

AN ACT concerning courts.

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

Section 1. Short title. This Act may be cited as the Court Record and Document Accessibility Act.

Section 5. Record and document accessibility.

(a) All records and documents are presumed to be accessible by the court and the clerk of the court. A clerk of the court shall limit access to case information and documents that are not identified as public to the clerk of the court or limited supervisory staff through the use of access codes restricting access. Access to court records and documents remotely over the Internet shall be as authorized by the Illinois Supreme Court Remote Access Policy.

(b) Unless otherwise specified by rule, statute, or order, access to case information and documents maintained by the clerk of the court is defined as follows:

(1) "Public" means a document or case that is accessible by any person upon request.

(2) "Impounded" means a document or case that is accessible only to the parties of record on a case; otherwise, the document or case is only accessible upon order of a court.

(3) "Confidential" means a document or case that is accessible only to the party submitting the document or filing the case; otherwise, the document or case is only accessible upon order of a court.

(4) "Sealed" means a document or case that is accessible only upon order of a court.

(5) "Expunged" means a document or case that is accessible only upon order of a court as provided in subparagraph (E) of paragraph (1) of subsection (a) of Section 5.2 of the Criminal Identification Act.

(c) Notwithstanding any provision of subsections (a) and (b), the court may enter an order restricting access to any case or document per order of court.

(d) If any law of this State restricts access to any case information and documents maintained by the clerk of the court by using the phrase "shall not be public", or a similar phrase stating that a court record is not available to the public, the clerk of the court shall impound such case information and documents unless the court directs otherwise.

(e) Notwithstanding any other provision of law, if any law or statute of this State conflicts with Supreme Court Rule 8, then Supreme Court Rule 8 governs.

Section 10. Process for access. The General Assembly encourages the Supreme Court to consider establishing a process for access to court files that are limited by statute

or court rule that includes standardized forms and provisions for requesting access to documents in court files that are restricted in any manner.

Section 15. Applicability. This Act applies to all court records and documents related to any civil or criminal proceeding brought before any court in this State that are created and maintained by a State court.

Section 20. The Code of Criminal Procedure of 1963 is amended by changing Section 108A-7 as follows:

(725 ILCS 5/108A-7) (from Ch. 38, par. 108A-7)

Sec. 108A-7. Retention and Review of Recordings.

(a) The contents of any conversation overheard by any eavesdropping device shall, if possible, be recorded on tape or a comparable device. The recording of the contents of a conversation under this Article shall be done in such a way as will protect the recording from editing or other alterations.

(b) Immediately after the expiration of the period of the order or extension or, where the recording was made in an emergency situation as defined in Section 108A-6, at the time of the request for approval subsequent to the emergency, all such recordings shall be made available to the judge issuing the order or hearing the application for approval of an emergency application.

The judge shall listen to the tapes, determine if the conversations thereon are within his order or were appropriately made in emergency situations, and make a record of such determination to be retained with the tapes.

The recordings shall be sealed under the instructions of the judge and custody shall be where he orders. Such recordings shall not be destroyed except upon order of the judge hearing the application and in any event shall be kept for 10 years if not destroyed upon his order.

Duplicate recordings may be made for any use or disclosure authorized by this Article. The presence of the seal provided for in this Section or a satisfactory explanation for the absence thereof shall be a pre-requisite for the use or disclosure of the contents of the recordings or any evidence derived therefrom.

(c) Applications made and orders granted under this Article shall be sealed by the judge. Custody of the applications and orders shall be wherever the judge requests. Such applications and orders shall be disclosed only upon a showing of good cause before a judge. Such documents shall not be destroyed except on the order of the issuing or denying judge or after the expiration of 10 years time if not destroyed upon his order.

As used in this subsection, "sealed" has the same meaning as in paragraph (4) of subsection (b) of Section 5 of the Court Record and Document Accessibility Act.

(Source: P.A. 79-1159.)

