

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 Stalking No Contact Order Act is amended by
5 changing Sections 60 and 115 as follows:

6 (740 ILCS 21/60)

7 Sec. 60. Process.

8 (a) Any action for a stalking no contact order requires
9 that a separate summons be issued and served. The summons shall
10 be in the form prescribed by Supreme Court Rule 101(d), except
11 that it shall require the respondent to answer or appear within
12 7 days. Attachments to the summons or notice shall include the
13 petition for stalking no contact order and supporting
14 affidavits, if any, and any emergency stalking no contact order
15 that has been issued.

16 (b) The summons shall be served by the sheriff or other law
17 enforcement officer at the earliest time and shall take
18 precedence over other summonses except those of a similar
19 emergency nature. Special process servers may be appointed at
20 any time, and their designation shall not affect the
21 responsibilities and authority of the sheriff or other official
22 process servers.

23 (c) Service of process on a member of the respondent's

1 household or by publication shall be adequate if: (1) the
2 petitioner has made all reasonable efforts to accomplish actual
3 service of process personally upon the respondent, but the
4 respondent cannot be found to effect such service; and (2) the
5 petitioner files an affidavit or presents sworn testimony as to
6 those efforts.

7 (d) A plenary stalking no contact order may be entered by
8 default for the remedy sought in the petition, if the
9 respondent has been served or given notice in accordance with
10 subsection (a) and if the respondent then fails to appear as
11 directed or fails to appear on any subsequent appearance or
12 hearing date agreed to by the parties or set by the court.

13 (e) If an order is granted under subsection (c) of Section
14 95, the court shall immediately file a certified copy of the
15 order with the sheriff or other law enforcement official
16 charged with maintaining Department of State Police records.

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

18 (740 ILCS 21/115)

19 Sec. 115. Notice of orders.

20 (a) Upon issuance of any stalking no contact order, the
21 clerk shall immediately, ~~or on the next court day if an~~
22 ~~emergency order is issued in accordance with subsection (c) of~~
23 ~~Section 95:~~

24 (1) enter the order on the record and file it in
25 accordance with the circuit court procedures; and

1 (2) provide a file stamped copy of the order to the
2 respondent, if present, and to the petitioner.

3 (b) The clerk of the issuing judge shall, or the petitioner
4 may, on the same day that a stalking no contact order is
5 issued, file a certified copy of that order with the sheriff or
6 other law enforcement officials charged with maintaining
7 Department of State Police records or charged with serving the
8 order upon the respondent. ~~If the order was issued in~~
9 ~~accordance with subsection (c) of Section 95, the clerk shall,~~
10 ~~on the next court day, file a certified copy of the order with~~
11 ~~the sheriff or other law enforcement officials charged with~~
12 ~~maintaining Department of State Police records.~~ If the
13 respondent, at the time of the issuance of the order, is
14 committed to the custody of the Illinois Department of
15 Corrections or Illinois Department of Juvenile Justice or is on
16 parole, aftercare release, or mandatory supervised release,
17 the sheriff or other law enforcement officials charged with
18 maintaining Department of State Police records shall notify the
19 Department of Corrections or Department of Juvenile Justice
20 within 48 hours of receipt of a copy of the stalking no contact
21 order from the clerk of the issuing judge or the petitioner.
22 Such notice shall include the name of the respondent, the
23 respondent's IDOC inmate number or IDJJ youth identification
24 number, the respondent's date of birth, and the LEADS Record
25 Index Number.

26 (c) Unless the respondent was present in court when the

1 order was issued, the sheriff, other law enforcement official,
2 or special process server shall promptly serve that order upon
3 the respondent and file proof of such service in the manner
4 provided for service of process in civil proceedings. Instead
5 of serving the order upon the respondent, however, the sheriff,
6 other law enforcement official, special process server, or
7 other persons defined in Section 117 may serve the respondent
8 with a short form notification as provided in Section 117. If
9 process has not yet been served upon the respondent, it shall
10 be served with the order or short form notification if such
11 service is made by the sheriff, other law enforcement official,
12 or special process server.

