

1 AN ACT concerning health.

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

4 Section 5. The Mental Health and Developmental
5 Disabilities Code is amended by changing Sections 3-100,
6 3-752, 3-753, and 3-812 as follows:

7 (405 ILCS 5/3-100) (from Ch. 91 1/2, par. 3-100)

8 Sec. 3-100. Jurisdiction over involuntary admissions.

9 (a) The circuit court has jurisdiction under this Chapter
10 over persons not charged with a felony who are subject to
11 involuntary admission.

12 (b) The circuit court has jurisdiction over all persons
13 who are subject to involuntary admission on an outpatient
14 basis under Article VII-A of this Chapter. This subsection (b)
15 is inoperative on and after January 1, 2030.

16 (c) Inmates of penal institutions shall not be considered
17 as charged with a felony within the meaning of this Chapter.
18 Court proceedings under Article VIII of this Chapter may be
19 instituted as to any such inmate at any time within 90 days
20 prior to discharge of such inmate by expiration of sentence or
21 otherwise, and if such inmate is found to be subject to
22 involuntary admission, the order of the court ordering
23 hospitalization or other disposition shall become effective at

1 the time of discharge of the inmate from penal custody.

2 (d) The circuit court has jurisdiction over all persons
3 alleged to be in need of treatment under Section 2-107.1 of
4 this Code, whether or not they are charged with a felony.

5 (Source: P.A. 99-179, eff. 7-29-15.)

6 (405 ILCS 5/3-752)

7 Sec. 3-752. Certificate.

8 (a) The petition may be accompanied by the certificate of
9 a physician, qualified examiner, psychiatrist, advanced
10 practice psychiatric nurse, or clinical psychologist which
11 certifies that the respondent is subject to involuntary
12 admission on an outpatient basis. The certificate shall
13 indicate that the physician, qualified examiner, psychiatrist,
14 advanced practice psychiatric nurse, or clinical psychologist
15 personally examined the respondent not more than 72 hours
16 prior to the completion of the certificate. It shall also
17 contain the physician's, qualified examiner's, psychiatrist's,
18 advanced practice psychiatric nurse's, or clinical
19 psychologist's clinical observations, other factual
20 information relied upon in reaching a diagnosis, and a
21 statement as to whether the respondent was advised of his or
22 her rights under Section 3-208.

23 (b) Upon receipt of the petition either with or without a
24 certificate, if the court finds the documents are in order, it
25 may make such orders pursuant to Section 3-753 as are

1 necessary to provide for examination of the respondent. If the
2 petition is not accompanied by a certificate ~~2-certificates~~
3 executed pursuant to Section 3-753, the court may order the
4 respondent to present himself or herself for examination at a
5 time and place designated by the court. If the petition is
6 accompanied by a certificate ~~2-certificates~~ executed pursuant
7 to Section 3-753 and the court finds the documents are in
8 order, the court shall set the matter for hearing.

9 (Source: P.A. 101-587, eff. 1-1-20.)

10 (405 ILCS 5/3-753)

11 Sec. 3-753. Examination. If no certificate was filed, the
12 respondent shall be examined separately by a physician,
13 clinical psychologist, advanced practice psychiatric nurse, ~~or~~
14 qualified examiner, or ~~and by a psychiatrist. If a certificate~~
15 ~~executed by a psychiatrist was filed, the respondent shall be~~
16 ~~examined by a physician, clinical psychologist, qualified~~
17 ~~examiner, advanced practice psychiatric nurse, or~~
18 ~~psychiatrist. If a certificate executed by a qualified~~
19 ~~examiner, clinical psychologist, advanced practice psychiatric~~
20 ~~nurse, or a physician who is not a psychiatrist was filed, the~~
21 ~~respondent shall be examined by a psychiatrist.~~ The examining
22 physician, clinical psychologist, qualified examiner, advanced
23 practice psychiatric nurse, or psychiatrist may interview by
24 telephone or in person any witnesses or other persons listed
25 in the petition for involuntary admission. If, as a result of

1 an examination, a certificate is executed, the certificate
2 shall be promptly filed with the court. If a certificate is
3 executed, the examining physician, clinical psychologist,
4 qualified examiner, advanced practice psychiatric nurse, or
5 psychiatrist may also submit for filing with the court a
6 report in which his or her findings are described in detail,
7 and may rely upon such findings for his opinion that the
8 respondent is subject to involuntary admission. Copies of the
9 certificates shall be made available to the attorneys for the
10 parties upon request prior to the hearing.

11 (Source: P.A. 101-587, eff. 1-1-20.)

12 (405 ILCS 5/3-812) (from Ch. 91 1/2, par. 3-812)

13 Sec. 3-812. Court ordered admission on an outpatient
14 basis; modification; revocation.

15 (a) If a respondent is found subject to involuntary
16 admission on an outpatient basis, the court may issue an
17 order: (i) placing the respondent in the care and custody of a
18 relative or other person willing and able to properly care for
19 him or her; or (ii) committing the respondent to alternative
20 treatment at a community mental health provider.