Section 25. The Privacy of Child Victims of Criminal Sexual Offenses Act is amended by changing Section 3 as follows:

(725 ILCS 190/3) (from Ch. 38, par. 1453)

Sec. 3. Confidentiality of Law Enforcement and Court Records. Notwithstanding any other law to the contrary, inspection and copying of law enforcement records maintained by any law enforcement agency or all circuit court records maintained by any circuit clerk relating to any investigation or proceeding pertaining to a criminal sexual offense, by any person, except a judge, state's attorney, assistant state's attorney, Attorney General, Assistant Attorney General, psychologist, psychiatrist, social worker, doctor, parent, parole agent, aftercare specialist, probation officer, defendant, defendant's attorney, advocate, or victim's attorney (as defined in Section 3 of the Rights of Crime Victims and Witnesses Act) in any criminal proceeding or investigation related thereto, shall be restricted to exclude the identity of any child who is a victim of such criminal sexual offense or alleged criminal sexual offense unless a court order is issued authorizing the removal of such restriction as provided under this Section of a particular case record or particular records of cases maintained by any

circuit court clerk. A court may, for the child's protection and for good cause shown, prohibit any person or agency present in court from further disclosing the child's identity.

A court may prohibit such disclosure only after giving notice and a hearing to all affected parties. In determining whether to prohibit disclosure of the minor's identity, the court shall consider:

- (1) the best interest of the child; and
- (2) whether such nondisclosure would further a compelling State interest.

When a criminal sexual offense is committed or alleged to have been committed by a school district employee or any individual contractually employed by a school district, a copy of the criminal history record information relating to the investigation of the offense or alleged offense shall be transmitted to the superintendent of schools of the district immediately upon request or if the law enforcement agency knows that a school district employee or any individual contractually employed by a school district has committed or is alleged to have committed a criminal sexual offense, the superintendent of schools of the district shall be immediately provided a copy of the criminal history record information. The copy of the criminal history record information to be provided under this Section shall exclude the identity of the child victim. The superintendent shall be restricted from revealing the identity of the victim. Nothing in this Article

precludes or may be used to preclude a mandated reporter from reporting child abuse or child neglect as required under the Abused and Neglected Child Reporting Act.

For the purposes of this Act, "criminal history record information" means:

(i) chronologically maintained arrest information, such as traditional arrest logs or blotters;

(ii) the name of a person in the custody of a law enforcement agency and the charges for which that person is being held;

(iii) court records that are public, as defined in paragraph (1) of subsection (b) of Section 5 of the Court Record and Document Accessibility Act;

(iv) records that are otherwise available under State or local law; or

(v) records in which the requesting party is the individual identified, except as provided under part (vii) of paragraph (c) of subsection (1) of Section 7 of the Freedom of Information Act.

(Source: P.A. 102-651, eff. 1-1-22; 102-813, eff. 5-13-22.)

Section 30. The Unified Code of Corrections is amended by changing Section 5-5.5-15 as follows:

(730 ILCS 5/5-5.5-15)

Sec. 5-5.5-15. Certificates of relief from disabilities

issued by courts.

(a) Any circuit court of this State may issue a certificate of relief from disabilities to an eligible offender for a conviction that occurred in that court if the court imposed the sentence. The certificate may be issued (i) at the time sentence is pronounced, in which case it may grant relief from disabilities, or (ii) at any time thereafter, in which case it shall apply only to disabilities.

(b) The certificate may not be issued by the court unless the court is satisfied, based on clear and convincing evidence, that:

(1) the person to whom it is to be granted is an eligible offender, as defined in Section 5-5.5-5;

(2) the relief to be granted by the certificate is consistent with the rehabilitation of the eligible offender; and

(3) the relief to be granted by the certificate is consistent with the public interest.

(c) If a certificate of relief from disabilities is not issued at the time sentence is pronounced it shall only be issued thereafter upon verified application to the court. The court may, for the purpose of determining whether the certificate shall be issued, request the probation or court services department to conduct an investigation of the applicant. Any probation officer requested to make an investigation under this Section shall prepare and submit to

the court a written report in accordance with the request.

(d) Any court that has issued a certificate of relief from disabilities may at any time issue a new certificate to enlarge the relief previously granted provided that the provisions of clauses (1) through (3) of subsection (b) of this Section apply to the issuance of any such new certificate.

(e) Any written report submitted to the court under this Section is confidential and may not be made available to any person or public or private agency except if specifically required or permitted by statute or upon specific authorization of the court. However, it shall be made available by the court for examination by the applicant's attorney, or the applicant himself or herself, if he or she has no attorney. In its discretion, the court may except from disclosure a part or parts of the report that are not relevant to the granting of a certificate, or sources of information which have been obtained on a promise of confidentiality, or any other portion of the report, disclosure of which would not be in the interest of justice. The action of the court excepting information from disclosure shall be subject to appellate review. The court, in its discretion, may hold a conference in open court or in chambers to afford an applicant an opportunity to controvert or to comment upon any portions of the report. The court may also conduct a summary hearing at the conference on any matter relevant to the granting of the

application and may take testimony under oath.

