

1 AN ACT concerning courts.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Court
5 Record and Document Accessibility Act.

6 Section 5. Record and document accessibility.

7 (a) All records and documents are presumed to be
8 accessible by the court and the clerk of the court. A clerk of
9 the court shall limit access to case information and documents
10 that are not identified as public to the clerk of the court or
11 limited supervisory staff through the use of access codes
12 restricting access. Access to court records and documents
13 remotely over the Internet shall be as authorized by the
14 Illinois Supreme Court Remote Access Policy.

15 (b) Unless otherwise specified by rule, statute, or order,
16 access to case information and documents maintained by the
17 clerk of the court is defined as follows:

18 (1) "Public" means a document or case that is
19 accessible by any person upon request.

20 (2) "Impounded" means a document or case that is
21 accessible only to the parties of record on a case;
22 otherwise, the document or case is only accessible upon
23 order of a court.

1 (3) "Confidential" means a document or case that is
2 accessible only to the party submitting the document or
3 filing the case; otherwise, the document or case is only
4 accessible upon order of a court.

5 (4) "Sealed" means a document or case that is
6 accessible only upon order of a court.

7 (5) "Expunged" means a document or case that is
8 accessible only upon order of a court as provided in
9 subparagraph (E) of paragraph (1) of subsection (a) of
10 Section 5.2 of the Criminal Identification Act.

11 (c) Notwithstanding any provision of subsections (a) and
12 (b), the court may enter an order restricting access to any
13 case or document per order of court.

14 (d) If any law of this State restricts access to any case
15 information and documents maintained by the clerk of the court
16 by using the phrase "shall not be public", or a similar phrase
17 stating that a court record is not available to the public, the
18 clerk of the court shall impound such case information and
19 documents unless the court directs otherwise.

20 (e) Notwithstanding any other provision of law, if any law
21 or statute of this State conflicts with Supreme Court Rule 8,
22 then Supreme Court Rule 8 governs.

23 Section 10. Process for access. The General Assembly
24 encourages the Supreme Court to consider establishing a
25 process for access to court files that are limited by statute

1 or court rule that includes standardized forms and provisions
2 for requesting access to documents in court files that are
3 restricted in any manner.

4 Section 15. Applicability. This Act applies to all court
5 records and documents related to any civil or criminal
6 proceeding brought before any court in this State that are
7 created and maintained by a State court.

8 Section 20. The Code of Criminal Procedure of 1963 is
9 amended by changing Section 108A-7 as follows:

10 (725 ILCS 5/108A-7) (from Ch. 38, par. 108A-7)

11 Sec. 108A-7. Retention and Review of Recordings.

12 (a) The contents of any conversation overheard by any
13 eavesdropping device shall, if possible, be recorded on tape
14 or a comparable device. The recording of the contents of a
15 conversation under this Article shall be done in such a way as
16 will protect the recording from editing or other alterations.

17 (b) Immediately after the expiration of the period of the
18 order or extension or, where the recording was made in an
19 emergency situation as defined in Section 108A-6, at the time
20 of the request for approval subsequent to the emergency, all
21 such recordings shall be made available to the judge issuing
22 the order or hearing the application for approval of an
23 emergency application.

1 The judge shall listen to the tapes, determine if the
2 conversations thereon are within his order or were
3 appropriately made in emergency situations, and make a record
4 of such determination to be retained with the tapes.

5 The recordings shall be sealed under the instructions of
6 the judge and custody shall be where he orders. Such
7 recordings shall not be destroyed except upon order of the
8 judge hearing the application and in any event shall be kept
9 for 10 years if not destroyed upon his order.

10 Duplicate recordings may be made for any use or disclosure
11 authorized by this Article. The presence of the seal provided
12 for in this Section or a satisfactory explanation for the
13 absence thereof shall be a pre-requisite for the use or
14 disclosure of the contents of the recordings or any evidence
15 derived therefrom.

16 (c) Applications made and orders granted under this
17 Article shall be sealed by the judge. Custody of the
18 applications and orders shall be wherever the judge requests.
19 Such applications and orders shall be disclosed only upon a
20 showing of good cause before a judge. Such documents shall not
21 be destroyed except on the order of the issuing or denying
22 judge or after the expiration of 10 years time if not destroyed
23 upon his order.

