

1 AN ACT in relation to domestic violence.

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

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

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

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

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

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

14 (2) In conjunction with another civil proceeding:  
15 By filing a petition for an order of protection under the  
16 same case number as another civil proceeding involving  
17 the parties, including but not limited to: (i) any  
18 proceeding under the Illinois Marriage and Dissolution of  
19 Marriage Act, Illinois Parentage Act of 1984, Nonsupport  
20 of Spouse and Children Act, Revised Uniform Reciprocal  
21 Enforcement of Support Act or an action for nonsupport  
22 brought under Article 10 of the Illinois Public Aid Code,  
23 provided that a petitioner and the respondent are a party  
24 to or the subject of that proceeding or (ii) a  
25 guardianship proceeding under the Probate Act of 1975, or  
26 a proceeding for involuntary commitment under the Mental  
27 Health and Developmental Disabilities Code, or any  
28 proceeding, other than a delinquency petition, under the  
29 Juvenile Court Act of 1987, provided that a petitioner or  
30 the respondent is a party to or the subject of such  
31 proceeding.

1           (3) In conjunction with a delinquency petition or a  
2 criminal prosecution: By filing a petition for an order  
3 of protection, under the same case number as the  
4 delinquency petition or criminal prosecution, to be  
5 granted during pre-trial release of a defendant, with any  
6 dispositional order issued under Section 5-710 of the  
7 Juvenile Court Act of 1987 or as a condition of release,  
8 supervision, conditional discharge, probation, periodic  
9 imprisonment, parole or mandatory supervised release, or  
10 in conjunction with imprisonment or a bond forfeiture  
11 warrant; provided that:

12           (i) the violation is alleged in an  
13 information, complaint, indictment or delinquency  
14 petition on file, and the alleged offender and  
15 victim are family or household members or persons  
16 protected by this Act; and

17           (ii) the petition, which is filed by the  
18 State's Attorney, names a victim of the alleged  
19 crime as a petitioner.

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

27           (c) Dismissal and consolidation. Withdrawal or  
28 dismissal of any petition for an order of protection prior to  
29 adjudication where the petitioner is represented by the State  
30 shall operate as a dismissal without prejudice. No action  
31 for an order of protection shall be dismissed because the  
32 respondent is being prosecuted for a crime against the  
33 petitioner. An independent action may be consolidated with  
34 another civil proceeding, as provided by paragraph (2) of

1 subsection (a) of this Section. For any action commenced  
2 under paragraph (2) or (3) of subsection (a) of this Section,  
3 dismissal of the conjoined case (or a finding of not guilty)  
4 shall not require dismissal of the action for the order of  
5 protection; instead, it may be treated as an independent  
6 action and, if necessary and appropriate, transferred to a  
7 different court or division. Dismissal of any conjoined case  
8 shall not affect the validity of any previously issued order  
9 of protection, and thereafter subsections (b)(1) and (b)(2)  
10 of Section 220 shall be inapplicable to such order.

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

17 (Source: P.A. 90-590, eff. 1-1-99.)