

HB3370



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB3370

Introduced 2/18/2025, by Rep. Joyce Mason

SYNOPSIS AS INTRODUCED:

750 ILCS 60/202

from Ch. 40, par. 2312-2

Amends the Illinois Domestic Violence Act of 1986. Provides that, when a petition for an emergency order of protection is filed, the petition may not be made public until the petition is served (i) on the respondent or (ii) the respondent or the respondent's counsel has filed an appearance and waiver of service.

LRB104 09691 JRC 19757 b

A BILL FOR

1 AN ACT concerning civil law.

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

4 Section 5. The Illinois Domestic Violence Act of 1986 is
5 amended by changing Section 202 as follows:

6 (750 ILCS 60/202) (from Ch. 40, par. 2312-2)

7 Sec. 202. Commencement of action; filing fees; dismissal.

8 (a) How to commence action. Actions for orders of
9 protection are commenced:

10 (1) Independently: By filing a petition for an order
11 of protection in any civil court, unless specific courts
12 are designated by local rule or order.

13 (2) In conjunction with another civil proceeding: By
14 filing a petition for an order of protection under the
15 same case number as another civil proceeding involving the
16 parties, including, but not limited to: (i) any proceeding
17 under the Illinois Marriage and Dissolution of Marriage
18 Act, Illinois Parentage Act of 2015, Nonsupport of Spouse
19 and Children Act, or Revised Uniform Reciprocal
20 Enforcement of Support Act or an action for nonsupport
21 brought under Article X of the Illinois Public Aid Code,
22 provided that a petitioner and the respondent are a party
23 to or the subject of that proceeding or (ii) a

1 guardianship proceeding under the Probate Act of 1975, or
2 a proceeding for involuntary commitment under the Mental
3 Health and Developmental Disabilities Code, or any
4 proceeding, other than a delinquency petition, under the
5 Juvenile Court Act of 1987, provided that a petitioner or
6 the respondent is a party to or the subject of such
7 proceeding.

8 (3) In conjunction with a delinquency petition or a
9 criminal prosecution as provided in Section 112A-20 of the
10 Code of Criminal Procedure of 1963.

11 (a-1) A petition for an order of protection may be filed in
12 person or online.

13 (a-5) When a petition for an emergency order of protection
14 is filed, the petition shall not be public until the petition
15 is (i) served on the respondent or (ii) the respondent or
16 respondent's counsel has filed an appearance and waiver of
17 service.

18 Accessibility to the petition under this subsection prior
19 to the petition being served on the respondent shall be in
20 accordance with Section 5 of the Court Record and Document
21 Accessibility Act.

22 (b) Filing, certification, and service fees. No fee shall
23 be charged by the clerk for filing, amending, vacating,
24 certifying, or photocopying petitions or orders; or for
25 issuing alias summons; or for any related filing service. No
26 fee shall be charged by the sheriff for service by the sheriff

1 of a petition, rule, motion, or order in an action commenced
2 under this Section.

3 (c) Dismissal and consolidation. Withdrawal or dismissal
4 of any petition for an order of protection prior to
5 adjudication where the petitioner is represented by the State
6 shall operate as a dismissal without prejudice. No action for
7 an order of protection shall be dismissed because the
8 respondent is being prosecuted for a crime against the
9 petitioner. An independent action may be consolidated with
10 another civil proceeding, as provided by paragraph (2) of
11 subsection (a) of this Section. For any action commenced under
12 paragraph (2) or (3) of subsection (a) of this Section,
13 dismissal of the conjoined case (or a finding of not guilty)
14 shall not require dismissal of the action for the order of
15 protection; instead, it may be treated as an independent
16 action and, if necessary and appropriate, transferred to a
17 different court or division. Dismissal of any conjoined case
18 shall not affect the validity of any previously issued order
19 of protection, and thereafter subsections (b)(1) and (b)(2) of
20 Section 220 shall be inapplicable to such order.

21 (d) Pro se petitions. The court shall provide, through the
22 office of the clerk of the court, simplified forms and
23 clerical assistance to help with the writing and filing of a
24 petition under this Section by any person not represented by
25 counsel. In addition, that assistance may be provided by the
26 State's Attorney.

