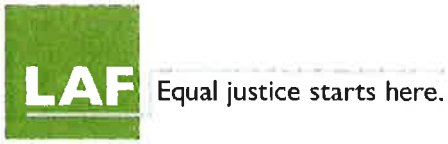
Plenary OP Litigation Project Training

September 18, 2017

sarah's inn



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Address Confidentiality Act: 750 ILCS 60/101 ..... B
IMDMA (the divorce statute): 740 ILCS 5/101-Child Support § 5/505 C
IL Parentage Act of 2015: 750 ILCS 46/101 ..... D
UCCJEA (Uniform Child-Custody Jurisdiction and Enforcement Act): 750 ILCS 36/101 ..... E
Illinois Long-Arm Statute: 735 ILCS 5/2-209 ..... F

WHY THEY STAY,

WHEN THEY LEAVE

Many people not involved with an abusive partner say that if their mates ever harmed them they would leave. Many battered victims remember the same resolve. Why do they stay? Why might they go back? Why do some permanently separate from abusers?

There are serious factors, which weigh on the individuals decision to leave. This is the person they love or have loved or the batterer may be the parent of a child in common. Ending an intimate relationship is very difficult, even more so when self-confidence has been destroyed by the batterer. Battered individuals report the following reasons for staying with the abuser or leaving them.

Hope for change. Many abusive mates become remorseful after inflicting violence. This behavior may include promising never to hit again, agreeing to seek counseling if the victim does not leave, reminding the victim of how hard the perpetrator works, pointing out the incredible stresses under which he is operating, acknowledging the wrongfulness of his violence to the children and asking their help in stopping it, and demonstrating their love for them in meaningful ways. Since battered individuals are in committed relationships and have often built their lives around the relationship, they hope for change. Where the battered acknowledges the error of their ways, when they break down and cry out for their despair, and concedes the need for dramatic change, hope is often born anew for battered victims.

Isolation. Many victims of abuse lose their support systems, since the batterer has isolated them. For example, a batterer may prohibit their victim from using the phone; may humiliate them at family gatherings; may insist on transporting them to work; may censor their mail, etc. People who abuse are often highly possessive and excessively jealous. They believe that they "own" the victim and are entitled to their exclusive attention and absolute obedience. The batterer knows that if the truth is told about their conduct, support systems will urge the victim to leave or seek assistance. Therefore, batterers quickly isolate victims in order to sustain the power of their violence.

Societal denial. Battered individuals fear that no one will believe their partners beat them. Batterers often are very ingratiated and popular individuals who keep their terrorizing and controlling behaviors behind closed doors. Battered people discover that many people and agencies trivialize the impact of violence (e.g. doctors prescribe Valium for coping; ministers recommend prayer and more accommodating behaviors; therapists advise better communication with the perpetrators, etc.) No one understands that they feel like a prisoner who might be severely injured or at the hands of their own jailer. They conclude that since they do not understand the seriousness of the violence, they will not support the disruption of the family.

Barricades to leaving. Even when a battered person decides to leave, batterers put up many obstacles. Many threaten to seek custody of their children, to withhold support, to interfere with her employment, to advise prospective landlords that she is not credit-worthy, to try and turn the children or family against her, to threaten to kill their victim or other family members if she leaves, to threaten retaliatory suicide, or in other ways to escalate their violence in an attempt to hold her in the relationship.

Belief in batterer treatment. Battered individuals are reluctant to leave when their partners are in treatment. They believe the treatment will motivate them to make the profound changes necessary to prevent further abuse. Therefore, it is very important that victims are referred to domestic violence programs so that they can gain full information about treatment programs for batters and evaluate whether these programs are likely to effect the change that will make life safe for them (Gondolf, 1988; Okun, 1986).

Danger in leaving. Many battered women believe that leaving is not necessarily going to make her life or the life of her children safer. Many battered women killed by their partners are killed after they have left or separated (Cazanave & Zahn, 1986; Brown & William, 1986 &1987). Leaving requires strategic planning and comprehensive legal intervention to safeguard victims and their children.

Economic Autonomy. Battered women do leave. The most likely predictor of whether a battered woman will permanently separate from her abuser is whether she utilizes the economic resources to survive without him. Therefore, it is incredibly important that battered women obtain support awards in protection orders and are referred to battered women programs where they can learn about other economic supports, job training and employment opportunities (Gondolf, 1988; Okun, 1986).

Leaving is a process. Most battered women leave and return several times before permanently separating from the batterer. Leaving is a process. The first time a battered woman leaves may be a test to see whether he will actually get some help to stop his abusive behaviors. When he is violent again, she may leave to gain more information about resources available to her. She may then reconcile and begin some economic and educational resources together in case she decides that she must later leave. She may next leave to try to break out of the isolation in which the batterer has virtually imprisoned her. Most battered women eventually leave (Okun, 1986).

When friends, family and helping agencies, such as police, shelters, clergy, courts, medical personnel. Educators and therapists, lend substantial and concerted efforts to assist battered women in the leaving process, battered women are more likely to leave and secure protection for themselves and their children. Therefore, when battered women stay, we as a community should look to see what we are doing to hinder the leaving process and then make changes to facilitate leaving and ultimate safety.

Leaving must be done in a way that does not further jeopardize the victim's safety. It is important for law enforcement personnel to refer victims to domestic violence programs to develop plans for safe leave-taking.

REFERENCES

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Gondolf, E. "The Effect of Batter Counseling on shelter Outcome". Journal of Interpersonal Violence, Vol. 3, No. 3, September, 1988, pp/275-289.

Okun, L. Women abuse: Facts Replacing Myths. Albany, New York State University of New York Press, 1986.

POWER AND CONTROL WHEEL

Physical and sexual assaults, or threats to commit them, are the most apparent forms of domestic violence and are usually the actions that allow others to become aware of the problem. However, regular use of other abusive behaviors by the batterer, when reinforced by one or more acts of physical violence, make up a larger system of abuse. Although physical assaults may occur only once or occasionally, they instill threat of future violent attacks and allow the abuser to take control of the woman's life and circumstances.

The Power & Control diagram is a particularly helpful tool in understanding the overall pattern of abusive and violent behaviors, which are used by a batterer to establish and maintain control over his partner. Very often, one or more violent incidents are accompanied by an array of these other types of abuse. They are less easily identified, yet firmly establish a pattern of intimidation and control in the relationship.

Developed by:
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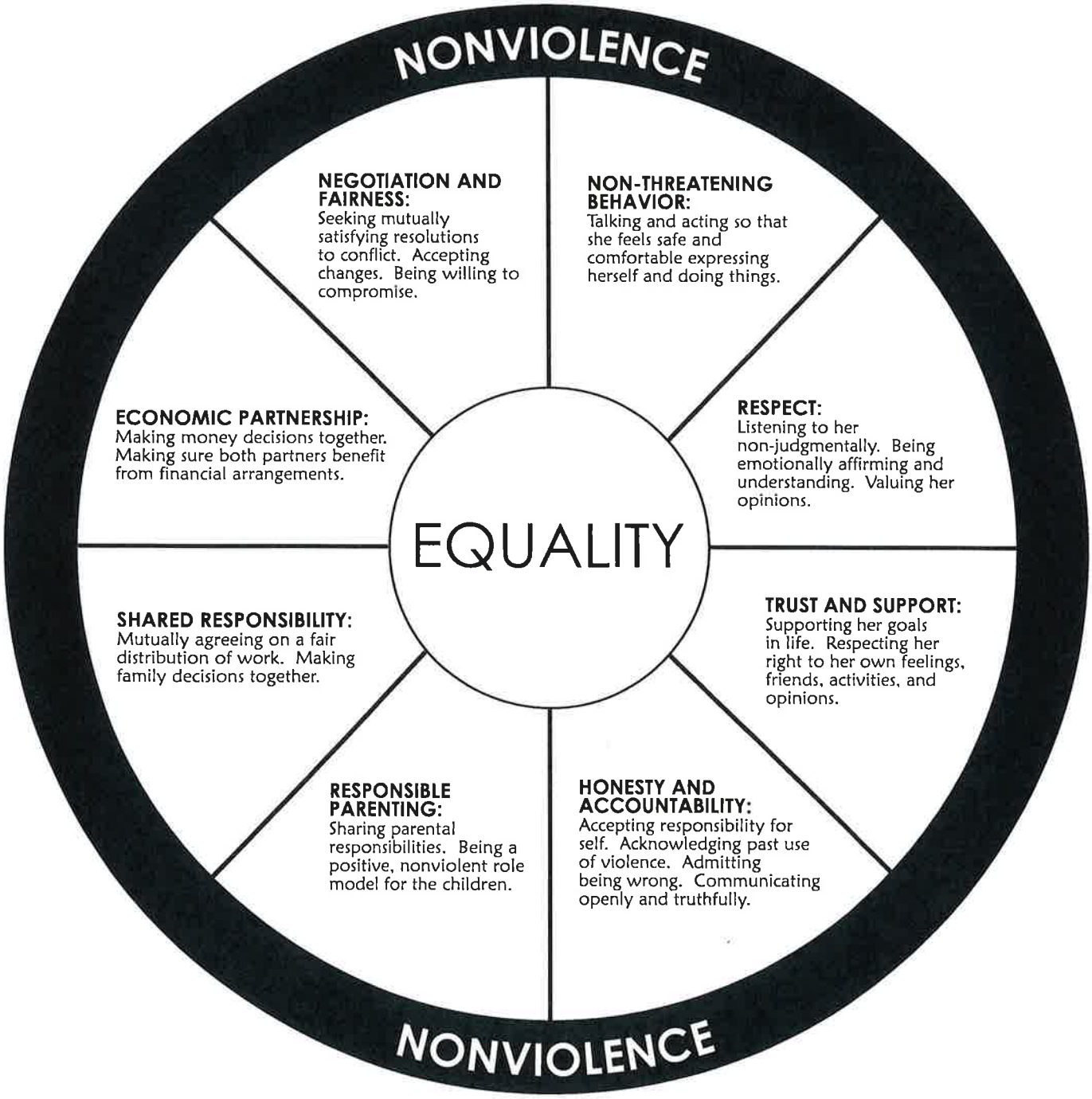
EQUALITY WHEEL



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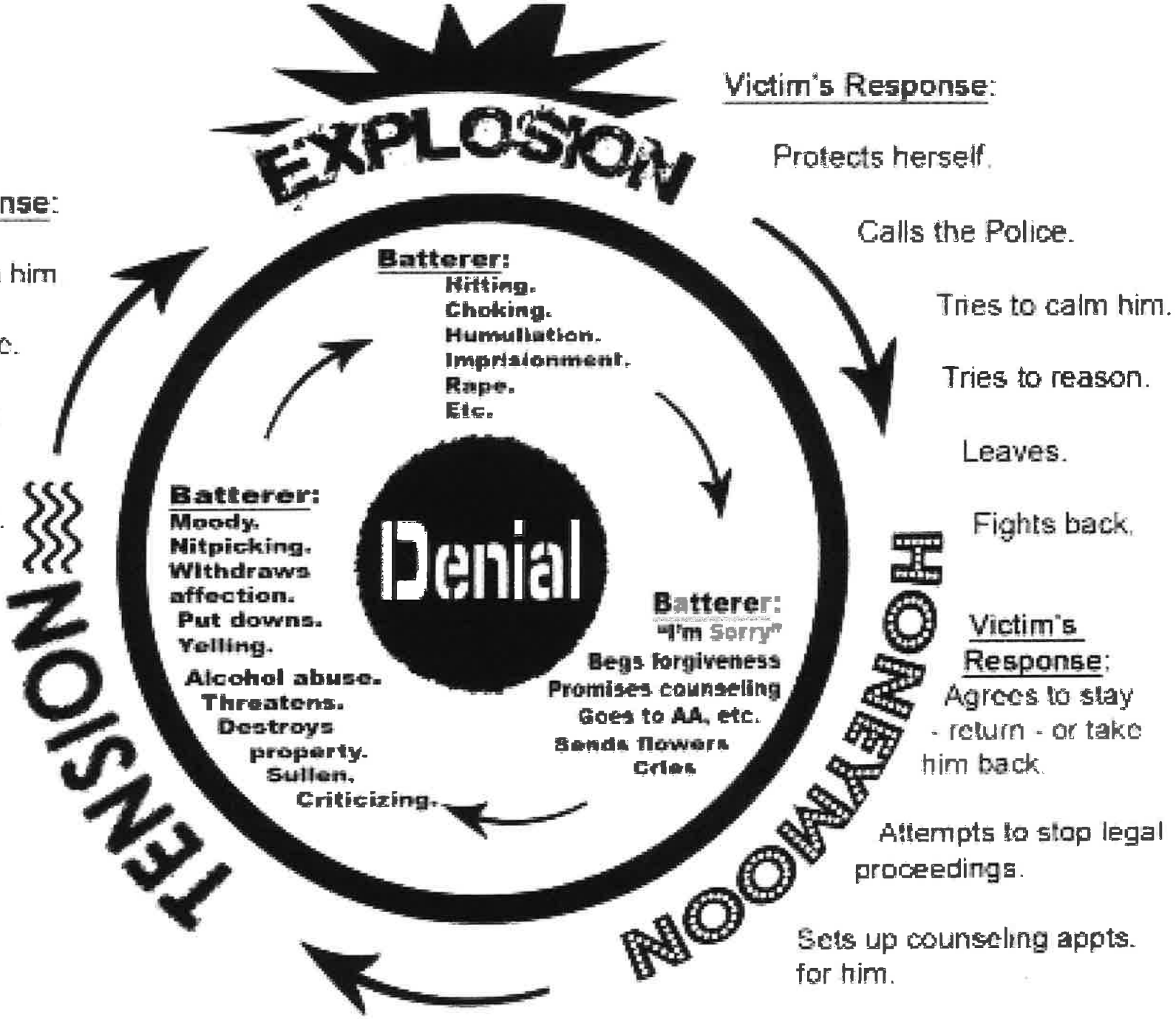
EXPLOSION
Victim's Response:
Protects herself.
Calls the Police.
Tries to calm him.
Tries to reason.
Leaves.
Fights back.
HONEYMOON
Victim's Response:
Agrees to stay - return - or take him back.
Attempts to stop legal proceedings.
Sets up counseling appts. for him.
Feels happy and hopeful.
TENSION
Victim's Response:
Attempts to calm him
Silent or Talkative.
Stays away from family or friends.
Keeps kids quiet.
Agrees readily.
Withdraws.
Tries to reason
General feeling of walking on 'Egg shells'.
Batterer:
Hitting.
Choking.
Humuliation.
Imprisionment.
Rape.
Etc.
Batterer:
"I'm Sorry"
Begs forgiveness
Promises counseling
Goes to AA, etc.
Sends flowers
Cries
Batterer:
Moody.
Nitpicking.
Withdraws affection.
Put downs.
Yelling.
Alcohol abuse.
Threatens.
Destroys property.
Sullen.
Criticizing.
Denial

Steps to Obtaining an Order of Protection

1. **Filing for an Order of Protection:**
    a. Petition for Order of Protection
    b. Affidavit in support of petition
        1. List Incidents of abuse
            a. List time, date, location, who was present
            b. Include specific facts, not just conclusions
                i. Stating that the Respondent "harassed me" or "threatened me" is a conclusion. You MUST include details, such as the number of phone calls received, content of statements made, etc.
            c. Presented in reverse chronological order (sets out emergency nature of case)
            d. Samples include incidents of physical abuse, telephone harassment, and both include a summary of the abuse
    c. Summons
    d. Sheriff's Information Sheet
    e. Domestic Relations Cover Sheet
    f. Emergency order of Protection (draft)

2. **Service of Process:**
    a. The Respondent will be served by the Sheriff
        i. Automatic, unless outside of Cook County
        ii. Contact Sheriff (call or check website) to confirm service
            1. www5.cookcountysheriff.org/default1.asp
        iii. Proof of Service should be automatically included in the court file

3. **Trouble with Service?**
    a. Issue Alias Summons
        i. List a new residence or work address for Respondent
    b. Retain/hire a special process server
    c. Ask for Service by Publication (cannot get any money-related remedies)
        i. Affidavit for service by publication (Clerk's website)
        ii. Affidavit of Diligent Efforts

4. **Return Court Dates**
    a. When you return to court, any of the following may occur:
        i. Proceed to hearing on the Plenary Order of Protection
        ii. Proceed to default prove-up and request that Plenary order of Protection be entered by default (only if Respondent is served and does not show up)
        iii. Enter a Plenary Order of Protection by agreement, and advise both parties to sign it
        iv. Continue the case and extend the EOP, OR
        v. Terminate the EOP and dismiss the case

5. **Continuances:**
    a. Although the case is set for hearing on the next (return) court date, it may be continued to allow for service, to set a hearing, or for the Respondent to obtain counsel
    b. If the matter is continued, the Emergency Order of Protection should be extended and the case continued with a Disposition Order
    c. Disposition orders can temporarily extend an EOP or terminate the order and dismiss the case

6. **Terminating an Emergency Order of Protection:**
    a. Clients may not return to court for a variety of reasons
    b. Terminating vs. Vacating an Order
        i. Terminating is preferable because then the Petitioner can reinstate the order if need be. When you vacate an order it legally never happened.

7. **Plenary Order of Protection Hearing:**
    a. Client Preparation
        i. Advise client to review affidavit
        ii. Explain what will happen in court
            1. Advise client to pause if there is an objection, to take her time, answer only the questions asked, always be truthful
        iii. Ask client what she thinks the Respondent will say and how she will respond
        iv. Discuss any possible witnesses or evidence and review the rules of evidence in order to get exhibits admitted

OP Litigation Project

Remedies Checklist

Available in Emergency OP:

750 ILCS 60/214 (b)(1)	Prohibition of Abuse
750 ILCS 60/214 (b)(2)	Exclusive Possession
750 ILCS 60/214 (b)(3)	Stay Away/Entering or Remaining
750 ILCS 60/214 (b)(5)	Physical care/possession of the minor children
750 ILCS 60/214 (b)(7)	Visitation schedule/restriction/denial for minor children with Respondent
750 ILCS 60/214 (b)(8)	Prohibition on removal of minor children from Illinois
750 ILCS 60/214 (b)(9)	Respondent ordered to appear in Court with minor children on date certain
750 ILCS 60/214 (b)(10)	Exclusive Possession of Property
750 ILCS 60/214 (b)(11)	Protection of Personal Property
750 ILCS 60/214 (b)(11.5)	Care/Custody/Control of animal
750 ILCS 60/214 (b)(14)	Prohibition on entering/remaining at a location under influence of alcohol/drugs
750 ILCS 60/214 (b)(14.5)	Prohibition of firearm possession
750 ILCS 60/214 (b)(15)	Denial of access to school records

Not Available in Emergency OP:

750 ILCS 60/214 (b)(4)	Respondent to undergo counseling
750 ILCS 60/214 (b)(6)	Temporary legal custody of the minor children
750 ILCS 60/214 (b)(12)	Temporary child support
750 ILCS 60/214 (b)(13)	Restitution of losses
750 ILCS 60/214 (b)(16)	Payment of shelter costs

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, DOMESTIC RELATIONS DIVISION

IN RE

_____ Petitioner

and

_____ Respondent

No. _____

Calendar _____

DOMESTIC VIOLENCE COVER SHEET

A Domestic Violence Cover Sheet shall accompany the initial pleading in all actions filed in the Domestic Relations Division. The information contained herein is for administrative purposes only and shall not be introduced into evidence. Please check the box designating the category which best describes the action to be filed.

GENERAL PROCEEDINGS

A 0007 ❑ Petition for Independent Order of Protection

B 0012 ❑ Petition for Stalking No Contact Order

C 0008 ❑ Petition for Civil No Contact Order

D 0085 ❑ Petition to Register Foreign Judgment

This action 0100 ❑ does/ 0101 ❑ does not involve a minor child or children. The parties 0104 ❑ have / 0105 ❑ have not previously filed a divorce or 0106 ❑ have / 0107 ❑ have not filed a parentage action between them. In the event the parties have previously filed a prior action the action was filed on _____, _____ and assigned case number _____ and initially assigned to Judge _____.

By: _____

❑ Atty. No.: _____ ❑ Pro se 99500

Name: _____

Atty. for: _____

Address: _____

City/State/Zip: _____

Telephone: _____

Primary Email: _____

Secondary Email: _____

Tertiary Email: _____

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

People ex rel. _____

_____ **on behalf of**

_____ **self and/or on behalf of**

Jane Doe
Petitioner

v.

John Doe
Respondent

Case No. _____

☑ Independent Proceeding

☐ Other Civil Proceeding

Specify _____

☐ Criminal Proceeding

☐ Juvenile Proceeding

PETITION FOR ORDER OF PROTECTION

(Fill in lines and check boxes as applicable)

Now comes the Petitioner Jane Doe on his/her own behalf or on behalf of Baby Doe, a minor child, or on behalf of _____, an adult who cannot file a Petition because of age, health, disability or inaccessibility on his/her own behalf, pursuant to the Illinois Domestic Violence Act (IDVA), and moves this Honorable Court to issue an Order of Protection in this cause and in support thereof states as follows:

ALLEGATIONS

THIS COURT HAS JURISDICTION OF THE SUBJECT MATTER AND OVER ALL NECESSARY PERSONS WITH APPROPRIATE VENUE BECAUSE:

A. ☐ Petitioner resides at _____ (Street Address, City)

in the County of _____ State of _____; OR

☐ Petitioner resides at _____ (Street Address, City),

in the County of _____ State of _____; and _____,

the person on whose behalf this Petitioner is brought, resides at _____ (Street Address, City),

in the County of _____ (Street Address, City) State of _____; OR

☑ Petitioner's address is omitted pursuant to statute. [Alternative address for notice of any motion is LIST ANOTHER ADDRESS THAT IS NOT YOUR OWN HOME IF YOU WISH TO KEEP YOUR ADDRESS PRIVATE.]

B. ☑ Respondent resides at _____ (Street Address, City),

in the County of Cook State of Illinois.

C. Respondent stands in relationship to the Petitioner or alleged abused person as:

☐ Spouse;	☐ Former Spouse;	☐ Parent;
☐ Child;	☑ Having or allegedly having a child in common;	☐ Stepchild;
☐ Sharing or formerly sharing a common dwelling;	☐ Having or having had a dating or engagement relationship;	☐ Other person related by; blood or marriage.
☐ Sharing a blood relationship through a child;	☐ Personal assistant to person with disabilities or a person who has responsibility for a high-risk adult with disabilities	

D. ☑ There is no other pending court action involving the parties **OR**

☐ there is another pending court action involving the parties in _____ Court, County of _____ State of _____ known as Case No. _____.

E. ☐ As referred to herein, "the minor child/ren" are: _____

_____

_____.

☑ The Court has jurisdiction over the minor child/ren because:

☑ 1. the State of Illinois

☐ a. is the home state (as defined in the Illinois Uniform Child Custody Jurisdiction Act) of the child/ren at the time of the commencement of this proceeding, or

☐ b. had been the child/ren's home state within six (6) months before commencement of the proceeding and the child is absent from this State because of his/her removal or retention by a person claiming his/her custody or for other reasons, and parent or person acting as parent continues to live in this state;

OR

☐ 2. it is in the best interest of the child that a court of this State assume jurisdiction because the child and his/her parents, or the child and at least one contestant, have significant connection with this State, and there is avilable in this State substantial evidence concerning the child's present or future care, protection, training and personal relationships;

☐ 3. the child is physically present in this State and

☐ a. the child has been abandoned, or

☐ b. it is necessary in an emergency to protect the child because s/he has been subjected to or threatened with mis-treatment or abuse or is otherwise neglected or dependent;

OR

☐ 4. it appears that no other state would have jurisdiction under prerequisites substantially in accordance with paragraphs 1, 2, or 3 or another state has declined to exercise jurisdiction on the grounds that this State is the more appropriate forum to determine the custody of the child, and it is in the best interest of the child that this Court assume jurisdiction.

F. ☐ No "father and child relationship" (pursuant to the Illinois Parentage Act of 1984) has been established with the following child/ren: _____.

G. ☑ The primary caretaker of the minor child/ren is or has been _____.

H. ☑ Venue in civil proceedings is appropriate because:

☑ Petitioner resides in the County of Cook, State of Illinois; **OR**

☐ Respondent resides in the County of Cook, State of Illinois; **OR**

☐ The alleged abuse occurred in the County of Cook, State of Illinois; **OR**

☐ The Petitioner is temporarily located in the County of Cook, State of Illinois, to avoid further abuse, and could not obtain safe, accessible, and adequate temporary housing in the county of his/her residence.

PETITIONER ALLEGES AS TO RESPONDENT THAT:

I. ☑ the following individuals are alleged to be persons who need to be protected from abuse by Respondent: Jane Doe, Baby Doe

_____.

J. ☐ Respondent has acted in the following manner towards the Petitioner:

[State details of incident(s) of abuse (including time and place), as well as effects of incident(s) on Petitioner.]

Incident(s): See attached affidavit.

Effects: See attached affidavit.

K. ☑ Petitioner should be granted exclusive possession of the residence, the special venue rules of sec. 209(b) of IDVA (applicable only in civil proceedings) having been met, because:

- ☐ Petitioner has a right to occupancy and Respondent has no right to occupancy OR
- ☑ Both parties have a right to occupancy; and, considering the risk of further abuse by Respondent interfering with the Petitioner's safe and peaceful occupancy, the balance of hardships favors the Petitioner because of the following relevant factors:
  - ☐ Availability, accessibility, cost, safety, adequacy, location and other characteristics of alternative housing for each party and any minors or other dependents; and/or
  - ☐ Effect on each party's employment; and/or
  - ☐ Other factors, as follows: _____

L. ☑ Respondent should be ordered to stay away from Petitioner and the protected persons.
☐ Respondent should be prohibited from entering or remaining present at Petitioner's school, place of employment or (specify) _____ because:

- ☐ Respondent has no right to enter/remain present at such place(s); OR
- ☐ The balance of hardships favors the Petitioner in prohibiting the Respondent from entering or remaining at such place(s).

M. ☐ The likelihood of future abuse would be minimized by appropriate counseling.

N. ☑ Petitioner should be granted physical care of the minor child/ren or granted other appropriate relief because there exists a danger that the minor child/ren will be:

- ☑ abused or neglected; and/or
- ☑ separated in an unwarranted manner from the child/ren's primary caretaker; and/or
- ☐ unprotected as to his/her/their well-being.

O. ☑ Petitioner should be granted temporary legal custody of the minor child/ren.

P. ☑ The Respondent's visitation with the minor child/ren should be restricted or denied because the Respondent has or is likely to:

- ☑ abuse or endanger the minor child/ren during visitation; and/or
- ☑ use visitation as an opportunity to abuse or harass Petitioner or Petitioner's family or household members; and/or
- ☐ improperly conceal or detain the minor child/ren; and/or
- ☐ otherwise act in a manner that is not in the best interest of the minor child/ren.

Q. ☑ There exists a danger that the minor child/ren will be removed from this jurisdiction or concealed within the State.

R. ☑ Respondent has knowledge of the whereabouts of, or access to, the minor child/ren.

S. ☑ Petitioner should be granted exclusive possession of the following items of personal property:

Car

because:

- ☐ Petitioner, not Respondent, owns such property; OR
- ☑ sharing the property creates a further risk of abuse or is impractical; the balance of hardships favors temporary possession by Petitioner; and
  - ☐ Petitioner and Respondent own the property jointly, or
  - ☐ the property is alleged to be marital property and a proceeding has been filed under the IMDMA.

T. ☐ An order should be granted protecting the following items of personal property:

because:

- ☐ Petitioner, not Respondent, owns such property; or
- ☐ The balance of hardships favors Petitioner, and
  - ☐ Petitioner and Respondent own the property jointly, or
  - ☐ The property is alleged to be marital property and a proceeding has been filed under the IMDMA.

U. ☑ Respondent be ordered to stay away from the following protected animals. (Detail the animals by name, type and description.): _____

V. ☑ The Petitioner should be granted exclusive possession of the following animals. (Detail the animals by name, type and description.):

because:

- ☐ Petitioner, not Respondent, owns such property; OR
- ☑ sharing the property creates a further risk of abuse or is impractical; the balance of hardships favors temporary possession by Petitioner; and
  - ☐ Petitioner and Respondent own the property jointly, or
  - ☐ the property is alleged to be marital property and a proceeding has been filed under the IMDMA.

W. ☐ Respondent has a legal obligation to support Petitioner and/or the minor child/ren, and Respondent is able to provide such support.

X. ☑ As a direct result of the above described abuse, Petitioner has suffered certain losses, incurred certain expenses, and/or has been provided temporary shelter/counseling services, as follows:

Ex: On 09/17/16, Respondent slashed the tires on my car and it cost me $350.50 to replace them.

X(1) ☐ There is a threat to the safety and well-being of Petitioner's family or household when Respondent enters or remains on the premises while under the influence of alcohol or drugs.

X(2). ☐ Respondent should be ordered to surrender any and all firearms to the local law enforcement agency. If Respondent is a law enforcement officer, any and all firearms must be surrendered to Respondent's employer.

Y. ☑ Respondent should be denied access to school or other records of the minor child/ren because:

- ☑ Respondent is or will be prohibited from having contact with the minor child/ren; or
- ☑ Petitioner's address is omitted pursuant to statute; or
- ☑ it is necessary to prevent abuse or wrongful removal or concealment of the minor child/ren.

Z. ☐ Allegations for other injunctive relief:

AA. ☐ Disclosure of Petitioner's address would risk further abuse to her/him or to another protected person, or such disclosure would reveal the confidential location of a shelter for domestic violence victims.

Additional Allegations for Emergency Orders Only

☑ (i) For requested remedies 1, 3, 5, 7, 8, 9, 11, 14, 15, and 17, the harm which that remedy is intended to prevent would be likely to occur if Respondent were given any prior notice, or greater notice than was actually given of Petitioner's efforts to obtain judicial relief.

☑ (ii) For requested remedy 2, the immediate danger of further abuse of Petitioner by Respondent if Petitioner chose or had chosen to remain in the household while Respondent was given any prior notice or greater notice than was actually given, outweighs the hardship to Respondent of an emergency order granting Petitioner exclusive possession of the residence or household.

☑ (iii) For requested remedy 10, improper disposition of the personal property would be likely to occur if Respondent were given any prior notice or greater notice than was actually given of Petitioner's effort to obtain judicial relief, or that Petitioner has an immediate and pressing need for possession of that property.

REMEDIES REQUESTED

PETITIONER REQUESTS THAT THE COURT FIND THAT THE FOLLOWING ARE PROTECTED PERSONS:

Jane Doe, Baby Doe

WHEREFORE, PETITIONER REQUESTS THE ENTRY OF AN ORDER OF PROTECTION SETTING FORTH THE FOLLOWING REMEDIES:

☑ 1. With respect to Petitioner and other Protected Persons, Respondent should be prohibited from committing the following:

☑ Physical abuse; ☑ Harassment; ☑ Interference with personal liberty; ☑ Intimidation of a dependent;
☐ Willful deprivation; ☐ Neglect; ☐ Exploitation; ☐ Stalking.

☑ 2. Petitioner should be granted exclusive possession of the residence and Respondent should be prohibited from entering or remaining at such premises:

(Address) _____.

☑ 3. ☑ a. Respondent should be ordered to stay away from Petitioner and other protected persons; and/or

☐ b. Respondent should be prohibited from entering or remaining at _____ _____ while any Protected Person is present; and/or

☐ c. Respondent should be allowed access to the residence on (date) _____ at (time) _____ in the presence of (name) _____ to remove items of clothing, personal adornments, medications used exclusively by the Respondent and other items, as follows: _____.

☐ 4. Respondent should be ordered to undergo counseling for a period of time to be determined by this court. *(Not available in Emergency Order)*

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Case No. _____

☑ 5. ☑ a. **Petitioner should be granted physical care and possession of the minor child/ren; and/or**
☑ b. Respondent should be ordered to:
☐ return the minor child/ren _____ to the physical care of _____ ; and/or
☑ not remove the minor child/ren Baby Doe from the physical care of Petitioner or _____ .
☑ 6. Petitioner should be granted temporary legal custody of the minor child/ren Baby Doe (not available in Emergency Order)
☑ 7. ☐ a. The Respondent should be awarded visitation rights on the following dates and times or under the following conditions or parameters (No order shall merely refer to the term "reasonable visitation".): _____
☐ b. Respondent's visitation should be restricted as follows: _____
☑ c. Respondent's visitation should be denied.
☑ 8. Respondent should be prohibited from removing the minor child/ren from Illinois or concealing them within Illinois.
☐ 9. Respondent should be ordered to appear in the Court with/without the child/ren on a date certain.
☑ 10. Petitioner should be granted exclusive temporary possession of the following personal property and the Respondent should be ordered to deliver to Petitioner said property that is in Respondent's possession or control, to wit: Car (List Make and Model) _____ .
☐ 11. Respondent should be ordered not to take, encumber, conceal, damage or otherwise dispose of any of the following real or personal property, to wit: Car (List Make and Model) _____ .
☑ 12. Respondent should be ordered to pay temporary support for Petitioner and/or the minor child/ren of the parties as follows: $_____ per _____, starting _____ payable ☐ through the Clerk of the Circuit Court, or ☐ directly to Petitioner (Not available in Emergency Order).
☑ 13. Respondent should be ordered to pay $ 350.50 respecting losses and expenses within the scope of Sec. 214(b)(13) of the IDVA to Petitioner on or before _____ (Not available in Emergency Order).
☐ 14. Respondent should be prohibited from entering or remaining at the household or residence located at _____ while under the influence of alcohol or drugs and so constituting threat to the safety and well-being of any Protected Person.
☐ 14.5. Respondent must be ordered to surrender any and all firearms to the local law enforcement agency (i.e., police department). If the Respondent is a law enforcement officer, any and all firearms must be surrendered to Respondent's employer: (All surrendered firearms shall remain confiscated for a period not to exceed tow(2) years.).
☑ 15. Respondent should be denied access to school or any other records of the minor chld/ren and prohibited from inspecting, obtaining or attempting to inspect or obtain such records.
☐ 16. Respondent should be ordered to pay $_____ to the following shelter _____ on or before _____ (Not available in Emergency Order).
☑ 17. Respondent should be further enjoined as follows: No contact with Petitioner by any means

_____ Signature of Attorney or State's Attorney

_____ Signature of Petitioner

UNDER THE PENALTIES OF PERJURY AND AS PROVIDED BY LAW PURSUANT TO SECTION 1-109 OF THE CODE OF CIVIL PROCEDURE, THE UNDERSIGNED CERTIFIES THAT THE STATEMENTS SET FORTH IN THIS INSTRUMENT ARE TRUE AND CORRECT, EXCEPT AS TO MATTERS STATED TO BE ON INFORMATION AND BELIEF AND AS TO SUCH MATTERS THE UNDERSIGNED BELIEVES THE SAME TO BE TRUE.

