



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB3157

Introduced 1/12/2022, by Sen. Scott M. Bennett

SYNOPSIS AS INTRODUCED:

740 ILCS 21/20
740 ILCS 21/95
740 ILCS 22/202
740 ILCS 22/213
740 ILCS 22/214
750 ILCS 60/217

from Ch. 40, par. 2312-17

Amends the Stalking No Contact Order Act. Provides that when a petition for an emergency stalking no contact order is filed, the petition and file shall not be public and shall only be accessible to the court, law enforcement, petitioner, victim advocate, counsel of record for either party, and the State's Attorney for the county until the petition is served on the respondent. Provides that when a petition for an emergency stalking no contact order is granted, the petition, order, and file shall not be public and shall only be accessible to the court, law enforcement, petitioner, victim advocate, counsel of record for either party, and the State's Attorney for the county until the order is served on the respondent. Amends the Civil No Contact Order Act. Provides that when a petition for an emergency civil no contact order is filed, the petition and file shall not be public and shall only be accessible to the court, law enforcement, petitioner, rape crisis advocate, counsel of record for either party, and the State's Attorney for the county until the petition is served on the respondent. Provides that when a petition for a civil no contact order is granted, the petition and file shall not be public and shall only be accessible to the court, law enforcement, petitioner, rape crisis advocate, counsel of record for either party, and the State's Attorney for the county until the petition is served on the respondent. Amends the Illinois Domestic Violence Act of 1986. Provides that when a petition for an emergency order of protection is granted, the order and file shall not be public and shall only be accessible to the court, petitioner, law enforcement, domestic violence advocate or counselor, counsel of record for either party, and the State's Attorney for the county until the order is served on the respondent. Effective immediately.

LRB102 20296 LNS 29148 b

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 20 and 95 as follows:

6 (740 ILCS 21/20)

7 Sec. 20. Commencement of action; filing fees.

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

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

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

16 (a-5) When a petition for an emergency stalking no contact
17 order is filed, the petition and file shall not be public and
18 shall only be accessible to the court, law enforcement,
19 petitioner, victim advocate, counsel of record for either
20 party, and the State's Attorney for the county shall not be
21 publicly available until the petition is served on the
22 respondent.

23 (b) Withdrawal or dismissal of any petition for a stalking

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

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

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

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

21 (740 ILCS 21/95)

22 Sec. 95. Emergency stalking no contact order.

23 (a) An emergency stalking no contact order shall issue if
24 the petitioner satisfies the requirements of this subsection

25 (a). The petitioner shall establish that:

- 1 (1) the court has jurisdiction under Section 50;
- 2 (2) the requirements of Section 80 are satisfied; and
- 3 (3) there is good cause to grant the remedy,
- 4 regardless of prior service of process or of notice upon
- 5 the respondent, because the harm which that remedy is
- 6 intended to prevent would be likely to occur if the
- 7 respondent were given any prior notice, or greater notice
- 8 than was actually given, of the petitioner's efforts to
- 9 obtain judicial relief.

10 An emergency stalking no contact order shall be issued by

11 the court if it appears from the contents of the petition and

12 the examination of the petitioner that the averments are

13 sufficient to indicate stalking by the respondent and to

14 support the granting of relief under the issuance of the

15 stalking no contact order.

16 An emergency stalking no contact order shall be issued if

17 the court finds that items (1), (2), and (3) of this subsection

18 (a) are met.

19 (a-5) When a petition for an emergency stalking no contact

20 order is granted, the petition, order, and file shall not be

21 public and shall only be accessible to the court, law

22 enforcement, petitioner, victim advocate, counsel of record

23 for either party, and the State's Attorney for the county

24 ~~shall not be publicly available~~ until the order is served on

25 the respondent.

26 (b) If the respondent appears in court for this hearing

1 for an emergency order, he or she may elect to file a general
2 appearance and testify. Any resulting order may be an
3 emergency order, governed by this Section. Notwithstanding the
4 requirements of this Section, if all requirements of Section
5 100 have been met, the court may issue a plenary order.

6 (c) Emergency orders; court holidays and evenings.