21 (b) An order placing the respondent in the care and
22 custody of a relative or other person shall specify the powers
23 and duties of the custodian. Unless the respondent is charged
24 with a felony, an ~~An~~ order of care and custody entered pursuant
25 to this Section may grant the custodian the authority to admit

1 a respondent to a hospital if the respondent fails to comply
2 with the conditions of the order. If necessary in order to
3 obtain the hospitalization of the respondent, the custodian
4 may apply to the court for an order authorizing an officer of
5 the peace to take the respondent into custody and transport
6 the respondent to a mental health facility. The provisions of
7 Section 3-605 shall govern the transportation of the
8 respondent to a mental health facility, except to the extent
9 that those provisions are inconsistent with this Section. No
10 person admitted to a hospital pursuant to this subsection
11 shall be detained for longer than 24 hours, excluding
12 Saturdays, Sundays, and holidays, unless, within that period,
13 a petition for involuntary admission on an inpatient basis and
14 a certificate supporting such petition have been filed as
15 provided in Section 3-611.

16 (c) Alternative treatment shall not be ordered unless the
17 program being considered is capable of providing adequate and
18 humane treatment in the least restrictive setting which is
19 appropriate to the respondent's condition. The court shall
20 have continuing authority to modify an order for alternative
21 treatment if the recipient fails to comply with the order or is
22 otherwise found unsuitable for alternative treatment. Prior to
23 modifying such an order, the court shall receive a report from
24 the facility director of the program specifying why the
25 alternative treatment is unsuitable. The recipient shall be
26 notified and given an opportunity to respond when modification

1 of the order for alternative treatment is considered. If the
2 court determines that the respondent has violated the order
3 for alternative treatment in the community or that alternative
4 treatment in the community will no longer provide adequate
5 assurances for the safety of the respondent or others, the
6 court may revoke the order for alternative treatment in the
7 community and may order a peace officer to take the recipient
8 into custody and transport him to an inpatient mental health
9 facility. The provisions of Section 3-605 shall govern the
10 transportation of the respondent to a mental health facility,
11 except to the extent that those provisions are inconsistent
12 with this Section. No person admitted to a hospital pursuant
13 to this subsection shall be detained for longer than 24 hours,
14 excluding Saturdays, Sundays, and holidays, unless, within
15 that period, a petition for involuntary admission on an
16 inpatient basis and a certificate supporting such petition
17 have been filed as provided in Section 3-611.

18 (d) A court order placing the respondent in the care and
19 custody of a relative or other person willing and able to
20 properly care for him or her or committing the respondent to
21 alternative treatment at a community mental health provider
22 may include provisions requiring that the respondent
23 participate in: case management services, individual or group
24 therapy, day or partial day programs, educational or
25 vocational training, supervised living, assertive community
26 treatment team services, and any other mental health treatment

1 that would help prevent relapse or deterioration resulting in
2 hospitalization; however, psychotropic medication or
3 electroconvulsive therapy and accompanying tests may be
4 ordered only pursuant to Section 2-107.1. Unless the
5 respondent is charged with a felony, the court may also order
6 the custodian or treatment provider to file under seal
7 periodic reports with the court reflecting the respondent's
8 participation in treatment and his or her clinical condition
9 and provide copies to the State's Attorney and respondent's
10 counsel. If the respondent is charged with a felony, no
11 document filed pursuant to this Section shall be admissible in
12 any other proceeding, including, but not limited to,
13 proceedings related to the felony, except that such documents
14 may be admissible in a proceeding under Section 2-107.1.

15 (e) Noncompliance with an order placing the respondent in
16 the care and custody of a relative or other person willing and
17 able to properly care for him or her or committing the
18 respondent to alternative treatment at a community mental
19 health provider shall not be a basis for a finding of contempt.

20 (Source: P.A. 98-221, eff. 1-1-14.)

21 Section 10. The Clerks of Courts Act is amended by
22 changing Section 27.1c as follows:

23 (705 ILCS 105/27.1c)

24 Sec. 27.1c. Assessment report.

1 (a) Not later than March 1, 2022, and March 1 of every year
2 thereafter, the clerk of the circuit court shall submit to the
3 Administrative Office of the Illinois Courts an annual report
4 for the period January 1 through December 31 of the previous
5 year. The report shall contain, with respect to each of the 4
6 categories of civil cases established by the Supreme Court
7 pursuant to Section 27.1b of this Act:

8 (1) the total number of cases that were filed;

9 (2) the amount of filing fees that were collected
10 pursuant to subsection (a) of Section 27.1b;

11 (3) the amount of appearance fees that were collected
12 pursuant to subsection (b) of Section 27.1b;

13 (4) the amount of fees collected pursuant to
14 subsection (b-5) of Section 27.1b;

15 (5) the amount of filing fees collected for
16 counterclaims or third party complaints pursuant to
17 subsection (c) of Section 27.1b;

18 (6) the nature and amount of any fees collected
19 pursuant to subsection (y) of Section 27.1b; and

20 (7) the number of cases for which, pursuant to Section
21 5-105 of the Code of Civil Procedure, there were waivers
22 of fees, costs, and charges of 25%, 50%, 75%, or 100%,
23 respectively, and the associated amount of fees, costs,
24 and charges that were waived.

25 (b) The Administrative Office of the Illinois Courts shall
26 publish the reports submitted under this Section on its

1 website.

2 (c) (Blank).

3 (c-5) Not later than March 1, 2026, and March 1 of every
4 year thereafter, the clerk of the circuit court shall submit
5 to the Administrative Office of the Illinois Courts a report
6 for the previous calendar year containing the total number of
7 petitions filed asserting that a person is subject to
8 involuntary admission on an outpatient basis pursuant to
9 Section 3-751 of the Mental Health and Developmental
10 Disabilities Code. This subsection (c) is inoperative on and
11 after January 1, 2030.

12 (Source: P.A. 101-645, eff. 6-26-20; 102-145, eff. 7-23-21.)