As used in this subsection, "confidential" has the same meaning as in paragraph (3) of subsection (b) of Section 5 of the Court Record and Document Accessibility Act.

(f) An employer is not civilly or criminally liable for an act or omission by an employee who has been issued a certificate of relief from disabilities, except for a willful or wanton act by the employer in hiring the employee who has been issued a certificate of relief from disabilities.

(Source: P.A. 96-852, eff. 1-1-10.)

Section 35. The Stalking No Contact Order Act is amended by changing Sections 20 and 95 as follows:

(740 ILCS 21/20)

Sec. 20. Commencement of action; filing fees.

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

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

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

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

(a-5) When a petition for an emergency stalking no contact order is filed, the petition and file shall not be public and shall only be accessible to the court, law enforcement, petitioner, victim advocate, counsel of record for either party, and ~~the~~ State's Attorney for the county until the petition is served on the respondent.

Accessibility to the petition and file under this subsection prior to the petition being served on the respondent shall be in accordance with Section 5 of the Court Record and Document Accessibility Act.

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

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

this Section.

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

(Source: P.A. 101-255, eff. 1-1-20; 102-831, eff. 5-13-22; 102-853, eff. 1-1-23; revised 12-14-22.)

(740 ILCS 21/95)

Sec. 95. Emergency stalking no contact order.

(a) An emergency stalking no contact order shall issue if the petitioner satisfies the requirements of this subsection

(a). The petitioner shall establish that:

(1) the court has jurisdiction under Section 50;

(2) the requirements of Section 80 are satisfied; and

(3) there is good cause to grant the remedy, regardless of prior service of process or of notice upon the respondent, because the harm which that remedy is intended to prevent would be likely to occur if the respondent were given any prior notice, or greater notice than was actually given, of the petitioner's efforts to obtain judicial relief.

An emergency stalking no contact order shall be issued by the court if it appears from the contents of the petition and the examination of the petitioner that the averments are sufficient to indicate stalking by the respondent and to support the granting of relief under the issuance of the

stalking no contact order.

An emergency stalking no contact order shall be issued if the court finds that items (1), (2), and (3) of this subsection (a) are met.

(a-5) When a petition for an emergency stalking no contact order is granted, the petition, order, and file shall not be public and shall only be accessible to the court, law enforcement, petitioner, victim advocate, counsel of record for either party, and ~~the~~ State's Attorney for the county until the order is served on the respondent.

Accessibility to the petition, order, and file under this subsection prior to the petition being served on the respondent shall be in accordance with Section 5 of the Court Record and Document Accessibility Act.

(b) If the respondent appears in court for this hearing for an emergency order, he or she may elect to file a general appearance and testify. Any resulting order may be an emergency order, governed by this Section. Notwithstanding the requirements of this Section, if all requirements of Section 100 have been met, the court may issue a plenary order.

(c) Emergency orders; court holidays and evenings.

(1) When the court is unavailable at the close of business, the petitioner may file a petition for a 21-day emergency order before any available circuit judge or associate judge who may grant relief under this Act. If the judge finds that there is an immediate and present

danger of abuse against the petitioner and that the petitioner has satisfied the prerequisites set forth in subsection (a), that judge may issue an emergency stalking no contact order.

(2) The chief judge of the circuit court may designate for each county in the circuit at least one judge to be reasonably available to issue orally, by telephone, by facsimile, or otherwise, an emergency stalking no contact order at all times, whether or not the court is in session.

(3) Any order issued under this Section and any documentation in support of the order shall be certified on the next court day to the appropriate court. The clerk of that court shall immediately assign a case number, file the petition, order, and other documents with the court, and enter the order of record and file it with the sheriff for service, in accordance with Section 60. Filing the petition shall commence proceedings for further relief under Section 20. Failure to comply with the requirements of this paragraph (3) does not affect the validity of the order.

(Source: P.A. 101-255, eff. 1-1-20; 102-831, eff. 5-13-22.)

Section 40. The Civil No Contact Order Act is amended by changing Sections 202 and 214 as follows:

(740 ILCS 22/202)

Sec. 202. Commencement of action; filing fees.