7 (1) When the court is unavailable at the close of
8 business, the petitioner may file a petition for a 21-day
9 emergency order before any available circuit judge or
10 associate judge who may grant relief under this Act. If
11 the judge finds that there is an immediate and present
12 danger of abuse against the petitioner and that the
13 petitioner has satisfied the prerequisites set forth in
14 subsection (a), that judge may issue an emergency stalking
15 no contact order.

16 (2) The chief judge of the circuit court may designate
17 for each county in the circuit at least one judge to be
18 reasonably available to issue orally, by telephone, by
19 facsimile, or otherwise, an emergency stalking no contact
20 order at all times, whether or not the court is in session.

21 (3) Any order issued under this Section and any
22 documentation in support of the order shall be certified
23 on the next court day to the appropriate court. The clerk
24 of that court shall immediately assign a case number, file
25 the petition, order, and other documents with the court,
26 and enter the order of record and file it with the sheriff

1 for service, in accordance with Section 60. Filing the
2 petition shall commence proceedings for further relief
3 under Section 20. Failure to comply with the requirements
4 of this paragraph (3) does not affect the validity of the
5 order.

6 (Source: P.A. 101-255, eff. 1-1-20.)

7 Section 10. The Civil No Contact Order Act is amended by
8 changing Sections 202, 213, and 214 as follows:

9 (740 ILCS 22/202)

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

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

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

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

18 (a-5) When a petition for an emergency a civil no contact
19 order is filed, the petition and file shall not be public and
20 shall only be accessible to the court, law enforcement,
21 petitioner, rape crisis advocate, counsel of record for either
22 party, and the State's Attorney for the county shall not be
23 publicly available until the petition is served on the
24 respondent.

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

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

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

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

21 (740 ILCS 22/213)

22 (Text of Section before amendment by P.A. 102-220)

23 Sec. 213. Civil no contact order; remedies.

24 (a) If the court finds that the petitioner has been a
25 victim of non-consensual sexual conduct or non-consensual

1 sexual penetration, a civil no contact order shall issue;
2 provided that the petitioner must also satisfy the
3 requirements of Section 214 on emergency orders or Section 215
4 on plenary orders. The petitioner shall not be denied a civil
5 no contact order because the petitioner or the respondent is a
6 minor. The court, when determining whether or not to issue a
7 civil no contact order, may not require physical injury on the
8 person of the victim. Modification and extension of prior
9 civil no contact orders shall be in accordance with this Act.

10 (a-5) (Blank). ~~When a petition for a civil no contact~~
11 ~~order is granted, the order shall not be publicly available~~
12 ~~until the order is served on the respondent.~~

13 (b) (Blank).

14 (b-5) The court may provide relief as follows:

15 (1) prohibit the respondent from knowingly coming
16 within, or knowingly remaining within, a specified
17 distance from the petitioner;

18 (2) restrain the respondent from having any contact,
19 including nonphysical contact, with the petitioner
20 directly, indirectly, or through third parties, regardless
21 of whether those third parties know of the order;

22 (3) prohibit the respondent from knowingly coming
23 within, or knowingly remaining within, a specified
24 distance from the petitioner's residence, school, day care
25 or other specified location;

26 (4) order the respondent to stay away from any

1 property or animal owned, possessed, leased, kept, or held
2 by the petitioner and forbid the respondent from taking,
3 transferring, encumbering, concealing, harming, or
4 otherwise disposing of the property or animal; and

5 (5) order any other injunctive relief as necessary or
6 appropriate for the protection of the petitioner.

