



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB3667

Introduced 1/21/2022, by Sen. Steve Stadelman

SYNOPSIS AS INTRODUCED:

725 ILCS 5/112A-5.5

740 ILCS 21/20

740 ILCS 21/70

740 ILCS 22/202

740 ILCS 22/210

750 ILCS 60/202

from Ch. 40, par. 2312-2

750 ILCS 60/212

from Ch. 40, par. 2312-12

Amends the Code of Criminal Procedure of 1963, the Stalking No Contact Order Act, the Civil No Contact Order Act, and the Illinois Domestic Violence Act of 1986. Allows a person to file a petition for a protection order, stalking no contact order, civil no contact order, or order of protection either in-person, by email, or online. Requires a court in a county with a population above 250,000 to offer the option of a remote hearing to a petitioner for a protective order, stalking no contact order, civil no contact order, or order of protection.

LRB102 25713 LNS 35021 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 Code of Criminal Procedure of 1963 is
5 amended by changing Section 112A-5.5 as follows:

6 (725 ILCS 5/112A-5.5)

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

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

15 (b) The request for an ex parte protective order may be
16 considered without notice to the respondent under Section
17 112A-17.5 of this Code.

18 (c) A summons shall be issued and served for a protective
19 order. The summons may be served by delivery to the respondent
20 personally in open court in the criminal or juvenile
21 delinquency proceeding, in the form prescribed by subsection

22 (d) of Supreme Court Rule 101, except that it shall require
23 respondent to answer or appear within 7 days. Attachments to

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

4 (d) The summons shall be served by the sheriff or other law
5 enforcement officer at the earliest time available and shall
6 take precedence over any other summons, except those of a
7 similar emergency nature. Attachments to the summons shall
8 include the petition for protective order, supporting
9 affidavits, if any, and any ex parte protective order that has
10 been issued. Special process servers may be appointed at any
11 time and their designation shall not affect the
12 responsibilities and authority of the sheriff or other
13 official process servers. In a county with a population over
14 3,000,000, a special process server may not be appointed if
15 the protective order grants the surrender of a child, the
16 surrender of a firearm or Firearm Owner's Identification Card,
17 or the exclusive possession of a shared residence.

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

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

1 considered at any court proceeding in the delinquency or
2 criminal case after service of the petition. If the petitioner
3 has not been provided notice of the court proceeding at least
4 10 days in advance of the proceeding, the court shall schedule
5 a hearing on the petition and provide notice to the
6 petitioner.

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

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

21 (g) Default orders.

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

24 (A) for any of the remedies sought in the
25 petition, if respondent has been served with documents
26 under subsection (b) or (c) of this Section and if

1 respondent fails to appear on the specified return
2 date or any subsequent hearing date agreed to by the
3 petitioner and respondent or set by the court; or

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

12 (2) A final civil no contact order may be entered by
13 default for any of the remedies provided in Section
14 112A-14.5 of this Code, if respondent has been served with
15 documents under subsection (b) or (c) of this Section, and
16 if the respondent fails to answer or appear in accordance
17 with the date set in the publication notice or the return
18 date indicated on the service of a household member.

19 (3) A final stalking no contact order may be entered
20 by default for any of the remedies provided by Section
21 112A-14.7 of this Code, if respondent has been served with
22 documents under subsection (b) or (c) of this Section and
23 if the respondent fails to answer or appear in accordance
24 with the date set in the publication notice or the return
25 date indicated on the service of a household member.

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

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

3 (740 ILCS 21/20)

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

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

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

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

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

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

18 (b) Withdrawal or dismissal of any petition for a stalking
19 no contact order prior to adjudication where the petitioner is
20 represented by the State shall operate as a dismissal without
21 prejudice. No action for a stalking no contact order shall be
22 dismissed because the respondent is being prosecuted for a
23 crime against the petitioner. For any action commenced under
24 item (2) of subsection (a) of this Section, dismissal of the

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

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

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

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

15 (740 ILCS 21/70)

16 Sec. 70. Hearings.

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

22 (b) A court in a county with a population above 250,000
23 shall offer the option of a remote hearing to a petitioner for
24 a stalking no contact order. Each court shall determine the
25 procedure for a remote hearing. The petitioner and respondent

1 may appear remotely or in-person.

