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1 AMENDMENT TO HOUSE BILL 2624

2 AMENDMENT NO. _____. Amend House Bill 2624 by replacing
3 everything after the enacting clause with the following:

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

1 clerk of the court is defined as follows:

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

4 (2) "Impounded" means a document or case that is
5 accessible only to the parties of record on a case;
6 otherwise, the document or case is only accessible upon
7 order of a court.

8 (3) "Confidential" means a document or case that is
9 accessible only to the party submitting the document or
10 filing the case; otherwise, the document or case is only
11 accessible upon order of a court.

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

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

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

21 (d) If any law of this State restricts access to any case
22 information and documents maintained by the clerk of the court
23 by using the phrase "shall not be public", or a similar phrase
24 stating that a court record is not available to the public, the
25 clerk of the court shall impound such case information and
26 documents unless the court directs otherwise.

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

4 Section 10. Process for access. The General Assembly
5 encourages the Supreme Court to consider establishing a
6 process for access to court files that are limited by statute
7 or court rule that includes standardized forms and provisions
8 for requesting access to documents in court files that are
9 restricted in any manner.

10 Section 15. Applicability. This Act applies to all court
11 records and documents related to any civil or criminal
12 proceeding brought before any court in this State that are
13 created and maintained by a State court.

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

16 (725 ILCS 5/108A-7) (from Ch. 38, par. 108A-7)

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

18 (a) The contents of any conversation overheard by any
19 eavesdropping device shall, if possible, be recorded on tape
20 or a comparable device. The recording of the contents of a
21 conversation under this Article shall be done in such a way as
22 will protect the recording from editing or other alterations.

1 (b) Immediately after the expiration of the period of the
2 order or extension or, where the recording was made in an
3 emergency situation as defined in Section 108A-6, at the time
4 of the request for approval subsequent to the emergency, all
5 such recordings shall be made available to the judge issuing
6 the order or hearing the application for approval of an
7 emergency application.

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

12 The recordings shall be sealed under the instructions of
13 the judge and custody shall be where he orders. Such
14 recordings shall not be destroyed except upon order of the
15 judge hearing the application and in any event shall be kept
16 for 10 years if not destroyed upon his order.

17 Duplicate recordings may be made for any use or disclosure
18 authorized by this Article. The presence of the seal provided
19 for in this Section or a satisfactory explanation for the
20 absence thereof shall be a pre-requisite for the use or
21 disclosure of the contents of the recordings or any evidence
22 derived therefrom.

23 (c) Applications made and orders granted under this
24 Article shall be sealed by the judge. Custody of the
25 applications and orders shall be wherever the judge requests.
26 Such applications and orders shall be disclosed only upon a

1 showing of good cause before a judge. Such documents shall not
2 be destroyed except on the order of the issuing or denying
3 judge or after the expiration of 10 years time if not destroyed
4 upon his order.

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

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

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

12 (725 ILCS 190/3) (from Ch. 38, par. 1453)

13 Sec. 3. Confidentiality of Law Enforcement and Court
14 Records. Notwithstanding any other law to the contrary,
15 inspection and copying of law enforcement records maintained
16 by any law enforcement agency or all circuit court records
17 maintained by any circuit clerk relating to any investigation
18 or proceeding pertaining to a criminal sexual offense, by any
19 person, except a judge, state's attorney, assistant state's
20 attorney, Attorney General, Assistant Attorney General,
21 psychologist, psychiatrist, social worker, doctor, parent,
22 parole agent, aftercare specialist, probation officer,
23 defendant, defendant's attorney, advocate, or victim's
24 attorney (as defined in Section 3 of the Rights of Crime

1 Victims and Witnesses Act) in any criminal proceeding or
2 investigation related thereto, shall be restricted to exclude
3 the identity of any child who is a victim of such criminal
4 sexual offense or alleged criminal sexual offense unless a
5 court order is issued authorizing the removal of such
6 restriction as provided under this Section of a particular
7 case record or particular records of cases maintained by any
8 circuit court clerk. A court may, for the child's protection
9 and for good cause shown, prohibit any person or agency
10 present in court from further disclosing the child's identity.