7 (b-6) When the petitioner and the respondent attend the
8 same public or private elementary, middle, or high school, the
9 court when issuing a civil no contact order and providing
10 relief shall consider the severity of the act, any continuing
11 physical danger or emotional distress to the petitioner, the
12 educational rights guaranteed to the petitioner and respondent
13 under federal and State law, the availability of a transfer of
14 the respondent to another school, a change of placement or a
15 change of program of the respondent, the expense, difficulty,
16 and educational disruption that would be caused by a transfer
17 of the respondent to another school, and any other relevant
18 facts of the case. The court may order that the respondent not
19 attend the public, private, or non-public elementary, middle,
20 or high school attended by the petitioner, order that the
21 respondent accept a change of placement or program, as
22 determined by the school district or private or non-public
23 school, or place restrictions on the respondent's movements
24 within the school attended by the petitioner. The respondent
25 bears the burden of proving by a preponderance of the evidence
26 that a transfer, change of placement, or change of program of

1 the respondent is not available. The respondent also bears the
2 burden of production with respect to the expense, difficulty,
3 and educational disruption that would be caused by a transfer
4 of the respondent to another school. A transfer, change of
5 placement, or change of program is not unavailable to the
6 respondent solely on the ground that the respondent does not
7 agree with the school district's or private or non-public
8 school's transfer, change of placement, or change of program
9 or solely on the ground that the respondent fails or refuses to
10 consent to or otherwise does not take an action required to
11 effectuate a transfer, change of placement, or change of
12 program. When a court orders a respondent to stay away from the
13 public, private, or non-public school attended by the
14 petitioner and the respondent requests a transfer to another
15 attendance center within the respondent's school district or
16 private or non-public school, the school district or private
17 or non-public school shall have sole discretion to determine
18 the attendance center to which the respondent is transferred.
19 In the event the court order results in a transfer of the minor
20 respondent to another attendance center, a change in the
21 respondent's placement, or a change of the respondent's
22 program, the parents, guardian, or legal custodian of the
23 respondent is responsible for transportation and other costs
24 associated with the transfer or change.

25 (b-7) The court may order the parents, guardian, or legal
26 custodian of a minor respondent to take certain actions or to

1 refrain from taking certain actions to ensure that the
2 respondent complies with the order. In the event the court
3 orders a transfer of the respondent to another school, the
4 parents or legal guardians of the respondent are responsible
5 for transportation and other costs associated with the change
6 of school by the respondent.

7 (c) Denial of a remedy may not be based, in whole or in
8 part, on evidence that:

9 (1) the respondent has cause for any use of force,
10 unless that cause satisfies the standards for justifiable
11 use of force provided by Article 7 of the Criminal Code of
12 2012;

13 (2) the respondent was voluntarily intoxicated;

14 (3) the petitioner acted in self-defense or defense of
15 another, provided that, if the petitioner utilized force,
16 such force was justifiable under Article 7 of the Criminal
17 Code of 2012;

18 (4) the petitioner did not act in self-defense or
19 defense of another;

20 (5) the petitioner left the residence or household to
21 avoid further non-consensual sexual conduct or
22 non-consensual sexual penetration by the respondent; or

23 (6) the petitioner did not leave the residence or
24 household to avoid further non-consensual sexual conduct
25 or non-consensual sexual penetration by the respondent.

26 (d) Monetary damages are not recoverable as a remedy.

1 (Source: P.A. 101-255, eff. 1-1-20.)

2 (Text of Section after amendment by P.A. 102-220)

3 Sec. 213. Civil no contact order; remedies.

4 (a) If the court finds that the petitioner has been a
5 victim of non-consensual sexual conduct or non-consensual
6 sexual penetration, a civil no contact order shall issue;
7 provided that the petitioner must also satisfy the
8 requirements of Section 214 on emergency orders or Section 215
9 on plenary orders. The petitioner shall not be denied a civil
10 no contact order because the petitioner or the respondent is a
11 minor. The court, when determining whether or not to issue a
12 civil no contact order, may not require physical injury on the
13 person of the victim. Modification and extension of prior
14 civil no contact orders shall be in accordance with this Act.

15 (a-5) (Blank). ~~When a petition for a civil no contact~~
16 ~~order is granted, the order shall not be publicly available~~
17 ~~until the order is served on the respondent.~~

18 (b) (Blank).