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

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

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

14 (740 ILCS 22/202)

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

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

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

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

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

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

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

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

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

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

24 (740 ILCS 22/210)

25 Sec. 210. Hearings.

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

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

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

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

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

23 (750 ILCS 60/202) (from Ch. 40, par. 2312-2)

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

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

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

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

23 (3) In conjunction with a delinquency petition or a
24 criminal prosecution as provided in Section 112A-20 of the
25 Code of Criminal Procedure of 1963.

26 (a-1) A petition for an order of protection may be filed

1 in-person, by email, or online.

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

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

12 (c) Dismissal and consolidation. Withdrawal or dismissal
13 of any petition for an order of protection prior to
14 adjudication where the petitioner is represented by the State
15 shall operate as a dismissal without prejudice. No action for
16 an order of protection shall be dismissed because the
17 respondent is being prosecuted for a crime against the
18 petitioner. An independent action may be consolidated with
19 another civil proceeding, as provided by paragraph (2) of
20 subsection (a) of this Section. For any action commenced under
21 paragraph (2) or (3) of subsection (a) of this Section,
22 dismissal of the conjoined case (or a finding of not guilty)
23 shall not require dismissal of the action for the order of
24 protection; instead, it may be treated as an independent
25 action and, if necessary and appropriate, transferred to a
26 different court or division. Dismissal of any conjoined case

1 shall not affect the validity of any previously issued order
2 of protection, and thereafter subsections (b) (1) and (b) (2) of
3 Section 220 shall be inapplicable to such order.

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

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

19 (1) As used in this subsection:

20 (A) "Electronic means" means any method of
21 transmission of information between computers or other
22 machines designed for the purpose of sending or
23 receiving electronic transmission and that allows for
24 the recipient of information to reproduce the
25 information received in a tangible medium of
26 expression.

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

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

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

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

24 (B) identification of one or more organizations
25 who are trained and available to assist petitioners in
26 preparing and filing petitions for temporary orders of

1 protection and in their electronic appearances before
2 the court to obtain such orders; and

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

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

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

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

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

22 (A) A petitioner who is seeking an ex parte
23 temporary order of protection using an electronic
24 appearance must file a petition in advance of the
25 appearance and may do so electronically.

26 (B) The petitioner must show that traveling to or

1 appearing in court would constitute an undue hardship
2 or create a risk of harm to the petitioner. In granting
3 or denying any relief sought by the petitioner, the
4 court shall state the names of all participants and
5 whether it is granting or denying an appearance by
6 electronic means and the basis for such a
7 determination. A party is not required to file a
8 petition or other document by electronic means or to
9 testify by means of an electronic appearance.

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

16 (4) Appearances.

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

22 (B) Electronic appearances under this subsection
23 (e) shall be recorded and preserved for transcription.
24 Documentary evidence, if any, referred to by a party
25 or witness or the court may be transmitted and
26 submitted and introduced by electronic means.

1 (Source: P.A. 100-199, eff. 1-1-18; 100-201, eff. 8-18-17;
2 101-255, eff. 1-1-20.)

3 (750 ILCS 60/212) (from Ch. 40, par. 2312-12)
4 Sec. 212. Hearings.

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

11 (b) Any court or a division thereof which ordinarily does
12 not decide matters of child custody and family support may
13 decline to decide contested issues of physical care, custody,
14 visitation, or family support unless a decision on one or more
15 of those contested issues is necessary to avoid the risk of
16 abuse, neglect, removal from the state or concealment within
17 the state of the child or of separation of the child from the
18 primary caretaker. If the court or division thereof has
19 declined to decide any or all of these issues, then it shall
20 transfer all undecided issues to the appropriate court or
21 division. In the event of such a transfer, a government
22 attorney involved in the criminal prosecution may, but need
23 not, continue to offer counsel to petitioner on transferred
24 matters.

25 (c) If the court transfers or otherwise declines to decide

1 any issue, judgment on that issue shall be expressly reserved
2 and ruling on other issues shall not be delayed or declined.

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

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

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