

AN ACT concerning civil law.

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

Section 5. The Code of Criminal Procedure of 1963 is amended by changing Section 112A-5.5 as follows:

(725 ILCS 5/112A-5.5)

Sec. 112A-5.5. Time for filing petition; service on respondent, hearing on petition, and default orders.

(a) A petition for a protective order may be filed at any time, in-person or online, after a criminal charge or delinquency petition is filed and before the charge or delinquency petition is dismissed, the defendant or juvenile is acquitted, or the defendant or juvenile completes service of his or her sentence.

(b) The request for an ex parte protective order may be considered without notice to the respondent under Section 112A-17.5 of this Code.

(c) A summons shall be issued and served for a protective order. The summons may be served by delivery to the respondent personally in open court in the criminal or juvenile delinquency proceeding, in the form prescribed by subsection (d) of Supreme Court Rule 101, except that it shall require respondent to answer or appear within 7 days. Attachments to

the summons shall include the petition for protective order, supporting affidavits, if any, and any ex parte protective order that has been issued.

(d) The summons shall be served by the sheriff or other law enforcement officer at the earliest time available and shall take precedence over any other summons, except those of a similar emergency nature. Attachments to the summons shall include the petition for protective order, supporting affidavits, if any, and any ex parte protective order that has been issued. Special process servers may be appointed at any time and their designation shall not affect the responsibilities and authority of the sheriff or other official process servers. In a county with a population over 3,000,000, a special process server may not be appointed if the protective order grants the surrender of a child, the surrender of a firearm or Firearm Owner's Identification Card, or the exclusive possession of a shared residence.

(e) If the respondent is not served within 30 days of the filing of the petition, the court shall schedule a court proceeding on the issue of service. Either the petitioner, the petitioner's counsel, or the State's Attorney shall appear and the court shall either order continued attempts at personal service or shall order service by publication, in accordance with Sections 2-203, 2-206, and 2-207 of the Code of Civil Procedure.

(f) The request for a final protective order can be

considered at any court proceeding in the delinquency or criminal case after service of the petition. If the petitioner has not been provided notice of the court proceeding at least 10 days in advance of the proceeding, the court shall schedule a hearing on the petition and provide notice to the petitioner.

(f-5) A court in a county with a population above 250,000 shall offer the option of a remote hearing to a petitioner for a protective order. The court has the discretion to grant or deny the request for a remote hearing. Each court shall determine the procedure for a remote hearing. The petitioner and respondent may appear remotely or in-person.

The court shall issue and publish a court order, standing order, or local rule detailing information about the process for requesting and participating in a remote court appearance. The court order, standing order, or local rule shall be published on the court's website and posted on signs throughout the courthouse, including in the clerk's office. The sign shall be written in plain language and include information about the availability of remote court appearances and the process for requesting a remote hearing.

(g) Default orders.

(1) A final domestic violence order of protection may be entered by default:

(A) for any of the remedies sought in the petition, if respondent has been served with documents

under subsection (b) or (c) of this Section and if respondent fails to appear on the specified return date or any subsequent hearing date agreed to by the petitioner and respondent or set by the court; or

(B) for any of the remedies provided under paragraph (1), (2), (3), (5), (6), (7), (8), (9), (10), (11), (14), (15), (17), or (18) of subsection (b) of Section 112A-14 of this Code, or if the respondent fails to answer or appear in accordance with the date set in the publication notice or the return date indicated on the service of a household member.

(2) A final civil no contact order may be entered by default for any of the remedies provided in Section 112A-14.5 of this Code, if respondent has been served with documents under subsection (b) or (c) of this Section, and if the respondent fails to answer or appear in accordance with the date set in the publication notice or the return date indicated on the service of a household member.

(3) A final stalking no contact order may be entered by default for any of the remedies provided by Section 112A-14.7 of this Code, if respondent has been served with documents under subsection (b) or (c) of this Section and if the respondent fails to answer or appear in accordance with the date set in the publication notice or the return date indicated on the service of a household member.

(Source: P.A. 100-199, eff. 1-1-18; 100-597, eff. 6-29-18.)

Section 10. The Stalking No Contact Order Act is amended by changing Sections 20 and 70 as follows:

(740 ILCS 21/20)

Sec. 20. Commencement of action; filing fees.

(a) An action for a stalking no contact order is commenced:

(1) independently, by filing a petition for a stalking no contact order in any civil court, unless specific courts are designated by local rule or order; or

(2) in conjunction with a delinquency petition or a criminal prosecution as provided in Article 112A of the Code of Criminal Procedure of 1963.

(a-1) A petition for a stalking no contact order may be filed in-person or online.

(a-5) When a petition for an emergency stalking no contact order is filed, the petition shall not be publicly available until the petition is served on the respondent.