19 (b-5) The court may provide relief as follows:

20 (1) prohibit the respondent from knowingly coming
21 within, or knowingly remaining within, a specified
22 distance from the petitioner;

23 (2) restrain the respondent from having any contact,
24 including nonphysical contact and electronic communication
25 as defined in Section 26.5-0.1 of the Criminal Code of

1 2012, with the petitioner directly, indirectly, or through
2 third parties, regardless of whether those third parties
3 know of the order;

4 (3) prohibit the respondent from knowingly coming
5 within, or knowingly remaining within, a specified
6 distance from the petitioner's residence, school, day care
7 or other specified location;

8 (4) order the respondent to stay away from any
9 property or animal owned, possessed, leased, kept, or held
10 by the petitioner and forbid the respondent from taking,
11 transferring, encumbering, concealing, harming, or
12 otherwise disposing of the property or animal; and

13 (5) order any other injunctive relief as necessary or
14 appropriate for the protection of the petitioner.

15 (b-6) When the petitioner and the respondent attend the
16 same public or private elementary, middle, or high school, the
17 court when issuing a civil no contact order and providing
18 relief shall consider the severity of the act, any continuing
19 physical danger or emotional distress to the petitioner, the
20 educational rights guaranteed to the petitioner and respondent
21 under federal and State law, the availability of a transfer of
22 the respondent to another school, a change of placement or a
23 change of program of the respondent, the expense, difficulty,
24 and educational disruption that would be caused by a transfer
25 of the respondent to another school, and any other relevant
26 facts of the case. The court may order that the respondent not

1 attend the public, private, or non-public elementary, middle,
2 or high school attended by the petitioner, order that the
3 respondent accept a change of placement or program, as
4 determined by the school district or private or non-public
5 school, or place restrictions on the respondent's movements
6 within the school attended by the petitioner. The respondent
7 bears the burden of proving by a preponderance of the evidence
8 that a transfer, change of placement, or change of program of
9 the respondent is not available. The respondent also bears the
10 burden of production with respect to the expense, difficulty,
11 and educational disruption that would be caused by a transfer
12 of the respondent to another school. A transfer, change of
13 placement, or change of program is not unavailable to the
14 respondent solely on the ground that the respondent does not
15 agree with the school district's or private or non-public
16 school's transfer, change of placement, or change of program
17 or solely on the ground that the respondent fails or refuses to
18 consent to or otherwise does not take an action required to
19 effectuate a transfer, change of placement, or change of
20 program. When a court orders a respondent to stay away from the
21 public, private, or non-public school attended by the
22 petitioner and the respondent requests a transfer to another
23 attendance center within the respondent's school district or
24 private or non-public school, the school district or private
25 or non-public school shall have sole discretion to determine
26 the attendance center to which the respondent is transferred.

1 In the event the court order results in a transfer of the minor
2 respondent to another attendance center, a change in the
3 respondent's placement, or a change of the respondent's
4 program, the parents, guardian, or legal custodian of the
5 respondent is responsible for transportation and other costs
6 associated with the transfer or change.

7 (b-7) The court may order the parents, guardian, or legal
8 custodian of a minor respondent to take certain actions or to
9 refrain from taking certain actions to ensure that the
10 respondent complies with the order. In the event the court
11 orders a transfer of the respondent to another school, the
12 parents or legal guardians of the respondent are responsible
13 for transportation and other costs associated with the change
14 of school by the respondent.

15 (c) Denial of a remedy may not be based, in whole or in
16 part, on evidence that:

17 (1) the respondent has cause for any use of force,
18 unless that cause satisfies the standards for justifiable
19 use of force provided by Article 7 of the Criminal Code of
20 2012;

21 (2) the respondent was voluntarily intoxicated;

22 (3) the petitioner acted in self-defense or defense of
23 another, provided that, if the petitioner utilized force,
24 such force was justifiable under Article 7 of the Criminal
25 Code of 2012;

26 (4) the petitioner did not act in self-defense or

1 defense of another;

2 (5) the petitioner left the residence or household to
3 avoid further non-consensual sexual conduct or
4 non-consensual sexual penetration by the respondent; or

5 (6) the petitioner did not leave the residence or
6 household to avoid further non-consensual sexual conduct
7 or non-consensual sexual penetration by the respondent.

8 (d) Monetary damages are not recoverable as a remedy.

9 (Source: P.A. 101-255, eff. 1-1-20; 102-220, eff. 1-1-22.)

