

1 AN ACT concerning orders of protection.

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 Sections 203 and 222 as follows:

6 (750 ILCS 60/203) (from Ch. 40, par. 2312-3)

7 Sec. 203. Pleading; non-disclosure of address;  
8 non-disclosure of schools.

9 (a) A petition for an order of protection shall be in  
10 writing and verified or accompanied by affidavit and shall  
11 allege that petitioner has been abused by respondent, who is  
12 a family or household member. The petition shall further set  
13 forth whether there is any other pending action between the  
14 parties. During the pendency of this proceeding, each party  
15 has a continuing duty to inform the court of any subsequent  
16 proceeding for an order of protection in this or any other  
17 state.

18 (b) If the petition states that disclosure of  
19 petitioner's address would risk abuse of petitioner or any  
20 member of petitioner's family or household or reveal the  
21 confidential address of a shelter for domestic violence  
22 victims, that address may be omitted from all documents filed  
23 with the court. If disclosure is necessary to determine  
24 jurisdiction or consider any venue issue, it shall be made  
25 orally and in camera. If petitioner has not disclosed an  
26 address under this subsection, petitioner shall designate an  
27 alternative address at which respondent may serve notice of  
28 any motions.

29 (c) If the petitioner is seeking to have a child  
30 protected by the order of protection, and if that child is  
31 enrolled in any day-care facility, pre-school,

1 pre-kindergarten, private school, public school district,  
 2 college, or university, the petitioner may provide the name  
 3 and address of the day-care facility, pre-school,  
 4 pre-kindergarten, private school, public school district,  
 5 college, or university to the court. However, if the  
 6 petition states that disclosure of this information would  
 7 risk abuse to petitioner or to the child protected under the  
 8 order, this information may be omitted from all documents  
 9 filed with the court.

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

11 (750 ILCS 60/222) (from Ch. 40, par. 2312-22)

12 Sec. 222. Notice of orders.

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

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

31 (c) Service by sheriff. Unless respondent was present  
 32 in court when the order was issued, the sheriff, other law  
 33 enforcement official or special process server shall promptly

1 serve that order upon respondent and file proof of such  
 2 service, in the manner provided for service of process in  
 3 civil proceedings. If process has not yet been served upon  
 4 the respondent, it shall be served with the order. A single  
 5 fee may be charged for service of an order obtained in civil  
 6 court, or for service of such an order together with process,  
 7 unless waived or deferred under Section 210.

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

19 (d) Extensions, modifications and revocations. Any  
 20 order extending, modifying or revoking any order of  
 21 protection shall be promptly recorded, issued and served as  
 22 provided in this Section.

23 (e) Notice to schools. Upon the request of the  
 24 petitioner, within 24 hours of the issuance of an order of  
 25 protection, Upon-request the clerk of the issuing judge shall  
 26 send written notice of the order of protection along with  
 27 file a certified copy of the an order of protection to with  
 28 the day-care facility, pre-school or pre-kindergarten, or  
 29 private school or--schools or the principal office of the  
 30 public school district or any college or university or  
 31 districts in which any child who is a protected person under  
 32 the order of protection or any child children of the  
 33 petitioner is are enrolled. If the child transfers enrollment  
 34 to another day-care facility, pre-school, pre-kindergarten,

1 private school, public school, college, or university, the  
 2 petitioner may, within 24 hours of the transfer, send to the  
 3 clerk written notice of the transfer, including the name and  
 4 address of the institution to which the child is  
 5 transferring. Within 24 hours of receipt of notice from the  
 6 petitioner that a child is transferring to another day-care  
 7 facility, pre-school, pre-kindergarten, private school,  
 8 public school, college, or university, the clerk shall send  
 9 written notice of the order of protection, along with a  
 10 certified copy of the order, to the institution to which the  
 11 child is transferring.

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

29 (Source: P.A. 89-106, eff. 7-7-95; 90-392, eff. 1-1-98.)

30 Section 99. Effective date. This Act takes effect upon  
 31 becoming law.