11 A court may prohibit such disclosure only after giving
12 notice and a hearing to all affected parties. In determining
13 whether to prohibit disclosure of the minor's identity, the
14 court shall consider:

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

16 (2) whether such nondisclosure would further a
17 compelling State interest.

18 When a criminal sexual offense is committed or alleged to
19 have been committed by a school district employee or any
20 individual contractually employed by a school district, a copy
21 of the criminal history record information relating to the
22 investigation of the offense or alleged offense shall be
23 transmitted to the superintendent of schools of the district
24 immediately upon request or if the law enforcement agency
25 knows that a school district employee or any individual
26 contractually employed by a school district has committed or

1 is alleged to have committed a criminal sexual offense, the
2 superintendent of schools of the district shall be immediately
3 provided a copy of the criminal history record information.
4 The copy of the criminal history record information to be
5 provided under this Section shall exclude the identity of the
6 child victim. The superintendent shall be restricted from
7 revealing the identity of the victim. Nothing in this Article
8 precludes or may be used to preclude a mandated reporter from
9 reporting child abuse or child neglect as required under the
10 Abused and Neglected Child Reporting Act.

11 For the purposes of this Act, "criminal history record
12 information" means:

13 (i) chronologically maintained arrest information,
14 such as traditional arrest logs or blotters;

15 (ii) the name of a person in the custody of a law
16 enforcement agency and the charges for which that person
17 is being held;

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

21 (iv) records that are otherwise available under State
22 or local law; or

23 (v) records in which the requesting party is the
24 individual identified, except as provided under part (vii)
25 of paragraph (c) of subsection (1) of Section 7 of the
26 Freedom of Information Act.

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

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

4 (730 ILCS 5/5-5.5-15)

5 Sec. 5-5.5-15. Certificates of relief from disabilities
6 issued by courts.

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

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

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

19 (2) the relief to be granted by the certificate is
20 consistent with the rehabilitation of the eligible
21 offender; and

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

24 (c) If a certificate of relief from disabilities is not

1 issued at the time sentence is pronounced it shall only be
2 issued thereafter upon verified application to the court. The
3 court may, for the purpose of determining whether the
4 certificate shall be issued, request the probation or court
5 services department to conduct an investigation of the
6 applicant. Any probation officer requested to make an
7 investigation under this Section shall prepare and submit to
8 the court a written report in accordance with the request.

9 (d) Any court that has issued a certificate of relief from
10 disabilities may at any time issue a new certificate to
11 enlarge the relief previously granted provided that the
12 provisions of clauses (1) through (3) of subsection (b) of
13 this Section apply to the issuance of any such new
14 certificate.

15 (e) Any written report submitted to the court under this
16 Section is confidential and may not be made available to any
17 person or public or private agency except if specifically
18 required or permitted by statute or upon specific
19 authorization of the court. However, it shall be made
20 available by the court for examination by the applicant's
21 attorney, or the applicant himself or herself, if he or she has
22 no attorney. In its discretion, the court may except from
23 disclosure a part or parts of the report that are not relevant
24 to the granting of a certificate, or sources of information
25 which have been obtained on a promise of confidentiality, or
26 any other portion of the report, disclosure of which would not

1 be in the interest of justice. The action of the court
2 excepting information from disclosure shall be subject to
3 appellate review. The court, in its discretion, may hold a
4 conference in open court or in chambers to afford an applicant
5 an opportunity to controvert or to comment upon any portions
6 of the report. The court may also conduct a summary hearing at
7 the conference on any matter relevant to the granting of the
8 application and may take testimony under oath.

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

12 (f) An employer is not civilly or criminally liable for an
13 act or omission by an employee who has been issued a
14 certificate of relief from disabilities, except for a willful
15 or wanton act by the employer in hiring the employee who has
16 been issued a certificate of relief from disabilities.