Date: _____, 201_ Signature of Petitioner _____
☐ Atty. No.: _____ ☑ Pro se 99500
Name: Jane Doe
Atty. for: Petitioner (Pro Se)
Address: _____
City/State/Zip Code: _____
Telephone: _____

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Case No. _____ 19

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

DOMESTIC VIOLENCE DIVISION

Jane Doe,	)
Petitioner,	)
	)
and	)
John Doe,	)
Respondent.	)

AFFIDAVIT

I, Jane Doe, swear that I have firsthand knowledge of the following facts and could competently swear thereto in a court of law:

1. I am 25 years-old and currently reside at 123 Main Street, Chicago, IL 60601
2. I live with John Doe and, together, we have one child, Baby Doe, born January 1, 2017
3. I left my job when Baby Doe was born so that I could stay home to care for her. As a result, I have no independent income, although sometimes I babysit to earn money.
4. John works full-time as a UPS delivery truck driver and financially supports us. He grosses about $70,000 per year.
5. During the past year, John has begun drinking to excess. About once a month, he gets drunk and is physically abusive to me. He has slapped me, pulled my hair, shoved me up against walls and threatened to kill me.
6. On August 15, 2017, I told John I wanted to return to work and that I had a job interview on Tuesday, August 22nd.
7. That morning, on Tuesday, August 22nd, I was getting ready for my job interview and John asked me not to go. I ignored him and kept getting dressed to leave. He then took a switch blade, slashed the 2 front tires on my car and said, "Now you're not going." I called and canceled the interview.
8. It took me several weeks to earn enough babysitting money to get my tires replaced, which cost me $350.50.
9. I drive a 2001 Red Honda Civic which is paid off. The car is in both of our names, but John has his own car (a 2010 Honda Accord), which only he drives and which is in his name only.
10. On September 8, 2017, I told John I was going to leave him and he slapped me across the face.
11. Since then, he calls me several times a day while he is at work to ask where I am and what I am doing.

12. On the evening of September 17, 2017, I was nursing Baby when John came home drunk. He started to slap me around while I was holding the baby and he pushed me to the floor. Baby hit her head against the wooden floor when we landed.
13. I told John I was leaving him and that I couldn't take it anymore. John said that if I left him, he would take Baby and that I would never see her again.
14. I am concerned for Baby's safety if she were to be around John unsupervised.
15. Both of our names are on the lease to the apartment, but my mother owns the building and she would let me live there for free if John were to move out (until I get a job).
16. John's parents and two of his brothers live in Chicago. If I were to get exclusive possession of the apartment then John could live with his brothers or his parents.
17. If I gave John advance notice that I were going to court today, I think he would vandalize my car again so that I couldn't get here. I am afraid of him.

FURTHER THE AFFIANT SAYETH NOT

_____

Petitioner's name

VERIFIATION

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in the instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that the undersigned verily believes the statement to be true.

_____ _____

Date Petitioner

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

People ex rel. _____

_____ **on behalf of**

_____ **self and/or on behalf of**

_____

Petitioner

v.

_____

Respondent

Case No. _____

☐ Independent Proceeding

☐ Other Civil Proceeding

Specify _____

☐ Criminal Proceeding

☐ Juvenile Proceeding

Petitioner		Address ☐ (Check if omitted pursuant to Statute)			City/State/Zip Code	
Respondent		Address			City/State/Zip Code	
Birthdate (Required for Leads)	Sex	Race	Height	Weight	Hair Color	Eye Color

EMERGENCY ORDER OF PROTECTION

952 ☐ Criminal Code 4553 ☐ Civil Code

Any knowing violation of any order of protection forbidding physical abuse, neglect, exploitation, harassment, intimidation, interference with personal liberty, willful deprivation, or entering or remaining present at specified places when the protected person is present or granting exclusive possession of the residence or household, prohibiting entering or remaining at the household while under the influence of alcohol, or drugs and so constituting a threat to the safety and well-being of any protected person, or granting a stay away order, is a criminal offense. Grant of exclusive possession of the residence or household shall constitute notice forbidding trespass to land. Any knowing violation of any order awarding legal custody or physical care of a child or prohibiting removal or concealment of a child may be a class 4 felony. Any willful violation of any order is contempt of court. Any violation may result in a fine or imprisonment. Stalking is a felony.

A charge of violating this order of protection (720 ILCS 5/12-30) may subject respondent to GPS monitoring pursuant to 730 ILCS 5/5-6-3.

Any order of protection which would expire on a court holiday shall instead expire at the close of the next court business day. 750 ILCS 60/220 (f)

The following persons are protected by this Order: _____

_____

"The minor child/ren" referred to herein are: _____

_____

The following animals are protected by this Order (Detail the animals by name, type and description): _____

_____.

Date, time and place for further hearing:

Date: _____, _____ Time: _____ Courtroom/Calendar No. _____

Location: _____

This Order was issued on:	This Order will be in effect until (not less than 14 nor more than 21 days):
Date: _____, _____ Time: _____	☐ Date: _____, _____ Time: _____

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

ANY ORDER OF PROTECTION WHICH WOULD EXPIRE ON A COURT HOLIDAY SHALL INSTEAD EXPIRE AT THE CLOSE OF THE NEXT COURT BUSINESS DAY. 750 ILCS 60/220 (f)

BASED ON THE FINDINGS OF THIS COURT, ❑ WHICH WERE MADE ORALLY FOR THE TRANSCRIPTION, OR ❑ WHICH ARE SET OUT IN A SEPARATE INSTRUMENT FILED WITH THE COURT, AND WITH THE COURT HAVING JURISDICTION OF THE SUBJECT MATTER AND OVER ALL NECESSARY PARTIES, IT IS HEREBY ORDERED THAT:

❑ 1. With respect to all Protected Persons, Respondent is prohibited from committing the following:
❑ Physical abuse; ❑ Harassment; ❑ Interference with personal liberty; ❑ Intimidation of a dependent;
❑ Willful deprivation; ❑ Neglect; ❑ Exploitation; ❑ Stalking

❑ 2. Petitioner is granted exclusive possession of the residence and Respondent shall not enter or remain in the household or premises located at: _____.
(This remedy does not effect title to property.)

❑ 3. ❑ a. Respondent is ordered to stay away from Petitioner and other protected persons, including but not limited to refraining from telephone calls, mail, e-mail, faxes, written notes, and communication through third parties.

❑ b. Respondent is prohibited from entering or remaining at _____ _____ while any Protected Person is present; and/or _____.

❑ c. Respondent is allowed access to the residence on (date) _____ at (time) _____ in the presence of (name)_____ to remove items of clothing, personal adornments, medications used exclusively by the Respondent and other items as follows: _____ _____.

4. [Remedy not available for Emergency Orders of Protection.]

❑ 5. ❑ a. Petitioner is granted physical care and possession of the minor child/ren; and/or

❑ b. Respondent is ordered to:

❑ return the minor child/ren _____ to the physical care of_____; and/or

❑ not remove the minor child/ren _____ from the physical care of Petitioner or _____.

6. [Remedy not available for Emergency Orders of Protection.]

❑ 7. ❑ a. Respondent is awarded visitation rights on the following dates and times or under the following conditions or parameters: [No order shall merely refer to the term "reasonable visitation"]

_____ _____.

❑ b. Respondent's visitation is restricted as follows: _____ _____ _____.

❑ c. Respondent's visitation is reserved/denied.
(Petitioner may deny Respondent access to the minor child/ren if, when Respondent arrives for visitation, Respondent is under the influence of drugs or alcohol and constitutes a threat to the safety and well-being of Petitioner or Petitioner's minor child/ren or is behaving in a violent or abusive manner.)

❑ 8. Respondent is prohibited from removing the minor child/ren from Illinois or concealing them within Illinois.

❑ 9. Respondent is ordered to appear in Courtroom/Calendar _____ located at _____ _____ on _____ at _____ a.m./p.m., with/without the minor child/ren.

❑ 10. Petitioner is granted exclusive possession of the following personal property and the Respondent is ordered to promptly make available to Petitioner said property that is in Respondent's possession or control, to wit:

_____ _____.

(This remedy does not effect title to property.)

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Case No._____

Any order of protection which would expire on a court holiday shall instead expire at the close of the next court business day. 750 ILCS 60/220 (f)

Case No. _____

☐ 11. Respondent is prohibited from taking, encumbering, concealing, damaging or otherwise disposing of the following personal property:

_____

_____, except as explicitly authorized by the Court.

☐ Further, Respondent is prohibited from improperly using the financial or other resources of an aged member of the family or household for the profit or advantage of Respondent or any other person.

☐ 11.5 Petitioner is granted exclusive care, custody or control of the following animals (Detail the animals by name, type and description):

_____

_____.

☐ With respect to all protected animals, Respondent is ordered to stay away and to refrain from taking, transferring, encumbering, concealing, harming, or otherwise disposing of the animal(s).

12. [Remedy not available for Emergency Orders of Protection.]

13. [Remedy not available for Emergency Orders of Protection.]

☐ 14. Respondent is prohibited from entering or remaining at the household or residence located at _____

_____

while under the influence of alcohol or drugs and so constituting a threat to the safety and well-being of any Protected Person.

☐ 14.5 See separate Warrant for Seizure Order.

☐ 15. Respondent is denied access to school and/or any other records of the minor child/ren and is prohibited from inspecting, obtaining, or attempting to inspect or obtain such records.

16. [Remedy not available for Emergency Orders of Protection.]

☐ 17. Respondent is further ordered and/or enjoined as follows:

_____

_____

☐ 18. The relief requested in paragraph(s) _____ of the petition is (DENIED) (RESERVED), because:

_____

_____

"This Order of Protection is enforceable, even without registration, in all 50 states, the District of Columbia, tribal lands, and the U.S. territories pursuant to the Violence Against Women Act (18 U.S.C. 2265). Violating this Order of Protection may subject the Respondent to federal charges and punishment (18 U.S.C. 2261-2262)."

NOTICE: Upon 2 days notice to Petitioner, or such shorter notice as the Court may prescribe, a Respondent subject to an Emergency Order of Protection issued under the IDVA may appear and petition the Court to re-hear the original or amended petition. Respondent's petition shall be verified and shall allege lack of notice and a meritorious defense.

Atty. No. _____

Attorney (or Pro Se Petitioner) Name: _____ Date: _____, _____

_____

Address: _____ Judge Judge's No.

State/City/Zip: _____

Telephone: _____

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Copy Distribution - White: 1. ORIGINAL - COURT FILE Blue: 2. LEADS Green: 3. SHERIFF/LAW ENFORCEMENT RETURN
Canary: 4. RESPONDENT Pink: 5. PETITIONER Gold: 6. STATE'S ATTORNEY

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, DOMESTIC RELATIONS DIVISION

IN RE: ❑ Marriage ❑ Civil Union ❑ Legal Separation ❑ Allocation of Parental Responsibilities
❑ Visitation (Non-Parent) ❑ Support ❑ Parentage of:

Jane Doe
Petitioner

and

John Doe
Respondent

No. _____

Calendar _____

**Please serve the Respondent at:

_____

_____

2105 - Summons - Retd. - Substitute Service
2106 - Alias Summons - Retd. - Substitute Service
2120 - Summons - Retd. P.S.
2121 - Alias Summons - Retd. P.S.
2123 - Summons Retd. - Served at Correctional Facility
2708 - Return of Service of Order - P.S.
2700 - Return of Service P.S. - Order of Protection
2220 - Summons - Retd. N.S.
2221 - Alias Summons - Retd. N.S.
2702 - Return of Service N.S. - Ord. of Protect.
2710 - Return of Service of Order - N.S.

❑ **SUMMONS** ■ **ALIAS SUMMONS**

To the Respondent:

The Petitioner has filed a legal proceeding against you for one or more of the following:

❑ Dissolution of Marriage/Civil Union ❑ Legal Separation ❑ Declaration of Invalidity ❑ Custody
❑ Child Support ■ Order of Protection under the Illinois Domestic Violence Act ❑ Praecipe for Summons*
❑ Other: _____

You are summoned and required to file your **written appearance and response** in the Office of the Clerk of the Circuit Court located at:

❑ Richard J. Daley Center
50 W. Washington, Room 802
Chicago, IL 60602

❑ Domestic Violence Court
555 W. Harrison Street
Chicago, IL 60607

❑ Richard J. Daley Center
50 W. Washington, Room LL-01
Chicago, IL 60602

❑ District 2 - Skokie
5600 Old Orchard Road
Skokie, IL 60077

■ District 3 - Rolling Meadows
2121 Euclid
Rolling Meadows, IL 60008

❑ District 4 - Maywood
1500 Maybrook Drive
Maywood, IL 60153

❑ District 5 - Bridgeview
10220 S. 76th Avenue
Bridgeview, IL 60455

❑ District 6 - Markham
16501 S. Kedzie Pkwy.
Markham, IL 60426

no later than ❑ thirty (30) days ■ seven (7) days after service of this summons, not counting the day of service.

If you fail to file your written appearance within the time stated above, a default judgment may be entered against you and the court may grant the petitioner all or part of the relief that s/he is requesting in her or his petition.

TO THE OFFICER: This summons must be returned by the officer or other person to whom it was given for service, with endorsement thereon of service and fees, if any, immediately after service. If service cannot be made, this summons shall be returned so endorsed.

❑ Atty. No.: Pro Se
Name: Jane Doe
Atty. for: Petitioner (Pro Se)
Address: _____
City/State/Zip Code: _____
Telephone: _____
Primary Email Address: _____
Secondary Email Address(es): _____

_____

**Service by Facsimile Transmission will be accepted at: _____
(Area Code) (Facsimile Telephone Number)

Witness

Date: _____

_____
Circuit Court Clerk

Date of Service (To be inserted by officer on copy left with Respondent or other person): _____

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

NOTICE PURSUANT TO ILLINOIS SUPREME COURT RULE SCR 101(e)

ON SERVICE OF THIS SUMMONS, A DISSOLUTION ACTION STAY SHALL BE IN EFFECT, RESTRAINING BOTH PARTIES, AS PROVIDED BY STATUTE

750 ILCS 5/501.1(a) of the Illinois Marriage and Dissolution of Marriage Act includes the following:

Dissolution action stay.

a) Upon service of a summons and petition or praecipe filed under the Illinois Marriage and Dissolution of Marriage Act or upon the filing of the respondent's appearance in the proceeding, whichever first occurs, a dissolution action stay shall be in effect against both parties and their agents and employees, without bond or further notice, until a final judgment is entered, the proceeding is dismissed, or until further order of the court:

(2) Restraining both parties from physically abusing, harassing, intimidating, striking or interfering with the personal liberty of the other party or the minor children of either party; and

(3) Restraining both parties from removing any minor child of either party from the State of Illinois or from concealing any such child from the other party without the consent of the other party or an order of the court.

ANY PERSON WHO FAILS TO OBEY A DISSOLUTION ACTION STAY MAY BE SUBJECT TO PUNISHMENT FOR CONTEMPT.

* * * * * * * * *

*When a praecipe for summons is filed without the petition, the petitioner has commenced suit for dissolution of marriage/civil union or legal separation and the respondent is required to file his or her appearance not later than thirty (30) days from the day the summons is served and to plead to the petitioner's petition within thirty (30) days from the day the petition is filed. {750 ILCS 5/411 (b)}

Cook County SHERIFF THOMAS J DART

Civil Process Service Lookup

Powered by Google Translate

Search by Case #:

Case Number:

Click button to Submit Begin Search

When searching by case number use the full case number including the year, division, and all digits, including zeroes. Do not use any spaces, hyphens or non-alpha-numeric characters.

Example: 10M1234567

Search by Sheriff #:

Sheriff #:

Click button to Submit Begin Search

When searching by sheriff number, include all 8 digits, including leading zeroes.

Example: 00859157

Service Status Definitions

PENDING - Service is still being attempted.

SERVED - Service has been completed successfully.

NOT SERVED - Service was unsuccessful and is no longer being attempted.

Users are advised that the information on this website does not constitute an official record. Further, the Cook County Sheriff's Office and the County of Cook are not liable in any way for any inaccuracy of information published herein. The official court file is maintained by the Clerk of the Circuit Court of Cook County.

Cook County Sheriff's Office Civil Division • 50 W. Washington, Room 701
Chicago, IL 60602 • **ccso.civilprocess@cookcountyil.gov**

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, DOMESTIC RELATIONS DIVISION

IN RE: ❑ Marriage ❑ Civil Union ❑ Legal Separation ❑ Allocation of Parental Responsibilities
❑ Visitation (Non-Parent) ❑ Support ❑ Parentage of:

_____ Petitioner

and

_____ Respondent

No. _____

Calendar _____

**Please serve the Respondent at:

_____

_____

2105 - Summons - Retd. - Substitute Service
2106 - Alias Summons - Retd. - Substitute Service
2120 - Summons - Retd. P.S.
2121 - Alias Summons - Retd. P.S.
2123 - Summons Retd. - Served at Correctional Facility
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2700 - Return of Service P.S. - Order of Protection
2220 - Summons - Retd. N.S.
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2702 - Return of Service N.S. - Ord. of Protect.
2710 - Return of Service of Order - N.S.

❑ SUMMONS ❑ ALIAS SUMMONS

To the Respondent:

The Petitioner has filed a legal proceeding against you for one or more of the following:

❑ Dissolution of Marriage/Civil Union ❑ Legal Separation ❑ Declaration of Invalidity ❑ Custody
❑ Child Support ❑ Order of Protection under the Illinois Domestic Violence Act ❑ Praecipe for Summons*
❑ Other: _____

You are summoned and required to file your **written appearance and response** in the Office of the Clerk of the Circuit Court located at:

❑ Richard J. Daley Center
50 W. Washington, Room 802
Chicago, IL 60602

❑ Domestic Violence Court
555 W. Harrison Street
Chicago, IL 60607

❑ Richard J. Daley Center
50 W. Washington, Room LL-01
Chicago, IL 60602

❑ District 2 - Skokie
5600 Old Orchard Road
Skokie, IL 60077

❑ District 3 - Rolling Meadows
2121 Euclid
Rolling Meadows, IL 60008

❑ District 4 - Maywood
1500 Maybrook Drive
Maywood, IL 60153

❑ District 5 - Bridgeview
10220 S. 76th Avenue
Bridgeview, IL 60455

❑ District 6 - Markham
16501 S. Kedzie Pkwy.
Markham, IL 60426

no later than ❑ thirty (30) days ❑ seven (7) days after service of this summons, not counting the day of service.

If you fail to file your written appearance within the time stated above, a default judgment may be entered against you and the court may grant the petitioner all or part of the relief that s/he is requesting in her or his petition.

TO THE OFFICER: This summons must be returned by the officer or other person to whom it was given for service, with endorsement thereon of service and fees, if any, immediately after service. If service cannot be made, this summons shall be returned so endorsed.

❑ Atty. No.: _____
Name: _____
Atty. for: _____
Address: _____
City/State/Zip Code: _____
Telephone: _____
Primary Email Address: _____
Secondary Email Address(es): _____
_____

Witness
Date: _____

_____
Circuit Court Clerk

Date of Service (To be inserted by officer on copy left with Respondent or other person): _____

**Service by Facsimile Transmission will be accepted at: _____
(Area Code) (Facsimile Telephone Number)

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

NOTICE PURSUANT TO ILLINOIS SUPREME COURT RULE SCR 101(e)

ON SERVICE OF THIS SUMMONS, A DISSOLUTION ACTION STAY SHALL BE IN EFFECT, RESTRAINING BOTH PARTIES, AS PROVIDED BY STATUTE

750 ILCS 5/501.1(a) of the Illinois Marriage and Dissolution of Marriage Act includes the following:

Dissolution action stay.

a) Upon service of a summons and petition or praecipe filed under the Illinois Marriage and Dissolution of Marriage Act or upon the filing of the respondent's appearance in the proceeding, whichever first occurs, a dissolution action stay shall be in effect against both parties and their agents and employees, without bond or further notice, until a final judgment is entered, the proceeding is dismissed, or until further order of the court:

(2) Restraining both parties from physically abusing, harassing, intimidating, striking or interfering with the personal liberty of the other party or the minor children of either party; and

(3) Restraining both parties from removing any minor child of either party from the State of Illinois or from concealing any such child from the other party without the consent of the other party or an order of the court.

ANY PERSON WHO FAILS TO OBEY A DISSOLUTION ACTION STAY MAY BE SUBJECT TO PUNISHMENT FOR CONTEMPT.

* * * * * * * * *

*When a praecipe for summons is filed without the petition, the petitioner has commenced suit for dissolution of marriage/civil union or legal separation and the respondent is required to file his or her appearance not later than thirty (30) days from the day the summons is served and to plead to the petitioner's petition within thirty (30) days from the day the petition is filed. {750 ILCS 5/411 (b)}

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

_____ v. _____

No. _____

AFFIDAVIT FOR SERVICE BY (check one)
☐ PUBLICATION ☐ POSTING

Pursuant to 735 ILCS 5/2-206 -service by publication: affidavit; mailing certificate
Pursuant to 735 ILCS 5/9-107 (Constructive Service)

_____, on oath states as to Defendant _____ that:

1. Defendant (check ONE of the following):
   - ☐ resides outside the state;
   - ☐ has gone out of the state;
   - ☐ cannot be found after diligent inquiry;
   - ☐ is concealed within the state;
     therefore, process cannot be served upon defendant.

2. Defendant's place of residence is (check ONE of the following):
   - ☐ (Address) _____
     _____
     (City) (State) (Zip)
   - ☐ cannot be ascertained after diligent inquiry. His/Her last known place of residence is:
     (Address) _____
     _____
     (City) (State) (Zip)

Affiant: _____

Subscribed and sworn to before me this _____ day of _____, _____

Atty. No.: _____
Name: _____ Notary Public: _____
Attorney for: _____
Address: _____
City/State/Zip: _____
Telephone: _____

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, DOMESTIC RELATIONS DIVISION

In Re the marriage of:	)	
	)	
	)	
JANE DOE	)	
Petitioner,	)	
	)	
and	)	No._____
JOHN DOE	)	CAL.__
Respondent.	)	

Sworn Statement of Jane Doe's Diligent Efforts to Locate Respondent

I, Jane Doe, understand that I have the obligation to notify John Doe that I have filed this dissolution proceeding, and that I must notify him in the best possible way. In an attempt to locate John, I have done the following:

1. I have contacted John's relatives, and got the following information
    a. Richard Doe, Respondent's Uncle who lives in Gurnee, IL. He did not have any information on John's whereabouts;
    b. Maria Doe, Respondent's aunt who lives in Chicago, IL. She did not have any information on John's whereabouts.
    c. Mark and Roberta Doe, John's grandparents who also live in Chicago, IL. They did not have any information on Respondent's whereabouts.

2. I do not have any information regarding any of John's friends.

3. I do not have any information about John's landlord or neighbors because I do not know where he is living.

4. I contacted the Respondent's most recent employer, X Company, Manager, and he told me that John has not worked there since May 2017.

5. I researched John's name on the internet www.411.com, www.whitepages.com, www.zaba.com, and got the following information:

    a. 411: Six listings, none of which are John
    b. White pages-six listings, none of which are John
    c. Zaba-Three listings, none of which are John.

6. I researched social media websites, including www.facebook.com, named below and got the following information:
    a. Facebook- No account found.
    b. Instagram- No account found.

7. I also worked with the Chicago Police Department because I wanted John to be arrested for criminal behavior, but they could not find him.

8. Based on all of the above, I believe that John lives in Illinois but is concealed so that I am unable to find him, and the last address I have for him is 123 Main street, Chicago, IL 60601

9. I swear that this information is true and correct.

_____ _____

DATE Jane Doe, Petitioner

VERIFICATION STATEMENT

I, Jane Doe, hereby certify under penalty of perjury as provided by law pursuant to 735 ILCS 5/1-109 that the above-stated facts are true and correct and that I could competently swear thereto in a court of law.

_____

Jane Doe

4650 - Order Clerk Pay Cost of Service by Publication
4670 - Order Fees Waived
4558 - Order for Publication **(11/25/15) CCDR N024**

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, DOMESTIC RELATIONS DIVISION

IN RE: ☐ Marriage ☐ Civil Union ☐ Legal Separation ☐ Allocation of Parental Responsibilities
☐ Visitation (Non-Parent) ☐ Support ☐ Parentage of:

_____
Co-Petitioner

and

_____
Co-Petitioner

Case No. _____

Cal. _____

ORDER FOR PUBLICATION

This matter comes before the Court on a:

Petition for: _____

filed by Petitioner, _____, by attorney _____

In order for Petitioner to proceed with this action it is necessary that service be had on the Respondent by publication in accordance with the Code of Civil Procedure, 735 ILCS 5/2-206 and 5/2-207 and;

1. 4558 ☐ Petitioner is able to pay the cost of such publication therefore, it is hereby ordered that the Petitioner cause publication tobe made in the manner proved by law and that the Petitioner pay the costs of such publication
2. 4560 ☐ Petitioner is unable to pay the cost of such publication therefore, it is hereby ordered that the Clerk 4670 of this Court cause publication to be made in the manner provided by law and that the Clerk pay the costs of such publication

Atty. No.: _____
Name: _____
Atty. for: _____
Address: _____
City/State/Zip Code: _____
Telephone: _____
Primary Email: _____
Secondary Email: _____
Other Email: _____

ENTERED:

Dated: _____

_____
Judge Judge's No.

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, DOMESTIC RELATIONS DIVISION

IN RE: ☐ Marriage ☐ Civil Union ☐ Legal Separation ☐ Allocation of Parental Responsibilities
☐ Visitation (Non-Parent) ☐ Support ☐ Parentage of:

_____
Petitioner

and

_____
Respondent

No.: _____

Calendar: _____

MOTION FOR APPOINTMENT OF SPECIAL PROCESS SERVER

I. Petitioner moves this Court to order service of process in this cause to be made by the following individual, who is over the age of eighteen and not a party to this cause:

NAME: _____

ADDRESS _____

II. The appointment of a special process server will facilitate the administration of justice.

Atty. Code No.: _____
Atty. Signature : _____
Name: _____
Address: _____
City/State/Zip Code: _____
Telephone: _____
Primary Email Address:
_____
Secondary Email Address:
_____
Other Email Address:
_____

_____
Petitioner/Petitioner's Attorney

ORDER APPOINTING SPECIAL PROCESS SERVER

IT IS HEREBY ORDERED that _____ an individual over 18 years of age and not a party to this cause is appointed to make service of process in this cause and to file an affidavit of proof of service with the Clerk of the Circuit Court immediately thereafter.

ENTERED:

Dated: _____

_____
Judge Judge's No.

PROTECTIVE ORDERS

SHORT FORM NOTIFICATION

LISA MADIGAN
ILLINOIS ATTORNEY GENERAL

Instructions for the Short Form Notification

The Short Form Notification (short form) shall be used to effectuate service of unserved Orders of Protection, Civil No Contact Orders and Stalking No Contact Orders upon respondents during traffic stops and other routine contact with state or local law enforcement officers, or while in custody of law enforcement or the Illinois Department of Corrections.

1. General instructions.
   - You are authorized to detain the respondent for a reasonable period of time in order to complete the notification process. Filling out the short form notification should take no longer than issuing a speeding ticket and will therefore not entail any unlawful detention of a person who is not under arrest.
   - Do not advise the respondent of the LEADS protective order entry until the short form notification is completed and ready to be served on the respondent.
   - If you are taking the respondent into custody, you may complete short form notification at your agency.

2. Fill out the form using the information obtained from LEADS.
   - Check the box identifying the type of order.
   - Complete the identification and court sections at the top of the form. If hearing information is not available, write "not available" on the "Location" line.
   - In the area for the remedies for the order being served, check all applicable remedies/restrictions. The numbers of remedies/restrictions on the short form correspond to the numbers in the LEADS information. Currently, LEADS information regarding Civil and Stalking No Contact Orders is located under Box 17 of Orders of Protection.
   - Write the name of the county that issued the order in the space provided on the back of the Respondent's Copy of the order.

3. Serve the completed form on the respondent and explain each condition. Read the "Notice to respondent." Emphasize that the order is now in effect, the respondent may be subject to arrest for violating the order and the respondent is responsible for obtaining a full copy of the protective order. Inform the respondent that further explanation of his/her rights and obligations is printed on the back of the short form notification.

4. Complete the Affidavit of Service on the bottom of the second page. It is not necessary to sign before a notary.

5. Notification to LEADS.
   - Notify the appropriate person at your agency to submit an "add on" record in LEADS indicating short form service.
   - The "served date" field can only be completed by the originating law enforcement agency.

6. Distribution by officer serving the short form.
   - Give the original (Respondent's Copy) to the respondent.
   - Bring the copy with the affidavit of service (Law Enforcement Copy) to the station. This copy is for your agency.
   - When you return to the station, make two copies of the form and send them to the sheriff's office where the order was issued.

7. Distribution by sheriff's office.
   - Follow LEADS protocol in updating the protective order entry.
   - Send one of the copies to the court for inclusion in the court file within 48 hours of receipt.
   - Questions concerning this short form notification may be directed to the Office of the Attorney General at 1-888-414-7678.

Provided by the Office of Illinois Attorney General Lisa Madigan.
Printed by authority of the State of Illinois. This material is available in alternate format upon request.

Short Form Notification

❑ Order of Protection ❑ Civil No Contact Order ❑ Stalking No Contact Order

Date of Service: _____ Time: _____ Respondent's Name (Person Served): _____ Respondent's Date of Birth: _____ Petitioner's Name (Person Protected): _____ Other Protected Persons: _____ _____	A protective order was entered against you on _____ in _____ County Court File #: _____ Protected Address: _____ _____ _____ ❑ A hearing is set on this matter. If you fail to appear, a default order may be entered against you. The hearing details: Date: _____ Time: _____ Location: _____

The following are **some** of the restrictions placed on you. You must obtain a copy of the order for a complete list of restrictions. Instructions for obtaining the full order are on the back of this form.

Order of Protection

1. ❑ Do not further abuse, harass, intimidate, or harm the petitioner or other protected persons.
2. ❑ Do not enter the petitioner's residence.
3. ❑ Stay away from petitioner and protected persons at additional locations.
5. ❑ Petitioner has been given physical care and possession of child(ren).
8. ❑ Do not remove child(ren) or hide the child(ren) from the petitioner.
9. ❑ You must appear in court **or** ❑ you must appear in court with the child(ren).
10. ❑ Petitioner has been granted possession of certain personal property.
11. ❑ Do not damage, destroy, conceal, or sell certain personal property.
14. ❑ Do not enter or remain in the residence while under the influence of drugs or alcohol.
15. ❑ Do not access child(ren)'s school, medical, or other records.
17. ❑ You are also ordered to _____

and ❑ You shall not possess a firearm. (14.5)

Civil No Contact Order

1. ❑ You must stay at least _____ feet from petitioner and protected persons. You are prohibited from coming to _____.
2. ❑ Do not contact the petitioner or protected persons in any way.
3. ❑ Do not take, hide, or damage the property of the petitioner or protected persons.

Stalking No Contact Order

1. ❑ Do not threaten to commit or commit stalking.
2. ❑ Do not have contact with the petitioner or protected persons.
3. ❑ Do not come within _____ feet of petitioner's _____ residence _____ school _____ daycare or workplace.

Notice to respondent: You are subject to arrest and may be charged with a misdemeanor or a felony if you violate any of the terms of this order.

NOTE TO PRINTER: ONLY THIS PAGE TRIMS HERE.

Short Form Notification
Important Information for Respondent

This is a short form notification of a protective order and does not contain all the information you need to know about the order.

The petitioner may have requested additional relief not indicated on this form, such as child support, maintenance, financial reimbursement, and/or custody of children. A 2-year plenary order of protection may be entered by default for any of the remedies sought in the petition if you fail to appear on the specified hearing date or on any subsequent hearing date agreed to by the parties or set by the court.

The order is now enforceable. You must report to the office of the sheriff or the office of the circuit court in _____ County to obtain a copy of the order. You are subject to arrest and may be charged with a misdemeanor or felony if you violate any of the terms of the order.