13 (d) If the person against whom the stalking no contact
14 order is issued is arrested and the written order is issued in
15 accordance with subsection (c) of Section 95 and received by
16 the custodial law enforcement agency before the respondent or
17 arrestee is released from custody, the custodial law
18 enforcement agent shall promptly serve the order upon the
19 respondent or arrestee before the respondent or arrestee is
20 released from custody. In no event shall detention of the
21 respondent or arrestee be extended for hearing on the petition
22 for stalking no contact order or receipt of the order issued
23 under Section 95 of this Act.

24 (e) Any order extending, modifying, or revoking any
25 stalking no contact order shall be promptly recorded, issued,
26 and served as provided in this Section.

1 (f) Upon the request of the petitioner, within 24 hours of
2 the issuance of a stalking no contact order, the clerk of the
3 issuing judge shall send written notice of the order along with
4 a certified copy of the order to any school, daycare, college,
5 or university at which the petitioner is enrolled.

6 (Source: P.A. 97-904, eff. 1-1-13; 97-1017, eff. 1-1-13;
7 98-463, eff. 8-16-13; 98-558, eff. 1-1-14.)

8 Section 10. The Civil No Contact Order Act is amended by
9 changing Sections 208 and 218 as follows:

10 (740 ILCS 22/208)

11 Sec. 208. Process.

12 (a) Any action for a civil no contact order requires that a
13 separate summons be issued and served. The summons shall be in
14 the form prescribed by Supreme Court Rule 101(d), except that
15 it shall require the respondent to answer or appear within 7
16 days. Attachments to the summons or notice shall include the
17 petition for civil no contact order and supporting affidavits,
18 if any, and any emergency civil no contact order that has been
19 issued.

20 (b) The summons shall be served by the sheriff or other law
21 enforcement officer at the earliest time and shall take
22 precedence over other summonses except those of a similar
23 emergency nature. Special process servers may be appointed at
24 any time, and their designation shall not affect the

1 responsibilities and authority of the sheriff or other official
2 process servers.

3 (c) Service of process on a member of the respondent's
4 household or by publication shall be adequate if: (1) the
5 petitioner has made all reasonable efforts to accomplish actual
6 service of process personally upon the respondent, but the
7 respondent cannot be found to effect such service; and (2) the
8 petitioner files an affidavit or presents sworn testimony as to
9 those efforts.

10 (d) A plenary civil no contact order may be entered by
11 default for the remedy sought in the petition, if the
12 respondent has been served or given notice in accordance with
13 subsection (a) and if the respondent then fails to appear as
14 directed or fails to appear on any subsequent appearance or
15 hearing date agreed to by the parties or set by the court.

16 (e) If an order is granted under subsection (c) of Section
17 214, the court shall immediately file a certified copy of the
18 order with the sheriff or other law enforcement official
19 charged with maintaining Department of State Police records.

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

21 (740 ILCS 22/218)

22 Sec. 218. Notice of orders.

23 (a) Upon issuance of any civil no contact order, the clerk
24 shall immediately, ~~or on the next court day if an emergency~~
25 ~~order is issued in accordance with subsection (c) of Section~~

1 ~~214:~~

2 (1) enter the order on the record and file it in
3 accordance with the circuit court procedures; and

4 (2) provide a file stamped copy of the order to the
5 respondent, if present, and to the petitioner.

6 (b) The clerk of the issuing judge shall, or the petitioner
7 may, on the same day that a civil no contact order is issued,
8 file a certified copy of that order with the sheriff or other
9 law enforcement officials charged with maintaining Department
10 of State Police records or charged with serving the order upon
11 the respondent. ~~If the order was issued in accordance with~~
12 ~~subsection (c) of Section 214, the clerk shall, on the next~~
13 ~~court day, file a certified copy of the order with the Sheriff~~
14 ~~or other law enforcement officials charged with maintaining~~
15 ~~Department of State Police records.~~ If the respondent, at the
16 time of the issuance of the order, is committed to the custody
17 of the Illinois Department of Corrections or Illinois
18 Department of Juvenile Justice, or is on parole, aftercare
19 release, or mandatory supervised release, the sheriff or other
20 law enforcement officials charged with maintaining Department
21 of State Police records shall notify the Department of
22 Corrections or Department of Juvenile Justice within 48 hours
23 of receipt of a copy of the civil no contact order from the
24 clerk of the issuing judge or the petitioner. Such notice shall
25 include the name of the respondent, the respondent's IDOC
26 inmate number or IDJJ youth identification number, the

1 respondent's date of birth, and the LEADS Record Index Number.