(b) Withdrawal or dismissal of any petition for a stalking no contact order prior to adjudication where the petitioner is represented by the State shall operate as a dismissal without prejudice. No action for a stalking no contact order shall be dismissed because the respondent is being prosecuted for a crime against the petitioner. For any action commenced under

item (2) of subsection (a) of this Section, dismissal of the conjoined case (or a finding of not guilty) shall not require dismissal of the action for a stalking no contact order; instead, it may be treated as an independent action and, if necessary and appropriate, transferred to a different court or division.

(c) No fee shall be charged by the clerk of the court for filing petitions or modifying or certifying orders. No fee shall be charged by the sheriff for service by the sheriff of a petition, rule, motion, or order in an action commenced under this Section.

(d) The court shall provide, through the office of the clerk of the court, simplified forms for filing of a petition under this Section by any person not represented by counsel.

(Source: P.A. 100-199, eff. 1-1-18; 101-255, eff. 1-1-20.)

(740 ILCS 21/70)

Sec. 70. Hearings.

(a) A petition for a stalking no contact order shall be treated as an expedited proceeding, and no court may transfer or otherwise decline to decide all or part of such petition. Nothing in this Section shall prevent the court from reserving issues if jurisdiction or notice requirements are not met.

(b) A court in a county with a population above 250,000 shall offer the option of a remote hearing to a petitioner for a stalking no contact order. The court has the discretion to

grant or deny the request for a remote hearing. Each court shall determine the procedure for a remote hearing. The petitioner and respondent may appear remotely or in-person.

The court shall issue and publish a court order, standing order, or local rule detailing information about the process for requesting and participating in a remote court appearance. The court order, standing order, or local rule shall be published on the court's website and posted on signs throughout the courthouse, including in the clerk's office. The sign shall be written in plain language and include information about the availability of remote court appearances and the process for requesting a remote hearing.

(Source: P.A. 96-246, eff. 1-1-10.)

Section 15. The Civil no Contact Order Act is amended by changing Sections 202 and 210 as follows:

(740 ILCS 22/202)

Sec. 202. Commencement of action; filing fees.

(a) An action for a civil no contact order is commenced:

(1) independently, by filing a petition for a civil no contact order in any civil court, unless specific courts are designated by local rule or order; or

(2) in conjunction with a delinquency petition or a criminal prosecution as provided in Article 112A of the Code of Criminal Procedure of 1963.

(a-1) A petition for a civil no contact order may be filed in-person or online.

(a-5) When a petition for a civil no contact order is filed, the petition shall not be publicly available until the petition is served on the respondent.

(b) Withdrawal or dismissal of any petition for a civil no contact order prior to adjudication where the petitioner is represented by the State shall operate as a dismissal without prejudice. No action for a civil no contact order shall be dismissed because the respondent is being prosecuted for a crime against the petitioner. For any action commenced under item (2) of subsection (a) of this Section, dismissal of the conjoined case (or a finding of not guilty) shall not require dismissal of the action for a civil no contact order; instead, it may be treated as an independent action and, if necessary and appropriate, transferred to a different court or division.

(c) No fee shall be charged by the clerk of the court for filing petitions or modifying or certifying orders. No fee shall be charged by the sheriff for service by the sheriff of a petition, rule, motion, or order in an action commenced under this Section.

(d) The court shall provide, through the office of the clerk of the court, simplified forms for filing of a petition under this Section by any person not represented by counsel.

(Source: P.A. 100-199, eff. 1-1-18; 101-255, eff. 1-1-20.)

(740 ILCS 22/210)

Sec. 210. Hearings.

(a) A petition for a civil no contact order shall be treated as an expedited proceeding, and no court may transfer or otherwise decline to decide all or part of such petition. Nothing in this Section shall prevent the court from reserving issues if jurisdiction or notice requirements are not met.

(b) A court in a county with a population above 250,000 shall offer the option of a remote hearing to a petitioner for a civil no contact order. The court has the discretion to grant or deny the request for a remote hearing. Each court shall determine the procedure for a remote hearing. The petitioner and respondent may appear remotely or in-person.

The court shall issue and publish a court order, standing order, or local rule detailing information about the process for requesting and participating in a remote court appearance. The court order, standing order, or local rule shall be published on the court's website and posted on signs throughout the courthouse, including in the clerk's office. The sign shall be written in plain language and include information about the availability of remote court appearances and the process for requesting a remote hearing.

(Source: P.A. 93-236, eff. 1-1-04.)