To obtain a copy of the full petition and protective order:
Go to the sheriff's office or Circuit Court Clerk in the county where the order was issued to obtain a copy of the full order and the petition. Be sure to bring this form and proper identification (driver's license or state ID) with you to obtain a copy of the full order. The full order explains in more detail what the judge has ordered. The petition contains the allegations made by the petitioner. **Failing to obtain the full order does not protect you from arrest if you violate any of the terms of the order. Violation of the order can result in misdemeanor or felony charges against you.**

If this order is an Order of Protection issued under the Illinois Domestic Violence Act, any Firearm Owner's Identification Card issued to you has been revoked. You may also be subject to federal penalties for possessing, transporting, or accepting a firearm or ammunition under the Gun Control Act (18 U.S.C. § 922 9(g)(8)).

Law enforcement agency: please write or stamp addresses here.

Sheriff's Office **Circuit Court Clerk**

Respondent's Copy Short Form Notification

Provided by the Office of Illinois Attorney General Lisa Madigan.
Printed by authority of the State of Illinois. This material is available in alternate format upon request.

Short Form Notification

❑ Order of Protection ❑ Civil No Contact Order ❑ Stalking No Contact Order

Date of Service: _____ Time: _____ Respondent's Name (Person Served): _____ Respondent's Date of Birth: _____ Petitioner's Name (Person Protected): _____ Other Protected Persons: _____ _____	A protective order was entered against you on _____ in _____ County Court File #: _____ Protected Address: _____ _____ _____ ❑ A hearing is set on this matter. If you fail to appear, a default order may be entered against you. The hearing details: Date: _____ Time: _____ Location: _____

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2. ❑ Do not enter the petitioner's residence.
3. ❑ Stay away from petitioner and protected persons at additional locations.
5. ❑ Petitioner has been given physical care and possession of child(ren).
8. ❑ Do not remove child(ren) or hide the child(ren) from the petitioner.
9. ❑ You must appear in court **or** ❑ you must appear in court with the child(ren).
10. ❑ Petitioner has been granted possession of certain personal property.
11. ❑ Do not damage, destroy, conceal, or sell certain personal property.
14. ❑ Do not enter or remain in the residence while under the influence of drugs or alcohol.
15. ❑ Do not access child(ren)'s school, medical, or other records.
17. ❑ You are also ordered to _____

and ❑ You shall not possess a firearm. (14.5)

Civil No Contact Order

1. ❑ You must stay at least _____ feet from petitioner and protected persons. You are prohibited from coming to _____.
2. ❑ Do not contact the petitioner or protected persons in any way.
3. ❑ Do not take, hide, or damage the property of the petitioner or protected persons.

Stalking No Contact Order

1. ❑ Do not threaten to commit or commit stalking.
2. ❑ Do not have contact with the petitioner or protected persons.
3. ❑ Do not come within _____ feet of petitioner's _____ residence _____ school _____ daycare or workplace.

Notice to respondent: You are subject to arrest and may be charged with a misdemeanor or a felony if you violate any of the terms of this order.

Respondent's current address: _____

Affidavit of Service

I certify that on the _____ day of _____ of 20____, in _____ County at _____ a./p. I personally served this notice and that I orally informed the person of the conditions checked and the enforcement notice listed.

Officer _____ Agency _____

Signature _____ Agency Report# _____

Law Enforcement Copy

Blank Page

Short Form Notification

❑ Order of Protection ❑ Civil No Contact Order ❑ Stalking No Contact Order

Date of Service: _____ Time: _____ Respondent's Name (Person Served): _____ Respondent's Date of Birth: _____ Petitioner's Name (Person Protected): _____ Other Protected Persons: _____ _____	A protective order was entered against you on _____ in _____ County Court File #: _____ Protected Address: _____ _____ _____ ❑ A hearing is set on this matter. If you fail to appear, a default order may be entered against you. The hearing details: Date: _____ Time: _____ Location: _____

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Short Form Notification
Important Information for Respondent

This is a short form notification of a protective order and does not contain all the information you need to know about the order.

The petitioner may have requested additional relief not indicated on this form, such as child support, maintenance, financial reimbursement, and/or custody of children. A 2-year plenary order of protection may be entered by default for any of the remedies sought in the petition if you fail to appear on the specified hearing date or on any subsequent hearing date agreed to by the parties or set by the court.

The order is now enforceable. You must report to the office of the sheriff or the office of the circuit court in _____ County to obtain a copy of the order. You are subject to arrest and may be charged with a misdemeanor or felony if you violate any of the terms of the order.

To obtain a copy of the full petition and protective order:
Go to the sheriff's office or Circuit Court Clerk in the county where the order was issued to obtain a copy of the full order and the petition. Be sure to bring this form and proper identification (driver's license or state ID) with you to obtain a copy of the full order. The full order explains in more detail what the judge has ordered. The petition contains the allegations made by the petitioner. **Failing to obtain the full order does not protect you from arrest if you violate any of the terms of the order. Violation of the order can result in misdemeanor or felony charges against you.**

If this order is an Order of Protection issued under the Illinois Domestic Violence Act, any Firearm Owner's Identification Card issued to you has been revoked. You may also be subject to federal penalties for possessing, transporting, or accepting a firearm or ammunition under the Gun Control Act (18 U.S.C. § 922 9(g)(8)).

Law enforcement agency: please write or stamp addresses here.

Sheriff's Office **Circuit Court Clerk**

Respondent's Copy Short Form Notification

Provided by the Office of Illinois Attorney General Lisa Madigan.
Printed by authority of the State of Illinois. This material is available in alternate format upon request.

Short Form Notification

❑ Order of Protection ❑ Civil No Contact Order ❑ Stalking No Contact Order

Date of Service: _____ Time: _____

Respondent's Name (Person Served):

_____

Respondent's Date of Birth:

_____

Petitioner's Name (Person Protected):

_____

Other Protected Persons:

_____

_____

A protective order was entered against you on _____ in _____

County Court File #:

_____

Protected Address: _____

_____

_____

❑ A hearing is set on this matter. If you fail to appear, a default order may be entered against you. The hearing details: Date: _____ Time: _____

Location: _____

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Stalking No Contact Order

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2. ❑ Do not have contact with the petitioner or protected persons.
3. ❑ Do not come within _____ feet of petitioner's _____ residence _____ school _____ daycare or workplace.

Notice to respondent: You are subject to arrest and may be charged with a misdemeanor or a felony if you violate any of the terms of this order.

Respondent's current address: _____

Affidavit of Service

I certify that on the _____ day of _____ of 20____, in _____ County at _____ a./p. I personally served this notice and that I orally informed the person of the conditions checked and the enforcement notice listed.

Officer _____ Agency _____

Signature _____ Agency Report# _____

Law Enforcement Copy

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Short Form Notification

❑ Order of Protection ❑ Civil No Contact Order ❑ Stalking No Contact Order

Date of Service: _____ Time: _____ Respondent's Name (Person Served): _____ Respondent's Date of Birth: _____ Petitioner's Name (Person Protected): _____ Other Protected Persons: _____ _____	A protective order was entered against you on _____ in _____ County Court File #: _____ Protected Address: _____ _____ _____ ❑ A hearing is set on this matter. If you fail to appear, a default order may be entered against you. The hearing details: Date: _____ Time: _____ Location: _____

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This is a short form notification of a protective order and does not contain all the information you need to know about the order.

The petitioner may have requested additional relief not indicated on this form, such as child support, maintenance, financial reimbursement, and/or custody of children. A 2-year plenary order of protection may be entered by default for any of the remedies sought in the petition if you fail to appear on the specified hearing date or on any subsequent hearing date agreed to by the parties or set by the court.

The order is now enforceable. You must report to the office of the sheriff or the office of the circuit court in _____ County to obtain a copy of the order. You are subject to arrest and may be charged with a misdemeanor or felony if you violate any of the terms of the order.

To obtain a copy of the full petition and protective order:
Go to the sheriff's office or Circuit Court Clerk in the county where the order was issued to obtain a copy of the full order and the petition. Be sure to bring this form and proper identification (driver's license or state ID) with you to obtain a copy of the full order. The full order explains in more detail what the judge has ordered. The petition contains the allegations made by the petitioner. **Failing to obtain the full order does not protect you from arrest if you violate any of the terms of the order. Violation of the order can result in misdemeanor or felony charges against you.**

If this order is an Order of Protection issued under the Illinois Domestic Violence Act, any Firearm Owner's Identification Card issued to you has been revoked. You may also be subject to federal penalties for possessing, transporting, or accepting a firearm or ammunition under the Gun Control Act (18 U.S.C. § 922 9(g)(8)).

Law enforcement agency: please write or stamp addresses here.

Sheriff's Office **Circuit Court Clerk**

Respondent's Copy Short Form Notification

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Short Form Notification

❑ Order of Protection ❑ Civil No Contact Order ❑ Stalking No Contact Order

Date of Service: _____ Time: _____

Respondent's Name (Person Served):

_____

Respondent's Date of Birth:

_____

Petitioner's Name (Person Protected):

_____

Other Protected Persons:

_____

_____

A protective order was entered against you on _____ in _____

County Court File #:

_____

Protected Address: _____

_____

_____

❑ A hearing is set on this matter. If you fail to appear, a default order may be entered against you. The hearing details: Date: _____ Time: _____

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1. ❑ Do not threaten to commit or commit stalking.
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3. ❑ Do not come within _____ feet of petitioner's _____ residence _____ school _____ daycare or workplace.

Notice to respondent: You are subject to arrest and may be charged with a misdemeanor or a felony if you violate any of the terms of this order.

Respondent's current address: _____

Affidavit of Service

I certify that on the _____ day of _____ of 20____, in _____ County at _____ a./p. I personally served this notice and that I orally informed the person of the conditions checked and the enforcement notice listed.

Officer _____ Agency _____

Signature _____ Agency Report# _____

Law Enforcement Copy

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Short Form Notification

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2. ❑ Do not enter the petitioner's residence.
3. ❑ Stay away from petitioner and protected persons at additional locations.
5. ❑ Petitioner has been given physical care and possession of child(ren).
8. ❑ Do not remove child(ren) or hide the child(ren) from the petitioner.
9. ❑ You must appear in court **or** ❑ you must appear in court with the child(ren).
10. ❑ Petitioner has been granted possession of certain personal property.
11. ❑ Do not damage, destroy, conceal, or sell certain personal property.
14. ❑ Do not enter or remain in the residence while under the influence of drugs or alcohol.
15. ❑ Do not access child(ren)'s school, medical, or other records.
17. ❑ You are also ordered to _____

and ❑ You shall not possess a firearm. (14.5)

Civil No Contact Order

1. ❑ You must stay at least _____ feet from petitioner and protected persons. You are prohibited from coming to _____.
2. ❑ Do not contact the petitioner or protected persons in any way.
3. ❑ Do not take, hide, or damage the property of the petitioner or protected persons.

Stalking No Contact Order

1. ❑ Do not threaten to commit or commit stalking.
2. ❑ Do not have contact with the petitioner or protected persons.
3. ❑ Do not come within _____ feet of petitioner's _____ residence _____ school _____ daycare or workplace.

Notice to respondent: You are subject to arrest and may be charged with a misdemeanor or a felony if you violate any of the terms of this order.

Respondent's current address: _____

Affidavit of Service

I certify that on the _____ day of _____ of 20____, in _____ County at _____ a./p. I personally served this notice and that I orally informed the person of the conditions checked and the enforcement notice listed.

Officer _____ Agency _____

Signature _____ Agency Report# _____

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Short Form Notification

❑ Order of Protection ❑ Civil No Contact Order ❑ Stalking No Contact Order

Date of Service: _____ Time: _____ Respondent's Name (Person Served): _____ Respondent's Date of Birth: _____ Petitioner's Name (Person Protected): _____ Other Protected Persons: _____ _____	A protective order was entered against you on _____ in _____ County Court File #: _____ Protected Address: _____ _____ _____ ❑ A hearing is set on this matter. If you fail to appear, a default order may be entered against you. The hearing details: Date: _____ Time: _____ Location: _____

The following are **some** of the restrictions placed on you. You must obtain a copy of the order for a complete list of restrictions. Instructions for obtaining the full order are on the back of this form.

Order of Protection

1. ❑ Do not further abuse, harass, intimidate, or harm the petitioner or other protected persons.
2. ❑ Do not enter the petitioner's residence.
3. ❑ Stay away from petitioner and protected persons at additional locations.
5. ❑ Petitioner has been given physical care and possession of child(ren).
8. ❑ Do not remove child(ren) or hide the child(ren) from the petitioner.
9. ❑ You must appear in court **or** ❑ you must appear in court with the child(ren).
10. ❑ Petitioner has been granted possession of certain personal property.
11. ❑ Do not damage, destroy, conceal, or sell certain personal property.
14. ❑ Do not enter or remain in the residence while under the influence of drugs or alcohol.
15. ❑ Do not access child(ren)'s school, medical, or other records.
17. ❑ You are also ordered to _____

and ❑ You shall not possess a firearm. (14.5)

Civil No Contact Order

1. ❑ You must stay at least _____ feet from petitioner and protected persons. You are prohibited from coming to _____.
2. ❑ Do not contact the petitioner or protected persons in any way.
3. ❑ Do not take, hide, or damage the property of the petitioner or protected persons.

Stalking No Contact Order

1. ❑ Do not threaten to commit or commit stalking.
2. ❑ Do not have contact with the petitioner or protected persons.
3. ❑ Do not come within _____ feet of petitioner's _____ residence _____ school _____ daycare or workplace.

Notice to respondent: You are subject to arrest and may be charged with a misdemeanor or a felony if you violate any of the terms of this order.

NOTE TO PRINTER: ONLY THIS PAGE TRIMS HERE.

Short Form Notification
Important Information for Respondent

This is a short form notification of a protective order and does not contain all the information you need to know about the order.

The petitioner may have requested additional relief not indicated on this form, such as child support, maintenance, financial reimbursement, and/or custody of children. A 2-year plenary order of protection may be entered by default for any of the remedies sought in the petition if you fail to appear on the specified hearing date or on any subsequent hearing date agreed to by the parties or set by the court.

The order is now enforceable. You must report to the office of the sheriff or the office of the circuit court in _____ County to obtain a copy of the order. You are subject to arrest and may be charged with a misdemeanor or felony if you violate any of the terms of the order.

To obtain a copy of the full petition and protective order:
Go to the sheriff's office or Circuit Court Clerk in the county where the order was issued to obtain a copy of the full order and the petition. Be sure to bring this form and proper identification (driver's license or state ID) with you to obtain a copy of the full order. The full order explains in more detail what the judge has ordered. The petition contains the allegations made by the petitioner. **Failing to obtain the full order does not protect you from arrest if you violate any of the terms of the order. Violation of the order can result in misdemeanor or felony charges against you.**

If this order is an Order of Protection issued under the Illinois Domestic Violence Act, any Firearm Owner's Identification Card issued to you has been revoked. You may also be subject to federal penalties for possessing, transporting, or accepting a firearm or ammunition under the Gun Control Act (18 U.S.C. § 922 9(g)(8)).

Law enforcement agency: please write or stamp addresses here.

Sheriff's Office **Circuit Court Clerk**

Respondent's Copy Short Form Notification

Provided by the Office of Illinois Attorney General Lisa Madigan.
Printed by authority of the State of Illinois. This material is available in alternate format upon request.

Short Form Notification

❑ Order of Protection ❑ Civil No Contact Order ❑ Stalking No Contact Order

Date of Service: _____ Time: _____ Respondent's Name (Person Served): _____ Respondent's Date of Birth: _____ Petitioner's Name (Person Protected): _____ Other Protected Persons: _____ _____	A protective order was entered against you on _____ in _____ County Court File #: _____ Protected Address: _____ _____ _____ ❑ A hearing is set on this matter. If you fail to appear, a default order may be entered against you. The hearing details: Date: _____ Time: _____ Location: _____

The following are **some** of the restrictions placed on you. You must obtain a copy of the order for a complete list of restrictions. Instructions for obtaining the full order are on the back of this form.

Order of Protection

1. ❑ Do not further abuse, harass, intimidate, or harm the petitioner or other protected persons.
2. ❑ Do not enter the petitioner's residence.
3. ❑ Stay away from petitioner and protected persons at additional locations.
5. ❑ Petitioner has been given physical care and possession of child(ren).
8. ❑ Do not remove child(ren) or hide the child(ren) from the petitioner.
9. ❑ You must appear in court **or** ❑ you must appear in court with the child(ren).
10. ❑ Petitioner has been granted possession of certain personal property.
11. ❑ Do not damage, destroy, conceal, or sell certain personal property.
14. ❑ Do not enter or remain in the residence while under the influence of drugs or alcohol.
15. ❑ Do not access child(ren)'s school, medical, or other records.
17. ❑ You are also ordered to _____

and ❑ You shall not possess a firearm. (14.5)

Civil No Contact Order

1. ❑ You must stay at least _____ feet from petitioner and protected persons. You are prohibited from coming to _____.
2. ❑ Do not contact the petitioner or protected persons in any way.
3. ❑ Do not take, hide, or damage the property of the petitioner or protected persons.

Stalking No Contact Order

1. ❑ Do not threaten to commit or commit stalking.
2. ❑ Do not have contact with the petitioner or protected persons.
3. ❑ Do not come within _____ feet of petitioner's _____ residence _____ school _____ daycare or workplace.

Notice to respondent: You are subject to arrest and may be charged with a misdemeanor or a felony if you violate any of the terms of this order.

Respondent's current address: _____

Affidavit of Service

I certify that on the _____ day of _____ of 20____, in _____ County at _____ a./p. I personally served this notice and that I orally informed the person of the conditions checked and the enforcement notice listed.

Officer _____ Agency _____

Signature _____ Agency Report# _____

Law Enforcement Copy

Blank Page

0900 - Appearance Filed - Fee Paid
0904 - Appearance Filed - Fee Waived
0909 - Appearance Filed - No Fee Paid
1900 - Appearance and Jury Demand - Fee Paid
1904 - Appearance and Jury Demand - Fee Waived
1909 - Appearance and Jury Demand - No Fee Paid

(04/04/16) CCDR N004

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, DOMESTIC RELATIONS DIVISION

IN RE: ☐ Marriage ☐ Civil Union ☐ Legal Separation ☐ Allocation of Parental Responsibilities
☐ Visitation (Non-Parent) ☐ Support ☐ Order of Protection

_____ Petitioner

and

_____ Respondent

Case No. _____

Cal. _____

☐ APPEARANCE ☐ JURY DEMAND

I. ☐ BY COUNSEL

I HEREBY ENTER THE APPEARANCE

OF _____
(Insert party's name)

AND MY OWN AS

☐ INITIAL COUNSEL OF RECORD
☐ ADDITIONAL or TRIAL COUNSEL-(Petitioner)
☐ ADDITIONAL or TRIAL COUNSEL-(Respondent)

☐ SUBSTITUTE COUNSEL-(Petitioner)
☐ SUBSTITUTE COUNSEL-(Respondent)

☐ CHILD'S REPRESENTATIVE
☐ GUARDIAN AD LITEM
☐ ATTORNEY FOR CHILD(REN)

☐ OTHER: _____
(Specify)

IN THE ABOVE MATTER

_____
Attorney's Signature

II. ☐ PRO SE

I, _____, HEREBY ENTER MY APPEARANCE IN THE ABOVE MATTER.

_____
Respondent's Signature

III. A copy of this document must be served on all parties not been found by the Court to be in default either by personal service or by U. S. Mail, properly addressed, with first class postage prepaid. Service by mail is complete four (4) days after mailing.

By: _____

☐ Atty. No.: _____ ☐ Pro se 99500

Name: _____

Atty. for: _____

Address: _____

City/State/Zip Code: _____

Telephone: _____

Primary Email: _____

Secondary Email: _____

Tertiary Email: _____

Pro se Only: ☐ I have read and agree to the terms of the *Clerk's Office Electronic Notice Policy* and choose to opt in to electronic notice from the Clerk's Office for this case at this Email address:

_____

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Jane Doe
Petitioner

v.

John Doe
Respondent

Any order of protection which would expire on a court holiday shall instead expire at the close of the next court business day. 750 ILCS 60/220 (f)

CASE NO. OP

LEADS NO. _____

RESPONDENT'S D.O.B. _____

DISPOSITION ORDER
Orders of Protection

- ☑ **Independent Petition**
- ☐ **Domestic Relations**
- ☐ **Criminal Proceeding**

THE COURT FINDS THAT:
(Strike if inapplicable)

☑ **An Emergency Order of Protection was issued on** _____, _____.

☐ **An (Interim/Plenary) Order of Protection was issued on** _____, _____.

☐ **An (Emergency/Interim/Plenary) Order of Protection was previously extended on** _____, _____.

THE COURT HAVING JURISDICTION OF THE SUBJECT MATTER IT IS HEREBY ORDERED THAT:

1. ☑ **The Emergency Order of Protection is extended to:** _____ (Date), _____ **at** _____.m.
OR
☐ **The (Interim/Plenary) Order of Protection previously issued is hereby extended to:**

_____ (Date), _____ **at** _____.m.

2. ☐ **A hearing on the Emergency Order of Protection is set for** _____ (Date), _____ **at** _____.m.
OR ☑ **A hearing on the (Interim/Plenary) Order of Protection is set for** _____ (Date), _____ **at** _____.m.
in the Court located at 2121 Euclid Ave #121, Rolling Meadows, IL 60008 (Address) / _____ (Room No.).

3. ☐ **The Emergency Order of Protection is vacated.**
OR ☐ **The (Interim/Plenary) Order of Protection is vacated.**

4. ☐ **The Emergency Order of Protection is terminated.**
Or ☐ **The (Interim/Plenary) Order of Protection is terminated.**

5. ☐ **The Emergency Order of Protection is modified as follows:**
OR ☐ **The (Interim/Plenary) Order of Protection is modified as follows:**

_____

_____

6. ☐ **Alias Summons to issue**
☐ **Service by publication**

7. ☐ **Case Number** _____ **is dismissed.**

Atty. No.: Pro Se
Name: Jane Doe
Atty. for: Petitioner (Pro Se)
Address: _____
City/State/Zip: _____
Telephone: _____

ENTERED:

Dated: _____, _____.

_____
Judge **Judge's No.**

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

1. ORIGINAL - COURT FILE

3303 - Notice of Motion
2871 - Certificate of Mailing Filed **(10/26/16) CCDR N005**

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, DOMESTIC RELATIONS DIVISION

IN RE THE MARRIAGE CIVIL UNION
SUPPORT OF
PARENTAGE OTHER _____:

_____
Petitioner

and

_____
Respondent

No. _____

Calendar _____

To: _____

NOTICE OF MOTION

On _____, _____ at _____am/pm, or as soon thereafter as counsel may be heard, I shall appear before the Honorable _____, or any judge sitting in his/her stead, in Courtroom number _____, in the court house located at:

Daley Center, 50 W Washington St, Chicago, IL 60602
District 2: 5600 Old Orchard Rd, Skokie, IL 60077
District 3: 2121 Euclid, Rolling Meadows, IL 60008
District 4: 1500 Maybrook Dr, Maywood, IL 60153
District 5: 10220 S 76th Ave, Bridgeview, IL 60455
District 6: 16501 S Kedzie Pkwy, Markham, IL 60428

and present the attached pleading requesting: _____

_____

_____

Atty. No.: _____

Name: _____ Primary Email: _____

Atty. for: _____ Secondary Email: _____

Address: _____ Tertiary Email: _____

City/State/Zip: _____ Atty. Signature: _____

Telephone: _____

CERTIFICATE AND AFFIDAVIT OF DELIVERY PERSONALLY, BY MAIL, BY FAX, OR BY EMAIL

The undersigned hereby certifies under penalties of perjury as provided by law pursuant to 735 ILCS 5/1-109, that the above notice and any attached pleadings were personally delivered OR placed in the U. S. mail at _____, with first class postage prepaid and directed to all parties of record at the address(es) set forth above, on or before 5:00 pm on _____, _____ OR I served this notice electronically via the Clerk's office E-Filing system OR

via fax (_____ pages sent from the office of: _____, sender's fax number is _____ to recipient's fax number _____) OR

via email (sender's email is _____ to recipient's email _____).

_____ _____
(Signature) **(Print Name)**

#91010

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT-DOMESTIC VIOLENCE DIVISION

In Re the Order of Protection of:	)	
	)	
Jane Doe	)	
	)	
Petitioner,	)	Case No._____
	)	
and	)	Cal:____
	)	
John Doe	)	
	)	
Respondent.	)	

MOTION FOR LEAVE TO AMEND THE
PETITION FOR PLENARY ORDER OF PROTECTION

Now comes the Petitioner, Jane Doe, by and through her attorneys, Jennifer Payne and Myka Held of LAF, pursuant to 735 ILCS 5/2-615, 735 ILCS 5/2-616 and 750 ILCS 60/101 et seq., and respectfully requests this Honorable Court to permit the amendment of her Petition for Order of Protection, and in support of said request states as follows:

1. On May 17, 2017 Petitioner, Jane Doe, appearing *pro se,* filed a Petition for Order of Protection against the Respondent, John Doe.

2. In her Petition for Order of Protection, Petitioner alleged that Respondent threatened her by telling her that she was in great danger.

3. The Court entered an Emergency Order of Protection on May 17, 2017 protecting the Petitioner from the Respondent.

4. Upon information and belief, Respondent was served with the Order of Protection on May 20, 2017 by the Cook County Sheriff.

5. On June 2, 2017, Respondent came to the home where Petitioner now resides with her daughter ND, brother ED, brother 3D, cousin FD, mother RD, and niece ID. Respondent knocked on the door and shouted through the door that he was "Sheriff's Police." Believing that the

Respondent was the Sheriff and that the matter was related to Petitioner's Order of Protection, Petitioner and her daughter, ND, opened the door. When they saw that it was Respondent, ND went upstairs and called the police. Respondent yelled at Petitioner and waved his arms. Petitioner's brother and cousin told the Respondent he needed to leave. Respondent did not leave until Petitioner told him that ND had called the police. The police arrived later and a police report was filed (See Exhibit A, attached).

6. Upon information and belief, Respondent was arrested for Unlawful Violation of an Order of Protection on June 7, 2017.

7. The Order of Protection is now set for hearing on June 14, 2017 at 9:30 AM.

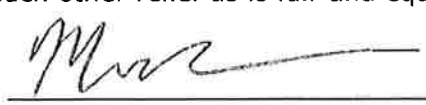
8. The Petitioner has since retained legal counsel.

9. The allegations set forth in the original Petition for Order of Protection, as filed by Petitioner *pro se,* do not adequately describe the domestic violence the Petitioner has experienced at the hands of the Respondent, nor do they include the Respondent's violation of the Order of Protection on June 2, 2017. An amended pleading, conforming to the Illinois Domestic Violence Act of 1986 (750 ILCS 60/101 *et seq.),* and setting forth in greater clarity the domestic violence experienced by the Petitioner, will permit a full and fair hearing on the Petitioner's case in chief.

WHEREFORE, the Petitioner, Jane Doe, respectfully requests that this Honorable Court order the following:

A. That the Petitioner be permitted to file an Amended Petition for Order of Protection, amending the allegations set forth in her Petition of Order of Protection, filed May 17, 2017.

B. That the Petitioner be granted any such other relief as is fair and equitable.



One of Petitioner's Attorneys

VERIFICATION BY CERTIFICATION

The undersigned certifies under penalties of law as set forth in Section 1-109 of the Illinois Code of Civil Procedure that the instrument set forth above are true and correct, except for matters therein stated to be on information and belief, and as to such matter the undersigned certifies as aforesaid that she verily believes the same to be true.

_____

Jane Doe

Prepared by:
Jennifer Payne
LAF
120 S. Lasalle Street Ste. 900
Chicago, IL 60603
312.229.6304
#91010

#91010

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

COUNTY DEPARTMENT-DOMESTIC VIOLENCE DIVISION

In Re the Order of Protection of:	)	
Jane Doe,	)	
	)	
Petitioner,	)	Case No._____
	)	Cal: ___
and	)	
John Doe,	)	
	)	
Respondent.	)	

Affidavit

Petitioner, Jane Doe, hereby attests and swears that, if she were called upon to testify under oath in support of the attached "Petition for Order of Protection" her testimony would be as follows:

1. I was married to the Respondent on May 27, 2015 in Joliet, Illinois.
2. We do not have any children together.
3. During our marriage, we lived together at 123 Main Street, Chicago, IL 60601.
4. I obtained an Emergency Order of Protection for myself on May 17, 2017.
5. I got the EOP because of an incident that happened on May 15, 2017. That day my husband and I went to ALDI's and the pharmacy to do some shopping. We got into a fight about one of my brothers. During this fight my husband grabbed me and shook me, and told me that I had disobeyed his orders and that I me, my niece, my mother and my whole family are at 100% high risk of death.
6. As a result of that incident, my niece, mother and I moved out of the home I shared with my husband.

7. Also as a result of that incident, my blood pressure, which is normally high, went to 183/101. I was diagnosed by my physician with insomnia and anxiety on May 21, 2017.
8. On June 2, 2017, my husband came to my brother's apartment, where I am now staying. He knocked on the door and said that he was the Sheriff's Police. We opened the door, thinking that it had something to do with the Order of Protection. When we saw it was him, my niece went upstairs and called the police. My husband argued with me, shouting and waving his arms. My brother and cousin told him to leave. He did not leave until he realized my niece had called the police.
9. The police arrived shortly thereafter and filed a report.
10. I think he was arrested on June 7, 2017.
11. In the past my husband told me that he wanted to hire someone to hurt is ex-wife.
12. I am afraid of my husband. Because of these incidents, I am afraid that he will continue to be violent towards me if I do not have an Order of Protection.
13. Further Affiant sayeth not.

_____

Jane Doe

Prepared by:
Jennifer Payne
Attorney for Petitioner
LAF
120 S. Lasalle Street Ste. 900
Chicago, IL 60603
312.347.6304
Attorney No.: 91010

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

People ex rel. _____

_____ on behalf of

_____ self and/or on behalf of

_____

Petitioner

v.

_____

Respondent

Case No. _____

❑ Independent Proceeding

❑ Other Civil Proceeding

Specify _____

❑ Criminal Proceeding

❑ Juvenile Proceeding

LEADS No. _____

Petitioner	Address ❑ (Check if omitted pursuant to Statute)	City/State/Zip Code
Respondent	Address	City/State/Zip Code

Birthdate (Required for LEADS)	Sex	Race	Height	Weight	Hair Color	Eye Color

ORDER OF PROTECTION

INTERIM **PLENARY**

953 ❑ Crim 4552 ❑ Civil **954 ❑ Crim 4652 ❑ Civil**

Any knowing violation of any order of protection forbidding physical abuse, neglect, exploitation, harassment, intimidation, interference with personal liberty, willful deprivation, or entering or remaining present at specified places when the protected person is present or granting exclusive possession of the residence or household, prohibiting entering or remaining at the household while under the influence of alcohol, or drugs and so constituting a threat to the safety and well-being of any protected person, or granting a stay away order, is a criminal offense. Grant of exclusive possession of the residence or household shall constitute notice forbidding trespass to land. Any knowing violation of any order awarding legal custody or physical care of a child or prohibiting removal or concealment of a child may be a class 4 felony. Any willful violation of any order is contempt of court. Any violation may result in a fine or imprisonment. Stalking is a felony. A charge of violating this order of protection (720 ILCS 5/12-30) may subject respondent to GPS monitoring pursuant to 730 ILCS 5/5-6-3.

Any order of protection which would expire on a court holiday shall instead expire at the close of the next court business day. 750 ILCS 60/220 (f)

(Definitions of prohibited conduct on reverse)

The following persons are protected by this Order: _____

_____

"The minor child/ren" referred to herein are: _____

_____

The following animals are protected by this Order (Detail the animals by name, type and description): _____

_____.

Date, time and place for further hearing:

Date: _____, _____ Time: _____ Courtroom/Calendar No. _____

Location: _____

This Order was issued on:

Date: _____, _____ Time: _____

This Order will be in effect until:

❑ Date: _____, _____ Time: _____

❑ Vacated by court order:

❑ Specified event: _____

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

BASED ON THE FINDINGS OF THIS COURT, ❑ WHICH WERE MADE ORALLY FOR THE TRANSCRIPTION, OR ❑ WHICH ARE SET OUT IN A SEPARATE INSTRUMENT FILED WITH THE COURT, AND WITH THE COURT HAVING JURISDICTION OF THE SUBJECT MATTER AND OVER ALL NECESSARY PARTIES, IT IS HEREBY ORDERED THAT:

❑ 1. With respect to all Protected Persons, Respondent is prohibited from committing the following:
❑ Physical abuse; ❑ Harassment; ❑ Interference with personal liberty; ❑ Intimidation of a dependent;
❑ Willful deprivation; ❑ Neglect; ❑ Exploitation; ❑ Stalking

❑ 2. Petitioner is granted exclusive possession of the residence and Respondent shall not enter or remain in the household or premises located at: _____.
(This remedy does not effect title to property.)

❑ 3. ❑ a. Respondent is ordered to stay away from Petitioner and other protected persons, including but not limited to refraining from telephone calls, mail, e-mail, faxes, written notes, and communication through third parties.

❑ b. Respondent is prohibited from entering or remaining at _____ while any Protected Person is present; and/or _____.

❑ c. Respondent is allowed access to the residence on (date) _____ at (time) _____ in the presence of (name) _____ to remove items of clothing, personal adornments, medications used exclusively by the Respondent and other items as follows: _____.

❑ 4. Respondent is ordered to undergo counseling at _____ for the duration of _____.

