



Sen. Linda Holmes

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1 AMENDMENT TO HOUSE BILL 3396

2 AMENDMENT NO. _____. Amend House Bill 3396 by replacing
3 everything after the enacting clause with the following:

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

1 enforcement officer at the earliest time and shall take
2 precedence over other summonses except those of a similar
3 emergency nature. Special process servers may be appointed at
4 any time, and their designation shall not affect the
5 responsibilities and authority of the sheriff or other official
6 process servers.

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

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

20 (e) If an order is granted under subsection (c) of Section
21 95, the court shall immediately file a certified copy of the
22 order with the sheriff or other law enforcement official
23 charged with maintaining Department of State Police records.

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

1 Sec. 115. Notice of orders.

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

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

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

10 (b) The clerk of the issuing judge shall, or the petitioner
11 may, on the same day that a stalking no contact order is
12 issued, file a certified copy of that order with the sheriff or
13 other law enforcement officials charged with maintaining
14 Department of State Police records or charged with serving the
15 order upon the respondent. ~~If the order was issued in~~
16 ~~accordance with subsection (c) of Section 95, the clerk shall,~~
17 ~~on the next court day, file a certified copy of the order with~~
18 ~~the sheriff or other law enforcement officials charged with~~
19 ~~maintaining Department of State Police records.~~ If the
20 respondent, at the time of the issuance of the order, is
21 committed to the custody of the Illinois Department of
22 Corrections or Illinois Department of Juvenile Justice or is on
23 parole, aftercare release, or mandatory supervised release,
24 the sheriff or other law enforcement officials charged with
25 maintaining Department of State Police records shall notify the
26 Department of Corrections or Department of Juvenile Justice

1 within 48 hours of receipt of a copy of the stalking no contact
2 order from the clerk of the issuing judge or the petitioner.
3 Such notice shall include the name of the respondent, the
4 respondent's IDOC inmate number or IDJJ youth identification
5 number, the respondent's date of birth, and the LEADS Record
6 Index Number.

7 (c) Unless the respondent was present in court when the
8 order was issued, the sheriff, other law enforcement official,
9 or special process server shall promptly serve that order upon
10 the respondent and file proof of such service in the manner
11 provided for service of process in civil proceedings. Instead
12 of serving the order upon the respondent, however, the sheriff,
13 other law enforcement official, special process server, or
14 other persons defined in Section 117 may serve the respondent
15 with a short form notification as provided in Section 117. If
16 process has not yet been served upon the respondent, it shall
17 be served with the order or short form notification if such
18 service is made by the sheriff, other law enforcement official,
19 or special process server.

20 (d) If the person against whom the stalking no contact
21 order is issued is arrested and the written order is issued in
22 accordance with subsection (c) of Section 95 and received by
23 the custodial law enforcement agency before the respondent or
24 arrestee is released from custody, the custodial law
25 enforcement agent shall promptly serve the order upon the
26 respondent or arrestee before the respondent or arrestee is

1 released from custody. In no event shall detention of the
2 respondent or arrestee be extended for hearing on the petition
3 for stalking no contact order or receipt of the order issued
4 under Section 95 of this Act.

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

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

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

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

17 (740 ILCS 22/208)

18 Sec. 208. Process.

19 (a) Any action for a civil no contact order requires that a
20 separate summons be issued and served. The summons shall be in
21 the form prescribed by Supreme Court Rule 101(d), except that
22 it shall require the respondent to answer or appear within 7
23 days. Attachments to the summons or notice shall include the
24 petition for civil no contact order and supporting affidavits,

1 if any, and any emergency civil no contact order that has been
2 issued.

3 (b) The summons shall be served by the sheriff or other law
4 enforcement officer at the earliest time and shall take
5 precedence over other summonses except those of a similar
6 emergency nature. Special process servers may be appointed at
7 any time, and their designation shall not affect the
8 responsibilities and authority of the sheriff or other official
9 process servers.

