

1 AN ACT in relation to domestic violence.

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

4 Section 5. The Code of Criminal Procedure of 1963 is  
5 amended by changing Section 112A-24 as follows:

6 (725 ILCS 5/112A-24) (from Ch. 38, par. 112A-24)

7 Sec. 112A-24. Modification and re-opening of orders.

8 (a) Except as otherwise provided in this Section, upon  
9 motion by petitioner, the court may modify an emergency,  
10 interim, or plenary order of protection:

11 (1) If respondent has abused petitioner since the  
12 hearing for that order, by adding or altering one or more  
13 remedies, as authorized by Section 112A-14; and

14 (2) Otherwise, by adding any remedy authorized by  
15 Section 112A-14 which was:

16 (i) reserved in that order of protection;

17 (ii) not requested for inclusion in that order  
18 of protection; or

19 (iii) denied on procedural grounds, but not on  
20 the merits.

21 (b) Upon motion by petitioner or respondent, the court  
22 may modify any prior order of protection's remedy for  
23 custody, visitation or payment of support in accordance with  
24 the relevant provisions of the Illinois Marriage and  
25 Dissolution of Marriage Act.

26 (c) After 30 days following the entry of a plenary order  
27 of protection, a court may modify that order only when  
28 changes in the applicable law or facts since that plenary  
29 order was entered warrant a modification of its terms.

30 (d) Upon 2 days notice to petitioner, in accordance with  
31 Section 112A-11, or such shorter notice as the court may

1 prescribe, a respondent subject to an emergency or interim  
2 order of protection issued under this Article may appear and  
3 petition the court to re-hear the original or amended  
4 petition. Any petition to re-hear shall be verified and shall  
5 allege the following:

6 (1) that respondent did not receive prior notice of  
7 the initial hearing in which the emergency or interim  
8 order was entered, in accordance with Sections 112A-11  
9 and 112A-17; and

10 (2) that respondent had a meritorious defense to  
11 the order or any of its remedies or that the order or any  
12 of its remedies was not authorized under this Article.

13 (e) If the emergency or interim order granted petitioner  
14 exclusive possession of the residence and the petition of  
15 respondent seeks to re-open or vacate that grant, the court  
16 shall set a date for hearing within 14 days on all issues  
17 relating to exclusive possession. Under no circumstances  
18 shall a court continue a hearing concerning exclusive  
19 possession beyond the 14th day except by agreement of the  
20 parties. Other issues raised by the pleadings may be  
21 consolidated for the hearing if neither party nor the court  
22 objects.

23 (f) This Section does not limit the means, otherwise  
24 available by law, for vacating or modifying orders of  
25 protection.

26 (g) The court may not revoke an emergency, interim, or  
27 plenary order of protection or impose sanctions against the  
28 petitioner solely for the reason that the petitioner returned  
29 to the household of the respondent or did not stay away from  
30 the respondent despite an order imposing a remedy under  
31 paragraph (2) or (3) of subsection (b) of Section 112A-14.  
32 If the petitioner voluntarily seeks the termination of the  
33 order of protection, he or she shall not be prohibited from  
34 filing for another order of protection against the same

1 respondent.

2 (Source: P.A. 87-1186.)

3 Section 10. The Illinois Domestic Violence Act of 1986  
4 is amended by changing Section 224 as follows:

5 (750 ILCS 60/224) (from Ch. 40, par. 2312-24)

6 Sec. 224. Modification and re-opening of orders.

7 (a) Except as otherwise provided in this Section, upon  
8 motion by petitioner, the court may modify an emergency,  
9 interim, or plenary order of protection:

10 (1) If respondent has abused petitioner since the  
11 hearing for that order, by adding or altering one or more  
12 remedies, as authorized by Section 214; and

13 (2) Otherwise, by adding any remedy authorized by  
14 Section 214 which was:

15 (i) reserved in that order of protection;

16 (ii) not requested for inclusion in that order  
17 of protection; or

18 (iii) denied on procedural grounds, but not on  
19 the merits.

20 (b) Upon motion by petitioner or respondent, the court  
21 may modify any prior order of protection's remedy for  
22 custody, visitation or payment of support in accordance with  
23 the relevant provisions of the Illinois Marriage and  
24 Dissolution of Marriage Act. Each order of protection shall  
25 be entered in the Law Enforcement Automated Data System on  
26 the same day it is issued by the court.

27 (c) After 30 days following entry of a plenary order of  
28 protection, a court may modify that order only when changes  
29 in the applicable law or facts since that plenary order was  
30 entered warrant a modification of its terms.

31 (d) Upon 2 days' notice to petitioner, in accordance  
32 with Section 211 of this Act, or such shorter notice as the

1 court may prescribe, a respondent subject to an emergency or  
2 interim order of protection issued under this Act may appear  
3 and petition the court to re-hear the original or amended  
4 petition. Any petition to re-hear shall be verified and  
5 shall allege the following:

6 (1) that respondent did not receive prior notice of  
7 the initial hearing in which the emergency, interim, or  
8 plenary order was entered under Sections 211 and 217; and

9 (2) that respondent had a meritorious defense to  
10 the order or any of its remedies or that the order or any  
11 of its remedies was not authorized by this Act.

12 (e) In the event that the emergency or interim order  
13 granted petitioner exclusive possession and the petition of  
14 respondent seeks to re-open or vacate that grant, the court  
15 shall set a date for hearing within 14 days on all issues  
16 relating to exclusive possession. Under no circumstances  
17 shall a court continue a hearing concerning exclusive  
18 possession beyond the 14th day, except by agreement of the  
19 parties. Other issues raised by the pleadings may be  
20 consolidated for the hearing if neither party nor the court  
21 objects.

22 (f) This Section does not limit the means, otherwise  
23 available by law, for vacating or modifying orders of  
24 protection.

25 (g) The court may not revoke an emergency, interim, or  
26 plenary order of protection or impose sanctions against the  
27 petitioner solely for the reason that the petitioner returned  
28 to the household of the respondent or did not stay away from  
29 the respondent despite an order imposing a remedy under  
30 paragraph (2) or (3) of subsection (b) of Section 214. If  
31 the petitioner voluntarily seeks the termination of the order  
32 of protection, he or she shall not be prohibited from filing  
33 for another order of protection against the same respondent.

34 (Source: P.A. 87-1186.)