❑ 5. ❑ a. Petitioner is granted physical care and possession of the minor child/ren; and/or

❑ b. Respondent is ordered to:

❑ return the minor child/ren with the initials of _____ to the physical care of _____; and/or

❑ not remove the minor child/ren with the initials of _____ from the physical care of Petitioner or _____.

❑ 6. Petitioner is granted temporary legal custody of the minor child/ren with the intitials of: _____

❑ 7. ❑ a. Respondent is awarded visitation rights on the following dates and times or under the following conditions or parameters: *[No order shall merely refer to the term "reasonable visitation"]*

_____.

❑ b. Respondent's visitation is restricted as follows: _____.

❑ c. Respondent's visitation is reserved/denied.
(Petitioner may deny Respondent access to the minor child/ren if, when Respondent arrives for visitation, Respondent is under the influence of drugs or alcohol and constitutes a threat to the safety and well-being of Petitioner or Petitioner's minor child/ren or is behaving in a violent or abusive manner.)

❑ 8. Respondent is prohibited from removing the minor child/ren from Illinois or concealing them within Illinois.

❑ 9. Respondent is ordered to appear in Courtroom/Calendar _____ located at _____ on _____ at _____ a.m./p.m., with/without the minor child/ren.

❑ 10. Petitioner is granted exclusive possession of the following personal property and the Respondent is ordered to promptly make available to Petitioner said property that is in Respondent's possession or control, to wit:

_____.
(This remedy does not effect title to property.)

❑ 11. Respondent is prohibited from taking, encumbering, concealing, damaging or otherwise disposing of the following personal property: _____, except as explicitly authorized by the court.

❑ Further, Respondent is prohibited from improperly using the financial or other resources of an aged member of the family or household for the point or advantage of Respondent or any other person.

❑ 11.5 Petitioner is granted exclusive possession of the following animals (Detail the animals by name, type and description.):

_____.

❑ With respect to all protected animals, Respondent is ordered to stay away and to refrain from taking, transferring, encumbering, concealing, harming, or otherwise disposing of the animal(s).

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

☐ 12. Respondent is ordered to pay temporary support for ☐ Petitioner and/or ☐ the minor child/ren of the parties as follows:

$ _____ per _____, starting _____, payable ☐ through the Clerk of the Circuit Court, or ☐ directly to Petitioner.

☐ 13. Respondent is ordered to pay $ _____ as actual monetary compensation for loss(es) to _____ _____ on or before _____.

☐ Further, Respondent is ordered to pay court costs in the amount of $ _____ and attorney fees in the amount of $ _____ to _____ in connection with any action to obtain, modify, enforce, appeal or reopen any Order of Protection, on or before _____.

☐ 14. Respondent is prohibited from entering or remaining at the household or residence located at _____ _____ while under the influence of alcohol or drugs and so constituting a threat to the safety and well-being of any Protected Person.

☐ 14.5 Respondent is ordered to surrender any and all Firearm and Firearm Owner's Identification Card and to the local law enforcement agency (i.e. police department). If the Respondent is a law enforcement officer, any and all firearms must be surrendered to Respondent's employer. (All surrendered firearms shall remain confiscated for a period not to exceed two (2) years.)

☐ 15. Respondent is denied access to school and/or any other records of the minor child/ren and is prohibited from inspecting, obtaining, or attempting to inspect or obtain such records.

☐ 16. Respondent is ordered to pay $ _____ to the following shelter _____ on or before _____.

☐ 17. Respondent is further ordered and/or enjoined as follows:

_____

_____.

☐ 18. The relief requested in paragraph(s) _____ of the petition is *(DENIED) (RESERVED)*, because:

_____

_____.

"This Order of Protection is enforceable, even without registration, in all 50 states, the District of Columbia, tribal lands, and the U.S. territories pursuant to the Violence Against Women Act (18 U.S.C. 2265). Violating this Order of Protection may subject the Respondent to federal charges and punishment (18 U.S.C. 2261-2262). The Respondent may be subject to federal criminal penalties for possessing, transporting, shipping, or receiving any firearm or ammunition under the Gun Control Act (18 U.S.C. 922 (g) (8) and (9))."

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Case No. _____

PLENARY ORDERS ONLY

This Order shall remain in effect until:

☐ 1. two years following the date of entry of such Order, such expiration date being _____, or such earlier date, as ordered by the Court, such expiration date being _____.

☐ 2. final judgment in conjoined proceeding is rendered.

☐ 3. this Order is modified or vacated (provided such Order is incorporated into the final judgment of another civil proceeding).

☐ 4. termination of any voluntary or involuntary commitment, or until _____. *(not to exceed 2 years)*

☐ 5. final disposition when a Bond Forfeiture Warrant has issued, or until _____. *(not to exceed 2 years)*

☐ 6. expiration of any supervision, conditional discharge, probation, periodic imprisonment, parole, or supervised mandatory release, plus 2 years.

☐ 7. expiration of a term of imprisonment set by this Court, plus 2 years.

Any order of protection which would expire on a court holiday shall instead expire at the close of the next court business day.
750 ILCS 60/220 (f)

NOTICE: Upon 2 days notice to Petitioner, or such shorter notice as the Court may prescribe, a Respondent subject to an Interim Order of Protection issued under the IDVA may appear and petition the Court to re-hear the original or amended petition. Respondent's petition shall be verified and shall allege lack of notice and a meritorious defense.

Atty. No. _____

Attorney (or Pro Se Petitioner) *Pro Se* 99500

Name: _____

Address: _____

State/City/Zip: _____

Telephone: _____

Date: _____, _____

_____
Judge Judge's No.

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

DEFINITIONS
PURSUANT TO THE ILLINOIS DOMESTIC VIOLENCE ACT

1. "Petitioner" may mean not only any named petitioner for the order of protection and any named victim of abuse on whose behalf the petition is brought, but also any other person protected by this Act.

2. "Abuse" means physical abuse, harassment, intimidation of a dependent, interference with personal liberty or willful deprivation, but does not include reasonable direction of a minor child by a parent or person in loco parentis.

3. "Physical abuse" includes sexual abuse and means any of the following:
   (a) knowing or reckless use of physical force, confinement or restraint;
   (b) knowing, repeated and unnecessary sleep deprivation; or
   (c) knowing or reckless conduct which creates an immediate risk of physical harm.

4. "Harassment" means knowing conduct which is not necessary to accomplish a purpose that is reasonable under the circumstances; would cause a reasonable person emotional distress; and does cause emotional distress to the petitioner. Unless the presumption is rebutted by a preponderance of the evidence, the following types of conduct shall be presumed to cause emotional distress:
   (a) creating a disturbance at petitioner's place of employment or school;
   (b) repeatedly telephoning petitioner's place of employment, home, or residence;
   (c) repeatedly following petitioner about in a public place or places;
   (d) repeatedly keeping petitioner under surveillance by remaining present outside his or her home, school, place of employment, vehicle or other place occupied by petitioner or by peering in petitioner's windows;
   (e) improperly concealing a minor child from petitioner, repeatedly threatening to improperly remove a minor child of petitioner's from the jurisdiction or from the physical care of petitioner, repeatedly threatening to conceal a minor child from petitioner, or making a single such threat following an actual or attempted improper removal or concealment, unless respondent was fleeing an incident or pattern of domestic violence;
   (f) threatening physical force, confinement or restraint on one or more occasions.

5. "Interference with personal liberty" means committing or threatening physical abuse, harassment, intimidation or willful deprivation so as to compel another to engage in conduct from which she or he has a right to abstain or to refrain from conduct in which she or he has a right to engage.

6. "Willful deprivation" means willfully denying a person who, because of age, health or disability, requires medication, medical care, shelter, accessible shelter or services, food, therapeutic device, or other physical assistance, and thereby exposing that person to the risk of physical, mental or emotional harm, except with regard to medical care or treatment when the dependent person has expressed an intent to forgo such medical care or treatment. This paragraph does not create any new affirmative duty to provide support to dependent persons.

7. "Intimidation of dependent" means subjecting a person who is dependent because of age, health or disability to the participation in or the witnessing of physical force against another or physical confinement or restraint of another which constitutes physical abuse as defined in this Act, regardless of whether the abused person is a family or household member.

8. "Exploitation" means the illegal, including tortious, use of a high-risk adult with disabilities or of the assets or resources of a high-risk adult with disabilities. Exploitation includes, but is not limited to, the misappropriation of assets or resources of a high-risk adult with disabilities by undue influence, by breach of a fiduciary relationship, by fraud, deception, or extortion, or the use of such assets or resources in a manner contrary to law.

9. "Neglect" means the failure to exercise that degree of care toward a high-risk adult with disabilities which a reasonable person would exercise under the circumstances and includes but is not limited to:
   (a) the failure to take reasonable steps to protect a high-risk adult with disabilities from acts of abuse;
   (b) the repeated, careless imposition of unreasonable confinement;
   (c) the failure to provide food, shelter, clothing, and personal hygiene to a high-risk adult with disabilities who requires such assistance;
   (d) the failure to provide medical and rehabilitative care for the physical and mental health needs of a high-risk adult with disabilities;
   or
   (e) the failure to protect a high-risk adult with disabilities from health and safety hazards.

(See Clerk for definitions available in Spanish or Polish)

#91010

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

COUNTY DEPARTMENT-DOMESTIC VIOLENCE DIVISION

In Re the Order of Protection of:	)	
Jane Doe on behalf of the minor children	)	
Petitioner,	)	Case No._____
and	)	Cal: ___
John Doe,	)	
Respondent.	)	

PETITION FOR A RULE TO SHOW CAUSE

Now comes the Petitioner, Jane Doe, by and through her attorneys, Jennifer Payne and LAF, and in support of her Petition for a Rule to Show Cause against Respondent, John Doe, she states as follows:

1. On August 11, 2017, petitioner, Jane Doe on behalf of the minor children A, B and C Doe, filed a Petition for Order of Protection against the Respondent, John Doe.
2. The parties have three minor Children: A. Doe, born July 5, 2017, age 5; B. Doe, born May 8, 2014, age 3; and C. Doe, born June 30 2016, age 1.
3. On September 1, 2017, after hearing, Petitioner was granted a plenary Order of Protection until March 22, 2019 against the Respondent. The Order of Protection states, in relevant part, "Respondent is ordered to pay temporary support for the minor children of the parties as follows: 50% of Respondent's total income including housing allowance, by agreement." The Order of Protection is attached hereto as Exhibit A.
4. On September 1, 2017 the court entered a Uniform Order for Support, by agreement, which states, in relevant part, "Respondent's income is currently unknown. Respondent will pay 50% of his total income from the U.S. military, including his housing allowance as and for child support for the minor children for so long as he's on active duty through March 2018. 32% child support, 18, to education expenses for private school." Additionally, the order states, "Respondent has agreed to pay 50% per month in child support as and for support for the minor children, A, B and C Doe. Respondent agrees in open court that he will instruct the United States government to directly deposit his US military housing allowance for his monthly child support obligation. Respondent agrees that 32% statutory support shall be paid and the additional 18% shall be applied to his portion of the children's private school tuition. The Uniform Order for Support is attached hereto as Exhibit B.
5. Upon information and belief, the Respondent entered active military service on September 29, 2015.

6. Attorney for Petitioner contacted Respondent's attorney on August 29, 2017 and informed her that Petitioner had not yet received any child support from the Respondent. A copy of that correspondence is attached hereto as Exhibit C.
7. Respondent's attorney responded to Petitioner's attorney on August 30, 2017 indicating that she believed she was unable to contact the Respondent and that she had been retained "solely for the OP." A copy of that letter is attached hereto as Exhibit D.
8. On September 5, 2017 Petitioner's attorney again contacted Respondent and provided her with an address and telephone number at which to contact Respondent in the military, as provided by the Petitioner. A copy of that letter is attached hereto as Exhibit E.
9. On September 6, 2017 Petitioner received a telephone call from Respondent stating that he was having trouble with his account and will pay Petitioner 30% of his income upon his return to Illinois.
10. Upon information and belief, Respondent is currently employed by the United States military and earning both pay and a housing allowance.
11. To date, Respondent has failed to pay any child support as agreed in the Uniform Order for Support, and in the Order of Protection, both dated August 11, 2017.
12. Respondent's indication that he will pay 30% of his income upon return to Illinois indicates a willful and contumacious failure to comply with the courts order to pay child support.
13. Respondent's failure to comply with court orders to date to pay child support is contumacious and willful and he should be found in contempt of Court for said behavior and sanctioned accordingly. WHEREFORE, Petitioner Jane Doe prays as follows:
    a. That a Rule to Show Cause issue against Respondent John Doe requiring him to show cause, if any, why he should not be held in contempt of Court for his refusal to pay child support;
    b. That the Court set this matter for a hearing;
    c. For such other and further relief as this Court deems just and equitable.

Respectfully Submitted,

_____

Attorney for Petitioner

VERIFICATION

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this Petition for a Rule to Show Cause instrument are true and correct, except as to matters therein stated to be on information and belief and as to such maters the undersigned certifies as aforesaid that the undersigned verily believes the same to be true.

_____ _____

Date Petitioner Jane Doe

4262 - Rule To Show Cause Be Issued - Allowed
4250 - Order Plaintiff, Defendant or Witness to Appear - Allowed
4215 - Comply - Allowed
9262 - Rule to Issue and Returnable **(Rev. 02/04/16) CCDR N031**

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, DOMESTIC RELATIONS DIVISION

IN RE: ☐ Marriage ☐ Civil Union ☐ Legal Separation ☒ Allocation of Parental Responsibilities
☐ Visitation (Non-Parent) ☐ Support ☐ Parentage of:

Jane Doe
Petitioner

and

John Doe
Respondent

No.: OP

Calendar: _____

ORDER ON RULE TO SHOW CAUSE

This matter coming before the Court on a verified petition for Rule to Show Cause why John Doe (Respondent/Petitioner) should not be held in indirect civil contempt of Court for willful failure to obey a Court order, and the Petitioner appearing ☑ in person ☐ through counsel, and Respondent likewise appearing ☑ in person ☐ through counsel;

THE COURT FINDS a prima facie case of indirect civil contempt has been shown by ☐ the petition or ☐ sworn testimony.

IT IS HEREBY ORDERED THAT:

4262 1. A Rule will issue against Petitioner/Respondent to show cause why s/he should not be held in contempt of Court for failure to

pay child support

as ordered by the Court on _____.

4250 2. Respondent is ordered to appear at:

9262
- ☐ Richard J. Daley Center, 50 W. Washington St., Chicago, IL 60602, Courtroom _____;
- ☐ Parentage and Child Support Court, Richard J. Daley Center, 50 W. Washington St., CL-24, Chicago, Illinois 60602;
- ☐ District 2: 5600 Old Orchard Rd., Skokie, Illinois 60077, Courtroom 203;
- ☑ District 3: 2121 Euclid, Rolling Meadows, Illinois 60008, Courtroom 105 or ☐ Courtroom 106;
- ☐ District 4: 1500 Maybrook Dr., Maywood, Illinois 60153, Courtroom 201;
- ☐ District 5: 10220 S. 76th Ave., Bridgeview, Illinois 60455, Courtroom 106;
- ☐ District 6: 16501 S. Kedzie Pkwy., Markham, Illinois 60426, Courtroom 202;
- ☐ _____

on _____ at _____ to respond to the Rule, said Rule being returnable on that date.

4215 3. Service of this Order and the petition shall be by:
- ☐ Regular, First Class Mail;
- ☐ Certified Mail;
- ☐ Personal Service by Sheriff;
- ☐ Personal Service by Special Process Server; and/or
- ☑ Personally, in open Court.

NOTICE

FAILURE TO APPEAR AS ORDERED BY THE COURT MAY RESULT IN A FINDING OF CONTEMPT AND/OR COURT ORDER FOR A BODY ATTACHMENT WHICH WILL RESULT IN YOUR ARREST BY THE SHERIFF.

Atty. No.: Pro Se
Name: Jane Doe
Atty. for: Petitioner (Pro Se)
Address: _____
City/State/Zip Code: _____
Telephone: _____
Primary Email: _____
Secondary Email: _____
Other Email: _____

ENTERED:

Dated: _____

_____
Judge Judge's No.

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

4210 - Held In Contempt Of Court - Allowed
4437 - Law Enforcement Agency to Comply - Allowed
4676 - Party to Purge - Allowed
4309 - Bond Set At - Allowed
9203 - Stay Of Execution
4436 - Clerk's Office to Comply - Allowed (Rev. 9/22/11) CCDR N032 A

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, DOMESTIC RELATIONS DIVISION

IN RE: THE MARRIAGE/CIVIL UNION OF

_____
PETITIONER

AND

_____
RESPONDENT

NO: _____

CALENDAR: _____

ORDER OF ADJUDICATION OF INDIRECT CIVIL CONTEMPT AND / OR ORDER OF COMMITMENT

This cause being heard this date pursuant to a rule to show cause directed to

_____ (hereinafter "contemnor") to show cause, if any s/he has,
(name)

why s/he should not be found in indirect civil contempt and sanctioned forthwith, for failure to comply with the Court's order entered on _____, directing contemnor to _____

_____

_____

And the Petitioner/Respondent appearing:
☐ in person and ☐ with counsel, and the contemnor likewise appearing ☐ in person and ☐ with counsel;

And the Court, having heard the testimony of the parties and witnesses, together with all pleadings, exhibits, and arguments of counsel, and being fully advised in the premises, hereby finds that:

1. The Court has jurisdiction of the parties and subject matter;

2. On the _____ day of _____, _____ this Court entered an order directing the contemnor to _____

_____

_____

3. As of the _____ day of _____, _____, contemnor has failed to: _____

_____

_____

_____

(OVER)

4. **The contemnor has not given any legally sufficient reasons for failure to comply with said order, even though s/he had, and still has, the means to comply with said order, and that contemnor's failure to comply with said order is willful and contumacious;**

5. **The conduct of the contemnor has defeated and impaired the rights and interests of the Petitioner/Respondent and has further impeded and obstructed the Court in its administration of justice; and**

IT IS THEREFORE ORDERED AND ADJUDGED that the contemnor:

4210 ☐ **Is hereby found and declared to be in indirect civil contempt of Court for willful failure to obey the Court's order as herein stated;**

4437 ☐ **Is ordered committed to the Cook County Jail, there to remain until s/he shall have purged him/herself of contempt by:**

_____

_____

_____

9203 ☐ **Commitment is stayed until** _____, _____ **s/he purges the contempt by**
4676

posting $ _____ **with the Clerk of the Circuit Court.**

4436 ☐ **The Clerk of the Court is directed to prepare a certified copy of this Order and submit same to the Sheriff of Cook County.**

☐ _____

_____

_____

_____

Atty. No.: _____

Name: _____

Atty. for: _____ **Entered:** _____, _____

Address: _____

City/State/Zip: _____

Telephone: _____ _____

Judge **Judge's No.**

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, DOMESTIC VIOLENCE DIVISION

Jane Doe,	)	
Petitioner	)	
	)	No._____
v.	)	
John Doe,	)	
Respondent.	)	

MOTION TO RECONSIDER

Now comes the Petitioner, Jane Doe, by her attorneys, Jennifer Payne and Myka Held of LAF, and respectfully moves this Court, pursuant to 735 ILCS 5/2-1203, to reconsider the Order of Protection entered on September 5, 2017, granting Respondent John Doe a remedy that Petitioner did not seek and was not prepared to defend. In addition, the Clerk's Office incorrectly notes in its database that the Order of Protection was denied when it was granted. In support of her motion, Petitioner states as follows:

A. Procedural Background

1. Petitioner, Jane Doe, resides at 123 Main Street, Chicago, IL 60601, and has been an Illinois resident for more than ninety days. See Petition for Order of Protection.
2. On July 5, 2017 Petitioner filed a Petition for an Order of Protection against Respondent.
3. The Petition alleges that the parties share a child in common but that paternity has never been legally established.
4. Petitioner did not seek any child-related remedies in her Petition for Order of Protection, like temporary custody and child support, because she believed that the Court would not grant such remedies when paternity has not been legally established.
5. An Emergency Order of Protection was granted until July 26, 2017 and subsequently extended until July 26, 2018.
6. On July 26, 2017, after hearing, the court entered a Plenary Order of Protection in favor of Petitioner and against Respondent prohibiting him from physically harming, contacting, stalking, or harassing Petitioner in any way for one year. See Plenary Order of Protection.
7. In addition, during the July 26, 2017 hearing, the Respondent requested visitation with the parties' minor child A. Doe.
8. Over the Petitioner's objection, the court granted Respondent visitation with every Saturday from 8:00 a.m. to 8:00 p.m., facilitated by Petitioner's mother.
9. Also during the July 26, 2017 hearing, Respondent testified that he pays Petitioner $250 every two weeks in child support, but the Court did not enter a child support order against him, and no Uniform Order for Support has ever been entered against the Respondent.
10. The Plenary Order also grants Petitioner temporary custody of the minor child (which she did not seek but does not object to getting).

11. Petitioner had no advance notice that Respondent would be seeking visitation in the order of protection case and, therefore, was unprepared to advise the court on a number of concerns she has about the visitation schedule entered by the court. Moreover, had Petitioner known that the court would grant child-related remedies in the order of protection case when parentage has not been legally established then she would have sought a temporary child support order. See Affidavit, attached hereto.
12. In addition, due to a clerking error, the Cook County Clerk's database shows that the order of protection in this case was dismissed when, in fact, it was granted. This Court should issue an order to correct that error.

B. **The Court Erred in Granting Respondent Visitation When Parentage has Not Been Legally Established or, in the Alternative, When Petitioner had No Advance Notice or Opportunity to Prepare for a Hearing on Visitation.**

13. The court erred in granting Respondent visits with the minor child in one of two ways. Either the court did not have authority to grant visitation to the Respondent when parentage has not been legally established or, even if the court did have such authority, then it should have allowed Petitioner time to respond to prepare for a hearing on that issue and to seek other child-related remedies, like child support.
14. The purpose of protection orders and the Domestic Violence Act is "to aid victims of domestic violence and prevent further abuse, not resolve issues of visitation and custody." Wilson v. Jackson, 312 III. App. 3d 1156, 1166 (3rd Dist. 2000).
15. Moreover, "establishing paternity is a precondition to gaining visitation . . . of the child." Wilson, 312 Ill. App 3d at 1165-66 (citing 750 ILCS 60/214(c)(5)). Therefore, it was an error of law for the court to grant Respondent visitation when parentage had not yet been legally established.
16. In the alternative, paternity was properly established in this case because both parties acknowledged under oath and in open court that Respondent is the father of the minor child. Under the Illinois Domestic Violence Act, a father and child relationship can be established "where both parties appeared in open court or at an administrative hearing acknowledging under oath or admitting by affirmation the existence of a father and child relationship." 750 ILCS 60/214(c)(5).
17. In the present case, even though Respondent has not signed a VAP, is not listed on A. Doe's birth certificate, is not married to the Petitioner and has not obtained a Paternity Order, both parties admitted under oath that he is the father of A. Doe. The IDVA specifically allows for child-related remedies to be granted in this scenario. Yet, visitation, like any remedy sought in any lawsuit, must be requested and considered in a manner that is procedurally appropriate.
18. Petitioner had no advance notice that Respondent would seek visitation in the order of protection case and was, therefore, unprepared to respond to the request. See Affidavit, attached.
19. Order of protection proceedings are governed by Illinois's rules of civil procedure

20.. 750 ILCS 60/205(a).

21. The Code of Civil Procedure states that any counterclaim "shall be a part of the answer." 735 ILCS 5/2-608(b). Respondent did not file an answer in this case, nor did he file a motion seeking visits, nor did he give any advance notice whatsoever to the Petitioner of his intent to seek visitation.
22. The Court erred when it allowed Respondent to seek a remedy sua sponte, without giving Petitioner an opportunity to prepare for a hearing on that issue.
23. Petitioner was not prepared to argue the issue of visitation on July 26 and objected to it. As a result, the visitation schedule entered by the court fails to take into consideration the schedule of the child and the availability of the maternal grandmother, who is ordered to help facilitate the visits. Specifically, by the time the child gets up, gets dressed and eats breakfast, it's 10:00 a.m. and, therefore, starting the visits at 8:00 a.m. means that Petitioner has to wake up the child from a sound sleep. At the same time, ending the visits at 8:00 p.m. is too late. The child is 3 years-old and goes to bed at 7:00 p.m. Finally, the maternal grandmother occasionally works on Saturdays and, when she does, she leaves the house at 6:00 p.m. Therefore, she is not always home at 8:00 p.m. on Saturdays to facilitate the visitation drop off. Had Petitioner been prepared for a hearing on the issue of visitation, she would have suggested that Saturday visits from 10:00 a.m. to 5:00 p.m. would be better suited to the child's schedule and to the schedule of those involved in the visitation exchange. See Affidavit.
24. In addition, Respondent represented to the Court on July 26, 2017 that he is paying Petitioner $250 on a bi-weekly basis as and for child support, yet the court did not enter a child support order reflecting that fact.
25. If Petitioner had advance notice that the Respondent was seeking visitation in the order of protection case, she would not only have prepared for a hearing on that issue but she would also have amended her petition to seek child support. See Affidavit.
26. Since the court properly determined that a parent-child relationship had been established under the IDVA, then such finding is enough to order child support. 750 ILCS 60/214(c)(5) ("Absent such an adjudication, finding, or acknowledgement, no putative father shall be . . . [ordered to] pay[] for support of the minor child . . . .").
27. Since the establishment of parentage is a precondition to both the right of visitation and the obligation to pay support then it was an error of law to for the court to consider that parentage had been established sufficiently for one remedy and not the other. If the court considered parentage to be established sufficiently enough to grant Respondent visits with the minor child, then the court should have considered parentage to be established sufficiently enough to obligate the Respondent to pay child support, especially when the Respondent testified that he has earned income and that he pays the Petitioner informally for support.

28. This Court should, therefore, modify the visitation schedule in a way that serves the child's best interests and is convenient for all parties. This Court should also allow Petitioner the opportunity to seek child support.
29. In addition, Petitioner is concerned that the Cook County Clerk's database erroneously shows that the Order of Protection was dismissed on July 26, 2017 when, in fact, it was granted on July 26, 2017. That error needs to be corrected in order for Petitioner to realize the benefits of having an Order of Protection.

WHEREFORE, Petitioner Jane Doe asks that this Court:

A. Strike the visitation schedule set out in the July 26, 2017 Order of Protection; or, in the alternative,
B. Modify the visitation schedule to Saturdays from 10:00 a.m. to 5:00 p.m., and allow Petitioner an opportunity to seek child support from the Respondent;
C. Order the Cook County Clerk's Office to correct its database to reflect that the Plenary Order of Protection was granted on July 26, 2017; and
D. Grant such other relief as may be just and proper.

_____

Jennifer Payne
LAF
120 S. LaSalle St., Ste. 900. Chicago, Illinois 60603
312-229-6304
Attorney No. 91010

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

COUNTY DEPARTMENT, DOMESTIC VIOLENCE DIVISION

Jane Doe,	)	
Petitioner,	)	
	)	Case No._____OP_____
V.	)	
John Doe,	)	
Respondent.	)	

AFFIDAVIT OF JANE DOE

I, Jane Doe, state that I have first-hand knowledge of the following facts and could competently swear thereto in a court of law:

1. My name is Jane Doe, and I reside in Chicago, Illinois.
2. On July 5, 2017, I filed a Petition for Order of Protection against John Doe. An Emergency Order of Protection was granted until July 26, 2017 and subsequently extended until July 26, 2018.
3. On July 26, 2017, a Plenary Order of Protection was entered against Respondent prohibiting him from physically harming, contacting, stalking, or harassing me in any way for one year.
4. John Doe and I have one child together, A, who was born on January 1, 2015.
5. John Doe did not sign a Voluntary Acknowledgement of Paternity, his name is not on A's birth certificate, we were never married, and John never went to court to get a Paternity Order for A.
6. I did not ask for temporary custody or child support in the Petition for Order of Protection because I thought that I could not get those remedies unless paternity had been legally established.
7. During the hearing on the Plenary Order of Protection, John asked for visitation with A and the court granted it.
8. I did not know that visitation was going to be an issue at the hearing. As a result, I was not prepared to tell the court concerned I have about john visiting A or testify about a convenient visitation schedule.
9. The court granted John visitation with our child every Saturday from 8:00am to 8:00pm. My mother, Jessica Roe, is supposed to "facilitate" the visit, meaning that she brings A out of the house and to John's car when he picks up and drops off A.
10. The visitation was granted over my objection to John having any unsupervised visits with our child.
11. John does not have the patience to care for our daughter on his own. John has a bad temper and has been physically abusive to me many times in the past, often in front of A. In addition, John often ignores A when she cries, leaving her to cry for long periods of time.

12. In November 2016 for example, during one of these attacks, A tried to stop John from hitting me and he shoved her to the ground, causing her to cry.
13. Also, twelve hours is too long a period of time for a Saturday visit between John and A. John does not have the patience to deal with a young child for such a long period of time.
14. Aside from the length of time, 8:00am is too early and 8:00pm is too late. By the time A gets up in the morning, has breakfast and gets dressed, it's 10:00am. In order for me to have her ready for a visit by 8:00am, I have to wake her when she's sound asleep. Also, A is only 3 years-old and I start getting her ready for bed at 7:00pm. She's usually asleep by 8:00pm. Finally, my mother often works on Saturday nights and, when she does, she leaves the house by 6:00pm. Therefore, she is not always home at 8:00pm to help facilitate the visit. For all of these reasons, it would be better if the Saturday visits took place from 10:00am to 5:00pm.
15. If I had known in advance that John was going to request visits at the Order of Protection hearing then I would have been prepared to tell the judge about A's schedule and my mother's work schedule.
16. It is my understanding that John does not have a car seat for A. If he is going to pick her up and drop her off by car instead of public transportation, then I think he should be required to have a proper car seat for her.
17. Also, during the July 26, 2017 hearing, John told the court that he pays me $250 twice a month in child support. That is not true. John does work full-time and he frequently gives me small amounts of money, but nothing consistent and nothing close to $500 per month. I need financial help to raise A. If I had known that the court was going to consider visitation and temporary custody in this case, then I would have asked for child support.
18. If John can afford to pay me $500 a month in child support then I would like the court to enter a child support order for that amount of money.
19. Further Affiant Sayeth Not.

_____

Jane Doe

_____

Date

VERIFICATION STATEMENT

I, Jane Doe, hereby certify under penalty of perjury as provided by law pursuant to 735 ILCS 5/1-109 that the above-stated facts are true and correct and that I could competently swear thereto in a court of law.

_____

Jane Doe

The Cook County Order of Protection Appeals Project

DENTONS

LAF | Equal justice starts here.

DOMESTIC VIOLENCE LEGAL CLINIC

Are you a survivor of domestic violence?

Do you feel like the judge made the wrong decision in your case?

Would you like to have another court review the trial judge's decision?

- Did the judge refuse to hear evidence that would have helped you prove your case?
- Did the judge think that your attempts to defend yourself were "mutual fighting"?
- Did the judge refuse to consider issues like child support or custody after you asked?
- Did the judge say that your case was not an emergency because you did not come to court soon enough?
- Did the judge accuse you of "starting it"?

You may be eligible to have a free lawyer represent you in an appeal.

In an appeal, a higher court will consider what happened during your hearing and determine if the trial judge made the correct decision.

Call LAF (Legal Assistance Foundation) at 312-431-2101 as soon as possible for more information. We will ask questions about your case so that we can make a decision about whether we can help you appeal.

The Order of Protection Appeals Project is a collaboration of Dentons, LAF and the Domestic Violence Clinic, with appeals handled by pro bono attorneys from Dentons and by LAF.

The Cook County Order of Protection Appeals Collaboration

Referral Form

(Please forward ASAP to: OPAppeals@lafchicago.org or 312-612-1492)

Date: _____ **Referring Agency:** _____

Referring Advocate: _____

Referring Advocate Email: _____

Applicant name: _____ **Phone:** _____

Address: _____

Please list all sources of income for everyone in your household. Income sources include: wages/salary (before tax), Unemployment, TANF, SSI, Social Security, Pension, Veterans' Benefits, Child Support, Rental Income, etc.

Name/Relationship	Income Source	Monthly Gross Income
You:		

Name of Opposing Party: _____

Attorney for Opposing Party: _____

Judge: _____ **Case Number:**_____

1. **Briefly describe the issue (court ruling) applicant wants to appeal (ex: denial of OP):**

_____

_____

_____

2. **Date of order to be appealed:** _____

3. What was the judge's explanation for the ruling? Explain why you think the judge was wrong.

4. What evidence was presented to the Court regarding that issue?

5. Did the client/lawyer try to present evidence that the judge refused to hear? If so, what?

6. Did the client/ lawyer state on the record their objection to the judge's ruling, or her concern about the particular issue? Has the court been made aware - in writing or any other way - of the client's objection to this ruling?

Please attach Petition, affidavit, order(s) and any other case pleadings.
(Forward ASAP to: OPAppeals@lafchicago.org or 312-612-1492)

Referral Form

I, _____ _, _____ authorize _____
(Name) (Date of Birth) (Referring Agency)

to disclose my legal information to the Legal Assistance Foundation (LAF) for the purpose of referral for possible legal representation in an appeal of an Order of Protection case. During the course of the referral, LAF may share information about my case with attorneys from the Domestic Violence Legal Clinic, or Dentons in order to make a decision about accepting my case.

I understand that attorneys from these organizations may remain in communication with the Referring Agency in order to evaluate my case and make a decision about accepting my case.