10 (c) Service of process on a member of the respondent's
11 household or by publication shall be adequate if: (1) the
12 petitioner has made all reasonable efforts to accomplish actual
13 service of process personally upon the respondent, but the
14 respondent cannot be found to effect such service; and (2) the
15 petitioner files an affidavit or presents sworn testimony as to
16 those efforts.

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

23 (e) If an order is granted under subsection (c) of Section
24 214, the court shall immediately file a certified copy of the
25 order with the sheriff or other law enforcement official
26 charged with maintaining Department of State Police records.

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

2 (740 ILCS 22/218)

3 Sec. 218. Notice of orders.

4 (a) Upon issuance of any civil no contact order, the clerk
5 shall immediately, ~~or on the next court day if an emergency~~
6 ~~order is issued in accordance with subsection (c) of Section~~
7 ~~214:~~

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

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

12 (b) The clerk of the issuing judge shall, or the petitioner
13 may, on the same day that a civil no contact order is issued,
14 file a certified copy of that order with the sheriff or other
15 law enforcement officials charged with maintaining Department
16 of State Police records or charged with serving the order upon
17 the respondent. ~~If the order was issued in accordance with~~
18 ~~subsection (c) of Section 214, the clerk shall, on the next~~
19 ~~court day, file a certified copy of the order with the Sheriff~~
20 ~~or other law enforcement officials charged with maintaining~~
21 ~~Department of State Police records.~~ If the respondent, at the
22 time of the issuance of the order, is committed to the custody
23 of the Illinois Department of Corrections or Illinois
24 Department of Juvenile Justice, or is on parole, aftercare
25 release, or mandatory supervised release, the sheriff or other

1 law enforcement officials charged with maintaining Department
2 of State Police records shall notify the Department of
3 Corrections or Department of Juvenile Justice within 48 hours
4 of receipt of a copy of the civil no contact order from the
5 clerk of the issuing judge or the petitioner. Such notice shall
6 include the name of the respondent, the respondent's IDOC
7 inmate number or IDJJ youth identification number, the
8 respondent's date of birth, and the LEADS Record Index Number.

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

22 (d) If the person against whom the civil no contact order
23 is issued is arrested and the written order is issued in
24 accordance with subsection (c) of Section 214 and received by
25 the custodial law enforcement agency before the respondent or
26 arrestee is released from custody, the custodial law

1 enforcement agent shall promptly serve the order upon the
2 respondent or arrestee before the respondent or arrestee is
3 released from custody. In no event shall detention of the
4 respondent or arrestee be extended for hearing on the petition
5 for civil no contact order or receipt of the order issued under
6 Section 214 of this Act.

7 (e) Any order extending, modifying, or revoking any civil
8 no contact order shall be promptly recorded, issued, and served
9 as provided in this Section.

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

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

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

19 (750 ILCS 60/210) (from Ch. 40, par. 2312-10)

20 Sec. 210. Process.

21 (a) Summons. Any action for an order of protection, whether
22 commenced alone or in conjunction with another proceeding, is a
23 distinct cause of action and requires that a separate summons
24 be issued and served, except that in pending cases the

1 following methods may be used:

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

4 (2) By notice in accordance with Section 210.1 in civil
5 cases in which the defendant has filed a general
6 appearance.

7 The summons shall be in the form prescribed by Supreme
8 Court Rule 101(d), except that it shall require respondent to
9 answer or appear within 7 days. Attachments to the summons or
10 notice shall include the petition for order of protection and
11 supporting affidavits, if any, and any emergency order of
12 protection that has been issued. The enforcement of an order of
13 protection under Section 223 shall not be affected by the lack
14 of service, delivery, or notice, provided the requirements of
15 subsection (d) of that Section are otherwise met.

16 (b) Blank.

