



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4899

Introduced 2/18/2020, by Rep. Joyce Mason

SYNOPSIS AS INTRODUCED:

750 ILCS 60/222

from Ch. 40, par. 2312-22

Amends the Illinois Domestic Violence Act of 1986. Provides that if the respondent to a petition for an order of protection was not present in court when the order was issued, the sheriff, other law enforcement official, or special process server shall promptly serve the order upon the respondent and file proof of service or attempt of service within 72 hours after the order is issued.

LRB101 17359 LNS 66764 b

1 AN ACT concerning domestic violence.

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 222 as follows:

6 (750 ILCS 60/222) (from Ch. 40, par. 2312-22)

7 Sec. 222. Notice of orders.

8 (a) Entry and issuance. Upon issuance of any order of
9 protection, the clerk shall immediately (i) enter the order on
10 the record and file it in accordance with the circuit court
11 procedures and (ii) provide a file stamped copy of the order to
12 respondent, if present, and to petitioner.

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

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

8 (c) Service by sheriff. Unless respondent was present in
9 court when the order was issued, the sheriff, other law
10 enforcement official or special process server shall promptly
11 serve that order upon respondent and file proof of such service
12 or attempt of service within 72 hours after the order is
13 issued, in the manner provided for service of process in civil
14 proceedings. Instead of serving the order upon the respondent,
15 however, the sheriff, other law enforcement official, special
16 process server, or other persons defined in Section 222.10 may
17 serve the respondent with a short form notification as provided
18 in Section 222.10. If process has not yet been served upon the
19 respondent, it shall be served with the order or short form
20 notification if such service is made by the sheriff, other law
21 enforcement official, or special process server. A single fee
22 may be charged for service of an order obtained in civil court,
23 or for service of such an order together with process, unless
24 waived or deferred under Section 210.

25 (c-5) If the person against whom the order of protection is
26 issued is arrested and the written order is issued in

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

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

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

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

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

25 (g) Notice to health care facilities and health care
26 practitioners. Upon the request of the petitioner, the clerk of

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

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

26 (Source: P.A. 101-508, eff. 1-1-20.)