I understand that I am not guaranteed representation in an appeal of my case.

I understand that the attorneys from these organizations will not take any action on my case without my permission and that they will communicate their decision about taking my case as soon as possible.

I understand that allowing the release of the information identified above is my choice, and that I do not have to sign this form.

_____ _____
Signature of client Date

Frequently Asked Questions About Appeals

Am I guaranteed a lawyer?
No. Our limited resources mean that we cannot help everyone who might want to appeal their case.

How do you decide which cases to take?
If you ask us to represent you in an appeal, we will gather more information about your case.
We will try to get information about what happened in court so we can decide:
1) if we think that the judge made a legal mistake and
2) if we can use what was said in court ("the record") to prove that the judge made a mistake.

Are there any deadlines I need to know about?
Yes. To appeal your case, a notice of appeal must be filed within 30 days after the judge's decision, so it is important that you contact us as soon as possible.

Will my abuser know that I have appealed the case?
Yes. The abuser will receive notice that you have appealed the case. You should consider how this might affect your safety. We can connect you with an advocate to talk about the decision and we will not file the appeal without your permission.

Will the judge know that I have appealed the case?
Yes. The judge will receive notice that you have filed an appeal.

Do I have to go to court again?
It depends. For most appeals, you should not have to go to court again if you do not want to. In some cases, the appeals court may order a new trial. If that happens, you would need to go back to court.

Does it cost anything to appeal my case?
No.

What happens if I win my appeal?
The appeals court may make a decision that "reverses" the trial court. That could mean that the appeals court orders the relief or remedy that you are asking for. It may mean that there has to be a new hearing where the trial judge is supposed to do something differently (a "remand").
If we represent you, we will help you understand the appeals court decision.

What happens if I lose my appeal?
If you lose your case, then the trial judge's original decision remains in place.

Court Case
Case already filed?
Case #
Courthouse/Room:
Next court date:
Reason for next court date:
Does Respondent have an attorney?

Client
Address Confidential?
Who lives w/client?
How long has client lived in IL?

Respondent
How long has Respondent resided in IL:
Respondent employment info (current employer address, amount earned, type of employment, work schedule, how long has Respondent worked there):
Other sources of income/amount:
Drug/alcohol use by Respondent:
Criminal history of Respondent:

Children
Names and dates of birth of children:
How long have children been in IL?
Children living w/cl?

Primary caretaker:
Who should children live with?
What does cl want for visits?
Children in danger of abuse or neglect w/Respondent?

DCFS involvement?
If current investigation pending, who is the DCFS investigator and telephone number? (Have client sign a release of information)
Explain who was investigated, why, and DCFS conclusion for each investigation (indicated, unfounded, family plan, etc):
Abuse against children:
Has Respondent threatened to take/conceal children?
When was the threat made and what was the threat?
What does the client believe Respondent will do?

Child support being paid?
Children have disabilities or any other special circumstances:
Even if it's a lie, what is the worst thing your spouse would say about you?

If not separated, plan for children after separation?

Residence
Address:
Single family or multi-unit?
Own or rent?
Who pays rent/mortgage?
Amount/month?
Name on lease/mortgage?
Can client afford the rent or mortgage if respondent is ordered to leave the residence?

Order of Protection
Does client currently have an Order of Protection?
Case No.
When and where filed:
Type of Order:
O.P. expiration date:
Upcoming hearing date:
Who is listed as protected party?
If it is a POP, what are the terms?
Events that led to the order of protection:
Does client have exclusive possession?
If no, does client want it?
Why balance of hardships favors clients?
Personal property or animals to be protected?
Does abuser have a firearm?
Identifying information for OP (height, weight, hair color, eye color):

Is client afraid of abuser right now? Why or why not?

Previous OPs
Did client obtain previous OP against abuser that is no longer in effect?
If yes, how many previous OP's total?
Type of orders (civil, criminal, eop or pop):
Case Nos. and expiration dates:
Events that led to previous OPs:

OPs against Client
Has abuser ever obtained an OP against client?
Type of order (civil, criminal, eop or pop):
Case Nos. and expiration dates:
Events that led to previous OPs:

Physical Abuse
Has there ever been physical abuse in the relationship?
How frequent?
Most recent incident:
Next most recent incident:

Most serious incident:
Have they ever forced you to do anything sexual you didn't want to do?
Did client sustain any injuries/seek medical help?

Other Abusive Behavior
Emotional or verbal abuse?
Stalking or controlling behavior?
Threats of harm to client or children?

Police Intervention/Criminal History/Substance Abuse
Has client ever called the police on abuser?
List dates for each time, what prompted client to call, and what happened after the police arrived (was anyone arrested, was a police report made, etc.):
Has abuser ever called police on client?
List dates for each time, what prompted client to call, and what happened after the police arrived (was anyone arrested, was a police report made, etc.):

Has abuser ever been arrested for anything? Dates of arrest, charge, outcome:

Has client ever been arrested for anything? Dates of arrest, charge, outcome:

Other information:

Client: Ms. Jane Doe

Case No._____

Matter: Petitioner's Petition for Plenary Order of Protection

Date: September 6, 2017

Opening

Judge, we're here today on a Petition for an Order of Protection. Ms. Doe obtained an Emergency Order of Protection from this Court on August 22, 2017. Mr. Doe was served by the sheriff on August 29, 2017 at 3:30pm.

At this time, we are ready to proceed with the hearing.

Direct:

Direct of Ms. Doe:

Please state your name for the court

Are you the petitioner in this action?

What is your relationship to Respondent?

When did you marry?

How long have you lived together?

Do you have any children together?

Do you have any other children?

Name and age?

Transition

Ms. Doe, you filed for this Order of Protection, correct?

Can you tell us the incident that led you to decide to file this order of protection?

When did this occur?

Incident on August 21, 2017-physical violence/threats/harassment

Where were you? [in my apartment]

What, if anything, happened on August 21, 2017? [he pushed her]

What was your physical condition at that time? [just had surgery- *did you still have stitches?*]

Did he know that you had just had surgery?

Was there anyone there that saw this happen to you?

Did he do anything else after he pushed you?

At the time that he pushed you, did he say anything to you?

What did you do? [called the police]

What happened when the police came? [they arrested him]

What did you do after that happened? [filed for OP on 8/22]

Transition- is this the only time that he has physically hurt you? [no]

Incident on July 5-July 10, 2017- threats/names and abandonment

Prior to the time you filed your petition, were there any other times that he jeopardized your health? [surgery on July 5 and I was homebound-wouldn't give me money, I couldn't get out of the house]

Did you ever confront him about this? [yes, on July 10]

What happened?

What did he say?

Where were you?

What, if anything, happened on July 10, 2017?

What did he say to you?

Transition- Has he done anything else to jeopardize your health? [yes- found out in December 2016 that he had HIV]

December 2016

How did you find out that he had HIV?

Did he find out at the same time that he had HIV?

After you found out that he was HIV+, did you have sexual relations with him?

How many times?

Did you want to have sex with him?

Have there been other times since December 2016 that you have had sex with Mr. Doe? [yes]

How did you feel about having sex with him? [I wanted to have sex with him if he used a condom]

After you learned of his HIV status, did he promise to use a condom?

And did he, in fact, use a condom? [no]

How did you realize that he hadn't used a condom?

At some point in time, did you refuse to have sex with him?

How did he respond to that [said I was worthless, called me names]

Did he ever force you to have sex after December 2016?

Transition- Were there any other times that Mr. Doe caused you physical pain or harm? [yes, June 2017]

Incident on June 13, 2017- fight/bruises on arm

When did he cause you physical pain or harm?

Where were you on that day?

What, if anything, happened on that day? [they got into a fight, he grabbed her arms forcefully, dug his nails into her arm]

Did his actions leave any marks on your body?

What did he do?

How did you feel?

What did you do?

Did you report this incident to the police? [only after my doctor saw it and said that she was going to call the police if I didn't]

What happened next?

Final questions:

Are you asking this court to grant you a Plenary Order of Protection for 2 years?

Why?

DIRECT EXAMINATION OF CLIENT'S NIECE

What is your name?

How old are you?

How are you related to the Petitioner in this action [she's my aunt]

Where do you currently live?

Is that the same place as your aunt?

How long have you lived with her?

Have you ever witnessed any physical violence against your aunt by Mr. Doe?

When?

Tell me about that time (those times).

Have you ever witnessed Mr. Doe threatening your aunt?

When?

Where were you when you heard him threaten your aunt?

What did he say?

Have you ever witnessed Mr. Doe harassing your aunt?

When?

Where were you when you heard him harass your aunt?

What did he say?

CLOSING STATEMENT

Under the Illinois Domestic Violence Act, 750 ILCS 60/103, physical abuse includes sexual abuse and means: knowing or reckless use of physical force or conduct which creates an immediate risk of physical harm. Mr. Doe's actions have done both. As Ms. Doe testified, Mr. Doe pushed her after surgery, leading her to seek an Emergency Order of Protection on August 22, 2017. Additionally, he risked her health by conducting himself in a way that essentially abandoned her after her surgery on July 5 until July 10. Finally he created an immediate risk of harm by having unprotected sex with her after learning of his HIV status and misleading her to believe that he was using a condom. For all of these reasons, we respectfully request that this court grant our petition for a 2-year Plenary Order of Protection.

Default Questions for Plenary Order of Protection

1. Could you please state your name for the record?

2. Are you the petitioner in this action?

3. Do you recall coming to court on _____(date) and filing a petition for order of protection and an accompanying affidavit?

4. At the time you filed the petition and affidavit was everything true and correct?

5. Is everything in the petition and affidavit still true and correct today?

6. Has there been any material change in your circumstances since you obtained an emergency order of protection?

7. Do you still feel you need an Order of Protection?

8. Have you had any contact with the Respondent since you obtained the EOP?

If Yes:

When?

What kind of contact?

What happened?

If the judge asks for "grounds" or the basis of the OP:

9. On or about _____, the Respondent _____(overview of incident from affidavit)?

10. Prior to that incident, the Respondent abused you by _____

(overview of abuse)?

Thank you Your Honor, nothing further

FOUNDATIONS AND OBJECTIONS*

Thomas A. Mauet

EXHIBITS

GETTING THE EXHIBIT IN EVIDENCE

1. Have the exhibit marked.
2. Show the exhibit to opposing counsel.
3. Ask the court's permission to approach the witness.
4. Show the exhibit to the witness.
5. Lay the foundation for the exhibit. (See specific foundation steps below.)
6. Move for admission of the exhibit into evidence.
7. Obtain permission to publish (show or read) the exhibit to the jury.
8. Publish the exhibit.

BUSINESS RECORDS (FRE 803(6))

(Includes, e.g., sales slips, hospital records, and computer printouts.)

1. Witness is the "custodian or other qualified witness."
2. Record is a "memorandum, report, record, or data compilation in any form."
3. Record was "made by a person with knowledge" of the facts or was "made from information transmitted by a person with knowledge" of the facts.
4. Record was "made at or near the time" of the "acts, events, conditions, opinions, or diagnoses" appearing on it.
5. Record was made as part of "the regular practice of that business activity."
6. Record was "kept in the course of a regularly conducted business activity."

Business records can also be admitted using a certification that complies with FRE 902(11) or (12).

CHECKS AS PROOF OF PAYMENT

1. Call the drawer of the check to testify that he personally gave the check to the payee or his agent, or
2. Call the payee or his agent as an adverse witness to prove his receipt, endorsement, and cashing of the check, or
3. Call a representative of the payee's bank to qualify a micro film of the canceled check as a business record and show that the check was deposited to the payee's account, or
4. Call a handwriting expert to testify that the endorsement on the back of the check is in the payee's handwriting.

Most common approach involves calling the drawer of the check as the only or primary witness.

Elements (drawer of check):

1. Witness made payment by check.
2. Witness prepared the check and signed it.
3. Witness gave the check to the payee.
4. Witness received canceled check from his bank some time later.
5. Canceled check had payee's endorsement on the back.
6. Witness recognizes handwriting of endorsement as payee's.
7. Canceled check is in the same condition now except for the endorsement and markings on the back of the check.

SIGNED DOCUMENTS

When document signed by party against whom being offered in evidence, qualify the document for admissions as follows:

1. Call a witness who saw the party place his signature on the document, or
2. Call a witness who is familiar with the party's signature and can identify it, or
3. Call the signing party as an adverse witness to admit the signature as being his, or
4. Call a handwriting expert who can state the signature is by the person it purports to be.

Elements:

1. Document bears a signature (or is handwritten).
2. Signature (or handwriting) is that of the party or his agent.
3. Document is in the same condition now as when it was executed.

LETTERS

Letter sent to your client by another party:

1. Witness received the letter.
2. Signature is other party's.
3. Letter is in the same condition today as when first received.

Letter sent by your client to another party:

1. Witness wrote/dictated the letter, addressed to a party.
2. Witness saw the typed original and copy (carbon or photocopy) of the letter.
3. Witness signed the original letter.
4. Original letter was placed in a properly addressed and postmarked envelope, bearing a proper return address.
5. Envelope was deposited in a U.S. mail depository.
6. Carbon or photocopy of original is a true and accurate copy of original.
7. Original letter and envelope were never returned to sender.

COPIES

Elements when FRE 1002 is applicable:

1. Executed original once existed.
2. Copy of the original was made.
3. Copy was a true and accurate copy.
4. Original was unintentionally lost or destroyed.
5. A thorough search for the original in every possible location failed to produce it.

PHOTOGRAPHS AND MOTION PICTURES

1. Witness is familiar with the scene portrayed in the photograph.
2. Witness is familiar with the scene at the relevant date (and time, if important).
3. Photograph "fairly and accurately" shows the scene as it appeared on the relevant date.
4. For movies: above elements plus mechanical procedures for "sound and video recordings" (below).

SOUND AND VIDEO RECORDINGS

1. Recording machine was tested before being used and was in normal operating condition.
2. Recording machine which was used can accurately record and reproduce sounds/images.
3. Operator was experienced and qualified to operate the recording machine which was used.
4. Witness heard/saw what was being recorded.
5. After the recording was made, the operator replayed the tape and the tape had accurately recorded the sounds/images.
6. Tape was then labeled and sealed, placed in a secure storage vault to guard against tampering, and later removed for trial, still in a sealed condition.
7. Recording machine in court is in normal operating condition and can accurately reproduce the sounds/images on the tape.
8. Witness recognizes and can identify the heard voices on the tape, locations and persons seen on the tape.

DIAGRAMS AND MODELS

1. Witness is familiar with the scene represen by the diagram or model.
2. Witness is familiar with the scene at the relevant date (and time, if important).
3. Diagram or model is useful in helping the wit explain his testimony to the jury (or you argue it aids the jury in understanding the witness's testimony).
4. Diagram or model is reasonably accurate.

DRAWINGS BY WITNESSES

1. Witness is familiar with the scene at the relevant date.
2. Drawing is useful in helping the witness explain his testimony to the jury.
3. Drawing is reasonably accurate and not mislea

DEMONSTRATIONS OR DISPLAYS BY WITNESSES

1. Probative value of the demonstration excee any prejudicial effect.
2. Witness displays body part or demonstrate physical act to the jury.

SUMMARY CHARTS

1. Witness prepared the chart from court evid (or from voluminous records governed by FRE 1006).
2. Each fact on the chart must be related to exhibit or witness (or unadmitted documen under FRE 1006) establishing that fact.
3. Witness demonstrates evidentiary sources of facts and any resulting mathematical computations performed.

UNIQUELY IDENTIFIABLE TANGIBLE OBJEC

1. Exhibit can be identified visually or through other senses.
2. Witness recognizes the exhibit.
3. Witness knows what the exhibit looked like the relevant date.
4. Exhibit is in the same condition or substan the same condition now as when the witne first saw it on the relevant date.

NON-UNIQUELY IDENTIFIABLE TANGIBLE OBJECTS — CHAIN OF CUSTODY REQUIRE

1. Show that the exhibit has been in one or m persons' continuous, exclusive, and secure possession at all times.
2. Show that the exhibit was in a uniquely ma sealed, tamperproof container at all times.

X-RAY FILMS

(The following elements must be establish if the X-rays cannot be qualified as busine records, usually through the treating physici

1. Witness is familiar with X-ray procedures.
2. Witness ordered X-rays of a certain person.
3. Hospital has an established procedure whi is followed every time an X-ray is ordered a taken.
4. X-rays were taken and developed under the witness' supervision.
5. X-ray technician was qualified to take and develop X-rays.
6. X-ray machine was in good working order.
7. Witness saw the X-rays a short time later, properly developed.
8. Witness can identify X-rays as being the fil he ordered to be made of the person treate
9. X-ray accurately shows the body parts it purports to show.

CERTIFIED RECORDS

Certified copies of the public records are self-authenticating. FRE 902

TESTIMONY

REFRESHING RECOLLECTION
(FRE 612)

1. Witness knows the facts, but haWitness knows his report or other writing will refresh his memory.
2. Witness knows the facts, but has a memory lapse on the stand.
3. Witness is given and reads the pertinent part of his report or other writing.
4. Witness states his memory has now been refreshed.
5. Witness now testifies what he knows, without further aid of the report or other writing.

PAST RECOLLECTION RECORDED
(FRE 803(5))

1. Witness has no full or accurate present recollection of the facts.
2. Witness had firsthand knowledge of facts when they occurred.
3. Witness made a record of the events at or near the time the facts occurred.
4. Record was accurate and complete when made.
5. Record is in the same condition now as when made.
6. Record, or pertinent parts, are read and not shown to the jury unless offered by opponent.

CONVERSATIONS

1. Statements are not hearsay (FRE 801) or fall within a hearsay exception (FRE 803 & 804).
1. within a hearsay exception (FRE 803 & 804).
2. Witness either participated in or witnessed the conversation.
3. When the conversation occurred.
4. Where the conversation occurred.
5. Who was present during the conversation.
6. Who said what to whom.

TELEPHONE CONVERSATIONS
(FRE 901(b)(5), (6))

A. Witness knows other person:
1. When the conversation occurred.
2. Where the conversation occurred (where witness was).
3. Witness recognized the other voice.
4. How witness knows the other voice.
5. Who the other voice was.
6. What other persons participated.
7. Who said what to whom.

B. Witness does not know other person, but later learns through subsequent conversations:
1. When the conversation occurred.
2. Where the conversation occurred (where witness was).
3. Witness did not recognize the other voice at the time.
4. At later date, witness talked to the other voice personally.
5. Witness now recognizes other voice during the call.
6. Who other voice was.
7. What other persons participated.
8. Who said what to whom.

C. Witness does not know the person, but later learns through some transaction:
1. When the conversation occurred.
2. Where the conversation occurred.
3. Witness did not recognize the other voice at that time.
4. Witness was engaged in a prior or subsequent transaction which identified the voice for him. (In some jurisdictions the subsequent act that identifies the voice must have occurred prior to the beginning of litigation.)
5. Witness now knows the other voice.
6. What other persons participated.
7. Who said what to whom.

D. Witness does not know the person, but had dialed a business telephone number listed in the telephone directory:
1. When the conversation occurred.
2. Where the conversation occurred.
3. Witness obtained business number from the current telephone directory.
4. Witness dialed the number listed in the directory.
5. Voice on the other hand acknowledged it was the business entity.
6. What other persons participated.
7. Who said what to whom.

PRIOR INCONSISTENT STATEMENT
(FRE 613)

(E.g., prior testimony, written statements, oral statements, pleadings, omissions)

1. Recommit the witness to the fact he asserted on direct, the one you plan to impeach.
2. Direct the witness to the date, time, place, and circumstances of the prior inconsistent statement, whether oral or written.
3. Establish that the prior inconsistent statement was made at a time and under circumstances that ensure its reliability (only if you want the jury to accept it as true).
4. Read the prior inconsistent statement to the witness and ask him to admit making it.
5. If the witness does anything other than unequivocally admit making the statement, you must, at your next opportunity, prove that he did make the statement (if the statement is "important" under FRE 403).

COMMON OBJECTIONS

A. Objections During Jury Selection:
1. Mentioning insurance.
2. Arguing law.
3. Arguing facts.

B. Objections During Opening Statements:
1. Arguing the law or instructions.
2. Argumentative.
3. Mentioning inadmissible evidence.
4. Mentioning unprovable evidence.
5. Giving personal opinions.

C. Objections To Questions:
1. Calls for irrelevant answer (FRE 401 et s
2. Calls for immaterial answer.
3. Violates the original documents rule (FR 1001 et seq.).
4. Calls for a privileged communication (FRE
5. Calls for a conclusion (FRE 701).
6. Calls for an opinion (by an incompetent witness) (FRE 701 et seq.).
7. Calls for a narrative answer (FRE 611).
8. Calls for a hearsay answer (FRE 801 et s
9. Leading (FRE 611).
10. Repetitive (asked and answered) (FRE 6
11. Beyond the scope (of the direct, cross, c redirect) (FRE 611).
12. Assumes facts not in evidence.
13. Confusing/misleading ambiguous/vagu unintelligible.
14. Speculative.
15. Compound question.
16. Argumentative.
17. Improper characterization.
18. Misstates evidence/misquotes the witn
19. Cumulative (FRE 611).
20. Improper impeachment (FRE 613).

D. Objections To Answers:
1. Irrelevant.
2. Immaterial.
3. Privileged.
4. Conclusion.
5. Opinion.
6. Hearsay.
7. Narrative.
8. Improper characterization.
9. Violates parol evidence rule.
10. Unresponsive/volunteered.

E. Objections To Exhibits
1. Irrelevant.
2. Immaterial.
3. No foundation.
4. No authentication (FRE 901 et seq.).
5. Contains hearsay.
6. Prejudice outweighs its probative value.
7. Contains inadmissible matter (mentions insurance, prior convictions, etc.).

F. Objections During Closing Arguments:
1. Misstating evidence.
2. Misstating law and misquoting instructi
3. Using impermissible per diem damages argument.
4. Giving personal opinions.
5. Appealing to jury's bias, prejudice, and pecuniary interest.
6. Personal attacks on parties and counsel.
7. Prejudicial arguments.

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This outline is drawn from, and fuller explanations may be found in, **Trials: Strategy, Skills & The New Powers of Persuasion, 2nd Ed.** (Aspen Publishers, 2009) available from The Professional Education Group at www.procdgroup.com or 800.229.2531

BOOKS

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(includes 124-page manual)

Objections to questions

a. irrelevant
b. immaterial
c. calls for privileged communication
d. calls for a legal conclusion
e. calls for an opinion (by an incompetent witness)
f. calls for a narrative answer
g. hearsay
h. leading
i. repetitive (asked and answered)
j. beyond the scope (of the direct, cross or redirect)
k. assumes facts not in evidence
l. confusing/misleading/ambiguous/vague/unintelligible
m. speculative
n. compound question
o. argumentative
p. improper characterization of the testimony
q. misstates evidence/misquotes witness
r. cumulative

Objections to answers

a. irrelevant
b. immaterial
c. privileged
d. conclusion
e. opinion
f. hearsay
g. narrative
h. improper characterization
i. violates parole evidence rule
j. unresponsive/volunteered

Objections to exhibits

a. irrelevant
b. immaterial
c. no foundation
d. no authentication
e. violates best evidence rule
f. contains hearsay/double hearsay
g. prejudice outweighs its probative value
h. contains inadmissible matter (mentions insurance, prior convictions, etc.)

LAF Equal justice starts here.

September 7, 2017

Chase Investment Services Corp.
7610 W. Washington St. Fl. 1
Indianapolis, IN 46231
Via fax and certified mail
Fax: 317-757-7421

Re: Doe v. Doe, 17 OP 123456 D

Dear Sir or Madam:

I represent the Petitioner in the above-cited case. Attached please find a subpoena for information.

The Social Security number of the Respondent, Mr. John Doe is 123-45-6789. I am requesting all documents related to a transfer of assets on or about May 1, 2016 to a JP Morgan Chace Bank, N.A. retirement account number 1234567890.

I am a volunteer attorney with a legal services that provides civil legal representation to very low income individuals. Due to my client's very limited income, I am kindly asking that you waive all fees associated with the production of the requested documents. However, if that is not a possibility, please send me an invoice for the reasonable fees associated with this request and I will remit payment promptly.

Please feel free to fax or email me the results of the subpoena request. My direct fax number is 312-111-1111 and my email address is swpont@gmail.com

Should you have any questions or concerns, please do not hesitate to contact me directly.

Sincerely,

Sheila Pont
Volunteer Attorney

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Jane Doe
Plaintiff/Petitioner

v.

John Doe
Defendant/Respondent

No. __OP_____

SUBPOENA IN A CIVIL MATTER
(For Testimony and/or Documents)

To: _____

☐ 1. YOU ARE COMMANDED to appear to give your testimony before the Honorable _____
in Room _____, _____, Illinois on _____, _____,
at _____ m.

☐ 2. YOU ARE COMMANDED to appear and give your deposition testimony before a Notary Public at: _____
in Room _____, _____, Illinois on _____, _____,
at _____ m.

☑ 3. YOU ARE COMMANDED to mail the following documents in your possession or control to _____
at _____, on or before _____, _____,
at _____ m.
(THIS IS FOR RECORDS ONLY. THERE WILL BE NO ORAL INTERROGATORIES.):

☐ Description continued on attached page(s).

YOUR FAILURE TO RESPOND TO THIS SUBPOENA WILL SUBJECT YOU TO PUNISHMENT FOR CONTEMPT OF THIS COURT.

Notice to Deponent:

☐ 1. The deponent is a public or private corporation, partnership, association, or governmental agency. The matter(s) on which examination is requested are as follows: _____

☐ Description continued on attached page(s).
(A nonparty organization has a duty to designate one or more officers, directors, or managing agents, or other persons to testify on its behalf, and may set forth, for each person designated, the matters on which that person will testify. Ill. Sup. Ct. Rule 206.)

☐ 2. The deponent's testimony will be recorded by use of an audio-visual recording device, operated by _____.
(Name of Recording Device Operator)

3. No discovery deposition of any party or witnesses shall exceed three hours regardless of the number of parties involved in the case, except by stipulation of the parties or by order upon showing that good cause warrants a lengthier examination. Ill. Sup. Ct. Rule 206(d).

Atty . No. Pro Se *Pro Se* 99500

Name: Jane Doe

Atty. for: Petitioner (Pro Se)

Address: _____

City/State/Zip: _____

Telephone: _____

Issued by: _____
Signature

☐ Attorney

☐ Clerk of Court

Date: _____, _____.

☑ I served this subpoena by mailing a copy, as required by Ill. Sup. Ct. Rules 11, 12 and 204(a)(2), to _____
by certified mail, return receipt requested (Receipt # _____) on _____, _____.
I paid the witness $ _____ for witness and mileage fees.

☐ I served this subpoena by handing a copy to _____ on _____, _____.
I paid the witness $ _____ for witness and mileage fees.

_____ _____
(Signature of Server) (Print Name)

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, DOMESTIC VIOLENCE DIVISION

Jane Doe,	)	
Petitioner	)	
	)	No._____
and	)	Cal:___
John Doe,	)	
Respondent.	)	

NOTICE OF INTENT TO OFFER CERTIFIED RECORDS

To: Jim Doe
456 S. Main Street,
Chicago, Illinois 60601

NOTICE IS HEREBY GIVEN, pursuant to Illinois Rule of Evidence 902(11), that Petitioner, Jane Doe intends to offer into evidence certified records from Saint Anthony Hospital, date of service March 24, 2017. These records shall be made available to Respondent for inspection on any business day between 8:30am and 5:00pm at 120 S. LaSalle St., Ste. 900, Chicago IL 60603.

CERTIFICATE OF SERVICE

I, Benna Crawford, certify that I served this notice of Intent to Offer Certified Records to the above-named person via FedEx Priority Overnight before the close of business on September 6, 2017.

_____
Attorney for Petitioner

Benna Crawford/LAF
120 S. LaSalle Street, Suite 900
Chicago, Illinois 60603
312-347-8311
Atty. No. 91017

SAINT ANTHONY

Delegation of Certification

The undersigned hereby delegates his authority to execute the attached certification of hospital records to that person occupying the position of Saint Anthony Hospital Custodian of Records.

Saint Anthony Hospital by:

Guy A. Medaglia,
President and Chief Executive Officer

I hereby accept the above delegation of authority.

Lawrence Willis,
Director of Health Information Management

I certify that the said records are true and complete for:

[redacted] Date of Birth [redacted]

Lawrence Willis,
Director of Health Information Management

Date 7/23/15

Photographs

Mark the Exhibit

- I am marking this as Exhibit #1

Show it to the Respondent's Lawyer (or the Respondent if no lawyer)

- I am showing this to the Respondent (or the respondent's lawyer)

Tell the judge:

- Exhibit #1 is a photograph of _____ (state what it is) (i.e. "my face").
- It was taken on X date (state the date it was taken)
- It shows _____ (i.e. "the bruise that I got when the respondent hit me").
- It was taken (state how long after the incident) (i.e. "about 2 days after the incident")

Move the Photograph into Evidence

- Your Honor I move Exhibit #1 into evidence

Use the Evidence

- Show the picture to the judge.

Police Reports

Police Reports are admissible in Illinois under an exception to the Hearsay Rule if the police officer made the report about something that he or she actually observed and made the report as part of his or her job. See Illinois Rule of Evidence 803(8).

In order to authenticate the record, however, the witness would either need the police officer present in court to testify that the record was created by the officer, or the witness would need to subpoena the record and obtain a certification similar to one done for the Medical Records exception. See IRE 902(11) regarding certification, as outlined in the Medical Records section.

Many judges relax the rules of evidence for *pro se* litigants. Therefore, as long as the police report details something that the officer observed (as opposed to something that a witness told the officer) then advise the witness to try to introduce it into evidence.

Mark the Exhibit

I am marking this as Exhibit #2

Show it to the Respondent's Lawyer (or the Respondent if no lawyer)

I am showing Exhibit #2 to the Respondent (or the respondent's lawyer)

State what it is

- This is a police report that I obtained from the _____Police Department;
- The reported is dated (X date);
- It contains a report of what the police officer actually observed on that date.

Move the report into evidence

Your honor, I move to admit Exhibit #2 into evidence. Can I read the part of the report that states what the officer observed?

RESPONDING TO AN OBJECTION THAT A POLICE REPORT IS NOT ADMISSIBLE

Your Honor, this police report is admissible under the Rules of Evidence (Rule 803(8)) as an exception to the hearsay rule because:

- It is a report of a public office – the City of _____Police Department;
- It concerns a matter observed by an officer who has a duty to make this type of report; and
- And this is not a criminal case, where such a report would be barred.

Medical Records
(IRE 902(11) Certification)

Mark the Exhibit

- I am marking this as Exhibit #3 for identification

Show it to the Respondent's Lawyer (or the Respondent if no lawyer)

I am showing this to the Respondent (or the respondent's lawyer)

State what it is

Your honor. Exhibit #3 is a medical record with a certification by the medical records custodian of _____ Hospital:

Move to admit the exhibit into evidence

I move to admit Exhibit #3 into evidence.

If the records are certified then they are considered authentic.

What is a certification?

Attached to the record is a signed statement of the Hospital Medical Records Custodian that the record was (1) made at or near the time of the medical services by a person with knowledge (i.e. a doctor or nurse), (2) that the hospital keeps records like these in the regular course of business, and (3) that the record was made as part of the hospital's regular practice.

Notice of Intent:

Under IRE 902(11), the party seeking to introduce a certified document must provide written notice of that intention to all adverse parties, and must make the record available for inspection before they offer it into evidence. (See Attached Notice). But again, many judges relax the rules of evidence for *pro se* litigants. Therefore, as long as the medical records detail something that the medical provider observed (i.e. bruises on the right eye) then advise the witness to try to introduce it into evidence.

Text messages

*Ideally, the witness should print out a screen shot of the text message so that it can be introduced into evidence, and should also have the original saved on her phone.

Background testimony:

The Respondent has a cell phone.
His cell phone number is _____ (state the number)
I have a cell phone.
My number is _____ (state the number)
On X date, I received a text message from the Respondent.

I know the text message is from him because (state any other reason why you know the message is from the Respondent)

Mark the Exhibit

- I am marking this as Exhibit #4

Show it to the Respondent's Lawyer (or the Respondent if no lawyer)

- I am showing this to the Respondent (or the respondent's lawyer)
- This is a print-out of the text message that Respondent sent to me. I printed it out.

Move to admit the exhibit into evidence

- I move to admit Exhibit #4 into evidence.
- The message says, "(read the message)"

Facebook Page

*Ideally, the witness should print out a copy of the Facebook page so that it can be introduced into evidence.

Background testimony:

- Respondent has a Facebook page.
- I know it's his Facebook page because (state the reasons why – "it has his picture on it" OR "I saw the page when we were together" OR "I know that this is the name he uses on Facebook").

Mark the Exhibit

- I am marking this as Exhibit #5 for identification

Show it to the Respondent's Lawyer (or the Respondent if no lawyer)

- I am showing this to the Respondent (or the respondent's lawyer)
- This is a printout of my Facebook page with the message from Respondent.
- I printed it out on my home computer printer.
- I printed it out on X date
- It shows ("his picture" or "his name" or "his user name" or "his Facebook ID")

Move to admit the exhibit into evidence

- I move to admit Exhibit #5 into evidence.
- The message says (read the message from the Facebook posting)

Telephone Calls (or Voicemail Messages)

- On X date and time, I was _____ (i.e. at home)
- I received a phone call from Respondent.
- I know it was Respondent on the phone because (state why) (i.e. "I recognized his voice" or "he told me who he was").
- We have spoken on the phone in the past X number of times.
- Nobody else was on the phone other than the two of us (or identify all of the people that were on the call)
- During the conversation, he said . . . . (state what the Respondent said to you and what you said to him).