24 As used in this subsection, "sealed" has the same meaning
25 as in paragraph (4) of subsection (b) of Section 5 of the Court
26 Record and Document Accessibility Act.

1 (Source: P.A. 79-1159.)

2 Section 25. The Privacy of Child Victims of Criminal
3 Sexual Offenses Act is amended by changing Section 3 as
4 follows:

5 (725 ILCS 190/3) (from Ch. 38, par. 1453)

6 Sec. 3. Confidentiality of Law Enforcement and Court
7 Records. Notwithstanding any other law to the contrary,
8 inspection and copying of law enforcement records maintained
9 by any law enforcement agency or all circuit court records
10 maintained by any circuit clerk relating to any investigation
11 or proceeding pertaining to a criminal sexual offense, by any
12 person, except a judge, state's attorney, assistant state's
13 attorney, Attorney General, Assistant Attorney General,
14 psychologist, psychiatrist, social worker, doctor, parent,
15 parole agent, aftercare specialist, probation officer,
16 defendant, defendant's attorney, advocate, or victim's
17 attorney (as defined in Section 3 of the Rights of Crime
18 Victims and Witnesses Act) in any criminal proceeding or
19 investigation related thereto, shall be restricted to exclude
20 the identity of any child who is a victim of such criminal
21 sexual offense or alleged criminal sexual offense unless a
22 court order is issued authorizing the removal of such
23 restriction as provided under this Section of a particular
24 case record or particular records of cases maintained by any

1 circuit court clerk. A court may, for the child's protection
2 and for good cause shown, prohibit any person or agency
3 present in court from further disclosing the child's identity.

4 A court may prohibit such disclosure only after giving
5 notice and a hearing to all affected parties. In determining
6 whether to prohibit disclosure of the minor's identity, the
7 court shall consider:

8 (1) the best interest of the child; and

9 (2) whether such nondisclosure would further a
10 compelling State interest.

11 When a criminal sexual offense is committed or alleged to
12 have been committed by a school district employee or any
13 individual contractually employed by a school district, a copy
14 of the criminal history record information relating to the
15 investigation of the offense or alleged offense shall be
16 transmitted to the superintendent of schools of the district
17 immediately upon request or if the law enforcement agency
18 knows that a school district employee or any individual
19 contractually employed by a school district has committed or
20 is alleged to have committed a criminal sexual offense, the
21 superintendent of schools of the district shall be immediately
22 provided a copy of the criminal history record information.
23 The copy of the criminal history record information to be
24 provided under this Section shall exclude the identity of the
25 child victim. The superintendent shall be restricted from
26 revealing the identity of the victim. Nothing in this Article

1 precludes or may be used to preclude a mandated reporter from
2 reporting child abuse or child neglect as required under the
3 Abused and Neglected Child Reporting Act.

4 For the purposes of this Act, "criminal history record
5 information" means:

6 (i) chronologically maintained arrest information,
7 such as traditional arrest logs or blotters;

8 (ii) the name of a person in the custody of a law
9 enforcement agency and the charges for which that person
10 is being held;

11 (iii) court records that are public, as defined in
12 paragraph (1) of subsection (b) of Section 5 of the Court
13 Record and Document Accessibility Act;

14 (iv) records that are otherwise available under State
15 or local law; or

16 (v) records in which the requesting party is the
17 individual identified, except as provided under part (vii)
18 of paragraph (c) of subsection (1) of Section 7 of the
19 Freedom of Information Act.

20 (Source: P.A. 102-651, eff. 1-1-22; 102-813, eff. 5-13-22.)

21 Section 30. The Unified Code of Corrections is amended by
22 changing Section 5-5.5-15 as follows:

23 (730 ILCS 5/5-5.5-15)

24 Sec. 5-5.5-15. Certificates of relief from disabilities

1 issued by courts.

2 (a) Any circuit court of this State may issue a
3 certificate of relief from disabilities to an eligible
4 offender for a conviction that occurred in that court if the
5 court imposed the sentence. The certificate may be issued (i)
6 at the time sentence is pronounced, in which case it may grant
7 relief from disabilities, or (ii) at any time thereafter, in
8 which case it shall apply only to disabilities.