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

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

20 (740 ILCS 21/20)

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

22 (a) An action for a stalking no contact order is
23 commenced:

24 (1) independently, by filing a petition for a stalking

1 no contact order in any civil court, unless specific
2 courts are designated by local rule or order; or

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

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

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

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

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
25 conjoined case (or a finding of not guilty) shall not require
26 dismissal of the action for a stalking no contact order;

1 instead, it may be treated as an independent action and, if
2 necessary and appropriate, transferred to a different court or
3 division.

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

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

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

14 (740 ILCS 21/95)

15 Sec. 95. Emergency stalking no contact order.

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

18 (a). The petitioner shall establish that:

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

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

21 (3) there is good cause to grant the remedy,
22 regardless of prior service of process or of notice upon
23 the respondent, because the harm which that remedy is
24 intended to prevent would be likely to occur if the
25 respondent were given any prior notice, or greater notice

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

3 An emergency stalking no contact order shall be issued by
4 the court if it appears from the contents of the petition and
5 the examination of the petitioner that the averments are
6 sufficient to indicate stalking by the respondent and to
7 support the granting of relief under the issuance of the
8 stalking no contact order.

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

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

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

22 (b) If the respondent appears in court for this hearing
23 for an emergency order, he or she may elect to file a general
24 appearance and testify. Any resulting order may be an
25 emergency order, governed by this Section. Notwithstanding the
26 requirements of this Section, if all requirements of Section

1 100 have been met, the court may issue a plenary order.

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

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

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

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

1 order.

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

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

5 (740 ILCS 22/202)

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

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

8 (1) independently, by filing a petition for a civil no
9 contact order in any civil court, unless specific courts
10 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 civil no contact order may be filed
15 in person ~~in person~~ or online.

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

22 Accessibility to the petition and file under this
23 subsection prior to the petition being served on the
24 respondent shall be in accordance with Section 5 of the Court

1 Record and Document Accessibility Act.

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

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

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

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

23 (740 ILCS 22/214)

24 Sec. 214. Emergency civil no contact order.

25 (a) An emergency civil no contact order shall issue if the

1 petitioner satisfies the requirements of this subsection (a).

2 The petitioner shall establish that:

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

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

5 (3) there is good cause to grant the remedy,
6 regardless of prior service of process or of notice upon
7 the respondent, because the harm which that remedy is
8 intended to prevent would be likely to occur if the
9 respondent were given any prior notice, or greater notice
10 than was actually given, of the petitioner's efforts to
11 obtain judicial relief.

12 An emergency civil no contact order shall be issued by the
13 court if it appears from the contents of the petition and the
14 examination of the petitioner that the averments are
15 sufficient to indicate nonconsensual sexual conduct or
16 nonconsensual sexual penetration by the respondent and to
17 support the granting of relief under the issuance of the civil
18 no contact order.

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

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

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

5 (b) If the respondent appears in court for this hearing
6 for an emergency order, he or she may elect to file a general
7 appearance and testify. Any resulting order may be an
8 emergency order, governed by this Section. Notwithstanding the
9 requirements of this Section, if all requirements of Section
10 215 have been met, the court may issue a plenary order.

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

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

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

26 (3) Any order issued under this Section and any

1 documentation in support of the order shall be certified
2 on the next court day to the appropriate court. The clerk
3 of that court shall immediately assign a case number, file
4 the petition, order, and other documents with the court,
5 and enter the order of record and file it with the sheriff
6 for service, in accordance with Section 222. Filing the
7 petition shall commence proceedings for further relief
8 under Section 202. Failure to comply with the requirements
9 of this paragraph (3) does not affect the validity of the
10 order.

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

12 Section 45. The Mental Health and Developmental
13 Disabilities Confidentiality Act is amended by changing
14 Section 3 as follows:

15 (740 ILCS 110/3) (from Ch. 91 1/2, par. 803)

16 Sec. 3. (a) All records and communications shall be
17 confidential and shall not be disclosed except as provided in
18 this Act. Unless otherwise expressly provided for in this Act,
19 records and communications made or created in the course of
20 providing mental health or developmental disabilities services
21 shall be protected from disclosure regardless of whether the
22 records and communications are made or created in the course
23 of a therapeutic relationship.