OBJECTION TIP

1. If you get an objection on **foundation** say:
   I have established the time and place of the conversation and that I recognized the voice based on prior experience.

2. If you get a **hearsay objection** and the person on the other end of the phone is the respondent in a DV case say:
   It is not hearsay because it is a statement made by the other party to this case.

***For any statement made by the respondent** – the Petitioner just needs to establish the date, time, where the conversation took place, who was present and what was said.

4217 - Continuance - Allowed
4250 - Order, Plaintiff, Defendant or Witness to Appear - Allowed
4253 - Produce Exhibits or Other Records or Documents or Person - Allowed
4284 - Strike or Withdraw Motion or Petition - Allowed
4312 - Finding of Delinquency - Allowed
4324 - Child Support Order Above Statutory Guidelines - Allowed
4325 - Child Support Order Below Statutory Guidelines - Allowed
4386 - Order to Pay Fees - Allowed
4435 - Order on Motion to Provide Medical Insurance - Allowed
4512 - Order Arrearage Set - (amount needed) - Allowed
4567 - Order for Child Support - Allowed
4568 - Order Temporary Maintenance - Allowed
4600 - Order Support Payments Made Direct to Petitioner
4601 - Order Support Payments Made Direct to C.C.C./S.D.U. - Allowed
4604 - Order Support Payments Made Direct to Respondent - Allowed

(Rev. 10/02/15) CCDR N107 A

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, DOMESTIC RELATIONS DIVISION

Jane Doe
Petitioner/☑ Obligee ☐ Obligor

v.

John Doe
Respondent/☐ Obligee ☑ Obligor

Docket No. _____
IV D-No. C _____
Calendar No. _____
☐ Healthcare and Family Services is, or has been, granted leave to intervene.

UNIFORM ORDER FOR SUPPORT

☑ **Initial Order** ☐ **Modification** ☐ **Enforcement**

Definitions: *Obligor* - An individual who owes a duty to make support payments pursuant to an order for support
Obligee - An individual to whom a duty of support is owed or the individual's legal representative
Payor - Any payor of income to an obligor
Unallocated Support - A total amount for maintenance and child support and not a specific amount for either

THIS MATTER coming to be heard on Petition for ☐ Rule and/or ☐ Modification ☐ Support ☐ Judgment
The Court Finds:

The Court has jurisdiction of the parties and the subject matter and that due notice was given by _____ on _____.

☑ a. The net income of the Obligor is $_____ per _____.

☐ b. The amount of arrearage/judgment as of the date of this order is $_____ for child support and $_____ for maintenance or unallocated support as follows: $_____ to Obligee, $_____ to Healthcare and Family Services and/or $_____ to the Petitioning State of _____.

☐ c. The amount of child support cannot be expressed exclusively as a dollar amount because all or a portion of the Obligor's net income is uncertain as to source, time of payment or amount.

☐ d. Retroactive child support is $_____ from _____ to _____.

The ☑ Obligee ☐ Obligee's Attorney ☑ Obligor ☐ Obligor's Attorney ☐ Assistant State's Attorney, being present
☐ This matter being an Interstate Case, ☐ Voluntary Acknowledgment of Paternity was signed on _____.
It is Ordered: ☐ After hearing ☐ By agreement of the parties ☐ By default that:

_____, Obligor, is to provide:

☐ **MAINTENANCE** (Do not complete this section if Unallocated Support is ordered.)

Payment Amount:		*Payment Frequency:*
Current Maintenance:	$_____	☐ every week ☐ every other week ☐ monthly
Arrearage Payment:	$_____	☐ twice each month on _____ & _____
Payments Begin: _____ (date)		☐ other _____ (date)

☑ **CHILD SUPPORT OR** ☐ **UNALLOCATED SUPPORT**

Payment Amount:		*Payment Frequency:*
Current Child Support Payment or		☐ every week ☐ every other week ☐ monthly
Unallocated Support Payment:	$_____	☐ twice each month on _____ & _____
Arrearage/Retroactive Payment:	$_____	☐ other _____ (date)
Other Payment	$_____	
Payments Begin: _____ (date)		

Judgment in the amount of $_____ is entered against the Obligor on the arrears.
Interest $_____

☐ **PERCENTAGE AMOUNT OF CHILD SUPPORT** (Complete this section only if finding (c) is checked above.)

In addition to the specific dollar amount of support ordered above, current child support shall be paid in the amount of _____ % of Obligor's _____ payable _____.
The Obligor is further ordered to provide income records sufficient to determine and enforce the percentage amount of child support *within seven (7) days* of receipt of income subject to this percentage assessment, to the ☐ Obligee and ☐ Clerk of the Court.

☐ **ADDITIONAL CONDITIONS OR FINDINGS**

☐ Child Support payment amount deviates from the amount required by statutory minimum guidelines. The amount of support that would have been required under the guidelines is $_____.

Reasons for deviation: _____

_____

_____

_____

☐ Child Support is based on the needs of the child.

The Child/ren covered by this Order is/are:

_____ Date of Birth:_____

_____ Date of Birth:_____

_____ Date of Birth:_____

_____ Date of Birth:_____

_____ Date of Birth:_____

_____ Date of Birth:_____

☑ **PAYMENT ARRANGEMENTS**

CHECK ONLY ONE

☑ *(Payments must be sent to the STATE DISBURSEMENT UNIT if this box is checked.)*

A Notice to Withhold Income shall be issued immediately and shall be served on the employer at the address listed in this Order. Payments shall be made payable to the State Disbursement Unit and sent to the State Disbursement Unit at P. O. Box 5400, Carol Stream, Illinois 60197-5400. Payments must include **CASE NUMBER, COUNTY** of the Court issuing this Order, and Obligor's name and social security number. Any subsequent employer may be served with a Notice to Withhold Income without further order of the Court.

☐ The parties have entered into a written agreement providing for an alternative arrangement for the payment of support that is approved by the Court and attached to this Order, meeting all requirements of, and consistent with, applicable law. An income withholding notice is to be prepared and served only if the Obligor becomes delinquent in paying the order of support. Payments shall be made in accordance with the written agreement of the parties attached hereto. In the event the income withholding notice is served, payments shall be made to the State Disbursement Unit as set forth above.

4386 ☑ In addition to and separate from amounts ordered to be paid as maintenance or child support, the Obligor shall pay a $36 per year Separate Maintenance and Child Support Collection Fee. This sum shall be paid directly to the Clerk of the Circuit Court of Cook County and *not* to the State Disbursement Unit. Please mail payment to: Clerk of the Circuit Court of Cook County, Child Support Division, , Richard J. Daley Center, 50 West Washington Street, Room LL-01, Chicago, Illinois 60602,

Docket No._____ IVD-No. _____

☑ **DELINQUENCY**

If the Obligor becomes delinquent in the payment of support after the entry of this Order for Support, the Obligor must pay, in addition to the current support obligation, the sum of (a) $_____ for delinquent child support per the payment frequency ordered above for child support, and (b) $_____ for delinquent maintenance or unallocated support per the payment frequency ordered above until the delinquency is paid in full. (This additional amount, the total of (a) and (b), shall not be less than 20% of the total of the current support amount and the amount to be paid for payment of any arrearage stated in the Order for Support.) A support obligation, or any portion of a support obligation which becomes due and remains unpaid for thirty (30) days or more, shall accrue interest at the rate of 9% per annum.

☑ **TERMINATION**

This obligation to pay child support terminates on _____ unless modified by written order of the Court or unless the child will not graduate from high school until after attaining the age of eighteen (18), then the termination date shall be the earlier of the child's high school graduation or the date on which the child will attain the age of nineteen (19). This termination date does not apply to any arrearage that may remain unpaid on that date.

☑ **ARREARAGE PAYMENT**

If any arrears or past due support is owed upon termination, the amount being paid immediately preceding termination, including any current support payment, arrearage payment and/or any delinquency, will continue to be collected as an obligation, not as current support, but as a periodic payment toward satisfaction of the unpaid support. All past due support obligations are still subject to any other special collection methods available to Healthcare and Family Services (such as tax refund offsets and bank liens), as provided by law.

☑ **MEDICAL INSURANCE**

The ☑ Obligor, ☐ Obligee, ☐ Obligor *and* Obligee, shall provide health insurance for the child(ren): ☐ as provided in a previous order entered on _____; ☐ enrolling them in any health insurance coverage available through the ☑ Obligor's, ☐ Obligee's, ☐ Obligor's *and* Obligee's, employment or ☐ securing a private health insurance policy, accepted by the Obligor and Obligee or approved by the Court, which names the child(ren) as beneficiary. The Obligor shall provide to the Obligee a copy of the insurance policy and the insurance card within *forty-five (45) days*. The employer or labor union or trade union shall disclose information concerning dependent coverage plans whether or not a court order for medical support has been entered. 750 ILCS 5/505.2

☐ The Obligor is liable for _____% of the medical expenses incurred by the minor child(ren) and not covered by insurance.

4284 ☐ The issue of medical insurance is withdrawn.

It is further ordered that (except when the Court finds that the physical, mental or emotional health of a party or that of a minor child, or both, would be seriously endangered by disclosure of the party's address:)

The Obligor shall give written notice to the Clerk of the Court, and if a party is receiving child and spouse services under Article X of the Illinois Public Aid Code, to Healthcare and Family Services, within *seven (7) days*, of:

- any new residential mailing address or telephone numbers;
- the name, address and telephone number of any new employer, and;
- the policy name and identifying number(s) of health insurance coverage available.

The Obligor shall submit a written report of termination of employment and of new employment, including name and address of the new employer, to the Clerk of the Court and the Obligee *within ten (10) days*. Obligor and Obligee shall advise each other of a change of residence *within five (5) days* except when the Court finds that

Docket No._____ IVD-No. _____

the physical, mental or emotional health of a party or that of a minor child, or both, would be seriously endangered by disclosure of the party's address. An Obligee receiving payments through income withholding shall notify the Clerk of the Court and the State Disbursement Unit *within seven (7) days*, of change in residence. The Obligor and Obligee shall report to the Clerk of the Court any change of information included in the Child Support Data Sheet (Exhibit 1) *within five (5) business days* of such a change.

☐ **UNEMPLOYMENT**

☐ Respondent is unemployed and is ordered to seek employment. The Respondent must report periodically to the court with a diary listing the name, address, telephone number and contact person of each employer with which s/he has sought employment.

☐ Respondent is ordered to report to the Department of Employment Security for job search services or to complete an application with the local Job Training Partnership Act provider for participation in job search, training or work programs.

☐ Respondent is unemployed and is ordered to put forth a diligent effort to obtain employment and to cooperate with all instructions of Healthcare and Family Services (HFS). The Respondent is ordered to report immediately to the Healthcare and Family Services' Non-Custodial Parent Services Unit, 36 South Wabash, Chicago, Illinois for assessment and assignment into the court monitored Job Search program or Earnfare program. Upon finding employment, the Respondent shall notify HFS in writing at 36 South Wabash, Chicago, Illinois 60603, *within seven (7) days*. The Respondent must submit the name and address of the employer, the start date, and the rate of pay to the HFS Non-Custodial Parent Services Unit. The Respondent's failure to comply with the requirements of this order may result in the State's Attorney seeking a contempt of court order. (Earnfare requires a $50.00 minimum support order.)

☐ **GENETIC TEST REIMBURSEMENT**

☐ Obligor shall pay $_____ to Healthcare and Family Services (HFS) for a genetic test reimbursement. Payments must be made in lump sum or installments by personal check or money order payable to Healthcare and Family Services and either mailed to: Healthcare and Family Services, Title IV-D Accounting Unit, P. O. Box 19138, Springfield, Illinois 62705-9138, or conveyed as otherwise directed by the Court. Payment must include IV-D number as shown on this order.

This Order does not preclude Healthcare and Family Services from collecting any arrearage established by or which may accrue under this Order for Support by use of the offset provisions of Section 6402(c) of the Internal Revenue Code of 1954, and 15 ILCS 405/10.05(a) as amended. such arrearage shall be considered as "past due" or "due and payable" within the meaning of said statutory provisions. This order does not preclude the placing of a lien on real and personal assets or initiating a proceeding for garnishment, attachment of sequestration pursuant to law and the Code of Civil Procedure.

This order of support supercedes any and all prior orders of support under this case number.

☐ Other: _____

_____

_____

_____

_____

_____

☐ This cause is continued for _____ to _____, at _____ m.

☐ without further notice ☐ without further notice to Petitioner ☐ without further notice to Respondent

FAILURE TO APPEAR MAY RESULT IN ENTRY OF A DEFAULT JUDGMENT.

Docket No._____ IVD-No. _____

☐ **FOR EXPEDITED CHILD SUPPORT CASES ONLY:**

NOTICE OF RIGHT TO REQUEST A JUDICIAL HEARING: You have a right to request a Judicial Hearing. If either party does not agree to the recommended Order or any part thereof, this case will be transferred for an immediate Judicial Hearing.

The Order may be vacated or amended within thirty (30) days of its entry. This Order is not valid until signed by a judge.

So recommended to this Court by the Hearing Officer this _____ day of _____.

_____
Hearing Officer's Signature

_____ _____
Petitioner/Obligee's Signature Respondent/Obligor's Signature

_____ _____
Petitioner/Obligee's Attorney's Signature Respondent/Obligor's Attorney's Signature

The support obligation herein required under this order, or any portion of the obligation, which become due and remains unpaid for thirty (30) days or more shall accrue simple interest at the rate of 9% per anum.

FAILURE TO OBEY ANY OF THE PROVISIONS OF THIS ORDER MAY RESULT IN A FINDING OF CONTEMPT OF COURT.

_____ _____
Date Judge Judge's No.

Prepared by:

Atty. Code No: Pro Se

Name: Jane Doe

Atty. for: Jane Doe (Pro Se)

Address: _____

City/State/Zip Code: _____

Telephone: _____

Docket No._____ IVD-No. _____

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS 111

Jane Doe
Plaintiff/Petitioner
v.
John Doe
Defendant/Respondent

Case No. _____
County: Cook
Date: _____

CHILD SUPPORT DATA SHEET

OBLIGOR INFORMATION	OBLIGEE INFORMATION
Last Name: Doe First Name: John M.I.	Last Name: Doe First Name: Jane M.I.
Complete *Residential* Address:	Complete *Residential* Address:
Complete Mailing Address *(If other than above)*:	Complete Mailing Address *(If other than above)*:
Date of Birth:	Date of Birth:
Driver's License No. (Last 4 digits):	Driver's License No. (Last 4 digits):
Home Telephone Number: ( )	Home Telephone Number: ( )
Employer(s) Name/Company:	Employer(s) Name/Company: n/a
Employer(s) Address:	Employer(s) Address: n/a
Employer(s) ID Number:	Employer(s) ID Number:
Work Telephone Number: ( )	Work Telephone Number: ( )

CHILD(REN) INFORMATION

	Last	First	Middle Initial	Date of Birth
1.	Doe, Baby1			
2.	Doe, Baby2			
3.	Doe, Baby3			
4.				
5.				

(If more space is needed, attach an additional sheet.)

*If Obligor is not a US citizen, so indicate and provide the Obligor's alien registration number, passport number and home country's social security or national health number.

Docket No._____ IVD-No. _____

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, DOMESTIC RELATIONS DIVISION

Jane Doe
Petitioner

and

John Doe
Respondent

Case No. _____

TO PAYOR/EMPLOYER

Name/Company _____

Address _____

City _____ County _____

State _____ Zip Code _____

Telephone (_____) _____

NOTICE OF INCOME WITHHOLDING FOR SUPPORT

- ❑ ORIGINAL INCOME WITHHOLDING ORDER/NOTICE FOR SUPPORT (IWO)
- ❑ AMENDED IWO
- ❑ ONE TIME ORDERED/NOTICE FOR LUMP SUM PAYMENT
- ❑ TERMINATION OF IWO

Date: _____

❑ Child Support Enforcement (CSE) Agency ❑ Court ❑ Attorney ■ Private Individual/Entity (Check one.)

NOTE: This IWO must be regular on its face. Under certain circumstances you must reject this IWO and return it to the sender (see IWO instructions http://www.acf.hhs.gov/programs/cse/forms/OMB-0970-0154_instructions.pdf). If you receive this document from someone other than a State or Tribal CSE agency or a Court, a copy of the underlying order must be attached.

State/Tribe/Territory _____

City/County/Dist./Tribe _____

Private Individual/Entity Jane Doe

_____
Employer/Income Withholder's Name

_____
Employer/Income Withholder's Address

_____

_____

Employer/Income Withholder's FEIN _____

Remittance Identifier (include w/ payment) _____

Order Identifier _____

CSE Agency Case Identifier _____

Re: Doe, John
Employee/Obligor's Name (Last, First, MI)

_____
Employee/Obligor's Social Security Number

Doe, Jane
Custodial Party/Obligee's Name (Last, First, MI)

Child(ren)'s Name(s) (Last, First, MI)	Child(ren)'s Birth Date(s)
Doe, Baby1	
Doe, Baby2	
Doe, Baby3	

Entry Date of Order for Support _____

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

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ORDER INFORMATION: This document is based on the support or withholding order from Illinois (State/Tribe). You are required by law to deduct these amounts from the employee/obligor's income until further notice.

$ _____ Per _____ current child support
$ _____ Per _____ past-due child support - **Arrears greater than 12 weeks?** ❑ yes ❑ no
$ _____ Per _____ current cash medical support
$ _____ Per _____ past-due cash medical support
$ _____ Per _____ current spousal support
$ _____ Per _____ past-due spousal support
$ _____ Per _____ delinquency, totaling $_____ as of _____,_____.
$ _____ Per _____ other (must specify)_____.

for a Total Amount to Withhold of $_____ per _____.

AMOUNTS TO WITHHOLD: You do not have to vary your pay cycle to be in compliance with the Order Information. If your pay cycle does not match the ordered payment cycle, withhold one of the following amounts:

$ _____ per weekly pay period
$ _____ per biweekly pay period (every two weeks)
$ _____ per semimonthly pay period (twice a month)
$ _____ per monthly pay period

$ _____ **LUMP SUM PAYMENT:** Do not stop any existing IWO unless you receive a termination order.

REMITTANCE INFORMATION: If the employee/obligor's principal place of employment is Illinois (State/Tribe), you must begin withholding no later than the first pay period that occurs 14 days after the date of _____. Send payment within 7 working days of the pay date. If you cannot withhold the full amount of support for any or all orders for this employee/obligor, withhold up to __% of disposable income for all orders. If the employee/obligor's principal place of employment is not Illinois (State/Tribe), obtain withholding limitations, time requirements, and any allowable employer fees at http://www.acf.hhs.gov/programs/cse/newhire/employer/contacts/contact_map.htm for the employee/obligor's principal place of employment.
For electronic payment requirements and centralized payment collection and disbursement facility information (State Disbursement Unit (SDU)), see http://www.acf.hhs.gov/programs/cse/newhire/employer/contacts/contact_map.htm.

Include the **Remittance Identifier with the payment** and if necessary this FIPS code: _____

Remit payment to: State Disbursement Unit
(SDU/Tribal Order Payee)

at P.O. Box 5400, Carol Stream, IL 60197/5400
(SDU/Tribal Payee Address)

❑ **Return to Sender (Completed by Employer/Income Withholder).** Payment must be directed to an SDU in accordance with 42 USC §666(b)(5) and (b)(6) or Tribal Payee (see Payments to SDU below). If payment is not directed to an SDU/Tribal Payee or this IWO is not regular on its face, you must check this box and return the IWO to the sender.

Signature of Judge/Issuing Official (if required by State or Tribal law): **NOT REQUIRED IF CHILD SUPPORT ORDER IS ATTACHED.**

Print name of Judge/Issuing Official: _____

Title of Judge/Issuing Official: _____

Date of Signature: _____

If the employee/obligor works in a State or for a Tribe that is different from the State or Tribe that issued this order, a copy of this IWO must be provided to the employee/obligor.
❑ If checked, the employer/income withholder must provide a copy of this form to the employee/obligor.

ADDITIONAL INFORMATION FOR EMPLOYERS/INCOME WITHHOLDERS

State-specific contact and withholding information can be found on the Federal Employer Services website located at:
http://www.acf.hhs.gov/programs/cse/newhire/employer/contacts/contact_map.htm

Priority: Withholding for support has priority over any other legal process under State law against the same income (USC 42 §666(b)(7)). If a Federal tax levy is in effect, please notify the sender.

Combining Payments: When remitting payments to an SDU or Tribal CSE agency, you may combine withheld amounts from more than one employee/obligor's income in a single payment. You must, however, separately identify each employee/obligor's portion of the payment.

Payments to SDU: You must send child support payments payable by income withholding to the appropriate SDU or to a Tribal CSE agency. If this IWO instructs you to send a payment to an entity other than an SDU (e.g., payable to the custodial party, court, or attorney), you must check the box above and return this notice to the sender. Exception: If this IWO was sent by a Court, Attorney, or Private Individual/Entity and the initial order was entered before January 1, 1994 or the order was issued by a Tribal CSE agency, you must follow the "Remit payment to" instructions on this form.

Reporting the Pay Date: You must report the pay date when sending the payment. The pay date is the date on which the amount was withheld from the employee/obligor's wages. You must comply with the law of the State (or Tribal law if applicable) of the employee/obligor's principal place of employment regarding time periods within which you must implement the withholding and forward the support payments.

Multiple IWOs: If there is more than one IWO against this employee/obligor and you are unable to fully honor all IWOs due to Federal, State, or Tribal withholding limits, you must honor all IWOs to the greatest extent possible, giving priority to current support before payment of any past-due support. Follow the State or Tribal law/procedure of the employee/obligor's principal place of employment to determine the appropriate allocation method.

Lump Sum Payments: You may be required to notify a State or Tribal CSE agency of upcoming lump sum payments to this employee/obligor such as bonuses, commissions, or severance pay. Contact the sender to determine if you are required to report and/or withhold lump sum payments.

Liability: If you have any doubts about the validity of this IWO, contact the sender. If you fail to withhold income from the employee/obligor's income as the IWO directs, you are liable for both the accumulated amount you should have withheld and any penalties set by State or Tribal law/procedure. See attached supplemental sheet for details regarding: "Duties of, and Fines and Penalties Applicable to, the Payor Under Illinois Law."

Anti-discrimination: You are subject to a fine determined under State or Tribal law for discharging an employee/obligor from employment, refusing to employ, or taking disciplinary action against an employee/obligor because of this IWO. See attached supplemental sheet for details regarding: "Rights, Remedies and Duties of the Obligor Under Illinois Law."

Employer's Name: _____ Employer FEIN: _____

Employee/Obligor's Name: John Doe

CSE Agency Case Identifier: _____ Order Identifier: _____

Withholding Limits: You may not withhold more than the lesser of: 1) the amounts allowed by the Federal Consumer Credit Protection Act (CCPA) (15 U.S.C. 1673(b)); or 2) the amounts allowed by the State or Tribe of the employee/obligor's principal place of employment (see REMITTANCE INFORMATION). Disposable income is the net income left after making mandatory deductions such as: State, Federal, local taxes, Social Security taxes, statutory pension contributions and Medicare taxes. The Federal limit is 50% of the disposable income if the obligor is supporting another family and 60% of the disposable income if the obligor is not supporting another family. However, those limits increase 5% - to 55% and 65% - if the arrears are greater than 12 weeks. If permitted by the State or Tribe, you may deduct a fee for administrative costs. The combined support amount and fee may not exceed the limit indicated in this section.

OMB Expiration Date – 05/31/2014. The OMB Expiration Date has no bearing on the termination date of the IWO; it identifies the version of the form currently in use.

For Tribal orders, you may not withhold more than the amounts allowed under the law of the issuing Tribe. For Tribal employers/income withholders who receive a State IWO, you may not withhold more than the lesser of the limit set by the law of the jurisdiction in which the employer/income withholder is located or the maximum amount permitted under section 303(d) of the CCPA (15 U.S.C. 1673 (b)).

Depending upon applicable State or Tribal law, you may need to also consider the amounts paid for health care premiums in determining disposable income and applying appropriate withholding limits.

Arrears greater than 12 weeks? If the Order Information does not indicate that the arrears are greater than 12 weeks, then the Employer should calculate the CCPA limit using the lower percentage.

Additional Information: _____

_____

_____

NOTIFICATION OF EMPLOYMENT TERMINATION OR INCOME STATUS: If this employee/obligor never worked for you or you are no longer withholding income for this employee/obligor, an employer must promptly notify the CSE agency and/or the sender by returning this form to the address listed in the Contact Information below:

❑ This person has never worked for this employer nor received periodic income.

❑ This person no longer works for this employer nor receives periodic income.

Please provide the following information for the employee/obligor:

Termination date: _____ Last known phone number: _____

Last known address: _____

_____

Final payment date to SDU/Tribal Payee: _____ Final payment amount: _____

New employer's name: _____

New employer's address: _____

CONTACT INFORMATION:

To Employer/Income Withholder: If you have any questions, contact Jane Doe
Issuer name

by phone at _____, by fax at _____, by email or website at: www.ChildSupportIllinois.com.

Send termination/income status notice and other correspondence to: _____
Issuer address

To Employee/Obligor: If the employee/obligor has questions, contact Jane Doe
Issuer name

by phone at _____, by fax at _____, by email or website at: www.ChildSupportIllinois.com.

IMPORTANT: The person completing this form is advised that the information may be shared with the employee/obligor.

ILLINOIS SUPPLEMENT TO THE INCOME WITHHOLDING ORDER FOR SUPPORT (IWO), OMB 0970-0154

Duties of, and Fines and Penalties Applicable to, the Payor Under Illinois Law:

1) The payor shall deduct the amount designated in the income withholding notice, as supplemented by any notice provided pursuant to section 45 (f) of the Income Withholding for Support Act, beginning no later than the next payment of income which is payable or creditable to the obligor that occurs 14 days following the date the income withholding notice was mailed, sent by facsimile or other electronic means, or placed for personal delivery to or service on the payor. The payor may combine all amounts withheld for the benefit of an obligee or public office into a single payment and transmit the payment with a listing of obligors from whom withholding has been effected. The payor must pay the amount withheld to the State Disbursement Unit within 7 business days after the date the amount would (but for the duty to withhold income) have been paid or credited to the obligor. If the payor knowingly fails to withhold the amount designated in the Income Withholding Notice or to pay the amount withheld to the State Disbursement Unit within 7 business days after the date the amount would have been paid or credited to the obligor, the payor shall pay a penalty of $100 for each day that the amount designated in the income withholding notice (whether or not withheld by the payor) is not paid to the State Disbursement Unit after the period of 7 business days has expired. The total penalty for a payor's failure, on one occasion, to withhold or pay to the State Disbursement Unit an amount designated in the income withholding notice may not exceed $10,000. This penalty may be collected in a civil action which may be brought against the payor in favor of the obligee or public office. An action to collect the penalty may not be brought more than one year after the date of the payor's alleged failure to withhold or pay income. For each withholding, the payor shall provide the State Disbursement Unit, at the time of transmittal, with the date the amount would (but for the duty to withhold income) have been paid or credited to the obligor. For withholding of income, the payor shall be entitled to receive a fee not to exceed $5 per month to be taken from the income to be paid to the obligor. Whenever the obligor is no longer receiving income from the payor, the payor shall return a copy of the income withholding notice to the obligee or public office and shall provide information for the purpose of enforcing the Income Withholding for Support Act. Withholding of income shall be made without regard to any prior or subsequent garnishments, attachments, wage assignments, or any other claims of creditors. The income withholding notice is binding upon the payor until service on the payor of an order of the court or notice from either the Department or Clerk of the Circuit Court to cease the withholding.

2) If any unpaid arrearage or delinquency equal to at least one month's support obligation exists on the termination date stated in the order for support or, if there is no termination date stated in the order, on the date the child attains the age of majority or is otherwise emancipated, then the periodic amount required to be paid for current support of that child immediately prior to that date shall automatically continue to be an obligation, not as current support but as periodic payment toward satisfaction of the unpaid arrearage or delinquency. That periodic payment shall be in addition to any periodic payment previously required for satisfaction of the arrearage or delinquency. The total periodic amount to be paid toward satisfaction of the arrearage or delinquency may be enforced and collected by any method provided by law for the enforcement and collection of child support, including but not limited to income withholding under the Income Withholding for Support Act.

3) Income available for withholding shall be applied first to the current support obligation, then to any premium required for employer, labor union, or trade union related health insurance coverage ordered under the order for support, and then to payments required on past-due support obligations. If there is insufficient available income remaining to pay the full amount of the required health insurance premium after withholding of income for the current support obligation, then the remaining available income shall be applied to payments required on past-due support obligations. If the payor has been served with more than one income withholding notice pertaining to the same obligor, the payor shall allocate income available for with holding on a proportionate share basis, giving priority to current support payments. No payor shall discharge, discipline, refuse to hire or otherwise penalize an obligor because of the duty to withhold income. Where a payor willfully fails to withhold or pay over income pursuant to a properly served income withholding notice, or willfully discharges, disciplines, refuses to hire or otherwise penalizes an obligor, or otherwise fails to comply with any duties imposed by the Income Withholding for Support Act, the obligee, public office or obligor, as appropriate, may file a complaint with the court against the payor. Upon a finding in favor of the complaining party, the court shall enter judgment and direct the enforcement thereof for the total amount that the payor willfully failed to withhold or pay over; and may order employment or reinstatement of or restitution to the obligor, or both, where the obligor has been discharged, disciplined, denied employment or otherwise penalized by the payor and may impose a fine upon the payor not to exceed $200.

4) If an obligee who is receiving income withholding payments under the Income Withholding For Support Act does not receive a payment required under the income withholding notice, he or she must give written notice of the non-receipt to the payor. The notice must include the date on which the obligee believes the payment was to have been made and the amount of the payment. The obligee must send the notice to the payor by certified mail, return receipt requested. After receiving a written notice of non-receipt of payment under section 45 (j) of the Income Withholding for Support Act, a payor must, within 14 days thereafter, either (i) notify the obligee of the reason for the non-receipt of payment or (ii) make the required payment, together with interest at the rate of 9% calculated from the date on which the payment of income should have been made. A payor who fails to comply with section 45 (j) of the Income Withholding for Support Act is subject to the $100 per day penalty provided pursuant to subsection (a) of Section 35 of the Income Withholding for Support Act.

Rights, Remedies and Duties of the Obligor Under Illinois Law:

1) An employer cannot discharge, discipline, refuse to hire, or otherwise penalize the obligor because of the duty to withhold. If the employer does so, the employer may be ordered to reinstate or provide restitution to the obligor, or both, and may be fined up to $200, pursuant to a complaint filed by the obligor in the circuit court. The obligor is required by law to notify the Department/Clerk of the Circuit Court of any new address or employer within 7 days of the change. At any time after the initial service of the income withholding notice, the Department may serve any employer with the same income withholding notice without further notice to the obligor. New service of an income withholding notice is not required in order to resume withholding of income in the case of an obligor with respect to whom an income withholding notice was previously served on the payor if withholding of income was terminated because of an interruption in the obligor's employment of less than 180 days.

2) If any unpaid arrearage or delinquency equal to at least one month's support obligation exists on the termination date stated in the order for support or, if there is no termination date stated in the order, on the date the child attains the age of majority or is otherwise emancipated, then the periodic amount required to be paid for current support of that child immediately prior to that date shall automatically continue to be an obligation, not as current support but as periodic payment toward satisfaction of the unpaid arrearage or delinquency. That periodic payment shall be in addition to any periodic payment previously required for satisfaction of the arrearage or delinquency. The total periodic amount to be paid toward satisfaction of the arrearage or delinquency may be enforced and collected by any method provided by law for the enforcement and collection of child support, including but not limited to income withholding under the Income Withholding for Support Act.

3) The obligor may contest initiated income withholding under Section 30 of the Income Withholding for Support Act, or the obligor may contest income withholding after accrual of delinquency under Section 25 of the Act, by filing a petition to contest withholding with Clerk of the Circuit Court if the order was issued by the court, or petitioning the Department if the order for support was issued administratively by the Department. The obligor must file the petition within 20 days after service of a copy of the income withholding notice. However, as required by law, the grounds for the request to contest the initiated income withholding shall be limited to whether the parties' written agreement providing an alternative arrangement to immediate withholding continues to ensure payment of support, or misidentification of the obligor. As required by law, the grounds for the petition to contest withholding after accrual of delinquency shall be limited to a dispute concerning the existence or amount of the delinquency, or misidentification of the obligor. The obligor may, at any time, file with the Circuit Clerk or Department a petition to correct a term contained in an income withholding notice to conform to the terms stated in the underlying order for support for the amount of current support, the amount of the arrearage, the periodic amount for payment of the arrearage, or the periodic amount for payment of the delinquency, or to modify, suspend or terminate the income withholding notice because of a modification, suspension or termination of the underlying order for support; or, suspend the income withholding because of inability to deliver income withheld to the obligee due to the obligee's failure to provide a mailing address or other means of delivery. Any obligee, public office or obligor who willfully initiates a false proceeding under the Income Withholding for Support Act may be punished as in cases of contempt of court.

