

1 AN ACT concerning civil law.

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

4 Section 5. The Code of Criminal Procedure of 1963 is  
5 amended by changing Section 112A-5.5 as follows:

6 (725 ILCS 5/112A-5.5)

7 Sec. 112A-5.5. Time for filing petition; service on  
8 respondent, hearing on petition, and default orders.

9 (a) A petition for a protective order may be filed at any  
10 time, in-person or online, after a criminal charge or  
11 delinquency petition is filed and before the charge or  
12 delinquency petition is dismissed, the defendant or juvenile  
13 is acquitted, or the defendant or juvenile completes service  
14 of his or her sentence.

15 (b) The request for an ex parte protective order may be  
16 considered without notice to the respondent under Section  
17 112A-17.5 of this Code.

18 (c) A summons shall be issued and served for a protective  
19 order. The summons may be served by delivery to the respondent  
20 personally in open court in the criminal or juvenile  
21 delinquency proceeding, in the form prescribed by subsection

22 (d) of Supreme Court Rule 101, except that it shall require  
23 respondent to answer or appear within 7 days. Attachments to

1 the summons shall include the petition for protective order,  
2 supporting affidavits, if any, and any ex parte protective  
3 order that has been issued.

4 (d) The summons shall be served by the sheriff or other law  
5 enforcement officer at the earliest time available and shall  
6 take precedence over any other summons, except those of a  
7 similar emergency nature. Attachments to the summons shall  
8 include the petition for protective order, supporting  
9 affidavits, if any, and any ex parte protective order that has  
10 been issued. Special process servers may be appointed at any  
11 time and their designation shall not affect the  
12 responsibilities and authority of the sheriff or other  
13 official process servers. In a county with a population over  
14 3,000,000, a special process server may not be appointed if  
15 the protective order grants the surrender of a child, the  
16 surrender of a firearm or Firearm Owner's Identification Card,  
17 or the exclusive possession of a shared residence.

18 (e) If the respondent is not served within 30 days of the  
19 filing of the petition, the court shall schedule a court  
20 proceeding on the issue of service. Either the petitioner, the  
21 petitioner's counsel, or the State's Attorney shall appear and  
22 the court shall either order continued attempts at personal  
23 service or shall order service by publication, in accordance  
24 with Sections 2-203, 2-206, and 2-207 of the Code of Civil  
25 Procedure.

26 (f) The request for a final protective order can be

1 considered at any court proceeding in the delinquency or  
2 criminal case after service of the petition. If the petitioner  
3 has not been provided notice of the court proceeding at least  
4 10 days in advance of the proceeding, the court shall schedule  
5 a hearing on the petition and provide notice to the  
6 petitioner.

7 (f-5) A court in a county with a population above 250,000  
8 shall offer the option of a remote hearing to a petitioner for  
9 a protective order. The court has the discretion to grant or  
10 deny the request for a remote hearing. Each court shall  
11 determine the procedure for a remote hearing. The petitioner  
12 and respondent may appear remotely or in-person.

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

22 (g) Default orders.

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

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

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

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

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

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

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

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

4 (740 ILCS 21/20)

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

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

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

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

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

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

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

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

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

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

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

16 (740 ILCS 21/70)

17 Sec. 70. Hearings.

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

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

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

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

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

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

16 (740 ILCS 22/202)

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

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

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

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

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

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

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

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

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

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



1 (740 ILCS 22/210)

2 Sec. 210. Hearings.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (1) As used in this subsection:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (4) Appearances.

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

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

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

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

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

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

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



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

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

6 (d) A court in a county with a population above 250,000  
7 shall offer the option of a remote hearing to a petitioner for  
8 an order of protection. The court has the discretion to grant  
9 or deny the request for a remote hearing. Each court shall  
10 determine the procedure for a remote hearing. The petitioner  
11 and respondent may appear remotely or in-person.

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

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