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

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

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

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

(a-5) When a petition for an emergency civil no contact order is filed, the petition and file shall not be public and shall only be accessible to the court, law enforcement, petitioner, rape crisis advocate, counsel of record for either party, and ~~the~~ State's Attorney for the county until the petition is served on the respondent.

Accessibility to the petition and file under this subsection prior to the petition being served on the respondent shall be in accordance with Section 5 of the Court Record and Document Accessibility Act.

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

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

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

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

(Source: P.A. 101-255, eff. 1-1-20; 102-831, eff. 5-13-22; 102-853, eff. 1-1-23; revised 12-14-22.)

(740 ILCS 22/214)

Sec. 214. Emergency civil no contact order.

(a) An emergency civil no contact order shall issue if the petitioner satisfies the requirements of this subsection (a). The petitioner shall establish that:

- (1) the court has jurisdiction under Section 206;
- (2) the requirements of Section 213 are satisfied; and
- (3) there is good cause to grant the remedy, regardless of prior service of process or of notice upon the respondent, because the harm which that remedy is

intended to prevent would be likely to occur if the respondent were given any prior notice, or greater notice than was actually given, of the petitioner's efforts to obtain judicial relief.

An emergency civil no contact order shall be issued by the court if it appears from the contents of the petition and the examination of the petitioner that the averments are sufficient to indicate nonconsensual sexual conduct or nonconsensual sexual penetration by the respondent and to support the granting of relief under the issuance of the civil no contact order.

An emergency civil no contact order shall be issued if the court finds that subsections (1), (2), and (3) above are met.

(a-5) When a petition for a civil no contact order is granted, the petition, order, and file shall not be public and shall only be accessible to the court, law enforcement, petitioner, rape crisis advocate, counsel of record for either party, and the State's Attorney for the county until the petition is served on the respondent.

Accessibility to the petition, order, and file under this subsection prior to the petition being served on the respondent shall be in accordance with Section 5 of the Court Record and Document Accessibility Act.

(b) If the respondent appears in court for this hearing for an emergency order, he or she may elect to file a general appearance and testify. Any resulting order may be an

emergency order, governed by this Section. Notwithstanding the requirements of this Section, if all requirements of Section 215 have been met, the court may issue a plenary order.

(c) Emergency orders; court holidays and evenings.

(1) When the court is unavailable at the close of business, the petitioner may file a petition for a 21-day emergency order before any available circuit judge or associate judge who may grant relief under this Act. If the judge finds that there is an immediate and present danger of abuse against the petitioner and that the petitioner has satisfied the prerequisites set forth in subsection (a), that judge may issue an emergency civil no contact order.

(2) The chief judge of the circuit court may designate for each county in the circuit at least one judge to be reasonably available to issue orally, by telephone, by facsimile, or otherwise, an emergency civil no contact order at all times, whether or not the court is in session.

(3) Any order issued under this Section and any documentation in support of the order shall be certified on the next court day to the appropriate court. The clerk of that court shall immediately assign a case number, file the petition, order, and other documents with the court, and enter the order of record and file it with the sheriff for service, in accordance with Section 222. Filing the petition shall commence proceedings for further relief

under Section 202. Failure to comply with the requirements of this paragraph (3) does not affect the validity of the order.

(Source: P.A. 102-831, eff. 5-13-22.)

Section 45. The Mental Health and Developmental Disabilities Confidentiality Act is amended by changing Section 3 as follows:

(740 ILCS 110/3) (from Ch. 91 1/2, par. 803)

Sec. 3. (a) All records and communications shall be confidential and shall not be disclosed except as provided in this Act. Unless otherwise expressly provided for in this Act, records and communications made or created in the course of providing mental health or developmental disabilities services shall be protected from disclosure regardless of whether the records and communications are made or created in the course of a therapeutic relationship.

As used in this subsection, "confidential" has the same meaning as in paragraph (3) of subsection (b) of Section 5 of the Court Record and Document Accessibility Act.

(b) A therapist is not required to but may, to the extent he determines it necessary and appropriate, keep personal notes regarding a recipient. Such personal notes are the work product and personal property of the therapist and shall not be subject to discovery in any judicial, administrative or

legislative proceeding or any proceeding preliminary thereto.