2 (c) Unless the respondent was present in court when the
3 order was issued, the sheriff, other law enforcement official,
4 or special process server shall promptly serve that order upon
5 the respondent and file proof of such service in the manner
6 provided for service of process in civil proceedings. Instead
7 of serving the order upon the respondent, however, the sheriff,
8 other law enforcement official, special process server, or
9 other persons defined in Section 218.1 may serve the respondent
10 with a short form notification as provided in Section 218.1. If
11 process has not yet been served upon the respondent, it shall
12 be served with the order or short form notification if such
13 service is made by the sheriff, other law enforcement official,
14 or special process server.

15 (d) If the person against whom the civil no contact order
16 is issued is arrested and the written order is issued in
17 accordance with subsection (c) of Section 214 and received by
18 the custodial law enforcement agency before the respondent or
19 arrestee is released from custody, the custodial law
20 enforcement agent shall promptly serve the order upon the
21 respondent or arrestee before the respondent or arrestee is
22 released from custody. In no event shall detention of the
23 respondent or arrestee be extended for hearing on the petition
24 for civil no contact order or receipt of the order issued under
25 Section 214 of this Act.

26 (e) Any order extending, modifying, or revoking any civil

1 no contact order shall be promptly recorded, issued, and served
2 as provided in this Section.

3 (f) Upon the request of the petitioner, within 24 hours of
4 the issuance of a civil no contact order, the clerk of the
5 issuing judge shall send written notice of the order along with
6 a certified copy of the order to any school, college, or
7 university at which the petitioner is enrolled.

8 (Source: P.A. 97-904, eff. 1-1-13; 97-1017, eff. 1-1-13;
9 98-463, eff. 8-16-13; 98-558, eff. 1-1-14.)

10 Section 15. The Illinois Domestic Violence Act of 1986 is
11 amended by changing Sections 210 and 222 as follows:

12 (750 ILCS 60/210) (from Ch. 40, par. 2312-10)

13 Sec. 210. Process.

14 (a) Summons. Any action for an order of protection, whether
15 commenced alone or in conjunction with another proceeding, is a
16 distinct cause of action and requires that a separate summons
17 be issued and served, except that in pending cases the
18 following methods may be used:

19 (1) By delivery of the summons to respondent personally
20 in open court in pending civil or criminal cases.

21 (2) By notice in accordance with Section 210.1 in civil
22 cases in which the defendant has filed a general
23 appearance.

24 The summons shall be in the form prescribed by Supreme

1 Court Rule 101(d), except that it shall require respondent to
2 answer or appear within 7 days. Attachments to the summons or
3 notice shall include the petition for order of protection and
4 supporting affidavits, if any, and any emergency order of
5 protection that has been issued. The enforcement of an order of
6 protection under Section 223 shall not be affected by the lack
7 of service, delivery, or notice, provided the requirements of
8 subsection (d) of that Section are otherwise met.

9 (b) Blank.

10 (c) Expedited service. The summons shall be served by the
11 sheriff or other law enforcement officer at the earliest time
12 and shall take precedence over other summonses except those of
13 a similar emergency nature. Special process servers may be
14 appointed at any time, and their designation shall not affect
15 the responsibilities and authority of the sheriff or other
16 official process servers. In counties with a population over
17 3,000,000, a special process server may not be appointed if the
18 order of protection grants the surrender of a child, the
19 surrender of a firearm or firearm owners identification card,
20 or the exclusive possession of a shared residence.