10 (740 ILCS 22/214)

11 Sec. 214. Emergency civil no contact order.

12 (a) An emergency civil no contact order shall issue if the
13 petitioner satisfies the requirements of this subsection (a).

14 The petitioner shall establish that:

15 (1) the court has jurisdiction under Section 206;

16 (2) the requirements of Section 213 are satisfied; and

17 (3) there is good cause to grant the remedy,
18 regardless of prior service of process or of notice upon
19 the respondent, because the harm which that remedy is
20 intended to prevent would be likely to occur if the
21 respondent were given any prior notice, or greater notice
22 than was actually given, of the petitioner's efforts to
23 obtain judicial relief.

24 An emergency civil no contact order shall be issued by the
25 court if it appears from the contents of the petition and the

1 examination of the petitioner that the averments are
2 sufficient to indicate nonconsensual sexual conduct or
3 nonconsensual sexual penetration by the respondent and to
4 support the granting of relief under the issuance of the civil
5 no contact order.

6 An emergency civil no contact order shall be issued if the
7 court finds that subsections (1), (2), and (3) above are met.

8 (a-5) When a petition for a civil no contact order is
9 granted, the petition, order, and file shall not be public and
10 shall only be accessible to the court, law enforcement,
11 petitioner, rape crisis advocate, counsel of record for either
12 party, and the State's Attorney for the county until the
13 petition is served on the respondent.

14 (b) If the respondent appears in court for this hearing
15 for an emergency order, he or she may elect to file a general
16 appearance and testify. Any resulting order may be an
17 emergency order, governed by this Section. Notwithstanding the
18 requirements of this Section, if all requirements of Section
19 215 have been met, the court may issue a plenary order.

20 (c) Emergency orders; court holidays and evenings.

21 (1) When the court is unavailable at the close of
22 business, the petitioner may file a petition for a 21-day
23 emergency order before any available circuit judge or
24 associate judge who may grant relief under this Act. If
25 the judge finds that there is an immediate and present
26 danger of abuse against the petitioner and that the

1 petitioner has satisfied the prerequisites set forth in
2 subsection (a), that judge may issue an emergency civil no
3 contact order.

4 (2) The chief judge of the circuit court may designate
5 for each county in the circuit at least one judge to be
6 reasonably available to issue orally, by telephone, by
7 facsimile, or otherwise, an emergency civil no contact
8 order at all times, whether or not the court is in session.

9 (3) Any order issued under this Section and any
10 documentation in support of the order shall be certified
11 on the next court day to the appropriate court. The clerk
12 of that court shall immediately assign a case number, file
13 the petition, order, and other documents with the court,
14 and enter the order of record and file it with the sheriff
15 for service, in accordance with Section 222. Filing the
16 petition shall commence proceedings for further relief
17 under Section 202. Failure to comply with the requirements
18 of this paragraph (3) does not affect the validity of the
19 order.

20 (Source: P.A. 93-236, eff. 1-1-04; 93-811, eff. 1-1-05;
21 94-360, eff. 1-1-06.)

22 Section 15. The Illinois Domestic Violence Act of 1986 is
23 amended by changing Section 217 as follows:

24 (750 ILCS 60/217) (from Ch. 40, par. 2312-17)

1 Sec. 217. Emergency order of protection.

2 (a) Prerequisites. An emergency order of protection shall
3 issue if petitioner satisfies the requirements of this
4 subsection for one or more of the requested remedies. For each
5 remedy requested, petitioner shall establish that:

6 (1) The court has jurisdiction under Section 208;

7 (2) The requirements of Section 214 are satisfied; and

8 (3) There is good cause to grant the remedy,
9 regardless of prior service of process or of notice upon
10 the respondent, because:

11 (i) For the remedies of "prohibition of abuse"
12 described in Section 214(b)(1), "stay away order and
13 additional prohibitions" described in Section
14 214(b)(3), "removal or concealment of minor child"
15 described in Section 214(b)(8), "order to appear"
16 described in Section 214(b)(9), "physical care and
17 possession of the minor child" described in Section
18 214(b)(5), "protection of property" described in
19 Section 214(b)(11), "prohibition of entry" described
20 in Section 214(b)(14), "prohibition of firearm
21 possession" described in Section 214(b)(14.5),
22 "prohibition of access to records" described in
23 Section 214(b)(15), and "injunctive relief" described
24 in Section 214(b)(16), the harm which that remedy is
25 intended to prevent would be likely to occur if the
26 respondent were given any prior notice, or greater