(c) Psychological test material whose disclosure would compromise the objectivity or fairness of the testing process may not be disclosed to anyone including the subject of the test and is not subject to disclosure in any administrative, judicial or legislative proceeding. However, any recipient who has been the subject of the psychological test shall have the right to have all records relating to that test disclosed to any psychologist designated by the recipient. Requests for such disclosure shall be in writing and shall comply with the requirements of subsection (b) of Section 5 of this Act.

(Source: P.A. 99-28, eff. 1-1-16.)

Section 50. The Communicable Disease Report Act is amended by changing Section 1 as follows:

(745 ILCS 45/1) (from Ch. 126, par. 21)

Sec. 1. Whenever any statute of this State or any ordinance or resolution of a municipal corporation or political subdivision enacted pursuant to statute or any rule of an administrative agency adopted pursuant to statute requires medical practitioners or other persons to report cases of injury, medical condition or procedure, communicable disease, venereal disease, or sexually transmitted disease to any governmental agency or officer, such reports shall be confidential, and any medical practitioner or other person

making such report in good faith shall be immune from suit for slander or libel based upon any statements contained in such report.

The identity of any individual who makes a report or who is identified in a report of an injury, medical condition or procedure, communicable disease, venereal disease, sexually transmitted disease, or food-borne illness or an investigation conducted pursuant to a report of an injury, medical condition or procedure, communicable disease, venereal disease, sexually transmitted disease, or food-borne illness shall be confidential and the identity of any person making a report or named therein shall not be disclosed publicly or in any action of any kind in any court or before any tribunal, board or agency; provided that records and communications concerning a venereal disease or sexually transmitted disease in any minor under 11 years of age shall be disclosed in accordance with the provisions of the Abused and Neglected Child Reporting Act, approved June 26, 1975, as now or hereafter amended.

The confidentiality provisions of this Act do not apply to the results of tests for diseases conducted pursuant to subsections (g) and (g-5) of Section 5-5-3 and subsection (a) of Section 3-15-2 of the Unified Code of Corrections.

Nothing in this Act prohibits the sharing of information as authorized in Section 2.1 of the Department of Public Health Act.

As used in this Section, "confidential" has the same

meaning as in paragraph (3) of subsection (b) of Section 5 of the Court Record and Document Accessibility Act.

(Source: P.A. 93-829, eff. 7-28-04.)

Section 55. The Illinois Domestic Violence Act of 1986 is amended by changing Sections 202 and 217 as follows:

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

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

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

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

(2) In conjunction with another civil proceeding: By filing a petition for an order of protection under the same case number as another civil proceeding involving the parties, including, but not limited to: (i) any proceeding under the Illinois Marriage and Dissolution of Marriage Act, Illinois Parentage Act of 2015, Nonsupport of Spouse and Children Act, or Revised Uniform Reciprocal Enforcement of Support Act or an action for nonsupport brought under Article X of the Illinois Public Aid Code, provided that a petitioner and the respondent are a party to or the subject of that proceeding or (ii) a guardianship proceeding under the Probate Act of 1975, or

a proceeding for involuntary commitment under the Mental Health and Developmental Disabilities Code, or any proceeding, other than a delinquency petition, under the Juvenile Court Act of 1987, provided that a petitioner or the respondent is a party to or the subject of such proceeding.

(3) In conjunction with a delinquency petition or a criminal prosecution as provided in Section 112A-20 of the Code of Criminal Procedure of 1963.

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

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

Accessibility to the petition under this subsection prior to the petition being served on the respondent shall be in accordance with Section 5 of the Court Record and Document Accessibility Act.

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

(c) Dismissal and consolidation. Withdrawal or dismissal

of any petition for an order of protection prior to adjudication where the petitioner is represented by the State shall operate as a dismissal without prejudice. No action for an order of protection shall be dismissed because the respondent is being prosecuted for a crime against the petitioner. An independent action may be consolidated with another civil proceeding, as provided by paragraph (2) of subsection (a) of this Section. For any action commenced under paragraph (2) or (3) of subsection (a) of this Section, dismissal of the conjoined case (or a finding of not guilty) shall not require dismissal of the action for the order of protection; instead, it may be treated as an independent action and, if necessary and appropriate, transferred to a different court or division. Dismissal of any conjoined case shall not affect the validity of any previously issued order of protection, and thereafter subsections (b) (1) and (b) (2) of Section 220 shall be inapplicable to such order.

