

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 or online, after a criminal charge or
11 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. The court has the discretion to grant or
10 deny the request for a remote hearing. Each court shall
11 determine the procedure for a remote hearing. The petitioner
12 and respondent may appear remotely or in-person.

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

22 (g) Default orders.

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

25 (A) for any of the remedies sought in the
26 petition, if respondent has been served with documents

1 under subsection (b) or (c) of this Section and if
2 respondent fails to appear on the specified return
3 date or any subsequent hearing date agreed to by the
4 petitioner and respondent or set by the court; or

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

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

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

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

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

4 (740 ILCS 21/20)

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

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

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

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

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

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

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

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

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

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

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

16 (740 ILCS 21/70)

17 Sec. 70. Hearings.

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

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

1 grant or deny the request for a remote hearing. Each court
2 shall determine the procedure for a remote hearing. The
3 petitioner and respondent may appear remotely or in-person.

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

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

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

16 (740 ILCS 22/202)

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

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

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

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

1 (a-1) A petition for a civil no contact order may be filed
2 in-person or online.

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

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

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

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

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

1 (740 ILCS 22/210)

2 Sec. 210. Hearings.

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

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

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

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

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

1 (750 ILCS 60/202) (from Ch. 40, par. 2312-2)

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

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

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

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

25 (3) In conjunction with a delinquency petition or a

1 criminal prosecution as provided in Section 112A-20 of the
2 Code of Criminal Procedure of 1963.

3 (a-1) A petition for an order of protection may be filed
4 in-person or online.

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

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

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

1 protection; instead, it may be treated as an independent
2 action and, if necessary and appropriate, transferred to a
3 different court or division. Dismissal of any conjoined case
4 shall not affect the validity of any previously issued order
5 of protection, and thereafter subsections (b) (1) and (b) (2) of
6 Section 220 shall be inapplicable to such order.

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

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

22 (1) As used in this subsection:

23 (A) "Electronic means" means any method of
24 transmission of information between computers or other
25 machines designed for the purpose of sending or
26 receiving electronic transmission and that allows for

1 the recipient of information to reproduce the
2 information received in a tangible medium of
3 expression.

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

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

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

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

1 (B) identification of one or more organizations
2 who are trained and available to assist petitioners in
3 preparing and filing petitions for temporary orders of
4 protection and in their electronic appearances before
5 the court to obtain such orders; and

6 (C) identification of the existing resources
7 available in local family courts for the
8 implementation and oversight of the pilot program; and

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

14 (E) a timeline for implementation and a plan for
15 informing the public about the availability of the
16 program; and

17 (F) a description of the data to be collected in
18 order to evaluate and make recommendations for
19 improvements to the pilot program.

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

25 (A) A petitioner who is seeking an ex parte
26 temporary order of protection using an electronic

1 appearance must file a petition in advance of the
2 appearance and may do so electronically.

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

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

19 (4) Appearances.

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

25 (B) Electronic appearances under this subsection
26 (e) shall be recorded and preserved for transcription.

1 Documentary evidence, if any, referred to by a party
2 or witness or the court may be transmitted and
3 submitted and introduced by electronic means.

4 (Source: P.A. 100-199, eff. 1-1-18; 100-201, eff. 8-18-17;
5 101-255, eff. 1-1-20.)

6 (750 ILCS 60/212) (from Ch. 40, par. 2312-12)
7 Sec. 212. Hearings.

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

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

1 not, continue to offer counsel to petitioner on transferred
2 matters.

3 (c) If the court transfers or otherwise declines to decide
4 any issue, judgment on that issue shall be expressly reserved
5 and ruling on other issues shall not be delayed or declined.

6 (d) 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 an order of protection. The court has the discretion to grant
9 or deny the request for a remote hearing. Each court shall
10 determine the procedure for a remote hearing. The petitioner
11 and respondent may appear 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 the court's website and posted on signs
17 throughout the courthouse, including in the clerk's office.
18 The sign shall be written in plain language and include
19 information about the availability of remote court appearances
20 and the process for requesting a remote hearing.

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