1 (e) As provided in this subsection, the administrative
2 director of the Administrative Office of the Illinois Courts,
3 with the approval of the administrative board of the courts,
4 may adopt rules to establish and implement a pilot program to
5 allow the electronic filing of petitions for temporary orders
6 of protection and the issuance of such orders by audio-visual
7 means to accommodate litigants for whom attendance in court to
8 file for and obtain emergency relief would constitute an undue
9 hardship or would constitute a risk of harm to the litigant.

10 (1) As used in this subsection:

11 (A) "Electronic means" means any method of
12 transmission of information between computers or other
13 machines designed for the purpose of sending or
14 receiving electronic transmission and that allows for
15 the recipient of information to reproduce the
16 information received in a tangible medium of
17 expression.

18 (B) "Independent audio-visual system" means an
19 electronic system for the transmission and receiving
20 of audio and visual signals, including those with the
21 means to preclude the unauthorized reception and
22 decoding of the signals by commercially available
23 television receivers, channel converters, or other
24 available receiving devices.

25 (C) "Electronic appearance" means an appearance in
26 which one or more of the parties are not present in the

1 court, but in which, by means of an independent
2 audio-visual system, all of the participants are
3 simultaneously able to see and hear reproductions of
4 the voices and images of the judge, counsel, parties,
5 witnesses, and any other participants.

6 (2) Any pilot program under this subsection (e) shall
7 be developed by the administrative director or his or her
8 delegate in consultation with at least one local
9 organization providing assistance to domestic violence
10 victims. The program plan shall include, but not be
11 limited to:

12 (A) identification of agencies equipped with or
13 that have access to an independent audio-visual system
14 and electronic means for filing documents; and

15 (B) identification of one or more organizations
16 who are trained and available to assist petitioners in
17 preparing and filing petitions for temporary orders of
18 protection and in their electronic appearances before
19 the court to obtain such orders; and

20 (C) identification of the existing resources
21 available in local family courts for the
22 implementation and oversight of the pilot program; and

23 (D) procedures for filing petitions and documents
24 by electronic means, swearing in the petitioners and
25 witnesses, preparation of a transcript of testimony
26 and evidence presented, and a prompt transmission of

1 any orders issued to the parties; and

2 (E) a timeline for implementation and a plan for
3 informing the public about the availability of the
4 program; and

5 (F) a description of the data to be collected in
6 order to evaluate and make recommendations for
7 improvements to the pilot program.

8 (3) In conjunction with an electronic appearance, any
9 petitioner for an ex parte temporary order of protection
10 may, using the assistance of a trained advocate if
11 necessary, commence the proceedings by filing a petition
12 by electronic means.

13 (A) A petitioner who is seeking an ex parte
14 temporary order of protection using an electronic
15 appearance must file a petition in advance of the
16 appearance and may do so electronically.

17 (B) The petitioner must show that traveling to or
18 appearing in court would constitute an undue hardship
19 or create a risk of harm to the petitioner. In granting
20 or denying any relief sought by the petitioner, the
21 court shall state the names of all participants and
22 whether it is granting or denying an appearance by
23 electronic means and the basis for such a
24 determination. A party is not required to file a
25 petition or other document by electronic means or to
26 testify by means of an electronic appearance.

1 (C) Nothing in this subsection (e) affects or
2 changes any existing laws governing the service of
3 process, including requirements for personal service
4 or the sealing and confidentiality of court records in
5 court proceedings or access to court records by the
6 parties to the proceedings.

7 (4) Appearances.

8 (A) All electronic appearances by a petitioner
9 seeking an ex parte temporary order of protection
10 under this subsection (e) are strictly voluntary and
11 the court shall obtain the consent of the petitioner
12 on the record at the commencement of each appearance.

13 (B) Electronic appearances under this subsection
14 (e) shall be recorded and preserved for transcription.
15 Documentary evidence, if any, referred to by a party
16 or witness or the court may be transmitted and
17 submitted and introduced by electronic means.

18 (Source: P.A. 102-853, eff. 1-1-23; 103-154, eff. 6-30-23;
19 103-166, eff. 1-1-24.)