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

(e) As provided in this subsection, the administrative director of the Administrative Office of the Illinois Courts, with the approval of the administrative board of the courts,

may adopt rules to establish and implement a pilot program to allow the electronic filing of petitions for temporary orders of protection and the issuance of such orders by audio-visual means to accommodate litigants for whom attendance in court to file for and obtain emergency relief would constitute an undue hardship or would constitute a risk of harm to the litigant.

(1) As used in this subsection:

(A) "Electronic means" means any method of transmission of information between computers or other machines designed for the purpose of sending or receiving electronic transmission and that allows for the recipient of information to reproduce the information received in a tangible medium of expression.

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

(C) "Electronic appearance" means an appearance in which one or more of the parties are not present in the court, but in which, by means of an independent audio-visual system, all of the participants are simultaneously able to see and hear reproductions of

the voices and images of the judge, counsel, parties, witnesses, and any other participants.

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

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

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

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

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

(E) a timeline for implementation and a plan for informing the public about the availability of the

program; and

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

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

(A) A petitioner who is seeking an ex parte temporary order of protection using an electronic appearance must file a petition in advance of the appearance and may do so electronically.

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

(C) Nothing in this subsection (e) affects or changes any existing laws governing the service of process, including requirements for personal service

or the sealing and confidentiality of court records in court proceedings or access to court records by the parties to the proceedings.

(4) Appearances.

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

(B) Electronic appearances under this subsection (e) shall be recorded and preserved for transcription. Documentary evidence, if any, referred to by a party or witness or the court may be transmitted and submitted and introduced by electronic means.

(Source: P.A. 101-255, eff. 1-1-20; 102-853, eff. 1-1-23; revised 12-13-22.)

(750 ILCS 60/217) (from Ch. 40, par. 2312-17)

Sec. 217. Emergency order of protection.

(a) Prerequisites. An emergency order of protection shall issue if petitioner satisfies the requirements of this subsection for one or more of the requested remedies. For each remedy requested, the petitioner shall establish that:

- (1) The court has jurisdiction under Section 208;
- (2) The requirements of Section 214 are satisfied; and
- (3) There is good cause to grant the remedy,

regardless of prior service of process or of notice upon the respondent, because:

(i) For the remedies of "prohibition of abuse" described in Section 214(b)(1), "stay away order and additional prohibitions" described in Section 214(b)(3), "removal or concealment of minor child" described in Section 214(b)(8), "order to appear" described in Section 214(b)(9), "physical care and possession of the minor child" described in Section 214(b)(5), "protection of property" described in Section 214(b)(11), "prohibition of entry" described in Section 214(b)(14), "prohibition of firearm possession" described in Section 214(b)(14.5), "prohibition of access to records" described in Section 214(b)(15), and "injunctive relief" described in Section 214(b)(16), the harm which that remedy is intended to prevent would be likely to occur if the respondent were given any prior notice, or greater notice than was actually given, of the petitioner's efforts to obtain judicial relief;

(ii) For the remedy of "grant of exclusive possession of residence" described in Section 214(b)(2), the immediate danger of further abuse of the petitioner by the respondent, if the petitioner chooses or had chosen to remain in the residence or household while the respondent was given any prior

notice or greater notice than was actually given of the petitioner's efforts to obtain judicial relief, outweighs the hardships to the respondent of an emergency order granting the petitioner exclusive possession of the residence or household. This remedy shall not be denied because the petitioner has or could obtain temporary shelter elsewhere while prior notice is given to the respondent, unless the hardships to respondent from exclusion from the home substantially outweigh those to the petitioner;

(iii) For the remedy of "possession of personal property" described in Section 214(b)(10), improper disposition of the personal property would be likely to occur if the respondent were given any prior notice, or greater notice than was actually given, of the petitioner's efforts to obtain judicial relief, or the petitioner has an immediate and pressing need for possession of that property.

An emergency order may not include the counseling, legal custody, payment of support, or monetary compensation remedies.

(a-5) When a petition for an emergency order of protection is granted, the order and file shall not be public and shall only be accessible to the court, the petitioner, law enforcement, a domestic violence advocate or counselor, the counsel of record for either party, and the State's Attorney

for the county until the order is served on the respondent.

Accessibility to the order and file under this subsection prior to the order being served on the respondent shall be in accordance with Section 5 of the Court Record and Document Accessibility Act.