24 As used in this subsection, "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 (b) A therapist is not required to but may, to the extent
4 he determines it necessary and appropriate, keep personal
5 notes regarding a recipient. Such personal notes are the work
6 product and personal property of the therapist and shall not
7 be subject to discovery in any judicial, administrative or
8 legislative proceeding or any proceeding preliminary thereto.

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

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

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

22 (745 ILCS 45/1) (from Ch. 126, par. 21)

23 Sec. 1. Whenever any statute of this State or any
24 ordinance or resolution of a municipal corporation or

1 political subdivision enacted pursuant to statute or any rule
2 of an administrative agency adopted pursuant to statute
3 requires medical practitioners or other persons to report
4 cases of injury, medical condition or procedure, communicable
5 disease, venereal disease, or sexually transmitted disease to
6 any governmental agency or officer, such reports shall be
7 confidential, and any medical practitioner or other person
8 making such report in good faith shall be immune from suit for
9 slander or libel based upon any statements contained in such
10 report.

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

26 The confidentiality provisions of this Act do not apply to

1 the results of tests for diseases conducted pursuant to
2 subsections (g) and (g-5) of Section 5-5-3 and subsection (a)
3 of Section 3-15-2 of the Unified Code of Corrections.

4 Nothing in this Act prohibits the sharing of information
5 as authorized in Section 2.1 of the Department of Public
6 Health Act.

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

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

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

13 (750 ILCS 60/202) (from Ch. 40, par. 2312-2)

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

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

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

20 (2) In conjunction with another civil proceeding: By
21 filing a petition for an order of protection under the
22 same case number as another civil proceeding involving the
23 parties, including, but not limited to: (i) any proceeding
24 under the Illinois Marriage and Dissolution of Marriage

1 Act, Illinois Parentage Act of 2015, Nonsupport of Spouse
2 and Children Act, or Revised Uniform Reciprocal
3 Enforcement of Support Act or an action for nonsupport
4 brought under Article X of the Illinois Public Aid Code,
5 provided that a petitioner and the respondent are a party
6 to or the subject of that proceeding or (ii) a
7 guardianship proceeding under the Probate Act of 1975, or
8 a proceeding for involuntary commitment under the Mental
9 Health and Developmental Disabilities Code, or any
10 proceeding, other than a delinquency petition, under the
11 Juvenile Court Act of 1987, provided that a petitioner or
12 the respondent is a party to or the subject of such
13 proceeding.

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

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

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

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

26 (b) Filing, certification, and service fees. No fee shall

1 be charged by the clerk for filing, amending, vacating,
2 certifying, or photocopying petitions or orders; or for
3 issuing alias summons; or for any related filing service. No
4 fee shall be charged by the sheriff for service by the sheriff
5 of a petition, rule, motion, or order in an action commenced
6 under this Section.

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

25 (d) Pro se petitions. The court shall provide, through the
26 office of the clerk of the court, simplified forms and

1 clerical assistance to help with the writing and filing of a
2 petition under this Section by any person not represented by
3 counsel. In addition, that assistance may be provided by the
4 State's Attorney ~~state's attorney~~.

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

14 (1) As used in this subsection:

15 (A) "Electronic means" means any method of
16 transmission of information between computers or other
17 machines designed for the purpose of sending or
18 receiving electronic transmission and that allows for
19 the recipient of information to reproduce the
20 information received in a tangible medium of
21 expression.

22 (B) "Independent audio-visual system" means an
23 electronic system for the transmission and receiving
24 of audio and visual signals, including those with the
25 means to preclude the unauthorized reception and
26 decoding of the signals by commercially available

1 television receivers, channel converters, or other
2 available receiving devices.