9 (b) The certificate may not be issued by the court unless
10 the court is satisfied, based on clear and convincing
11 evidence, that:

12 (1) the person to whom it is to be granted is an
13 eligible offender, as defined in Section 5-5.5-5;

14 (2) the relief to be granted by the certificate is
15 consistent with the rehabilitation of the eligible
16 offender; and

17 (3) the relief to be granted by the certificate is
18 consistent with the public interest.

19 (c) If a certificate of relief from disabilities is not
20 issued at the time sentence is pronounced it shall only be
21 issued thereafter upon verified application to the court. The
22 court may, for the purpose of determining whether the
23 certificate shall be issued, request the probation or court
24 services department to conduct an investigation of the
25 applicant. Any probation officer requested to make an
26 investigation under this Section shall prepare and submit to

1 the court a written report in accordance with the request.

2 (d) Any court that has issued a certificate of relief from
3 disabilities may at any time issue a new certificate to
4 enlarge the relief previously granted provided that the
5 provisions of clauses (1) through (3) of subsection (b) of
6 this Section apply to the issuance of any such new
7 certificate.

8 (e) Any written report submitted to the court under this
9 Section is confidential and may not be made available to any
10 person or public or private agency except if specifically
11 required or permitted by statute or upon specific
12 authorization of the court. However, it shall be made
13 available by the court for examination by the applicant's
14 attorney, or the applicant himself or herself, if he or she has
15 no attorney. In its discretion, the court may except from
16 disclosure a part or parts of the report that are not relevant
17 to the granting of a certificate, or sources of information
18 which have been obtained on a promise of confidentiality, or
19 any other portion of the report, disclosure of which would not
20 be in the interest of justice. The action of the court
21 excepting information from disclosure shall be subject to
22 appellate review. The court, in its discretion, may hold a
23 conference in open court or in chambers to afford an applicant
24 an opportunity to controvert or to comment upon any portions
25 of the report. The court may also conduct a summary hearing at
26 the conference on any matter relevant to the granting of the

1 application and may take testimony under oath.

2 As used in this subsection, "confidential" has the same
3 meaning as in paragraph (3) of subsection (b) of Section 5 of
4 the Court Record and Document Accessibility Act.

5 (f) An employer is not civilly or criminally liable for an
6 act or omission by an employee who has been issued a
7 certificate of relief from disabilities, except for a willful
8 or wanton act by the employer in hiring the employee who has
9 been issued a certificate of relief from disabilities.

10 (Source: P.A. 96-852, eff. 1-1-10.)

11 Section 35. The Stalking No Contact Order Act is amended
12 by changing Sections 20 and 95 as follows:

13 (740 ILCS 21/20)

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

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

17 (1) independently, by filing a petition for a stalking
18 no contact order in any civil court, unless specific
19 courts 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 stalking no contact order may be
24 filed in person ~~in person~~ or online.

1 (a-5) When a petition for an emergency stalking no contact
2 order is filed, the petition and file shall not be public and
3 shall only be accessible to the court, law enforcement,
4 petitioner, victim advocate, counsel of record for either
5 party, and ~~the~~ State's Attorney for the county until the
6 petition is served on the respondent.

7 Accessibility to the petition and file under this
8 subsection prior to the petition being served on the
9 respondent shall be in accordance with Section 5 of the Court
10 Record and Document Accessibility Act.

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

23 (c) No fee shall be charged by the clerk of the court for
24 filing petitions or modifying or certifying orders. No fee
25 shall be charged by the sheriff for service by the sheriff of a
26 petition, rule, motion, or order in an action commenced under

1 this Section.

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

5 (Source: P.A. 101-255, eff. 1-1-20; 102-831, eff. 5-13-22;
6 102-853, eff. 1-1-23; revised 12-14-22.)

7 (740 ILCS 21/95)

8 Sec. 95. Emergency stalking no contact order.

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

11 (a). The petitioner shall establish that:

12 (1) the court has jurisdiction under Section 50;

13 (2) the requirements of Section 80 are satisfied; and

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

21 An emergency stalking no contact order shall be issued by
22 the court if it appears from the contents of the petition and
23 the examination of the petitioner that the averments are
24 sufficient to indicate stalking by the respondent and to
25 support the granting of relief under the issuance of the

1 stalking no contact order.

