22/216.

FULL FAITH AND CREDIT

A CNCO is enforceable in all 50 states, the District of Columbia, tribal lands and the US territories. Registration is not required. 740 ILCS 22/17 (d).

ENFORCEMENT

A knowing violation of any of the remedies of the CNCO is a Class A misdemeanor for the first offense. Any second or subsequent violation may be charged as a Class 4 felony. The respondent must have actual knowledge of the order. 740 ILCS 22/219.

RAPE CRISIS ADVOCATES

Advocates are available at Rape Crisis Centers to assist victims in obtaining a CNCO. Communication between the victim and the advocate is confidential under Illinois law. In the Chicago area, victims can call the Chicago Rape Crisis Hotline at 1-888-293-2080 or view a list of crisis centers at the website of the Illinois Coalition Against Sexual Assault at www.icasa.org.

SEXUAL ASSAULT INCIDENT NOTICE

The Department has created a Sexual Assault Incident Notice for distribution to victims of sexual assault which provides referral numbers and other helpful information. CPD-23.404 (6/07).

¹ U.S. Dept of Justice, 2005 National Crime Victimization Study.

Further information can be obtained by calling the Domestic Violence Program at 312-745-6340, or the City of Chicago Domestic Violence Help Line at 1-877-863-6338 or 1-877-863-6339 (TTY), or if you or someone you know needs immediate assistance, call 911.