(b) Appearance by respondent. If the respondent appears in court for this hearing for an emergency order, he or she may elect to file a general appearance and testify. Any resulting order may be an emergency order, governed by this Section. Notwithstanding the requirements of this Section, if all requirements of Section 218 have been met, the court may issue a 30-day interim order.

(c) Emergency orders: court holidays and evenings.

(1) Prerequisites. When the court is unavailable at the close of business, the petitioner may file a petition for a 21-day emergency order before any available circuit judge or associate judge who may grant relief under this Act. If the judge finds that there is an immediate and present danger of abuse to the petitioner and that the petitioner has satisfied the prerequisites set forth in subsection (a) of Section 217, that judge may issue an emergency order of protection.

(1.5) Issuance of order. The chief judge of the circuit court may designate for each county in the circuit at least one judge to be reasonably available to issue orally, by telephone, by facsimile, or otherwise, an

emergency order of protection at all times, whether or not the court is in session.

(2) Certification and transfer. The judge who issued the order under this Section shall promptly communicate or convey the order to the sheriff to facilitate the entry of the order into the Law Enforcement Agencies Data System by the Illinois State Police pursuant to Section 302. Any order issued under this Section and any documentation in support thereof shall be certified on the next court day to the appropriate court. The clerk of that court shall immediately assign a case number, file the petition, order and other documents with the court, and enter the order of record and file it with the sheriff for service, in accordance with Section 222. Filing the petition shall commence proceedings for further relief under Section 202. Failure to comply with the requirements of this subsection shall not affect the validity of the order.

(Source: P.A. 101-255, eff. 1-1-20; 102-538, eff. 8-20-21; 102-831, eff. 5-13-22; revised 7-29-22.)

Section 60. The Probate Act of 1975 is amended by changing Section 11a-9 as follows:

(755 ILCS 5/11a-9) (from Ch. 110 1/2, par. 11a-9)

Sec. 11a-9. Report.

(a) The petition for adjudication of disability and for

appointment of a guardian should be accompanied by a report which contains (1) a description of the nature and type of the respondent's disability and an assessment of how the disability impacts on the ability of the respondent to make decisions or to function independently; (2) an analysis and results of evaluations of the respondent's mental and physical condition and, where appropriate, educational condition, adaptive behavior and social skills, which have been performed within 3 months of the date of the filing of the petition, or, in the case of an intellectual disability, a psychological evaluation of the respondent that has been performed by a clinical psychologist licensed under the Clinical Psychologist Licensing Act, within one year of the date of the filing of the petition; (3) an opinion as to whether guardianship is needed, the type and scope of the guardianship needed, and the reasons therefor; (4) a recommendation as to the most suitable living arrangement and, where appropriate, treatment or habilitation plan for the respondent and the reasons therefor; (5) the name, business address, business telephone number, and signatures of all persons who performed the evaluations upon which the report is based, one of whom shall be a licensed physician, or may, in the case of an intellectual disability, be a clinical psychologist licensed under the Clinical Psychologist Licensing Act, and a statement of the certification, license, or other credentials that qualify the evaluators who prepared the report.

(b) If for any reason no report accompanies the petition, the court shall order appropriate evaluations to be performed by a qualified person or persons and a report prepared and filed with the court at least 10 days prior to the hearing.

(b-5) Upon oral or written motion by the respondent or the guardian ad litem or upon the court's own motion, the court shall appoint one or more independent experts to examine the respondent. Upon the filing with the court of a verified statement of services rendered by the expert or experts, the court shall determine a reasonable fee for the services performed. If the respondent is unable to pay the fee, the court may enter an order upon the petitioner to pay the entire fee or such amount as the respondent is unable to pay. However, in cases where the Office of State Guardian is the petitioner, consistent with Section 30 of the Guardianship and Advocacy Act, no expert services fees shall be assessed against the Office of the State Guardian.

(c) Unless the court otherwise directs, any report prepared pursuant to this Section shall not be made part of the public record of the proceedings but shall be available to the court or an appellate court in which the proceedings are subject to review, to the respondent, the petitioner, the guardian, and their attorneys, to the respondent's guardian ad litem, and to such other persons as the court may direct.

Accessibility to a report prepared pursuant to this Section shall be in accordance with Section 5 of the Court

Public Act 103-0166

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Record and Document Accessibility Act.

(Source: P.A. 102-109, eff. 1-1-22.)