2 An emergency stalking no contact order shall be issued if
3 the court finds that items (1), (2), and (3) of this subsection
4 (a) are met.

5 (a-5) When a petition for an emergency stalking no contact
6 order is granted, the petition, order, and file shall not be
7 public and shall only be accessible to the court, law
8 enforcement, petitioner, victim advocate, counsel of record
9 for either party, and ~~the~~ State's Attorney for the county
10 until the order is served on the respondent.

11 Accessibility to the petition, order, and file under this
12 subsection prior to the petition being served on the
13 respondent shall be in accordance with Section 5 of the Court
14 Record and Document Accessibility Act.

15 (b) If the respondent appears in court for this hearing
16 for an emergency order, he or she may elect to file a general
17 appearance and testify. Any resulting order may be an
18 emergency order, governed by this Section. Notwithstanding the
19 requirements of this Section, if all requirements of Section
20 100 have been met, the court may issue a plenary order.

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

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

1 danger of abuse against the petitioner and that the
2 petitioner has satisfied the prerequisites set forth in
3 subsection (a), that judge may issue an emergency stalking
4 no contact order.

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

10 (3) Any order issued under this Section and any
11 documentation in support of the order shall be certified
12 on the next court day to the appropriate court. The clerk
13 of that court shall immediately assign a case number, file
14 the petition, order, and other documents with the court,
15 and enter the order of record and file it with the sheriff
16 for service, in accordance with Section 60. Filing the
17 petition shall commence proceedings for further relief
18 under Section 20. Failure to comply with the requirements
19 of this paragraph (3) does not affect the validity of the
20 order.

21 (Source: P.A. 101-255, eff. 1-1-20; 102-831, eff. 5-13-22.)

22 Section 40. The Civil No Contact Order Act is amended by
23 changing Sections 202 and 214 as follows:

24 (740 ILCS 22/202)

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

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

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

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

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

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

17 Accessibility to the petition and file under this
18 subsection prior to the petition being served on the
19 respondent shall be in accordance with Section 5 of the Court
20 Record and Document Accessibility Act.

21 (b) Withdrawal or dismissal of any petition for a civil no
22 contact order prior to adjudication where the petitioner is
23 represented by the State shall operate as a dismissal without
24 prejudice. No action for a civil no contact order shall be
25 dismissed because the respondent is being prosecuted for a
26 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 civil no contact order; instead,
4 it may be treated as an independent action and, if necessary
5 and appropriate, transferred to a different court or 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. 101-255, eff. 1-1-20; 102-831, eff. 5-13-22;
15 102-853, eff. 1-1-23; revised 12-14-22.)

16 (740 ILCS 22/214)

17 Sec. 214. Emergency civil no contact order.

18 (a) An emergency civil no contact order shall issue if the
19 petitioner satisfies the requirements of this subsection (a).
20 The petitioner shall establish that:

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

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

23 (3) there is good cause to grant the remedy,
24 regardless of prior service of process or of notice upon
25 the respondent, because the harm which that remedy is

1 intended to prevent would be likely to occur if the
2 respondent were given any prior notice, or greater notice
3 than was actually given, of the petitioner's efforts to
4 obtain judicial relief.

5 An emergency civil no contact order shall be issued by the
6 court if it appears from the contents of the petition and the
7 examination of the petitioner that the averments are
8 sufficient to indicate nonconsensual sexual conduct or
9 nonconsensual sexual penetration by the respondent and to
10 support the granting of relief under the issuance of the civil
11 no contact order.

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

14 (a-5) When a petition for a civil no contact order is
15 granted, the petition, order, and file shall not be public and
16 shall only be accessible to the court, law enforcement,
17 petitioner, rape crisis advocate, counsel of record for either
18 party, and the State's Attorney for the county until the
19 petition is served on the respondent.

20 Accessibility to the petition, order, and file under this
21 subsection prior to the petition being served on the
22 respondent shall be in accordance with Section 5 of the Court
23 Record and Document Accessibility Act.

24 (b) If the respondent appears in court for this hearing
25 for an emergency order, he or she may elect to file a general
26 appearance and testify. Any resulting order may be an

1 emergency order, governed by this Section. Notwithstanding the
2 requirements of this Section, if all requirements of Section
3 215 have been met, the court may issue a plenary order.

