

1 AN ACT concerning domestic violence.

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

4 Section 5. The Supreme Court Act is amended by adding  
5 Section 7.5 as follows:

6 (705 ILCS 5/7.5 new)

7 Sec. 7.5. Electronic filing pilot program. The Supreme  
8 Court may establish a pilot program for the filing of petitions  
9 for temporary orders of protection by electronic means and for  
10 the issuance of such orders by audio-visual means pursuant to  
11 the Illinois Domestic Violence Act of 1986. The administrative  
12 director shall maintain an up-to-date and publicly-available  
13 listing of the sites, if any, at which a petition for an ex  
14 parte temporary order of protection may be filed, and at which  
15 electronic appearances in support of the petition may be made,  
16 in accordance with the Illinois Domestic Violence Act of 1986.  
17 In developing the pilot program, the administrative director  
18 shall strive for a program that is regionally diverse and takes  
19 into consideration, among other things, the availability of  
20 public transportation, population density, and the  
21 availability of facilities for conducting the program.

22 Section 10. The Illinois Domestic Violence Act of 1986 is

1 amended by changing Section 202 as follows:

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

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

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

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

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

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

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

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

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 issuing  
22 alias summons; or for any related filing service. No fee shall  
23 be charged by the sheriff for service by the sheriff of a  
24 petition, rule, motion, or order in an action commenced under  
25 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 action  
13 and, if necessary and appropriate, transferred to a different  
14 court or division. Dismissal of any conjoined case shall not  
15 affect the validity of any previously issued order of  
16 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 clerical  
20 assistance to help with the writing and filing of a petition  
21 under this Section by any person not represented by counsel. In  
22 addition, that assistance may be provided by the state's  
23 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 limited  
8           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 by  
9           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 under  
7           this subsection (e) are strictly voluntary and the  
8           court shall obtain the consent of the petitioner on the  
9           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 or  
13           witness or the court may be transmitted and submitted  
14           and introduced by electronic means.

15           (Source: P.A. 98-558, eff. 1-1-14; 99-85, eff. 1-1-16.)