Continued from back side of Part A

Visitation Considerations

Due to the nature of abusive relationships, it is best if visitation provisions are as clear as possible. The following topics should generally be addressed:

- **Schedule**
  List the specific days and times of visits. Specify a start date.
- **Restrictions**
  Consider restrictions if there are safety concerns. These can include:
  - Supervised visits (at an agency or by a third party)
  - Prohibiting use of alcohol or driving with the children
  - Limiting the length of the visit or time of day (no overnights)
  - Having visits occur at a public location
- **Emergency contact**
  What if there is an emergency involving the children or visits (illness, car trouble, work schedules)?
  - Limit contact to the subject matter
  - Limit the forms of contact (text message, email, smartphone apps)
  - Have a third party intermediary

Sample provisions:

Every other weekend, from Friday at 3:300pm until Sunday at 1:30pm, starting December 4, 2017. The Respondent shall pick up the child on Fridays at the child's daycare and return the child to Petitioner's mother's residence on Sundays. The Respondent shall contact the Petitioner's mother, Jill Doe, in emergencies involving the children or visits.

Every Saturday, from 10:00am-6:00pm, beginning November 1, 2017. Exchange shall be inside the McDonald's located at Cicero and Pensacola in Chicago. The Respondent shall not drink alcohol in the presence of the minor child. All emergency contact with Petitioner shall be via text message only.

Every Sunday, from 12:00pm-6:00pm, beginning November 21, 2017, at Respondent's sister, Jessica Doe's residence (555 W 55th St, Chicago). All visits are to be supervised by the Respondent's sister. Petitioner shall drop off and pick up the minor child at the Respondent's sister's doorstop. The Respondent shall have no contact with Petitioner during this exchange. Emergency contact shall be through the Respondent's sister.

Supervised visits at Mujeres Latinas (See separate supervised visitation order).

Supervised Visitation

What is supervised visitation?

Supervised visitation is an arrangement in which a third party is present during a parent's time with his or their child(ren) in order to provide for the safe access of the child(ren) to family members and protection for the adult victim/parents.

In some situations, the presence of a third party only at the point of the child's transfer from one parent to another parent protects the participants sufficiently and this is called supervised exchange.

How is supervision instituted?

- A judge may order supervised visitation when he or she feels that it is in the child's best interest that parental contact be supervised or that one or both parents' safety needs protection.
- Parties may agree, either on their own, through attorney negotiation, or in mediation, that it is wise to implement supervision for the sake of their child(ren). Such an agreement would also be signed by the judge in the form of an agreed court order.
- Parents on their own or with the assistance of their attorneys then make arrangements with the supervisor according to the provision of their agreement or court order.

What characteristics does a qualified supervisor have?

- Interest in the welfare of both the child and each parent
- Respect for the relationship of the child with each parent
- Commitment to a successful visit
- Accepted and respected by both parents and the child
- Fluent in the languages which may be used during the visit
- Knowledgeable of appropriate child care procedures
- Able to recognize inappropriate behavior, stop the inappropriate behavior, and terminate visits when necessary.

Who serves as the supervisor?

- A relative, friend of the family, private professional, public or private agency, trained supervisor, or religious resource

What is the role of the supervisor?

- To observe the interaction between child and parent
- To assure that conversations and interactions are safe and appropriate
- To foster as natural a relationship as possible between parent and child
- To follow guidelines and expectations set by the parents and/or the court

Quick Guide

City of Chicago Supervised Parenting Time Centers	
Apna Ghar*	Metropolitan Family Services*
The Branch Family Institute	Mujeres Latina en Acción*

*Agency provides no-cost supervised visitation and safe exchange services to families with a history of domestic violence, sexual assault, stalking, and child abuse when at least 1 parent is a resident of Chicago.

*Click the below for online map & directions

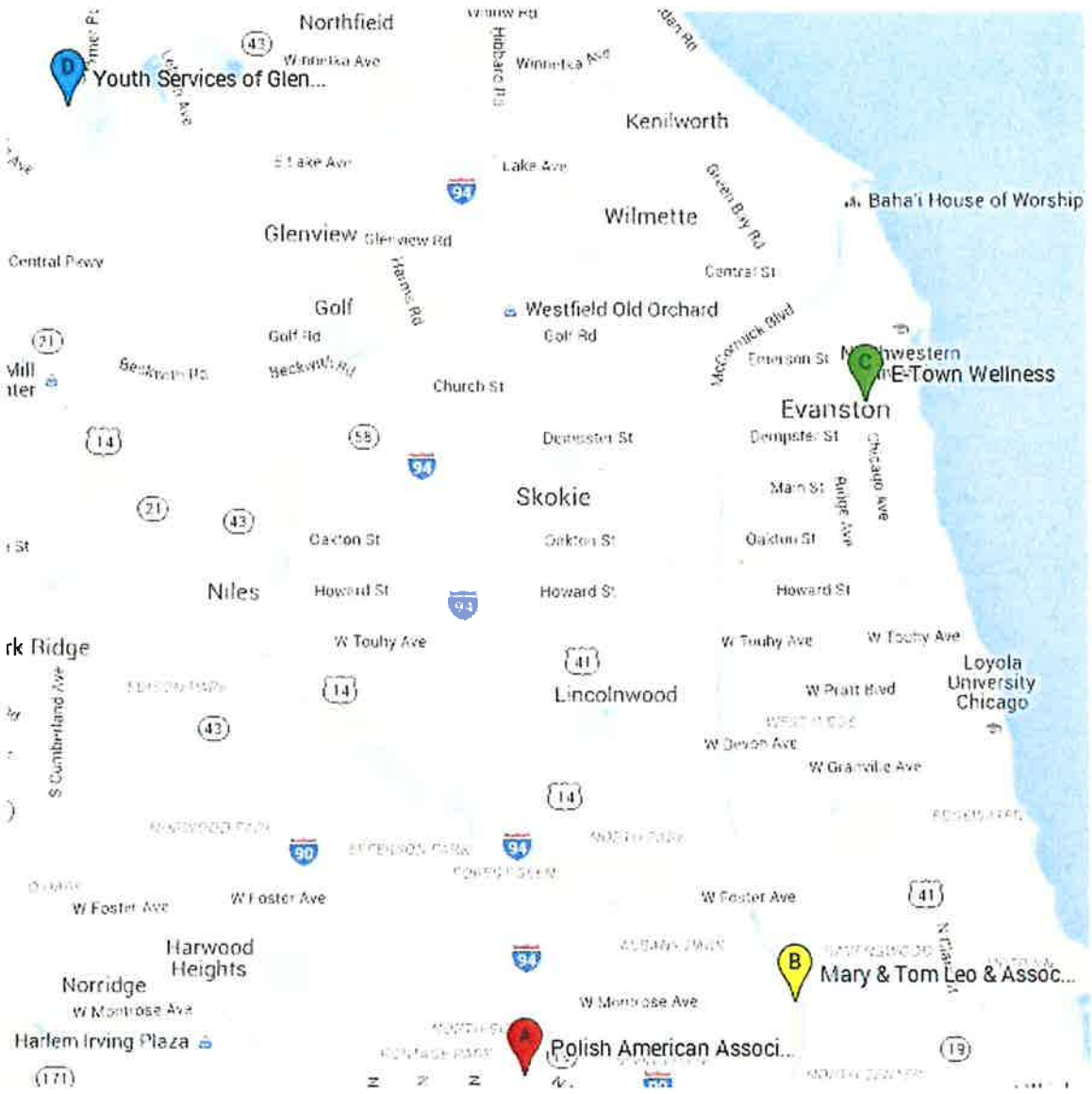
A
The Branch Family Institute
11111 S Western Ave., Chicago, IL 60643

B
Apna Ghar
4350 N Broadway 2nd FL, Chicago, IL 60613

C
Metropolitan Family Services
Midway Center
3843 W 63rd St, Chicago, IL 60629

D
Mujeres Latinas en Acción
Youth Facility
1823 W 17th St, Chicago, IL 60608

Cook County Supervised Visitation Resource Guide



A — **Polish American Association**
3834 N Cicero, Chicago, IL 60629

B — **Mary & Tom Leo & Associates**
2656 W. Montrose Ave, 2nd FL, Chicago, IL 60618

C — **E-Town Wellness**
1569 Sherman Ave, Ste. 202-B, Evanston, IL 60201

D — **Youth Services of Glenview**
3080 W Lake Ave, Glenview, IL 60026

***Note:** These maps exclude Family Solutions, Inc. and Supervised Visitation Services of Chicago. They operate without a physical office or visitation location.*

Cook County Supervised Visitation Resource Guide

Apna Ghar

Location	4350 N Broadway 2nd FL, Chicago, IL 60613 **Crisis Hotline: (800) 717-0757** Phone: (773) 883-4663 Fax: (773) 883-4664 www.apnaghar.org	**Visitation Site Address** (if different)
Key Contact	Tiffany San Jose, SV/SE Manager Phone: (773) 883-4663 x234 Email: tsanjose@apnaghar.org	**Working Contact** (if different) Radhika Sharma, Outreach Manager Phone: (773) 883-4663 x240 Email: rsharma@apnaghar.org
Hours of Operation	*Monday – Friday* 9:00am to 7:00 PM	**Visitation Hours** (if different) *Monday – Thursday* 11:00am to 7:00pm *Friday – Sunday* 9:00am to 5pm
Intake Hours	*Same as visitation hours*	**Referral Source(s)** Court Order
Services Provided	Supervised Visitation Safe Exchange	**Service Eligibility Requirements** (if any) 1 parent resident of Chicago History of domestic violence
Service Fees & Payment Types	$0	**Sliding Scale Available?** n/a
Visitation Session Setup	Individual families + monitor only Duration: 1 hour (determined by agency)	**Off-site Visitation Escort Available?** No
Process to Obtain Services	1. Each parent calls hotline for a 15-minute phone screening and schedules intake appointments 2. Each parent completes an intake: 1 Hour	

Cook County Supervised Visitation Resource Guide

	3. Child(ren) Orientation Session: a. Child(ren) spend time acclimating to visitation space and staff, then b. Custodial parent and child(ren) spend time acclimating to the space and staff together 4. Agency works with the visitation time/days mutually agreed upon by parents
Average Time Before Starting Visitations	1-2 weeks *(after both parents complete an intake)* *depending on parents' flexibility *(high volume times: weekdays between 3:30-7pm)*
Intake Documentation	Copy of court order *(from each parent)*
Additional Information	*Open DCFS cases may be ineligible *(additional intake required)*

Operations

Service Area	City of Chicago *(all)*
Record Keeping	Minimal – Sign-in/out sheets, cancelations, vague notes regarding program rule agreement/breakage **No observation notes**

Language Services

Onsite Non-English Speaker Interpretation	Yes – 27 languages	**Onsite Hearing/Visually Impaired Interpretation** No
Access to Outside Interpretation Services?	Yes – Language Line, Chicago Hearing Society, and or volunteers *(arranged by Apna Ghar)*	

Cook County Supervised Visitation Resource Guide

The Branch Family Institute (After the Storm) ⬆		
Location	11111 S Western Ave., Chicago, IL 60643 Phone: (773)238-1100 Fax: 773-238-4095 www.thebranchfamilyinstitute.org	**Visitation Site Address** (if different)
Key Contact	Brenda Thompson, President/CEO Phone: (773)238-1100 Email: bthompson@embranch.org	**Working Contact** (if different)
Hours of Operation	*Monday – Friday* 9:00am to 9:00 PM *Saturday* 9:00am to 6:00pm	**Visitation Hours** (if different) By appointment only *(within agency business hours)*
Intake Hours	*Monday – Friday* 9:00am to 5:00pm	**Referral Source(s)** Court Order
Services Provided	Supervised Visitation Virtual Visitation *(via Skype)* Safe Exchange	**Service Eligibility Requirements** (if any)
Service Fees and Payment Types (if any)	$55/hour $55 deposit *(to be applied to last visit)*	**Sliding Scale Available?** Yes
Visitation Session Setup	Individual families + monitor only Duration: 1 hour	**Off-site Visitation Escort Available?** No
Process to Obtain Services	1. Parent places an initial call to agency 2. Within 24-hours, an intake worker will return the call. 3. *(Awaiting additional information from agency)*	

Cook County Supervised Visitation Resource Guide

Average Time before Starting Visitation	*(Awaiting additional information from agency)*
Intake Documentation	Proof of income *(10-4, W2 form, or 2 recent and consecutive pay stubs)* Court order indicating who responsible for payment
Additional Information	The Branch Family Institute offers their Supervised Visitation and Safe Exchange services for non-custodial parents and their children.

Operations

Service Area	City of Chicago *(predominantly)*
Record Keeping	*(Awaiting additional information from agency)*

Language Services

Onsite Non-English Speaker Interpretation	*(Awaiting additional information from agency)*	**Onsite Hearing/Visually Impaired Interpretation** *(Awaiting additional information from agency)*
Access to Outside Interpretation Services?	*(Awaiting additional information from agency)*	

Cook County Supervised Visitation Resource Guide

E-Town Wellness

Location	1569 Sherman Ave, Ste. 202-B, Evanston, IL 60201 Main: (773) 732-6179 www.etownwellness.com	**Visitation Site Address** (if different) Off-site Only *(In-home and other locales in the community)*
Key Contact	Anna Grinshpun, Owner Phone: *see above* Email: anna@etownwellness.com	**Working Contact** (if different)
Hours of Operation	*Monday – Thursday* 9:00am to 9:00pm *Friday* 9:00am to 1:00pm	**Visitation Hours** (if different) *By Appointment Only:* *Monday – Thursday* 9:00am to 9:00pm *Friday* 9:00am to 1:00pm *Saturday and Sunday* 9:00am to 5:00pm
Intake Hours	*Monday – Thursday* 9:00am to 9:00pm *Friday* 9:00am to 1:00pm	**Referral Source(s)** Private Pay/Client Court Order
Services Provided	Supervised Visitation Therapeutic Visitation **can be open Safe Exchanges as well*	**Service Eligibility Requirements** (if any)
Service Fees & Payment Types	Intake – $66/Parent $45/Hour *(local visits)** $45/Hour + Travel Fees *(non-local visits)**	**Sliding Scale Available?** Yes - $10/Hour discount per case may be possible

Cook County Supervised Visitation Resource Guide

	Billed to Insurance *(per the signed financial agreement)* Cashier's Check, Cash, PayPal, Check *Fees due at time of service* * see *Additional Information Section*	
Visitation Session Setup	Individual Family + monitor Duration: 4 Hours *(maximum)*	**Off-site Visitation Escort Available?**
Process to Obtain Services	1. Each parent calls the main line for a phone screen to discuss services and review all relevant court documents before scheduling an intake. 2. Each parent completes an intake and signs a financial agreement: 1 Hour 3. Provider works with parents to schedule visitation sessions	
Average Time before Starting Visitation	*(Awaiting information from agency)*	
Intake Documentation	Court order, divorce decree, custody agreement, and related documents *(due before intake can be scheduled)*	
Additional Information	• Local areas – Evanston, Skokie, and Wilmette *(all other areas are considered non-local)* • Travel fees for non-local visits are $45/Hour, prorated by 15-minute increments. • E-Town Wellness is a private practice with 2 therapists on staff.	
Operations		
Service Area	Clients are mostly from Evanston, Skokie, Wilmette, and Rogers Park. *(Also serves North Shore: Winnetka and Kenilworth, and the Far North Side of Chicago)*	
Record Keeping	Yes – Brief observation notes	
Language Services		
Onsite Non-English Speaker Interpretation	Yes – Russian and Spanish *(Anna Grinshpun only)*	**Onsite Hearing/Visually Impaired Interpretation** No

Cook County Supervised Visitation Resource Guide

Access to Outside Interpretation Services?	Not at this time

Cook County Supervised Visitation Resource Guide

Mary & Tom Leo Associates, Inc.		
Location	2656 W. Montrose Ave, 2nd FL, Chicago, IL 60618 Main: (773) 267-5795 www.mtlainc.com	**Visitation Site Address** (if different) Visitation can transition to off-site locales *(in-home, library, movie theater, etc.)*
Key Contact	Elaine Hall, Behavioral Health Program Coordinator Phone: (314) 882-6903 Email: contact_us@mtlainc.com	**Working Contact** (if different)
Hours of Operation	7 days/week *(by appointment)*	**Visitation Hours** (if different)
Intake Hours	7 days/week *(by appointment)*	**Referral Source(s)** Court Order DCFS Private Pay/Client
Services Provided	Supervised Visitation Therapeutic Visitation Safe Exchange **Potentially open to virtual visitation – consult Elaine Hall*	**Service Eligibility Requirements** (if any)
Service Fees & Payment Types	Intake – $130 $135/Hour (flat) $50/court report requested **no charge for overages* Billed to health insurance *(up to 1 hour)* Cash, Money Order, Credit/Debit	**Sliding Scale Available?** Yes
Visitation Session Setup	Individual family + therapist Duration: 1 hour to full day	**Off-site Visitation Escort Available?**

Cook County Supervised Visitation Resource Guide

		Yes, depending on family dynamic, risk assessment, and child's response to initial visits **1st 1-2 sessions always onsite*
Process to Obtain Services	1. Each parent contacts the Elaine Hall to schedule an intake session *(can be done at LAF, per attorney's discretion)* 2. Each parent completes a 1 hour intake session 3. Orientation Part 1: Elaine meets with custodial parent and child *(acclimate to process, risk assessment & art therapy assessment w/ child)* 4. Elaine matches family w/ a therapist after the appointment 5. Orientation Part 2: Elaine, custodial parent, child(ren), and therapist meet to build rapport and acclimate to the visitation process	
Average Time before Starting Visitation	1 week *(depending on parent motivation and schedules)*	
Intake Documentation	Court order, insurance card, 604B *(for divorce cases)*, and any custody related documents	
Additional Information	• Staff of 25 therapists *(independently contracted)* • Agency contracts with DCFS, 20 POS agencies *(private service providers)*, and various insurance companies	
Operations		
Service Area	All of Cook County and the surrounding areas	
Record Keeping	Records of visiting parent support: brief parent assessment and report of parent's progress from each session	
Language Services		
Onsite Non-English Speaker Interpretation	Yes – Polish, Bosnian, Serbian, and Spanish	Onsite Hearing/Visually Impaired Interpretation No
Access to Outside Interpretation Services?	Upon coordination w/ Elaine during intake	

Cook County Supervised Visitation Resource Guide

Metropolitan Family Services (Midway Connections)

Location	Midway Center 3843 W 63rd St, Chicago, IL 60629 Main: (773) 884-3310 Intake: (773) 884-2200 www.metrofamily.org	**Visitation Site Address** (if different)
Key Contact	Monica Serna, Program Manager Phone: (773) 884-2235	**Working Contact** (if different) Jessica Brumfield, Child Welfare Specialist Phone: (773) 883-2260 Cell: (773) 225-1432 Email: brumfieldj@metrofamily.org
Hours of Operation	*Monday - Thursday* 8:30am to 8:00 PM *Friday* 8:30am to 5:00pm	**Visitation Hours** (if different) *Mondays, Tuesdays, Wednesdays* 5:00 to 8:00pm *Saturdays* 9:00am to 2:00pm
Intake Hours	*Monday – Friday* 9:00am to 4:00pm	**Referral Source(s)** Court Order
Services Provided	Supervised Visitation Safe Exchange	**Service Eligibility Requirements** (if any) 1 parent resident of Chicago History of domestic violence, drug abuse, or child abuse involvement
Service Fees & Payment Types	$0	**Sliding Scale Available?** n/a
Visitation Session Setup	Individual families + monitor only Duration: 1 hour/week	**Off-site Visitation Escort Available?** No

Cook County Supervised Visitation Resource Guide

Process to Obtain Services	1. Each parent calls hotline for a 10-15-minute phone screening and schedules intake appointments 2. Each parent completes an intake: 1 Hour 3. Agency works with the visitation time/days mutually agreed upon by parents
Average Time before Starting Visitation	Orientation period *(between initial screening and 1st visitation session)* can last from 2 weeks to 2 months depending on the parents' motivation
Intake Documentation	Copy of the court order *(provided by each parent)*
Additional Information	Families will be referred to another agency to complete any additional visitation sessions than what is provided by Midway Connections

Operations

Service Area	Southwest City of Chicago – Chicago Lawn, Gage Park, West Lawn, Clearing, Englewood, West Englewood *(some clients also reside on the north and south sides of the city)*
Record Keeping	Cannot disclose

Language Services

Onsite Non-English Speaker Interpretation	Yes – Spanish only	**Onsite Hearing/Visually Impaired Interpretation** Generally arranged by the client via outside services
Access to Outside Interpretation Services?	Yes - Interpreters are arranged by Midway to come into the office for clients	

Cook County Supervised Visitation Resource Guide

Mujeres Latinas en Acción (Project Sanctuary)

Location	2124 W 21st Pl, Chicago, IL 60643 Main: (773) 890-7676 S.V. Dept.: (773) 890-7683 www.mujereslatinasenaccion.org	**Visitation Site Address** (if different) Youth Facility 1823 W 17th St, Chicago, IL 60608
Key Contact	Supervised Visitation Department Phone: (773) 890-7683	**Working Contact** (if different)
Hours of Operation	*Monday - Friday* 9:00am to 5:00 PM Supervised Visitation Department: *Tuesday – Friday* 12:00 – 4:00pm	**Visitation Hours** (if different) *Tuesday - Friday* 4:00 to 8:00pm *Saturday* 9:00am to 5:00pm
Intake Hours	*Tuesday – Friday* 12:00 to 4:00pm	**Referral Source(s)** Court Order
Services Provided	Supervised Visitation Safe Exchange	**Service Eligibility Requirements** (if any) Biological parents only History of domestic violence
Service Fees & Payment Types	$0	**Sliding Scale Available?** n/a
Visitation Session Setup	Group *(multiple families)* Duration: 1.5 Hours *(determined by agency)*	**Off-site Visitation Escort Available?** No
Process to Obtain Services	1. Each parent calls hotline for a 10-15-minute phone screening and schedules intake appointments 2. Each parent completes an intake: 1 Hour 3. Agency works with the visitation time/days mutually agreed upon by parents	

Cook County Supervised Visitation Resource Guide

Average Time before Starting Visitation	Varies *(depending on parents' flexibility)*
Intake Documentation	Copy of the court order *(provided by each parent)* Photo ID
Additional Information	

Operations

Service Area	City of Chicago *(majority residing in Pilsen & Little Village)*
Record Keeping	Cannot disclose

Language Services

Onsite Non-English Speaker Interpretation	Yes – Spanish only *(all staff is bilingual)*	**Onsite Hearing/Visually Impaired Interpretation** No
Access to Outside Interpretation Services?	Not at this time	

Cook County Supervised Visitation Resource Guide

Polish American Association

Location	3834 N. Cicero Ave, Chicago, IL 60641 Phone: (773) 282-8206 x343 www.polish.org	**Visitation Site Address** (if different) Family Support Center *(within main office at address listed)*
Key Contact	Marta Kromka-Braggliano, Supervised Visistations Phone: (773) 427-6343	**Working Contact** (if different)
Hours of Operation	*(Awaiting information from agency)*	**Visitation Hours** (if different) *By appointment*
Intake Hours	*By appointment* Phone: (773) 282-8206 x343	**Referral Source(s)** Court Order Private Pay/Client
Services Provided	Supervised Visitation (SV) Therapeutic Visitation (ThV) Safe Exchange (SE)	**Service Eligibility Requirements** (if any)
Service Fees & Payment Types	SV – $45 ThV – $60 SE – $25 *(Awaiting information from agency regarding if fees are per hour or session)*	**Sliding Scale Available?** Yes *(depending on client's gross income)*
Visitation Session Setup	Individual family + monitor Duration: 1 Hour *(determined by court or family needs)*	**Off-site Visitation Escort Available?** Not currently *(exploring the option)*
Process to Obtain Services	1. Each parent calls to set up an intake appointment 2. Each parent completes an intake to discuss eligibility for services, review relevant paperwork: *(awaiting info from agency regarding duration)* 3. Arrange visitation: once both parents have completed intake and agreed to a schedule	

Cook County Supervised Visitation Resource Guide

Average Time before Starting Visitation	*(Awaiting information from agency)*	
Intake Documentation	Special arrangements must be made for pick up/drop off when there is an allegation of domestic violence involved Parenting support is available to both parents	
Additional Information		
Operations		
Service Area	*(Awaiting additional information from agency)*	
Record Keeping	*(Awaiting additional information from agency)*	
Language Services		
Onsite Non-English Speaker Interpretation	Yes – Polish *(awaiting info from agency regarding any additional languages)*	**Onsite Hearing/Visually Impaired Interpretation** *(Awaiting information from agency)*
Access to Outside Interpretation Services?	*(Awaiting information from agency)*	

Cook County Supervised Visitation Resource Guide

Youth Services of Glenview

Location	3080 W Lake Ave, Glenview, IL 60026 www.youthservices-gn.org	**Visitation Site Address** (if different)
Key Contact	Alison Frye, Director of Programming Phone: (847) 724-2620 Email: Alison.frye@ysgn.org	**Working Contact** (if different)
Hours of Operation	*Monday – Friday* 8:30am to 5:30pm	**Visitation Hours** (if different) *Monday – Friday* 8:30am to 5:30pm *(by appointment)*
Intake Hours	*Monday – Friday* 8:30am to 8:00pm	**Referral Source(s)** Court Order Private Pay/Client
Services Provided	Supervised Visitation	**Service Eligibility Requirements** (if any)
Service Fees & Payment Types	$75/Hour Cashier's Check, Cash, Debit/Credit, Money Order	**Sliding Scale Available?** No
Visitation Session Setup	Individual Family + monitor 2 Hours *(maximum)*	**Off-site Visitation Escort Available?** No
Process to Obtain Services	1. Each parent calls to set up an intake appointment 2. Each parent completes an intake to discuss eligibility for services, review relevant paperwork: 1-1.5 Hours *(maximum)* 3. Schedule visitation: once both parents have completed intake and agreed to a schedule	
Average Time before Starting Visitation	Varies *(depending on parents' flexibility)*	
Intake Documentation	Court order, protection order, legal documents related to custody case	

Cook County Supervised Visitation Resource Guide

Additional Information	Supervised visitation is about 5% of their agency programing. **Other services include**: counseling, crisis intervention, Adventures and Explorers *(children's social skills/activities for the autistic)*, psychiatric evaluations, Boys & Girls Club, study buddies

Operations

Service Area	Suburban Cook County, Wisconsin *(infrequently)*
Record Keeping	Case notes: interactions, concerns, cancellations, etc.

Language Services

Onsite Non-English Speaker Interpretation	None	**Onsite Hearing/Visually Impaired Interpretation** None
Access to Outside Interpretation Services?	None	

Cook County Supervised Visitation Resource Guide

Non-Agency Providers

Family Solutions, Inc.		
Location	n/a *(home-based provider)* Correspondence Address: P.O. Box 543 Downers Grove, IL 60515 Main: (630) 474-4084 Fax: (866) 227-6894 www.famsolutionsinc.com	**Visitation Site Address** (if different) Any appropriate locale per the court order or parental agreement *(in-home, library, playground, etc.)*
Key Contact	Mary Parady, Program Coordinator Phone: (630) 474-4084 Email: mp@famsolutionsinc.com	**Working Contact** (if different)
Hours of Operation	*Monday – Friday* 9:00am to 5:00pm	**Visitation Hours** (if different) 7 days/week *(by appointment)* **no overnights*
Intake Hours	*Monday – Friday* 9:00am to 5:00pm	**Referral Source(s)** Court Order Private Pay/Client DCFS
Services Provided	Supervised Visitation Safe Exchange Supervised Accompaniment** Virtual Visitation *(via Phone)* **see *Additional Information Section*	**Service Eligibility Requirements** (if any)
Service Fees & Payment Types	Intake – $50 $75/Hour *(1 SV monitor)*	**Sliding Scale Available?** Yes, granted case-by-case

Cook County Supervised Visitation Resource Guide

	$120/Hour *(2 SV monitors)** $60/Hour *(phone visits)* **Flexible Pricing for Accompaniment** Cashier's Check, Credit/Debit *(PayPal)*, Cash, Money Order **2+ children requires 2 SV monitors*	
Visitation Session Setup	Individual family + monitor(s) Duration: minimum 2 Hours	**Off-site Visitation Escort Available?** Yes
Process to Obtain Services	1. Each parent calls Mary for brief service overview, schedules a phone intake, and fills out online registration forms, *(forms automatically transmitted to Mary)* 2. Each parent completes a phone intake to discuss background info, visit expectations, availability, etc.: 10-minutes to 1 Hour 3. Family Solutions will contact the parents to schedule visits *(each parent must have their online forms completed before visitation can be scheduled)*	
Average Time before Starting Visitation	24-48 hours	
Intake Documentation	n/a	
Additional Information	• Supervised Accompaniment: Monitor will escort the child via train, plane, or car for a safe exchange with a parent. *(Fee includes monitor's ticket and a flexible hourly rate for travel)* • Online forms can also be faxed, emailed, or submitted in person to Family Solutions, Inc. • $60/Hour fee for all phone communication to parents, reps, attorneys, courts, and therapists *(excluding 1 call to confirm visitation)* • $50 fee for NSF checks returned to Family Solutions, Inc.	

Operations

Service Area	All of Cook County and the surrounding areas
Record Keeping	Yes – Timeline report of relevant observations during each visit

Cook County Supervised Visitation Resource Guide

Language Services		
Onsite Non-English Speaker Interpretation	Yes – Polish and Spanish	**Onsite Hearing/Visually Impaired Interpretation** No
Access to Outside Interpretation Services?	Not at this time	

Cook County Supervised Visitation Resource Guide

Supervised Visitation Services of Chicago		
Location	n/a (home-based office) www.svschicago.com	**Visitation Site Address** (if different) Supervised parent's home & other locations for activities
Key Contact	Tina Maltese Gio, Owner Phone: (773) 405-4590 Email: info@svschicago.com	**Working Contact** (if different)
Hours of Operation	*Monday – Friday* 9:00am to 4:00pm	**Visitation Hours (if different)** 7 days/week *(By appointment)*
Intake Hours	*Monday – Friday* By appointment	**Referral Source(s)** Court Order Private Pay/Client
Services Provided	Supervised Visitation	**Service Eligibility Requirements** (if any)
Service Fees & Payment Types	Intake – $150.00 (one-time) $50.00/Hour *Monday-Friday* $60.00/Hour *Saturday and Sunday* $70.00/Hour *on Holidays* Cashier's Check, Credit/Debit, Cash, Money Order	**Sliding Scale Available?** No
Visitation Session Setup	Individual family + monitor 3 Hour minimum *(no overnights)*	**Off-site Visitation Escort Available?** Yes *(all visits are off-site)*
Process to Obtain Services	1. Each parent calls for a 5-10-minute phone screening and schedule an intake appointment 2. Each parent completes an intake: 30-45 minutes 3. Provider works with the visitation time/days mutually agreed upon by parents to schedule sessions *(1 month at a time)*	
Average Time before Starting Visitation	Varies *(depending on parents' flexibility)*	
Intake Documentation	None	

Cook County Supervised Visitation Resource Guide

Additional Information	• Visit activities will be restricted based on limitations of who the children may or may not have contact with and must stay within the specified time window. • Expenses incurred as part of the visit, such as parking, entrance fees, movie tickets, etc. are the responsibility of the parent.	
Operations		
Service Area	Cook County, Lake County, Will County, and DuPage County	
Record Keeping	Observational report of each visit	
Language Services		
Onsite Non-English Speaker Interpretation	None	Onsite Hearing/Visually Impaired Interpretation None
Access to Outside Interpretation Services?	None	

HOW TO GUIDE FOR THE VOLUNTEER ATTORNEY

When the Court Advocate from Sarah's Inn finds a client that may be appropriate for the project, they will contact LAF. While this is occurring, Sheila Pont will notify the on call attorneys that a case is in the review stages.

- Once the case is approved by LAF, Sheila will contact the attorneys again, this time including all the necessary paperwork.
    - Intake form (2 pages)
    - Authorization for release
    - Client retainer agreement
    - Petition for Order of Protection with affidavit
    - Emergency Order

- Once the PBN volunteer receives the information, they will make contact within 48 hours and set up a meeting.
    - Where to meet: public libraries, Sarah's Inn offices, Maybrook courthouse
    - May do this initial interview over the phone if the PBN volunteer feels like this will work and have evidence mailed/emailed to the attorney
    - If the PBN volunteer makes three unsuccessful attempts to get in touch with the client, they will refuse the case
    - If client fails to show up to the meeting, the PBN volunteer will make one phone call to check in. If there is not a reasonable excuse, the PBN volunteer will not take the case
    - The attorney can contact the CA involved with the case. Their name and email address will be included on the initial email.

- Once the PBN volunteer has interviewed the client, they will determine whether or not to take the case.
    - If PBN takes the case, the PBN volunteer will sign the retainer agreement and get a copy to the client and inform Sarah's Inn and LAF.
    - If PBN does not take the case, the PBN volunteer will inform Sheila Pont who will notify LAF and Sarah's Inn
    - If we could not get in touch with the client, PBN will tell Sarah's Inn we are not taking the case.

- At this point the PBN attorney will be working on the case with supervision from LAF.
    - The PBN attorneys will be responsible for forwarding the court papers to LAF.
    - All PBN attorneys will be supervised by Jennifer Payne/Kate Shank. They will be available via email and cell (email preferred) and will have all questions responded to within 24 hours.
        - If at any point, Jennifer is not available, she will find another attorney to handle the matter and the PBN attorney will still be contacted within 24 hours.
    - At minimum, the PBN attorney will contact LAF via email before every court date to give a status update.
    - If costs are incurred for subpoenas and the like, the attorney should forward the invoice to LAF for reimbursement.