1 notice than was actually given, of the petitioner's
2 efforts to obtain judicial relief;

3 (ii) For the remedy of "grant of exclusive
4 possession of residence" described in Section
5 214(b)(2), the immediate danger of further abuse of
6 petitioner by respondent, if petitioner chooses or had
7 chosen to remain in the residence or household while
8 respondent was given any prior notice or greater
9 notice than was actually given of petitioner's efforts
10 to obtain judicial relief, outweighs the hardships to
11 respondent of an emergency order granting petitioner
12 exclusive possession of the residence or household.
13 This remedy shall not be denied because petitioner has
14 or could obtain temporary shelter elsewhere while
15 prior notice is given to respondent, unless the
16 hardships to respondent from exclusion from the home
17 substantially outweigh those to petitioner;

18 (iii) For the remedy of "possession of personal
19 property" described in Section 214(b)(10), improper
20 disposition of the personal property would be likely
21 to occur if respondent were given any prior notice, or
22 greater notice than was actually given, of
23 petitioner's efforts to obtain judicial relief, or
24 petitioner has an immediate and pressing need for
25 possession of that property.

26 An emergency order may not include the counseling, legal

1 custody, payment of support or monetary compensation remedies.

2 (a-5) When a petition for an emergency order of protection
3 is granted, the order and file shall not be public and shall
4 only be accessible to the court, petitioner, law enforcement,
5 domestic violence advocate or counselor, counsel of record for
6 either party, and the State's Attorney for the county shall
7 ~~not be publicly available~~ until the order is served on the
8 respondent.

9 (b) Appearance by respondent. If respondent appears in
10 court for this hearing for an emergency order, he or she may
11 elect to file a general appearance and testify. Any resulting
12 order may be an emergency order, governed by this Section.
13 Notwithstanding the requirements of this Section, if all
14 requirements of Section 218 have been met, the court may issue
15 a 30-day interim order.

16 (c) Emergency orders: court holidays and evenings.

17 (1) Prerequisites. When the court is unavailable at
18 the close of business, the petitioner may file a petition
19 for a 21-day emergency order before any available circuit
20 judge or associate judge who may grant relief under this
21 Act. If the judge finds that there is an immediate and
22 present danger of abuse to petitioner and that petitioner
23 has satisfied the prerequisites set forth in subsection
24 (a) of Section 217, that judge may issue an emergency
25 order of protection.

26 (1.5) Issuance of order. The chief judge of the

1 circuit court may designate for each county in the circuit
2 at least one judge to be reasonably available to issue
3 orally, by telephone, by facsimile, or otherwise, an
4 emergency order of protection at all times, whether or not
5 the court is in session.

6 (2) Certification and transfer. The judge who issued
7 the order under this Section shall promptly communicate or
8 convey the order to the sheriff to facilitate the entry of
9 the order into the Law Enforcement Agencies Data System by
10 the Department of State Police pursuant to Section 302.
11 Any order issued under this Section and any documentation
12 in support thereof shall be certified on the next court
13 day to the appropriate court. The clerk of that court
14 shall immediately assign a case number, file the petition,
15 order and other documents with the court, and enter the
16 order of record and file it with the sheriff for service,
17 in accordance with Section 222. Filing the petition shall
18 commence proceedings for further relief under Section 202.
19 Failure to comply with the requirements of this subsection
20 shall not affect the validity of the order.

21 (Source: P.A. 101-255, eff. 1-1-20.)

22 Section 95. No acceleration or delay. Where this Act makes
23 changes in a statute that is represented in this Act by text
24 that is not yet or no longer in effect (for example, a Section
25 represented by multiple versions), the use of that text does

1 not accelerate or delay the taking effect of (i) the changes
2 made by this Act or (ii) provisions derived from any other
3 Public Act.

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.