21 (d) Remedies requiring actual notice. The counseling,
22 payment of support, payment of shelter services, and payment of
23 losses remedies provided by paragraphs 4, 12, 13, and 16 of
24 subsection (b) of Section 214 may be granted only if respondent
25 has been personally served with process, has answered or has
26 made a general appearance.

1 (e) Remedies upon constructive notice. Service of process
2 on a member of respondent's household or by publication shall
3 be adequate for the remedies provided by paragraphs 1, 2, 3, 5,
4 6, 7, 8, 9, 10, 11, 14, 15, and 17 of subsection (b) of Section
5 214, but only if: (i) petitioner has made all reasonable
6 efforts to accomplish actual service of process personally upon
7 respondent, but respondent cannot be found to effect such
8 service and (ii) petitioner files an affidavit or presents
9 sworn testimony as to those efforts.

10 (f) Default. A plenary order of protection may be entered
11 by default as follows:

12 (1) For any of the remedies sought in the petition, if
13 respondent has been served or given notice in accordance
14 with subsection (a) and if respondent then fails to appear
15 as directed or fails to appear on any subsequent appearance
16 or hearing date agreed to by the parties or set by the
17 court; or

18 (2) For any of the remedies provided in accordance with
19 subsection (e), if respondent fails to answer or appear in
20 accordance with the date set in the publication notice or
21 the return date indicated on the service of a household
22 member.

23 (g) Emergency orders. If an order is granted under
24 subsection (c) of Section 217, the court shall immediately file
25 a certified copy of the order with the sheriff or other law
26 enforcement official charged with maintaining Department of

1 State Police records.

2 (Source: P.A. 99-240, eff. 1-1-16.)

3 (750 ILCS 60/222) (from Ch. 40, par. 2312-22)

4 Sec. 222. Notice of orders.

5 (a) Entry and issuance. Upon issuance of any order of
6 protection, the clerk shall immediately, ~~or on the next court~~
7 ~~day if an emergency order is issued in accordance with~~
8 ~~subsection (c) of Section 217,~~ (i) enter the order on the
9 record and file it in accordance with the circuit court
10 procedures and (ii) provide a file stamped copy of the order to
11 respondent, if present, and to petitioner.

12 (b) Filing with sheriff. The clerk of the issuing judge
13 shall, or the petitioner may, on the same day that an order of
14 protection is issued, file a certified copy of that order with
15 the sheriff or other law enforcement officials charged with
16 maintaining Department of State Police records or charged with
17 serving the order upon respondent. ~~If the order was issued in~~
18 ~~accordance with subsection (c) of Section 217, the clerk shall~~
19 ~~on the next court day, file a certified copy of the order with~~
20 ~~the Sheriff or other law enforcement officials charged with~~
21 ~~maintaining Department of State Police records.~~ If the
22 respondent, at the time of the issuance of the order, is
23 committed to the custody of the Illinois Department of
24 Corrections or Illinois Department of Juvenile Justice or is on
25 parole, aftercare release, or mandatory supervised release,

1 the sheriff or other law enforcement officials charged with
2 maintaining Department of State Police records shall notify the
3 Department of Corrections or Department of Juvenile Justice
4 within 48 hours of receipt of a copy of the order of protection
5 from the clerk of the issuing judge or the petitioner. Such
6 notice shall include the name of the respondent, the
7 respondent's IDOC inmate number or IDJJ youth identification
8 number, the respondent's date of birth, and the LEADS Record
9 Index Number.

10 (c) Service by sheriff. Unless respondent was present in
11 court when the order was issued, the sheriff, other law
12 enforcement official or special process server shall promptly
13 serve that order upon respondent and file proof of such
14 service, in the manner provided for service of process in civil
15 proceedings. Instead of serving the order upon the respondent,
16 however, the sheriff, other law enforcement official, special
17 process server, or other persons defined in Section 222.10 may
18 serve the respondent with a short form notification as provided
19 in Section 222.10. If process has not yet been served upon the
20 respondent, it shall be served with the order or short form
21 notification if such service is made by the sheriff, other law
22 enforcement official, or special process server. A single fee
23 may be charged for service of an order obtained in civil court,
24 or for service of such an order together with process, unless
25 waived or deferred under Section 210.

