



Adopted in House Comm. on Apr 23, 2009

09600SB0145ham001

LRB096 03772 RLC 25289 a

1 AMENDMENT TO SENATE BILL 145

2 AMENDMENT NO. _____. Amend Senate Bill 145 on page 4, by
3 inserting immediately below line 2 the following:

4 "(g) Notice to schools. Upon the request of the petitioner,
5 within 24 hours of the issuance of an order of protection, the
6 clerk of the issuing judge shall send a certified copy of the
7 order of protection to the day-care facility, pre-school or
8 pre-kindergarten, or private school or the principal office of
9 the public school district or any college or university in
10 which any child who is a protected person under the order of
11 protection or any child of the petitioner is enrolled as
12 requested by the petitioner at the mailing address provided by
13 the petitioner. If the child transfers enrollment to another
14 day-care facility, pre-school, pre-kindergarten, private
15 school, public school, college, or university, the petitioner
16 may, within 24 hours of the transfer, send to the clerk written
17 notice of the transfer, including the name and address of the
18 institution to which the child is transferring. Within 24 hours

1 of receipt of notice from the petitioner that a child is
2 transferring to another day-care facility, pre-school,
3 pre-kindergarten, private school, public school, college, or
4 university, the clerk shall send a certified copy of the order
5 to the institution to which the child is transferring.

6 (h) Disclosure by schools. After receiving a certified copy
7 of an order of protection that prohibits a respondent's access
8 to records, neither a day-care facility, pre-school,
9 pre-kindergarten, public or private school, college, or
10 university nor its employees shall allow a respondent access to
11 a protected child's records or release information in those
12 records to the respondent. The school shall file the copy of
13 the order of protection in the records of a child who is a
14 protected person under the order of protection. When a child
15 who is a protected person under the order of protection
16 transfers to another day-care facility, pre-school,
17 pre-kindergarten, public or private school, college, or
18 university, the institution from which the child is
19 transferring may, at the request of the petitioner, provide,
20 within 24 hours of the transfer, written notice of the order of
21 protection, along with a certified copy of the order, to the
22 institution to which the child is transferring."; and

23 on page 6, line 18, by inserting after "amended" the following:
24 "or pursuant to the Code of Criminal Procedure of 1963"; and

1 on page 6, by inserting immediately below line 24 the
2 following:

3 "Section 15. The Illinois Domestic Violence Act of 1986 is
4 amended by changing Section 222 as follows:

5 (750 ILCS 60/222) (from Ch. 40, par. 2312-22)

6 Sec. 222. Notice of orders.

7 (a) Entry and issuance. Upon issuance of any order of
8 protection, the clerk shall immediately, or on the next court
9 day if an emergency order is issued in accordance with
10 subsection (c) of Section 217, (i) enter the order on the
11 record and file it in accordance with the circuit court
12 procedures and (ii) provide a file stamped copy of the order to
13 respondent, if present, and to petitioner.

14 (b) Filing with sheriff. The clerk of the issuing judge
15 shall, or the petitioner may, on the same day that an order of
16 protection is issued, file a certified copy of that order with
17 the sheriff or other law enforcement officials charged with
18 maintaining Department of State Police records or charged with
19 serving the order upon respondent. If the order was issued in
20 accordance with subsection (c) of Section 217, the clerk shall
21 on the next court day, file a certified copy of the order with
22 the Sheriff or other law enforcement officials charged with
23 maintaining Department of State Police records.

24 (c) Service by sheriff. Unless respondent was present in

1 court when the order was issued, the sheriff, other law
2 enforcement official or special process server shall promptly
3 serve that order upon respondent and file proof of such
4 service, in the manner provided for service of process in civil
5 proceedings. Instead of serving the order upon the respondent,
6 however, the sheriff, other law enforcement official, or
7 special process server may serve the respondent with a short
8 form notification as provided in Section 222.10. If process has
9 not yet been served upon the respondent, it shall be served
10 with the order or short form notification. A single fee may be
11 charged for service of an order obtained in civil court, or for
12 service of such an order together with process, unless waived
13 or deferred under Section 210.