17 (c) Expedited service. The summons shall be served by the
18 sheriff or other law enforcement officer at the earliest time
19 and shall take precedence over other summonses except those of
20 a similar emergency nature. Special process servers may be
21 appointed at any time, and their designation shall not affect
22 the responsibilities and authority of the sheriff or other
23 official process servers. In counties with a population over
24 3,000,000, a special process server may not be appointed if the
25 order of protection grants the surrender of a child, the
26 surrender of a firearm or firearm owners identification card,

1 or the exclusive possession of a shared residence.

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

8 (e) Remedies upon constructive notice. Service of process
9 on a member of respondent's household or by publication shall
10 be adequate for the remedies provided by paragraphs 1, 2, 3, 5,
11 6, 7, 8, 9, 10, 11, 14, 15, and 17 of subsection (b) of Section
12 214, but only if: (i) petitioner has made all reasonable
13 efforts to accomplish actual service of process personally upon
14 respondent, but respondent cannot be found to effect such
15 service and (ii) petitioner files an affidavit or presents
16 sworn testimony as to those efforts.

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

19 (1) For any of the remedies sought in the petition, if
20 respondent has been served or given notice in accordance
21 with subsection (a) and if respondent then fails to appear
22 as directed or fails to appear on any subsequent appearance
23 or hearing date agreed to by the parties or set by the
24 court; or

25 (2) For any of the remedies provided in accordance with
26 subsection (e), if respondent fails to answer or appear in

1 accordance with the date set in the publication notice or
2 the return date indicated on the service of a household
3 member.

4 (g) Emergency orders. If an order is granted under
5 subsection (c) of Section 217, the court shall immediately file
6 a certified copy of the order with the sheriff or other law
7 enforcement official charged with maintaining Department of
8 State Police records.

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

10 (750 ILCS 60/222) (from Ch. 40, par. 2312-22)

11 Sec. 222. Notice of orders.

12 (a) Entry and issuance. Upon issuance of any order of
13 protection, the clerk shall immediately, ~~or on the next court~~
14 ~~day if an emergency order is issued in accordance with~~
15 ~~subsection (c) of Section 217,~~ (i) enter the order on the
16 record and file it in accordance with the circuit court
17 procedures and (ii) provide a file stamped copy of the order to
18 respondent, if present, and to petitioner.

19 (b) Filing with sheriff. The clerk of the issuing judge
20 shall, or the petitioner may, on the same day that an order of
21 protection is issued, file a certified copy of that order with
22 the sheriff or other law enforcement officials charged with
23 maintaining Department of State Police records or charged with
24 serving the order upon respondent. ~~If the order was issued in~~
25 ~~accordance with subsection (c) of Section 217, the clerk shall~~

1 ~~on the next court day, file a certified copy of the order with~~
2 ~~the Sheriff or other law enforcement officials charged with~~
3 ~~maintaining Department of State Police records.~~ If the
4 respondent, at the time of the issuance of the order, is
5 committed to the custody of the Illinois Department of
6 Corrections or Illinois Department of Juvenile Justice or is on
7 parole, aftercare release, or mandatory supervised release,
8 the sheriff or other law enforcement officials charged with
9 maintaining Department of State Police records shall notify the
10 Department of Corrections or Department of Juvenile Justice
11 within 48 hours of receipt of a copy of the order of protection
12 from the clerk of the issuing judge or the petitioner. Such
13 notice shall include the name of the respondent, the
14 respondent's IDOC inmate number or IDJJ youth identification
15 number, the respondent's date of birth, and the LEADS Record
16 Index Number.

17 (c) Service by sheriff. Unless respondent was present in
18 court when the order was issued, the sheriff, other law
19 enforcement official or special process server shall promptly
20 serve that order upon respondent and file proof of such
21 service, in the manner provided for service of process in civil
22 proceedings. Instead of serving the order upon the respondent,
23 however, the sheriff, other law enforcement official, special
24 process server, or other persons defined in Section 222.10 may
25 serve the respondent with a short form notification as provided
26 in Section 222.10. If process has not yet been served upon the

1 respondent, it shall be served with the order or short form
2 notification if such service is made by the sheriff, other law
3 enforcement official, or special process server. A single fee
4 may be charged for service of an order obtained in civil court,
5 or for service of such an order together with process, unless
6 waived or deferred under Section 210.