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

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

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

19 (3) Any order issued under this Section and any
20 documentation in support of the order shall be certified
21 on the next court day to the appropriate court. The clerk
22 of that court shall immediately assign a case number, file
23 the petition, order, and other documents with the court,
24 and enter the order of record and file it with the sheriff
25 for service, in accordance with Section 222. Filing the
26 petition shall commence proceedings for further relief

1 under Section 202. Failure to comply with the requirements
2 of this paragraph (3) does not affect the validity of the
3 order.

4 (Source: P.A. 102-831, eff. 5-13-22.)

5 Section 45. The Mental Health and Developmental
6 Disabilities Confidentiality Act is amended by changing
7 Section 3 as follows:

8 (740 ILCS 110/3) (from Ch. 91 1/2, par. 803)

9 Sec. 3. (a) All records and communications shall be
10 confidential and shall not be disclosed except as provided in
11 this Act. Unless otherwise expressly provided for in this Act,
12 records and communications made or created in the course of
13 providing mental health or developmental disabilities services
14 shall be protected from disclosure regardless of whether the
15 records and communications are made or created in the course
16 of a therapeutic relationship.

17 As used in this subsection, "confidential" has the same
18 meaning as in paragraph (3) of subsection (b) of Section 5 of
19 the Court Record and Document Accessibility Act.

20 (b) A therapist is not required to but may, to the extent
21 he determines it necessary and appropriate, keep personal
22 notes regarding a recipient. Such personal notes are the work
23 product and personal property of the therapist and shall not
24 be subject to discovery in any judicial, administrative or

1 legislative proceeding or any proceeding preliminary thereto.

2 (c) Psychological test material whose disclosure would
3 compromise the objectivity or fairness of the testing process
4 may not be disclosed to anyone including the subject of the
5 test and is not subject to disclosure in any administrative,
6 judicial or legislative proceeding. However, any recipient who
7 has been the subject of the psychological test shall have the
8 right to have all records relating to that test disclosed to
9 any psychologist designated by the recipient. Requests for
10 such disclosure shall be in writing and shall comply with the
11 requirements of subsection (b) of Section 5 of this Act.

12 (Source: P.A. 99-28, eff. 1-1-16.)

13 Section 50. The Communicable Disease Report Act is amended
14 by changing Section 1 as follows:

15 (745 ILCS 45/1) (from Ch. 126, par. 21)

16 Sec. 1. Whenever any statute of this State or any
17 ordinance or resolution of a municipal corporation or
18 political subdivision enacted pursuant to statute or any rule
19 of an administrative agency adopted pursuant to statute
20 requires medical practitioners or other persons to report
21 cases of injury, medical condition or procedure, communicable
22 disease, venereal disease, or sexually transmitted disease to
23 any governmental agency or officer, such reports shall be
24 confidential, and any medical practitioner or other person

1 making such report in good faith shall be immune from suit for
2 slander or libel based upon any statements contained in such
3 report.

4 The identity of any individual who makes a report or who is
5 identified in a report of an injury, medical condition or
6 procedure, communicable disease, venereal disease, sexually
7 transmitted disease, or food-borne illness or an investigation
8 conducted pursuant to a report of an injury, medical condition
9 or procedure, communicable disease, venereal disease, sexually
10 transmitted disease, or food-borne illness shall be
11 confidential and the identity of any person making a report or
12 named therein shall not be disclosed publicly or in any action
13 of any kind in any court or before any tribunal, board or
14 agency; provided that records and communications concerning a
15 venereal disease or sexually transmitted disease in any minor
16 under 11 years of age shall be disclosed in accordance with the
17 provisions of the Abused and Neglected Child Reporting Act,
18 approved June 26, 1975, as now or hereafter amended.

19 The confidentiality provisions of this Act do not apply to
20 the results of tests for diseases conducted pursuant to
21 subsections (g) and (g-5) of Section 5-5-3 and subsection (a)
22 of Section 3-15-2 of the Unified Code of Corrections.

23 Nothing in this Act prohibits the sharing of information
24 as authorized in Section 2.1 of the Department of Public
25 Health Act.

26 As used in this Section, "confidential" has the same

1 meaning as in paragraph (3) of subsection (b) of Section 5 of
2 the Court Record and Document Accessibility Act.