26 (c-5) If the person against whom the order of protection is

1 issued is arrested and the written order is issued in
2 accordance with subsection (c) of Section 217 and received by
3 the custodial law enforcement agency before the respondent or
4 arrestee is released from custody, the custodial law
5 enforcement agent shall promptly serve the order upon the
6 respondent or arrestee before the respondent or arrestee is
7 released from custody. In no event shall detention of the
8 respondent or arrestee be extended for hearing on the petition
9 for order of protection or receipt of the order issued under
10 Section 217 of this Act.

11 (d) Extensions, modifications and revocations. Any order
12 extending, modifying or revoking any order of protection shall
13 be promptly recorded, issued and served as provided in this
14 Section.

15 (e) Notice to schools. Upon the request of the petitioner,
16 within 24 hours of the issuance of an order of protection, the
17 clerk of the issuing judge shall send a certified copy of the
18 order of protection to the day-care facility, pre-school or
19 pre-kindergarten, or private school or the principal office of
20 the public school district or any college or university in
21 which any child who is a protected person under the order of
22 protection or any child of the petitioner is enrolled as
23 requested by the petitioner at the mailing address provided by
24 the petitioner. If the child transfers enrollment to another
25 day-care facility, pre-school, pre-kindergarten, private
26 school, public school, college, or university, the petitioner

1 may, within 24 hours of the transfer, send to the clerk written
2 notice of the transfer, including the name and address of the
3 institution to which the child is transferring. Within 24 hours
4 of receipt of notice from the petitioner that a child is
5 transferring to another day-care facility, pre-school,
6 pre-kindergarten, private school, public school, college, or
7 university, the clerk shall send a certified copy of the order
8 to the institution to which the child is transferring.

9 (f) Disclosure by schools. After receiving a certified copy
10 of an order of protection that prohibits a respondent's access
11 to records, neither a day-care facility, pre-school,
12 pre-kindergarten, public or private school, college, or
13 university nor its employees shall allow a respondent access to
14 a protected child's records or release information in those
15 records to the respondent. The school shall file the copy of
16 the order of protection in the records of a child who is a
17 protected person under the order of protection. When a child
18 who is a protected person under the order of protection
19 transfers to another day-care facility, pre-school,
20 pre-kindergarten, public or private school, college, or
21 university, the institution from which the child is
22 transferring may, at the request of the petitioner, provide,
23 within 24 hours of the transfer, written notice of the order of
24 protection, along with a certified copy of the order, to the
25 institution to which the child is transferring.

26 (g) Notice to health care facilities and health care

1 practitioners. Upon the request of the petitioner, the clerk of
2 the circuit court shall send a certified copy of the order of
3 protection to any specified health care facility or health care
4 practitioner requested by the petitioner at the mailing address
5 provided by the petitioner.

6 (h) Disclosure by health care facilities and health care
7 practitioners. After receiving a certified copy of an order of
8 protection that prohibits a respondent's access to records, no
9 health care facility or health care practitioner shall allow a
10 respondent access to the records of any child who is a
11 protected person under the order of protection, or release
12 information in those records to the respondent, unless the
13 order has expired or the respondent shows a certified copy of
14 the court order vacating the corresponding order of protection
15 that was sent to the health care facility or practitioner.
16 Nothing in this Section shall be construed to require health
17 care facilities or health care practitioners to alter
18 procedures related to billing and payment. The health care
19 facility or health care practitioner may file the copy of the
20 order of protection in the records of a child who is a
21 protected person under the order of protection, or may employ
22 any other method to identify the records to which a respondent
23 is prohibited access. No health care facility or health care
24 practitioner shall be civilly or professionally liable for
25 reliance on a copy of an order of protection, except for
26 willful and wanton misconduct.

1 (Source: P.A. 97-50, eff. 6-28-11; 97-904, eff. 1-1-13; 98-558,
2 eff. 1-1-14.)