7 (c-5) If the person against whom the order of protection is
8 issued is arrested and the written order is issued in
9 accordance with subsection (c) of Section 217 and received by
10 the custodial law enforcement agency before the respondent or
11 arrestee is released from custody, the custodial law
12 enforcement agent shall promptly serve the order upon the
13 respondent or arrestee before the respondent or arrestee is
14 released from custody. In no event shall detention of the
15 respondent or arrestee be extended for hearing on the petition
16 for order of protection or receipt of the order issued under
17 Section 217 of this Act.

18 (d) Extensions, modifications and revocations. Any order
19 extending, modifying or revoking any order of protection shall
20 be promptly recorded, issued and served as provided in this
21 Section.

22 (e) Notice to schools. Upon the request of the petitioner,
23 within 24 hours of the issuance of an order of protection, the
24 clerk of the issuing judge shall send a certified copy of the
25 order of protection to the day-care facility, pre-school or
26 pre-kindergarten, or private school or the principal office of

1 the public school district or any college or university in
2 which any child who is a protected person under the order of
3 protection or any child of the petitioner is enrolled as
4 requested by the petitioner at the mailing address provided by
5 the petitioner. If the child transfers enrollment to another
6 day-care facility, pre-school, pre-kindergarten, private
7 school, public school, college, or university, the petitioner
8 may, within 24 hours of the transfer, send to the clerk written
9 notice of the transfer, including the name and address of the
10 institution to which the child is transferring. Within 24 hours
11 of receipt of notice from the petitioner that a child is
12 transferring to another day-care facility, pre-school,
13 pre-kindergarten, private school, public school, college, or
14 university, the clerk shall send a certified copy of the order
15 to the institution to which the child is transferring.

16 (f) Disclosure by schools. After receiving a certified copy
17 of an order of protection that prohibits a respondent's access
18 to records, neither a day-care facility, pre-school,
19 pre-kindergarten, public or private school, college, or
20 university nor its employees shall allow a respondent access to
21 a protected child's records or release information in those
22 records to the respondent. The school shall file the copy of
23 the order of protection in the records of a child who is a
24 protected person under the order of protection. When a child
25 who is a protected person under the order of protection
26 transfers to another day-care facility, pre-school,

1 pre-kindergarten, public or private school, college, or
2 university, the institution from which the child is
3 transferring may, at the request of the petitioner, provide,
4 within 24 hours of the transfer, written notice of the order of
5 protection, along with a certified copy of the order, to the
6 institution to which the child is transferring.

7 (g) Notice to health care facilities and health care
8 practitioners. Upon the request of the petitioner, the clerk of
9 the circuit court shall send a certified copy of the order of
10 protection to any specified health care facility or health care
11 practitioner requested by the petitioner at the mailing address
12 provided by the petitioner.

13 (h) Disclosure by health care facilities and health care
14 practitioners. After receiving a certified copy of an order of
15 protection that prohibits a respondent's access to records, no
16 health care facility or health care practitioner shall allow a
17 respondent access to the records of any child who is a
18 protected person under the order of protection, or release
19 information in those records to the respondent, unless the
20 order has expired or the respondent shows a certified copy of
21 the court order vacating the corresponding order of protection
22 that was sent to the health care facility or practitioner.
23 Nothing in this Section shall be construed to require health
24 care facilities or health care practitioners to alter
25 procedures related to billing and payment. The health care
26 facility or health care practitioner may file the copy of the

1 order of protection in the records of a child who is a
2 protected person under the order of protection, or may employ
3 any other method to identify the records to which a respondent
4 is prohibited access. No health care facility or health care
5 practitioner shall be civilly or professionally liable for
6 reliance on a copy of an order of protection, except for
7 willful and wanton misconduct.

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