3 (Source: P.A. 93-829, eff. 7-28-04.)

4 Section 55. The Illinois Domestic Violence Act of 1986 is
5 amended by changing Sections 202 and 217 as follows:

6 (750 ILCS 60/202) (from Ch. 40, par. 2312-2)

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

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

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

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

1 a proceeding for involuntary commitment under the Mental
2 Health and Developmental Disabilities Code, or any
3 proceeding, other than a delinquency petition, under the
4 Juvenile Court Act of 1987, provided that a petitioner or
5 the respondent is a party to or the subject of such
6 proceeding.

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

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

12 (a-5) When a petition for an emergency order of protection
13 is filed, the petition shall not be public ~~publicly available~~
14 until the petition is served on the respondent.

15 Accessibility to the petition under this subsection prior
16 to the petition being served on the respondent shall be in
17 accordance with Section 5 of the Court Record and Document
18 Accessibility Act.

19 (b) Filing, certification, and service fees. No fee shall
20 be charged by the clerk for filing, amending, vacating,
21 certifying, or photocopying petitions or orders; or for
22 issuing alias summons; or for any related filing service. No
23 fee shall be charged by the sheriff for service by the sheriff
24 of a petition, rule, motion, or order in an action commenced
25 under this Section.

26 (c) Dismissal and consolidation. Withdrawal or dismissal

1 of any petition for an order of protection prior to
2 adjudication where the petitioner is represented by the State
3 shall operate as a dismissal without prejudice. No action for
4 an order of protection shall be dismissed because the
5 respondent is being prosecuted for a crime against the
6 petitioner. An independent action may be consolidated with
7 another civil proceeding, as provided by paragraph (2) of
8 subsection (a) of this Section. For any action commenced under
9 paragraph (2) or (3) of subsection (a) of this Section,
10 dismissal of the conjoined case (or a finding of not guilty)
11 shall not require dismissal of the action for the order of
12 protection; instead, it may be treated as an independent
13 action and, if necessary and appropriate, transferred to a
14 different court or division. Dismissal of any conjoined case
15 shall not affect the validity of any previously issued order
16 of protection, and thereafter subsections (b) (1) and (b) (2) of
17 Section 220 shall be inapplicable to such order.

18 (d) Pro se petitions. The court shall provide, through the
19 office of the clerk of the court, simplified forms and
20 clerical assistance to help with the writing and filing of a
21 petition under this Section by any person not represented by
22 counsel. In addition, that assistance may be provided by the
23 State's Attorney ~~state's attorney~~.

24 (e) As provided in this subsection, the administrative
25 director of the Administrative Office of the Illinois Courts,
26 with the approval of the administrative board of the courts,

1 may adopt rules to establish and implement a pilot program to
2 allow the electronic filing of petitions for temporary orders
3 of protection and the issuance of such orders by audio-visual
4 means to accommodate litigants for whom attendance in court to
5 file for and obtain emergency relief would constitute an undue
6 hardship or would constitute a risk of harm to the litigant.

7 (1) As used in this subsection:

8 (A) "Electronic means" means any method of
9 transmission of information between computers or other
10 machines designed for the purpose of sending or
11 receiving electronic transmission and that allows for
12 the recipient of information to reproduce the
13 information received in a tangible medium of
14 expression.

15 (B) "Independent audio-visual system" means an
16 electronic system for the transmission and receiving
17 of audio and visual signals, including those with the
18 means to preclude the unauthorized reception and
19 decoding of the signals by commercially available
20 television receivers, channel converters, or other
21 available receiving devices.

22 (C) "Electronic appearance" means an appearance in
23 which one or more of the parties are not present in the
24 court, but in which, by means of an independent
25 audio-visual system, all of the participants are
26 simultaneously able to see and hear reproductions of

1 the voices and images of the judge, counsel, parties,
2 witnesses, and any other participants.

