

SB1374



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB1374

Introduced 2/9/2007, by Sen. John J. Millner

SYNOPSIS AS INTRODUCED:

705 ILCS 105/16

from Ch. 25, par. 16

Amends the Clerk of Courts Act. Provides that a circuit clerk shall impound any document relating to child support that contains a social security number.

LRB095 04781 AJO 24840 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 Clerks of Courts Act is amended by changing
5 Section 16 as follows:

6 (705 ILCS 105/16) (from Ch. 25, par. 16)

7 Sec. 16. Records kept by the clerks of the circuit courts
8 are subject to the provisions of "The Local Records Act",
9 approved August 18, 1961, as amended.

10 (a) Unless otherwise provided by rule or administrative
11 order of the Supreme Court, the respective clerks of the
12 circuit courts shall keep in their offices the following books:

13 1. A general docket, upon which shall be entered all suits,
14 in the order in which they are commenced.

15 2. Two well-bound books, to be denominated "Plaintiff's
16 Index to Court Records," and "Defendant's Index to Court
17 Records" to be ruled and printed substantially in the following
18 manner:

19

20 Plaintiffs	Defendants	Kind of	Date	Record	Pages
21		Action	Commenced	Book	
22				
23				

1
2

Date of Judgment

judgment docket

4
5

Book Page

6
7

Certificate Satisfied

Certificate Certificate of or not Number

of levy of sale redemption satisfied of case

10
11

Fee Book Book Page Book Page Book Page

12
13

All cases shall be entered in such books, in alphabetical order, by the name of each plaintiff and defendant. The books shall set forth the names of the parties, kind of action, date commenced, the record books and pages on which the cases are recorded, the date of judgment, books and pages of the judgment dockets, fee book, certificates of levy, sale and redemption records on which they are entered satisfied or not satisfied, and number of case. The defendant's index shall be ruled and printed in the same manner as the plaintiff's except the parties shall be reversed.

23 3. Proper books of record, with indices, showing the names
24 of all parties to any action or judgment therein recorded, with
25 a reference to the page where it is recorded.

26 4. A judgment docket, in which all final judgments (except

1 child support orders as hereinafter provided) shall be minuted
2 at the time they are entered, or within 60 days thereafter in
3 alphabetical order, by the name of every person against whom
4 the judgment is entered, showing, in the proper columns ruled
5 for that purpose, the names of the parties, the date, nature of
6 the judgment, amount of the judgment and costs in separate
7 items, for which it is issued, to whom issued, when returned,
8 and the manner of its enforcement; a blank column shall be kept
9 in which may be entered a note of the satisfaction or other
10 disposition of the judgment or order and when satisfied by
11 enforcement or otherwise, or set aside or enjoined; the clerk
12 shall enter a minute thereof in such column, showing how
13 disposed of, the date and the book and page, where the evidence
14 thereof is to be found. In the case of child support orders or
15 modifications of such orders entered on or after May 1, 1987,
16 the clerk shall minute such orders or modifications in the
17 manner and form provided herein but shall not minute every
18 child support installment when due or every child support
19 payment when made. Such dockets may be searched by persons, at
20 all reasonable times without fee.

21 5. A fee book, in which shall be distinctly set down, in
22 items, the proper title of the cause and heads, the cost of
23 each action, including clerk's, sheriff's and witness' fees,
24 stating the name of each witness having claimed attendance in
25 respect of the trial or hearing of such action with the number
26 of days attended. It shall not be necessary to insert the cost

1 in the judgment; but whenever an action is determined and final
2 judgment entered, the costs of each party litigant shall be
3 made up and entered in such fee book, which shall be considered
4 a part of the record and judgment, subject, however, at all
5 times to be corrected by the court; and the prevailing party
6 shall be considered as having recovered judgment for the amount
7 of the costs so taxed in his or her favor, and the same shall be
8 included in the certified copy of such judgment, and a bill
9 thereof accompanying certified copy of the judgment. If any
10 clerk shall issue a fee bill or a bill of costs, with the
11 certified copy of the judgment without first entering the same
12 in the fee book, or if any such bill of costs or fee bill shall
13 be issued which shall not be in substance a copy of the
14 recorded bill, the same shall be void. Any person having paid
15 such bill of costs or fee bill, may recover from the clerk the
16 amount thereof, with costs of the action, in any circuit court.

17 6. Such other books of record and entry as are provided by
18 law, or may be required in the proper performance of their
19 duties. All records, dockets and books required by law to be
20 kept by such clerks shall be deemed public records, and shall
21 at all times be open to inspection without fee or reward, and
22 all persons shall have free access for inspection and
23 examination to such records, docket and books, and also to all
24 papers on file in the different clerks' offices and shall have
25 the right to take memoranda and abstracts thereto.

26 (b) Except as otherwise provided by rule or administrative

1 order of the Supreme Court or federal regulation or rule, the
2 circuit court clerk record entitled "Child Support Data Sheet"
3 and similar documents containing a social security number of
4 the obligor or noncustodial parent, the obligee or custodial
5 parent, or the child that is required for purposes of
6 establishing child support or maintenance under the Illinois
7 Marriage and Dissolution of Marriage Act, the Illinois
8 Parentage Act, or the Illinois Parentage Act of 1984 shall be
9 impounded except as to the parties, attorneys of record,
10 circuit court clerk personnel, State's attorney personnel, law
11 enforcement, and other persons deemed interested by the court.
12 The document shall not be deemed a public record at all times
13 open to inspection.

14 (Source: P.A. 85-1156.)