14 (c-5) If the person against whom the order of protection is
15 issued is arrested and the written order is issued in
16 accordance with subsection (c) of Section 217 and received by
17 the custodial law enforcement agency before the respondent or
18 arrestee is released from custody, the custodial law
19 enforcement agent shall promptly serve the order upon the
20 respondent or arrestee before the respondent or arrestee is
21 released from custody. In no event shall detention of the
22 respondent or arrestee be extended for hearing on the petition
23 for order of protection or receipt of the order issued under
24 Section 217 of this Act.

25 (d) Extensions, modifications and revocations. Any order
26 extending, modifying or revoking any order of protection shall

1 be promptly recorded, issued and served as provided in this
2 Section.

3 (e) Notice to schools. Upon the request of the petitioner,
4 within 24 hours of the issuance of an order of protection, the
5 clerk of the issuing judge shall send ~~written notice of the~~
6 ~~order of protection along with~~ a certified copy of the order of
7 protection to the day-care facility, pre-school or
8 pre-kindergarten, or private school or the principal office of
9 the public school district or any college or university in
10 which any child who is a protected person under the order of
11 protection or any child of the petitioner is enrolled as
12 requested by the petitioner at the mailing address provided by
13 the petitioner. If the child transfers enrollment to another
14 day-care facility, pre-school, pre-kindergarten, private
15 school, public school, college, or university, the petitioner
16 may, within 24 hours of the transfer, send to the clerk written
17 notice of the transfer, including the name and address of the
18 institution to which the child is transferring. Within 24 hours
19 of receipt of notice from the petitioner that a child is
20 transferring to another day-care facility, pre-school,
21 pre-kindergarten, private school, public school, college, or
22 university, the clerk shall send ~~written notice of the order of~~
23 ~~protection, along with~~ a certified copy of the order, to the
24 institution to which the child is transferring.

25 (f) Disclosure by schools. After receiving a certified copy
26 of an order of protection that prohibits a respondent's access

1 to records, neither a day-care facility, pre-school,
2 pre-kindergarten, public or private school, college, or
3 university nor its employees shall allow a respondent access to
4 a protected child's records or release information in those
5 records to the respondent. The school shall file the copy of
6 the order of protection in the records of a child who is a
7 protected person under the order of protection. When a child
8 who is a protected person under the order of protection
9 transfers to another day-care facility, pre-school,
10 pre-kindergarten, public or private school, college, or
11 university, the institution from which the child is
12 transferring may, at the request of the petitioner, provide,
13 within 24 hours of the transfer, written notice of the order of
14 protection, along with a certified copy of the order, to the
15 institution to which the child is transferring.

16 (g) Notice to health care facilities and health care
17 practitioners. Upon the request of the petitioner, the clerk of
18 the circuit court shall send a certified copy of the order of
19 protection to any specified health care facility or health care
20 practitioner requested by the petitioner at the mailing address
21 provided by the petitioner.

22 (h) Disclosure by health care facilities and health care
23 practitioners. After receiving a certified copy of an order of
24 protection that prohibits a respondent's access to records, no
25 health care facility or health care practitioner shall allow a
26 respondent access to the records of any child who is a

1 protected person under the order of protection, or release
2 information in those records to the respondent, unless the
3 order has expired or the respondent shows a certified copy of
4 the court order vacating the corresponding order of protection
5 that was sent to the health care facility or practitioner.
6 Nothing in this Section shall be construed to require health
7 care facilities or health care practitioners to alter
8 procedures related to billing and payment. The health care
9 facility or health care practitioner may file the copy of the
10 order of protection in the records of a child who is a
11 protected person under the order of protection, or may employ
12 any other method to identify the records to which a respondent
13 is prohibited access. No health care facility or health care
14 practitioner shall be civilly or professionally liable for
15 reliance on a copy of an order of protection, except for
16 willful and wanton misconduct.

17 (Source: P.A. 95-912, eff. 1-1-09.)".