Section 20. The Illinois Domestic Violence Act of 1986 is amended by changing Sections 202 and 212 as follows:

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

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

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

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

(2) In conjunction with another civil proceeding: By filing a petition for an order of protection under the same case number as another civil proceeding involving the parties, including but not limited to: (i) any proceeding under the Illinois Marriage and Dissolution of Marriage Act, Illinois Parentage Act of 2015, Nonsupport of Spouse and Children Act, Revised Uniform Reciprocal Enforcement of Support Act or an action for nonsupport brought under Article X of the Illinois Public Aid Code, provided that a petitioner and the respondent are a party to or the subject of that proceeding or (ii) a guardianship proceeding under the Probate Act of 1975, or a proceeding for involuntary commitment under the Mental Health and Developmental Disabilities Code, or any proceeding, other than a delinquency petition, under the Juvenile Court Act of 1987, provided that a petitioner or the respondent is a party to or the subject of such proceeding.

(3) In conjunction with a delinquency petition or a

criminal prosecution as provided in Section 112A-20 of the Code of Criminal Procedure of 1963.

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

(a-5) When a petition for an emergency order of protection is filed, the petition shall not be publicly available until the petition is served on the respondent.

(b) Filing, certification, and service fees. No fee shall be charged by the clerk for filing, amending, vacating, certifying, or photocopying petitions or orders; or for issuing alias summons; or for any related filing service. No fee shall be charged by the sheriff for service by the sheriff of a petition, rule, motion, or order in an action commenced under this Section.

(c) Dismissal and consolidation. Withdrawal or dismissal of any petition for an order of protection prior to adjudication where the petitioner is represented by the State shall operate as a dismissal without prejudice. No action for an order of protection shall be dismissed because the respondent is being prosecuted for a crime against the petitioner. An independent action may be consolidated with another civil proceeding, as provided by paragraph (2) of subsection (a) of this Section. For any action commenced under paragraph (2) or (3) of subsection (a) of this Section, dismissal of the conjoined case (or a finding of not guilty) shall not require dismissal of the action for the order of

protection; instead, it may be treated as an independent action and, if necessary and appropriate, transferred to a different court or division. Dismissal of any conjoined case shall not affect the validity of any previously issued order of protection, and thereafter subsections (b) (1) and (b) (2) of Section 220 shall be inapplicable to such order.

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

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

(1) As used in this subsection:

(A) "Electronic means" means any method of transmission of information between computers or other machines designed for the purpose of sending or receiving electronic transmission and that allows for

the recipient of information to reproduce the information received in a tangible medium of expression.

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

(C) "Electronic appearance" means an appearance in which one or more of the parties are not present in the court, but in which, by means of an independent audio-visual system, all of the participants are simultaneously able to see and hear reproductions of the voices and images of the judge, counsel, parties, witnesses, and any other participants.

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

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

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

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

(D) procedures for filing petitions and documents by electronic means, swearing in the petitioners and witnesses, preparation of a transcript of testimony and evidence presented, and a prompt transmission of any orders issued to the parties; and

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

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

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

(A) A petitioner who is seeking an ex parte temporary order of protection using an electronic

appearance must file a petition in advance of the appearance and may do so electronically.

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

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

(4) Appearances.

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

(B) Electronic appearances under this subsection (e) shall be recorded and preserved for transcription.

Documentary evidence, if any, referred to by a party or witness or the court may be transmitted and submitted and introduced by electronic means.

(Source: P.A. 100-199, eff. 1-1-18; 100-201, eff. 8-18-17; 101-255, eff. 1-1-20.)

(750 ILCS 60/212) (from Ch. 40, par. 2312-12)

Sec. 212. Hearings.

(a) A petition for an order of protection shall be treated as an expedited proceeding, and no court shall transfer or otherwise decline to decide all or part of such petition except as otherwise provided herein. Nothing in this Section shall prevent the court from reserving issues when jurisdiction or notice requirements are not met.

(b) Any court or a division thereof which ordinarily does not decide matters of child custody and family support may decline to decide contested issues of physical care, custody, visitation, or family support unless a decision on one or more of those contested issues is necessary to avoid the risk of abuse, neglect, removal from the state or concealment within the state of the child or of separation of the child from the primary caretaker. If the court or division thereof has declined to decide any or all of these issues, then it shall transfer all undecided issues to the appropriate court or division. In the event of such a transfer, a government attorney involved in the criminal prosecution may, but need

not, continue to offer counsel to petitioner on transferred matters.

(c) If the court transfers or otherwise declines to decide any issue, judgment on that issue shall be expressly reserved and ruling on other issues shall not be delayed or declined.

(d) A court in a county with a population above 250,000 shall offer the option of a remote hearing to a petitioner for an order of protection. The court has the discretion to grant or deny the request for a remote hearing. Each court shall determine the procedure for a remote hearing. The petitioner and respondent may appear remotely or in-person.

The court shall issue and publish a court order, standing order, or local rule detailing information about the process for requesting and participating in a remote court appearance. The court order, standing order, or local rule shall be published on the court's website and posted on signs throughout the courthouse, including in the clerk's office. The sign shall be written in plain language and include information about the availability of remote court appearances and the process for requesting a remote hearing.

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