3 (2) Any pilot program under this subsection (e) shall
4 be developed by the administrative director or his or her
5 delegate in consultation with at least one local
6 organization providing assistance to domestic violence
7 victims. The program plan shall include, but not be
8 limited to:

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

12 (B) identification of one or more organizations
13 who are trained and available to assist petitioners in
14 preparing and filing petitions for temporary orders of
15 protection and in their electronic appearances before
16 the court to obtain such orders; and

17 (C) identification of the existing resources
18 available in local family courts for the
19 implementation and oversight of the pilot program; and

20 (D) procedures for filing petitions and documents
21 by electronic means, swearing in the petitioners and
22 witnesses, preparation of a transcript of testimony
23 and evidence presented, and a prompt transmission of
24 any orders issued to the parties; and

25 (E) a timeline for implementation and a plan for
26 informing the public about the availability of the

1 program; and

2 (F) a description of the data to be collected in
3 order to evaluate and make recommendations for
4 improvements to the pilot program.

5 (3) In conjunction with an electronic appearance, any
6 petitioner for an ex parte temporary order of protection
7 may, using the assistance of a trained advocate if
8 necessary, commence the proceedings by filing a petition
9 by electronic means.

10 (A) A petitioner who is seeking an ex parte
11 temporary order of protection using an electronic
12 appearance must file a petition in advance of the
13 appearance and may do so electronically.

14 (B) The petitioner must show that traveling to or
15 appearing in court would constitute an undue hardship
16 or create a risk of harm to the petitioner. In granting
17 or denying any relief sought by the petitioner, the
18 court shall state the names of all participants and
19 whether it is granting or denying an appearance by
20 electronic means and the basis for such a
21 determination. A party is not required to file a
22 petition or other document by electronic means or to
23 testify by means of an electronic appearance.

24 (C) Nothing in this subsection (e) affects or
25 changes any existing laws governing the service of
26 process, including requirements for personal service

1 or the sealing and confidentiality of court records in
2 court proceedings or access to court records by the
3 parties to the proceedings.

4 (4) Appearances.

5 (A) All electronic appearances by a petitioner
6 seeking an ex parte temporary order of protection
7 under this subsection (e) are strictly voluntary and
8 the court shall obtain the consent of the petitioner
9 on the record at the commencement of each appearance.

10 (B) Electronic appearances under this subsection
11 (e) shall be recorded and preserved for transcription.
12 Documentary evidence, if any, referred to by a party
13 or witness or the court may be transmitted and
14 submitted and introduced by electronic means.

15 (Source: P.A. 101-255, eff. 1-1-20; 102-853, eff. 1-1-23;
16 revised 12-13-22.)

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

18 Sec. 217. Emergency order of protection.

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

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

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

25 (3) There is good cause to grant the remedy,

1 regardless of prior service of process or of notice upon
2 the respondent, because:

3 (i) For the remedies of "prohibition of abuse"
4 described in Section 214(b)(1), "stay away order and
5 additional prohibitions" described in Section
6 214(b)(3), "removal or concealment of minor child"
7 described in Section 214(b)(8), "order to appear"
8 described in Section 214(b)(9), "physical care and
9 possession of the minor child" described in Section
10 214(b)(5), "protection of property" described in
11 Section 214(b)(11), "prohibition of entry" described
12 in Section 214(b)(14), "prohibition of firearm
13 possession" described in Section 214(b)(14.5),
14 "prohibition of access to records" described in
15 Section 214(b)(15), and "injunctive relief" described
16 in Section 214(b)(16), the harm which that remedy is
17 intended to prevent would be likely to occur if the
18 respondent were given any prior notice, or greater
19 notice than was actually given, of the petitioner's
20 efforts to obtain judicial relief;

21 (ii) For the remedy of "grant of exclusive
22 possession of residence" described in Section
23 214(b)(2), the immediate danger of further abuse of
24 the petitioner by the respondent, if the petitioner
25 chooses or had chosen to remain in the residence or
26 household while the respondent was given any prior

1 notice or greater notice than was actually given of
2 the petitioner's efforts to obtain judicial relief,
3 outweighs the hardships to the respondent of an
4 emergency order granting the petitioner exclusive
5 possession of the residence or household. This remedy
6 shall not be denied because the petitioner has or
7 could obtain temporary shelter elsewhere while prior
8 notice is given to the respondent, unless the
9 hardships to respondent from exclusion from the home
10 substantially outweigh those to the petitioner;

11 (iii) For the remedy of "possession of personal
12 property" described in Section 214(b)(10), improper
13 disposition of the personal property would be likely
14 to occur if the respondent were given any prior
15 notice, or greater notice than was actually given, of
16 the petitioner's efforts to obtain judicial relief, or
17 the petitioner has an immediate and pressing need for
18 possession of that property.