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

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

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

19 (B) identification of one or more organizations
20 who are trained and available to assist petitioners in
21 preparing and filing petitions for temporary orders of
22 protection and in their electronic appearances before
23 the court to obtain such orders; and

24 (C) identification of the existing resources
25 available in local family courts for the
26 implementation and oversight of the pilot program; and

1 (D) procedures for filing petitions and documents
2 by electronic means, swearing in the petitioners and
3 witnesses, preparation of a transcript of testimony
4 and evidence presented, and a prompt transmission of
5 any orders issued to the parties; and

6 (E) a timeline for implementation and a plan for
7 informing the public about the availability of the
8 program; and

9 (F) a description of the data to be collected in
10 order to evaluate and make recommendations for
11 improvements to the pilot program.

12 (3) In conjunction with an electronic appearance, any
13 petitioner for an ex parte temporary order of protection
14 may, using the assistance of a trained advocate if
15 necessary, commence the proceedings by filing a petition
16 by electronic means.

17 (A) A petitioner who is seeking an ex parte
18 temporary order of protection using an electronic
19 appearance must file a petition in advance of the
20 appearance and may do so electronically.

21 (B) The petitioner must show that traveling to or
22 appearing in court would constitute an undue hardship
23 or create a risk of harm to the petitioner. In granting
24 or denying any relief sought by the petitioner, the
25 court shall state the names of all participants and
26 whether it is granting or denying an appearance by

1 electronic means and the basis for such a
2 determination. A party is not required to file a
3 petition or other document by electronic means or to
4 testify by means of an electronic appearance.

5 (C) Nothing in this subsection (e) affects or
6 changes any existing laws governing the service of
7 process, including requirements for personal service
8 or the sealing and confidentiality of court records in
9 court proceedings or access to court records by the
10 parties to the proceedings.

11 (4) Appearances.

12 (A) All electronic appearances by a petitioner
13 seeking an ex parte temporary order of protection
14 under this subsection (e) are strictly voluntary and
15 the court shall obtain the consent of the petitioner
16 on the record at the commencement of each appearance.

17 (B) Electronic appearances under this subsection
18 (e) shall be recorded and preserved for transcription.
19 Documentary evidence, if any, referred to by a party
20 or witness or the court may be transmitted and
21 submitted and introduced by electronic means.

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

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

25 Sec. 217. Emergency order of protection.

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

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

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

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

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

1 efforts to obtain judicial relief;

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

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

26 An emergency order may not include the counseling, legal

1 custody, payment of support, or monetary compensation
2 remedies.

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

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

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

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

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

1 petitioner has satisfied the prerequisites set forth in
2 subsection (a) of Section 217, that judge may issue an
3 emergency order of protection.

4 (1.5) Issuance of order. The chief judge of the
5 circuit court may designate for each county in the circuit
6 at least one judge to be reasonably available to issue
7 orally, by telephone, by facsimile, or otherwise, an
8 emergency order of protection at all times, whether or not
9 the court is in session.

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

25 (Source: P.A. 101-255, eff. 1-1-20; 102-538, eff. 8-20-21;
26 102-831, eff. 5-13-22; revised 7-29-22.)

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

3 (755 ILCS 5/11a-9) (from Ch. 110 1/2, par. 11a-9)
4 Sec. 11a-9. Report.

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

1 signatures of all persons who performed the evaluations upon
2 which the report is based, one of whom shall be a licensed
3 physician, or may, in the case of an intellectual disability,
4 be a clinical psychologist licensed under the Clinical
5 Psychologist Licensing Act, and a statement of the
6 certification, license, or other credentials that qualify the
7 evaluators who prepared the report.

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

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

25 (c) Unless the court otherwise directs, any report
26 prepared pursuant to this Section shall not be made part of the

1 public record of the proceedings but shall be available to the
2 court or an appellate court in which the proceedings are
3 subject to review, to the respondent, the petitioner, the
4 guardian, and their attorneys, to the respondent's guardian ad
5 litem, and to such other persons as the court may direct.

6 Accessibility to a report prepared pursuant to this
7 Section shall be in accordance with Section 5 of the Court
8 Record and Document Accessibility Act.

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