19 An emergency order may not include the counseling, legal
20 custody, payment of support, or monetary compensation
21 remedies.

22 (a-5) When a petition for an emergency order of protection
23 is granted, the order and file shall not be public and shall
24 only be accessible to the court, the petitioner, law
25 enforcement, a domestic violence advocate or counselor, the
26 counsel of record for either party, and the State's Attorney

1 for the county until the order is served on the respondent.

2 Accessibility to the order and file under this subsection
3 prior to the order being served on the respondent shall be in
4 accordance with Section 5 of the Court Record and Document
5 Accessibility Act.

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

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

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

23 (1.5) Issuance of order. The chief judge of the
24 circuit court may designate for each county in the circuit
25 at least one judge to be reasonably available to issue
26 orally, by telephone, by facsimile, or otherwise, an

1 emergency order of protection at all times, whether or not
2 the court is in session.

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

18 (Source: P.A. 101-255, eff. 1-1-20; 102-538, eff. 8-20-21;
19 102-831, eff. 5-13-22; revised 7-29-22.)

20 Section 60. The Probate Act of 1975 is amended by changing
21 Section 11a-9 as follows:

22 (755 ILCS 5/11a-9) (from Ch. 110 1/2, par. 11a-9)

23 Sec. 11a-9. Report.

24 (a) The petition for adjudication of disability and for

1 appointment of a guardian should be accompanied by a report
2 which contains (1) a description of the nature and type of the
3 respondent's disability and an assessment of how the
4 disability impacts on the ability of the respondent to make
5 decisions or to function independently; (2) an analysis and
6 results of evaluations of the respondent's mental and physical
7 condition and, where appropriate, educational condition,
8 adaptive behavior and social skills, which have been performed
9 within 3 months of the date of the filing of the petition, or,
10 in the case of an intellectual disability, a psychological
11 evaluation of the respondent that has been performed by a
12 clinical psychologist licensed under the Clinical Psychologist
13 Licensing Act, within one year of the date of the filing of the
14 petition; (3) an opinion as to whether guardianship is needed,
15 the type and scope of the guardianship needed, and the reasons
16 therefor; (4) a recommendation as to the most suitable living
17 arrangement and, where appropriate, treatment or habilitation
18 plan for the respondent and the reasons therefor; (5) the
19 name, business address, business telephone number, and
20 signatures of all persons who performed the evaluations upon
21 which the report is based, one of whom shall be a licensed
22 physician, or may, in the case of an intellectual disability,
23 be a clinical psychologist licensed under the Clinical
24 Psychologist Licensing Act, and a statement of the
25 certification, license, or other credentials that qualify the
26 evaluators who prepared the report.

1 (b) If for any reason no report accompanies the petition,
2 the court shall order appropriate evaluations to be performed
3 by a qualified person or persons and a report prepared and
4 filed with the court at least 10 days prior to the hearing.

5 (b-5) Upon oral or written motion by the respondent or the
6 guardian ad litem or upon the court's own motion, the court
7 shall appoint one or more independent experts to examine the
8 respondent. Upon the filing with the court of a verified
9 statement of services rendered by the expert or experts, the
10 court shall determine a reasonable fee for the services
11 performed. If the respondent is unable to pay the fee, the
12 court may enter an order upon the petitioner to pay the entire
13 fee or such amount as the respondent is unable to pay. However,
14 in cases where the Office of State Guardian is the petitioner,
15 consistent with Section 30 of the Guardianship and Advocacy
16 Act, no expert services fees shall be assessed against the
17 Office of the State Guardian.

18 (c) Unless the court otherwise directs, any report
19 prepared pursuant to this Section shall not be made part of the
20 public record of the proceedings but shall be available to the
21 court or an appellate court in which the proceedings are
22 subject to review, to the respondent, the petitioner, the
23 guardian, and their attorneys, to the respondent's guardian ad
24 litem, and to such other persons as the court may direct.

25 Accessibility to a report prepared pursuant to this
26 Section shall be in accordance with Section 5 of the Court

1 Record and Document Accessibility Act.

2 (Source: P.A. 102-109, eff. 1-1-22.)