        - If the cost will be over $25, the attorney must contact Jennifer Payne in advance for approval.
    - LAF will not attend the hearings

- Once the case is completed, either due to a plenary hearing, settlement or dismissal of the case, the PBN attorney will complete the LAF Case Closing Sheet and will forward all final disposition papers to LAF as well.

- If the client makes contact with the attorney after the case is completed:
    - And it is less then 30 days after the final disposition, the attorney should make an attempt to handle the issue if possible. If they need assistance, they will contact LAF.
    - If it is more then 30 days after the final disposition, the PBN attorney is no longer considered an attorney on this matter and all further communication will be between the client and LAF. The PBN attorney should tell them to contact LAF at 312-341-1070.

PLENARY ORDERS OF PROTECTION LITIGATION PROJECT

Timelines

Day 1 Client files for EOP/meets with Court Advocate;

Court Advocate determines if proper referral to project Court Advocate discusses project with Client; prepares:

Sarah's Inn intake form

Release form

LAF retainer form

Day 1 Court Advocates email/fax to LAF/Sheila Pont

Completed/signed Sarah's Inn intake form

Completed/signed Sarah's Inn Release form

Completed/signed LAF retainer form

Emergency Order of Protection

Petition for Order of Protection

Affidavit for Order of Protection

Day 2 LAF screens case, enters into database

If eligible for services and no conflicts, emails Sheila Pont that case has been accepted

Assigns case to Jennifer Payne in Legal Server Marks case as "PAI"

Day 2 Sheila contacts PBN volunteer attorneys "on call" and refers the case

Day 2-4 PBN volunteers contact client to schedule interview appointment

Day 5-10 PBN volunteers meet with client

Complete Interview Questionnaire

Determine if going to represent client—if no, send rejection letter ASAP

Day 10-21 PBN volunteers prepare for Plenary OP hearing

Questions to LAF

Amended pleadings

Check service

Interview/prepare witnesses

Obtain documentary evidence

Day 21 PBN volunteer and client appear in court

Day 21-? Complete case

Closing letter to client Closing letter to Sheila Pont

Final documents to LAF (OP, disposition order, UOS, etc.)

Report total number of hours spent on case to LAF

sarah's inn

Client Intake/Eligibility Determination Form

All questions should be completed within 24 hours of intake.

Client ID: Check one: ☐ Phone Intake ☐ In-Person Intake

First Contact Date: Case Close Date: Location of Intake:

A. CLIENT DEMOGRAPHICS

1. Name: **Client a Veteran?** *(circle)* YES NO

Ethnicity *(circle one):* Non-Latino/Hispanic Latino/Hispanic

2. Race: *(check all that apply)* ☐ African American ☐ Hawaiian/Pacific Islander ☐ White ☐ Asian ☐ Native American or Alaska Native DOB:

3. Sex: ☐ Female ☐ Male ☐ Other: 4. Age at First Contact:

5. Health Insurance ☐ Medicaid (18 & older only) ☐ Medicaid (Children's, All Kids) ☐ Medicare ☐ None ☐ Private ☐ Veteran's admin. Medical Services

6. Employment: ☐ Full Time ☐ Part Time ☐ Not Employed

7. Education: ☐ College Grad or More ☐ Some College ☐ High School Grad/GED ☐ Some High School ☐ No High School

8. Marital Status: ☐ Common Law ☐ Divorced ☐ Legally Separated ☐ Married ☐ Partner ☐ Single ☐ Widowed

9. Pregnant: ☐ No ☐ Yes ☐ Not reported ☐ Not Applicable (males)

10. **Number of Children:** **List each child's name, gender and age below**

B. RESIDENCE Street Address: ☐ Safe to contact at address?

City/Town: Township: County: State: Zip Code:

Phone 1: h / w / c ☐ safe? Phone 2: h / w / c ☐ safe?

Emergency Contact Name: Phone #: Relationship to Client:

C. PRIMARY PRESENTING ISSUE (CHOOSE 1 ONLY): ☐ Emotional DV ☐ Physical DV ☐ Sexual DV Primary Offense Date: ___/___/___

Location: ☐ Car ☐ Offender's Home ☐ Other Private Location ☐ Other Public Location ☐ Park ☐ School ☐ Street ☐ Shared Home ☐ Victim's Home ☐ Victim's Work ☐ Other:

Other Presenting Issues: (as many as apply) **Current & past abuse:**

☐ *Rape/Sexual Assault* ☐ *Adult survivor incest/child sexual assault* ☐ *Stalking* ☐ *Harassment* ☐ *Child sexual assault*
☐ *Child abuse* ☐ *Hate Crime* ☐ *Child neglect* ☐ *Date rape* ☐ *Drugged* ☐ *Home invasion*
☐ *DUI/DWI* ☐ *Physical dv* ☐ *Sexual dv* ☐ *Emotional dv* ☐ *Domestic battery*
☐ *Aggravated domestic battery* ☐ *Violation of op* ☐ *Elder abuse* ☐ *Homicide* ☐ *Attempted homicide*
☐ *Robbery* ☐ *Other assault* ☐ *Battery* ☐ *Assault/battery* ☐ *Burglary*
☐ *Other offense against person* ☐ *other offense*

D. REFERRAL SOURCE: *** **ARE YOU MANDATED BY DCFS? YES NO IF YES, ADVOCATE EXPLAIN OUR DISCLOSURE POLICY FOR DCFS.**

Referred From:			Referred To:		
☐ Police	☐ Medical Advocacy Program	☐ Legal System	☐ Police	☐ Medical Advocacy Program	☐ Legal System
☐ Hospital	☐ Social Service Program	☐ Private Attorney	☐ Hospital	☐ Social Service Program	☐ Private Attorney
☐ Medical	☐ Education System	☐ State's Attorney	☐ Medical	☐ Education System	☐ State's Attorney
☐ Public Health	☐ Other Project	☐ Circuit Clerk	☐ Public Health	☐ Other Project	☐ Circuit Clerk
☐ Clergy	☐ Friend	☐ Hotline	☐ Clergy	☐ Other:	
☐ Self	☐ Relative	☐ Media	☐ DCFS	☐ Other ____ Agency Name	

sarah's inn

Client Intake/Eligibility Determination Form

E. SPECIAL NEEDS (as many as apply):

☐ Deaf/hard of hearing	☐ Has immobility	☐ Has limited English (primary language: Spanish or _____)	☐ Requires special diet
☐ Requires assistance in feeding, dressing, or toileting	☐ Blind/visually challenged-requires assistance	☐ Requires a wheelchair	☐ Other special needs:
☐ Must have medications administered	☐ Has developmental disability	☐ None Reported	

F. SERVICES NEEDED: Check all services needed by client at time of intake.

☐ Shelter	☐ Education	☐ Emotional/Counseling	☐ Legal Advocacy	☐ Medical Advocacy
☐ Housing	☐ Therapy	☐ Individual Support (child)	☐ Legal Services	☐ Crisis Intervention
☐ Lock up/Board up	☐ Referral	☐ School Advocacy (child)	☐ Employment ☐ Financial	☐ Transportation
☐ Medical Services	☐ Child Care	☐ Group Activity (child)	☐ Community Advocacy (child)	☐ Parent/Child Support

G. OFFENDER INFO:

Name:_____ County/State: _____

Birth Date: ____/____/_____ DOC #:_____ Case #:_____ Age (at victim intake):_____

Race: ☐ African American ☐Latino/Hispanic ☐White ☐Biracial ☐Asian ☐Native American ☐Other

Sex: ☐ Male ☐ Female ☐ Other

Offender's Relationship to Client:

☐ Husband	☐ Ex-husband	☐ Mother's Boyfriend	☐ Father's Girlfriend	☐ Female Stranger
☐ Boyfriend	☐ Ex-boyfriend	☐ Male Stranger	☐ Female Acquaintance	☐ Other Female Relative
☐ Wife	☐ Ex-wife	☐ Other Male Relative	☐ Female Shares Household	☐ Same Sex Partner
☐ Girlfriend	☐ Ex-girlfriend	☐ Male Shares Household	☐ Mother	☐ Other: _____
☐ Male Friend	☐ Female Friend	☐ Male Acquaintance	☐ Father	
☐ Male Grandchild	☐ Female Grandchild	☐ Male Child	☐ Female Child	

VISITATION:

☐ No Visitation Allowed ☐ Not an Issue ☐ Supervised Visitation ☐ Unsupervised Visitation

H. CLIENT INCOME SOURCE(S) (as many as apply & indicate MONTHLY amount):

☐ Earned Income $_____	☐ Unemployment Ins. $_____	☐ SSI $_____	☐ Veterans disability $_____	☐ Private disability ins. $_____	☐ Worker comp $_____	☐ TANF $_____	☐ Soc Sec Disability $_____
☐ General Assistance $_____	☐ Retirement/Soc Sec $_____	☐ Veteran's Pension $_____	☐ Pension from former job $_____	☐ Child Support $_____	☐ Alimony/other spouse income $_____	☐ Other Source _____ $_____	☐ None

I. NONCASH BENEFITS:

☐ Food Stamps/LINK	☐ WIC	☐ TANF (Child Care)	☐ TANF (Transportation)	☐ Other TANF funds	☐ Section 8, pub housing, rent assistance	☐ Other	☐ None

If there are police and/or state's attorney charges against the offender, document those on the Medical Criminal Justice Information Form.

J. ELIGIBILITY DETERMINATION/PROGRAM RESPONSE:

1. Based on the circumstances documented above, it is reasonable to conclude that the individual identified herein and accompanying children, if any, is subject to, or at risk of, abuse and is eligible to receive domestic violence services on the basis for the need for protection.
2. Immediate Program Response: Accepted client as non-residential client

1. Basándose en las circunstancias documentadas arriba, es razonable concluir que el individuo identificado y los niños que lo acompañan , si lo hubiere, es sujeto a, o en riesgo de abuso y que es elegible para recibir servicios de violencia doméstica sobra la base de la necesidad de protección.

Intake Worker:_____ Date:_____
(include academic credentials/certifications/licensures)

I understand that by my signature, I am verifying the above information and requesting service for ____myself; _____myself and family. I also understand that I have a right to appeal and have a fair hearing of any grievance.

Entiendo que por mi firma, estoy verificando la información anterior y solicitando el servicio para ____mi; I _____mi y la familia. También entiendo que tengo derecho a apelar y tener una audiencia justa de cualquier reclamo.

Client Signature:_____ Date:_____

OP# _____

sarah's inn

AUTHORIZATION FOR RELEASE OF INFORMATION

OP LITIGATION PROJECT

I authorize **Sarah's Inn – Legal Advocates** to exchange information about

_____ with LAF
(Client's name)

The information to be released is information pertinent to my case for the Order of Protection Litigation Project.

The information is being exchanged for the purpose of advocating for me in the legal process. This includes exchanging information to assist me with obtaining an order of protection. Information will include but not limited to a copy of my Sarah's Inn intake form, a copy of this release, a copy of the petition and order of protection – including affidavit, and the original of the retainer agreement.

□ Includes electronic communication (email and fax) _____ (client initials)

□ Does not include electronic communication (email and fax) _____ (client initials)

This consent is valid for the period of **SIX MONTHS** _____.
(specify start and end date)

I understand that I may revoke this consent at any time and that the above named agency authorized to receive this information has the right to inspect and copy the information disclosed. I understand that if I need a letter of Verification of Services, Attendance or any other document released to the above named person, Sarah's Inn requires a minimum of two weeks notice.

It has been explained to me that if I refuse to consent to this release of information, the following are the consequences, if any: I will not be enrolled in the Order of Protection Pro-Bono Project with LAF.

_____

Client signature, if adult or legal guardian Date

_____

Minor (age 12 to 17) signature Date

_____

Sarah's Inn Advocate (witness) signature Date
(include academic credentials/certifications/licensures)

COPIES OF THIS RELEASE HAVE THE SAME AUTHORITY AS THE ORIGINAL.

OP LITIGATION PROJECT

CLIENT RETAINER AGREEMENT

This is an agreement between the client, _____, and LAF.

The client and the volunteer attorney have reviewed the client's goals and the history of abuse. On the basis of this review, the client has asked to become a client of the Civil Order of Protection Project. The volunteer attorney will represent the client to obtain extensions of an Emergency Order of Protection and to obtain the Plenary Order of Protection.

The client agrees to cooperate fully with LAF and the volunteer attorney.

LAF and the volunteer attorney agree not to charge any fees or costs to the client.

This agreement does not extend to any matters other than the Order of Protection.

The attorney with the Civil Order of Protection Project will terminate this representation once the goals have been accomplished, the client will not cooperate or it becomes clear the goals cannot reasonably be accomplished.

Client_____ _____ _____
Printed name Signature Date

Attorney_____ _____ _____
Printed name Signature Date

CITIZENSHIP ATTESTATION

If you are *not* a U.S. Citizen, tell us about your immigration status (this information is confidential and used only to determine eligibility):

Lawful Permanent Resident (LPR) ☐ Asylee/Refugee ☐
Conditional Permanent Resident ☐ Other ☐
Unknown ☐

If you are a U.S. Citizen, PLEASE SIGN THE BOX BELOW. If you are NOT a U.S. Citizen, please provide a copy of your LPR or work-authorization card.

*I hereby attest that I am a **CITIZEN** of the United States of America.*

_____ _____
Signature Date

February 19, 2017

Client's Name

1234 S. Main Street,

Bellwood, IL 69194

Dear Ms. Name,

I just left you a voicemail yesterday trying to reach you. I also tried to reach you last Wednesday. Unfortunately, I haven't been able to connect with you.

I cannot represent you until I meet with you. If you are interested in proceeding with your Order of Protection, please call me as soon as possible. If I don't hear back from you by March 6, I will assume that you do not wish for me to represent you. You can reach me at 111-111-1111.

As you probably know, your Emergency Order of Protection is set for hearing on March 11, at 9:30am. You must appear in court on that day or your Emergency Order of Protection will expire.

If you want me to represent you at your Order of Protection hearing, you must get in touch with me by March 6. You can reach me at 111-111-1111.

Sincerely,

Staff Attorney Name

LAF Staff Attorney

January 26, 2017

Client Name

1234 West Street,

Burbank, IL 60459

Dear Ms. Name,

As you know, you obtained a two-year Plenary Order of Protection against Respondent on January 13, 2017. This order will be in effect until January 13, 2019.

As we discussed in court, while the order is in place, Respondent cannot have any contact with you. In order to facilitate visits with Baby, his mother, Ms. Respondent, must call you to schedule the visits and Respondent must drop Baby off at the curb of the apartment and cannot get out of his car.

If Respondent tries to have any contact with you, you must call the police to enforce the Order of Protection. If they refuse to enforce the OP, please give me a call. Please make sure to save any evidence of his contacts including police reports, text messages and phone records showing that he has called you. All of this might be helpful if you need to go back to court.

Please not that you cannot violate your own Order of Protection, but it seriously undermines the OP if you contact Respondent.

Since your current legal problem has been resolved, I am now going to close your file with my office. If you need legal advice or representation in the future, please call our centralized intake hotline at 312-241-1070.

Good luck to you in your future.

Sincerely,

Staff Attorney Name

LAF Staff Attorney

September 7, 2017

Client Name

1234 East Street,

Chicago, IL 60619

Dear Ms. Name,

As you know, your Order of Protection case was set for court last Friday, September 1 at 10:30am. Because you were not there, the judge dismissed your Order of Protection against Respondent.

Enclosed please find a copy of the dismissal order that was entered on September 1.

If you continue to feel that you are in danger or in need of an Order of Protection, you can always call the police or return to the courthouse and request another Order of Protection.

At this time, I am now going to close your case.

Should you desire legal assistance in the future, and you are still living in Cook County, please feel free to contact LAF by calling 312-341-1070.

Sincerely,

Staff Attorney Name

LAF Staff Attorney

"My client is always late for our meetings! They don't respect my time."

- Our clients often rely on public transportation which can be unreliable. They can't always guarantee they will arrive exactly on time, especially when they are traveling somewhere they have never been before.
- Some of our clients don't have experience coming downtown and may get lost.
- Ask your client if they know how to get to your office and if they have a way to get there. An open ended question like that can lead to the client revealing transportation issues.
- Some of our clients have access to vehicles, but they are often unreliable or they have to make drop offs or borrow cars.
- Most of our clients have never been in taxis before- if you give them money to take a cab, don't expect that they will know how to pay, get receipts, etc. And don't feel like you have to give them money for taxis.
- Sometimes our clients just don't have the money to take the bus or the train. If you are asking for an in-person meeting, you will want to consider how they are going to get to your office and if there is another way to meet with them, being sensitive to the fact that they may be embarrassed to admit they can't afford it.

"My client calls me 100 times a day!"

- Many of our clients have never worked with private attorneys before and may not know the etiquette.
- Our clients deal with multiple bureaucracies that are incredibly frustrating and difficult to navigate. In those settings, they may not get what they need without calling multiple times.
- Make your boundaries known by saying something like: "If I'm not at my desk, please leave a message and I will call you back within 24 hours. Please don't call me more than once per day, unless there is an emergency that can't wait." If that doesn't work, try "Mr/s X. I understand that you are trying to reach me and that your case is important. It's important to me too."
- Feel free to involve LAF's Pro Bono Project Staff Attorney or social worker, if you have a concern about the client's needs being unreasonable after trying to deal with the situation directly.

"My client never calls me back!"

- Due to lack of access to credit, many of our clients don't have land-lines and rely on noncontract mobile phone service. When their minutes run out or they can't pay the bill, it may take a while to get the phone turned back on.
- Be prepared to communicate by mail with a quick, clear and simple letter to have them call you back ASAP.

"My client won't bring me the documents/do what I keep asking for!"

- Give written instructions-simply and clearly- in step-by-step form, as to where to go, how much money to bring, what forms they will need, and what kind of identification they need with them.
- Have the client explain their understanding of the tasks they were supposed to do. Ask the client why they were unable to complete them. Discuss any barriers that the client faces (time, money,

transportation, language, etc.). Agree on an alternative strategy and deadline to get the task done or information.

- Sometimes a client truly cannot access their own records and it is not because the client is lying or not trying. You may have to use your weight as a lawyer to get what you need.

"I have no idea how to prepare my client to testify."

- Low income clients are often intimidated by court. Testifying in court is nerve-wracking for anyone. It's especially nerve wracking for someone who is unsophisticated. Take more time than usual at witness preparation.

"I've presented my client with his/her options and they just can't make a decision!"

- Have the client explain their understanding of the problem and the options available. Answer any questions they may have, agree on a deadline for the client to make a decision.
- Be flexible

"My client is a liar! They can't even keep their own story straight!"

- Many of our clients have learned through their interaction with bureaucracies that they may have to omit information or change their story to get basic necessities.
- Clarify inconsistencies politely: "I'm confused because I heard you say A, and then I heard you say B. Can we go over that part again?"
- Ask for chronological order: "It's easier for me to form a picture in my head if we talk about things in the order they happened."

"My client has so many things going on! What is my role?"

- Aim for empowerment
- Working with a person that has multiple and complex needs is challenging and requires a great deal of patience. They encounter numerous people in their struggle to get basic things such as food, housing, and education. You are only one of the people that they encounter. The legal problem is only one of their problems.
- By partnering with the person, you can help them resolve one issue, and that will make a difference. That may require that you use a variety of strategies that are not typical to the work that lawyers do.
- Don't be afraid to ask for help: LAF has a social worker on staff that may be able to help you obtain referrals for your client or access resources in the community.

"My client can't keep on topic. They keep going off on a million unrelated issues!"

- You may be the first person in a long time that has asked the client to tell his/her story or she may not really know what's relevant or not. Use a "parking lot" list: "I'm going to make a note of that and we will come back to it."
- Make sure that you tell your client the purpose of the meeting up front. "We're here today to finalize your affidavit. I'm going to review the facts that you've told me and we are going to put them on paper so we can submit it to the court." Or, "you wanted to meet with me to talk about your car repossession. We are going to focus on what we can do today to get your car back."
- Don't assume client is familiar with U.S. justice system
- Give positive response to relevant information and give No response to irrelevant information.

- Don't start with "you"; use "I" statements = "I'm confused." vs. "You're confusing."
- Affirm value of things that matter to client, even when you are directing away from that topic

"My client keeps getting emotional! They won't stop crying long enough to tell me what's going on."

- Affirm emotions - "It sounds like you are frustrated. Can you tell me how I can make this easier for you?"
- Have a box of tissues in the room in case the person becomes upset about recounting o Ask your client if s/he needs a breather. Offer to get them a cup of coffee or water. Let them use the bathroom. It may be too hard for them to recount an experience in one sitting.

"It's clear my client is totally intimidated and won't talk. How do I break the ice and build trust?"

- Many of the business interactions our clients have are through Plexiglas windows or in a busy, non-private waiting room. This may be the first time they've ever been in a "fancy" law firm environment or talked face-to-face with a private attorney. They might be intimidated.
- Start with small talk: Did you find us OK? Is it still cold out?
- Be sure to find out what the client wants! "What were you hoping a lawyer could do?"
- Tell people what they will get in return for answering questions
- Focus on the speaker, not your next thought
- Use open-ended questions to get information; close-ended questions to get confirmation
- Withhold judgment

Information maintained by the Legislative Reference Bureau
Updating the database of the Illinois Compiled Statutes (ILCS) is an ongoing process. Recent laws may not yet be included in the ILCS database, but they are found on this site as Public Acts soon after they become law. For information concerning the relationship between statutes and Public Acts, refer to the Guide.
Because the statute database is maintained primarily for legislative drafting purposes, statutory changes are sometimes included in the statute database before they take effect. If the source note at the end of a Section of the statutes includes a Public Act that has not yet taken effect, the version of the law that is currently in effect may have already been removed from the database and you should refer to that Public Act to see the changes made to the current law.

FAMILIES
(750 ILCS 60/) Illinois Domestic Violence Act of 1986.

(750 ILCS 60/Art. I heading)

ARTICLE I

GENERAL PROVISIONS

(750 ILCS 60/101) (from Ch. 40, par. 2311-1)

Sec. 101. Short Title. This Act shall be known and may be cited as the "Illinois Domestic Violence Act of 1986". (Source: P.A. 84-1305.)

(750 ILCS 60/102) (from Ch. 40, par. 2311-2)

Sec. 102. Purposes; rules of construction. This Act shall be liberally construed and applied to promote its underlying purposes, which are to:

(1) Recognize domestic violence as a serious crime against the individual and society which produces family disharmony in thousands of Illinois families, promotes a pattern of escalating violence which frequently culminates in intra-family homicide, and creates an emotional atmosphere that is not conducive to healthy childhood development;

(2) Recognize domestic violence against high risk adults with disabilities, who are particularly vulnerable due to impairments in ability to seek or obtain protection, as a serious problem which takes on many forms, including physical abuse, sexual abuse, neglect, and exploitation, and facilitate accessibility of remedies under the Act in order to provide immediate and effective assistance and protection.

(3) Recognize that the legal system has ineffectively dealt with family violence in the past, allowing abusers to escape effective prosecution or financial liability, and has not adequately acknowledged the criminal nature of domestic violence; that, although many laws have changed, in practice there is still widespread failure to appropriately protect and assist victims;

(4) Support the efforts of victims of domestic violence to avoid further abuse by promptly entering and diligently enforcing court orders which prohibit abuse and, when necessary, reduce the abuser's access to the victim and address any related issues of child custody and economic support, so that victims are not trapped in abusive situations by fear of retaliation, loss of a child, financial dependence, or loss of accessible housing or services;

(5) Clarify the responsibilities and support the efforts of law enforcement officers to provide immediate, effective assistance and protection for victims of domestic violence, recognizing that law enforcement officers often become the secondary victims of domestic violence, as evidenced by the high rates of police injuries and deaths that occur in response to domestic violence calls; and

(6) Expand the civil and criminal remedies for victims of domestic violence; including, when necessary, the remedies which effect physical separation of the parties to prevent further abuse.

(Source: P.A. 86-542; 87-1186.)

(750 ILCS 60/103) (from Ch. 40, par. 2311-3)

Sec. 103. Definitions. For the purposes of this Act, the following terms shall have the following meanings:

(1) "Abuse" means physical abuse, harassment, intimidation of a dependent, interference with personal liberty or willful deprivation but does not include reasonable direction of a minor child by a parent or person in loco parentis.

(2) "Adult with disabilities" means an elder adult with disabilities or a high-risk adult with disabilities. A person may be an adult with disabilities for purposes of this Act even though he or she has never been adjudicated an incompetent adult. However, no court proceeding may be initiated or continued on behalf of an adult with disabilities over that adult's objection, unless such proceeding is approved by his or her legal guardian, if any.

(3) "Domestic violence" means abuse as defined in paragraph (1).

(4) "Elder adult with disabilities" means an adult prevented by advanced age from taking appropriate action to protect himself or herself from abuse by a family or household member.

(5) "Exploitation" means the illegal, including tortious, use of a high-risk adult with disabilities or of the assets or resources of a high-risk adult with disabilities. Exploitation includes, but is not limited to, the misappropriation of assets or resources of a high-risk adult with disabilities by undue influence, by breach of a fiduciary relationship, by fraud, deception, or extortion, or the use of such assets or resources in a manner contrary to law.

(6) "Family or household members" include spouses, former spouses, parents, children, stepchildren and other persons related by blood or by present or prior marriage, persons who

share or formerly shared a common dwelling, persons who have or allegedly have a child in common, persons who share or allegedly share a blood relationship through a child, persons who have or have had a dating or engagement relationship, persons with disabilities and their personal assistants, and caregivers as defined in Section 12-4.4a of the Criminal Code of 2012. For purposes of this paragraph, neither a casual acquaintanceship nor ordinary fraternization between 2 individuals in business or social contexts shall be deemed to constitute a dating relationship. In the case of a high-risk adult with disabilities, "family or household members" includes any person who has the responsibility for a high-risk adult as a result of a family relationship or who has assumed responsibility for all or a portion of the care of a high-risk adult with disabilities voluntarily, or by express or implied contract, or by court order.

(7) "Harassment" means knowing conduct which is not necessary to accomplish a purpose that is reasonable under the circumstances; would cause a reasonable person emotional distress; and does cause emotional distress to the petitioner. Unless the presumption is rebutted by a preponderance of the evidence, the following types of conduct shall be presumed to cause emotional distress:

(i) creating a disturbance at petitioner's place of employment or school;

(ii) repeatedly telephoning petitioner's place of employment, home or residence;

(iii) repeatedly following petitioner about in a public place or places;

(iv) repeatedly keeping petitioner under surveillance by remaining present outside his or her home, school, place of employment, vehicle or other place occupied by petitioner or by peering in petitioner's windows;

(v) improperly concealing a minor child from petitioner, repeatedly threatening to improperly remove a minor child of petitioner's from the jurisdiction or from the physical care of petitioner, repeatedly threatening to conceal a minor child from petitioner, or making a single such threat following an actual or attempted improper removal or concealment, unless respondent was fleeing an incident or pattern of domestic violence; or

(vi) threatening physical force, confinement or restraint on one or more occasions.

(8) "High-risk adult with disabilities" means a person aged 18 or over whose physical or mental disability impairs his or her ability to seek or obtain protection from abuse, neglect, or exploitation.

(9) "Interference with personal liberty" means committing or threatening physical abuse, harassment, intimidation or willful deprivation so as to compel another to engage in conduct from which she or he has a right to abstain or to refrain from conduct in which she or he has a right to engage.

(10) "Intimidation of a dependent" means subjecting a person who is dependent because of age, health or disability to participation in or the witnessing of: physical force against another or physical confinement or restraint of

another which constitutes physical abuse as defined in this Act, regardless of whether the abused person is a family or household member.

(11) (A) "Neglect" means the failure to exercise that degree of care toward a high-risk adult with disabilities which a reasonable person would exercise under the circumstances and includes but is not limited to:

(i) the failure to take reasonable steps to protect a high-risk adult with disabilities from acts of abuse;

(ii) the repeated, careless imposition of unreasonable confinement;

(iii) the failure to provide food, shelter, clothing, and personal hygiene to a high-risk adult with disabilities who requires such assistance;

(iv) the failure to provide medical and rehabilitative care for the physical and mental health needs of a high-risk adult with disabilities; or

(v) the failure to protect a high-risk adult with disabilities from health and safety hazards.

(B) Nothing in this subsection (10) shall be construed to impose a requirement that assistance be provided to a high-risk adult with disabilities over his or her objection in the absence of a court order, nor to create any new affirmative duty to provide support to a high-risk adult with disabilities.

(12) "Order of protection" means an emergency order, interim order or plenary order, granted pursuant to this Act, which includes any or all of the remedies authorized by Section 214 of this Act.

(13) "Petitioner" may mean not only any named petitioner for the order of protection and any named victim of abuse on whose behalf the petition is brought, but also any other person protected by this Act.

(14) "Physical abuse" includes sexual abuse and means any of the following:

(i) knowing or reckless use of physical force, confinement or restraint;

(ii) knowing, repeated and unnecessary sleep deprivation; or

(iii) knowing or reckless conduct which creates an immediate risk of physical harm.

(14.5) "Stay away" means for the respondent to refrain from both physical presence and nonphysical contact with the petitioner whether direct, indirect (including, but not limited to, telephone calls, mail, email, faxes, and written notes), or through third parties who may or may not know about the order of protection.

(15) "Willful deprivation" means wilfully denying a person who because of age, health or disability requires medication, medical care, shelter, accessible shelter or services, food, therapeutic device, or other physical assistance, and thereby exposing that person to the risk of physical, mental or emotional harm, except with regard to medical care or treatment when the dependent person has expressed an intent to forgo such medical care or treatment. This paragraph does not create any new affirmative duty to provide support to

dependent persons.
(Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

(750 ILCS 60/Art. II heading)

ARTICLE II
ORDERS OF PROTECTION

(750 ILCS 60/201) (from Ch. 40, par. 2312-1)

Sec. 201. Persons protected by this Act.

(a) The following persons are protected by this Act:

(i) any person abused by a family or household member;

(ii) any high-risk adult with disabilities who is abused, neglected, or exploited by a family or household member;

(iii) any minor child or dependent adult in the care of such person; and

(iv) any person residing or employed at a private home or public shelter which is housing an abused family or household member.

(b) A petition for an order of protection may be filed only: (i) by a person who has been abused by a family or household member or by any person on behalf of a minor child or an adult who has been abused by a family or household member and who, because of age, health, disability, or inaccessibility, cannot file the petition, or (ii) by any person on behalf of a high-risk adult with disabilities who has been abused, neglected, or exploited by a family or household member. However, any petition properly filed under this Act may seek protection for any additional persons protected by this Act.
(Source: P.A. 86-542; 87-1186.)

(750 ILCS 60/201.1) (from Ch. 40, par. 2312-1.1)

Sec. 201.1. Access of high-risk adults. No person shall obstruct or impede the access of a high-risk adult with disabilities to any agency or organization authorized to file a petition for an order of protection under Section 201 of this Act for the purpose of a private visit relating to legal rights, entitlements, claims and services under this Act and Section 1 of "An Act in relation to domestic relations and domestic violence shelters and service programs", approved September 24, 1981, as now or hereafter amended. If a person

does so obstruct or impede such access of a high-risk adult with disabilities, local law enforcement agencies shall take all appropriate action to assist the party seeking access in petitioning for a search warrant or an ex parte injunctive order. Such warrant or order may issue upon a showing of probable cause to believe that the high-risk adult with disabilities is the subject of abuse, neglect, or exploitation which constitutes a criminal offense or that any other criminal offense is occurring which affects the interests or welfare of the high-risk adult with disabilities. When, from the personal observations of a law enforcement officer, it appears probable that delay of entry in order to obtain a warrant or order would cause the high-risk adult with disabilities to be in imminent danger of death or great bodily harm, entry may be made by the law enforcement officer after an announcement of the officer's authority and purpose. (Source: P.A. 86-542.)

(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, Revised Uniform Reciprocal Enforcement of Support Act or an action for nonsupport brought under Article 10 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: By filing a petition for an order of protection, under the same case number as the delinquency petition or criminal prosecution, to be granted during pre-trial release of a defendant, with any dispositional order issued under Section 5-710 of the Juvenile Court Act of 1987 or as a condition of release, supervision, conditional discharge, probation, periodic imprisonment, parole, aftercare release, or mandatory supervised release, or in conjunction with imprisonment or a bond forfeiture warrant; provided that:

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

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

(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.

(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. 98-558, eff. 1-1-14; 99-85, eff. 1-1-16; 99-718, eff. 1-1-17.)

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

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

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

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

(c) If the petitioner is seeking to have a child protected by the order of protection, and if that child is enrolled in any day-care facility, pre-school, pre-kindergarten, private school, public school district, college, or university, the

petitioner may provide the name and address of the day-care facility, pre-school, pre-kindergarten, private school, public school district, college, or university to the court. However, if the petition states that disclosure of this information would risk abuse to petitioner or to the child protected under the order, this information may be omitted from all documents filed with the court.
(Source: P.A. 92-90, eff. 7-18-01.)

(750 ILCS 60/204) (from Ch. 40, par. 2312-4)
Sec. 204. (Repealed).
(Source: Repealed by P.A. 88-306.)

(750 ILCS 60/205) (from Ch. 40, par. 2312-5)
Sec. 205. Application of rules of civil procedure; Domestic abuse advocates.

(a) Any proceeding to obtain, modify, reopen or appeal an order of protection, whether commenced alone or in conjunction with a civil or criminal proceeding, shall be governed by the rules of civil procedure of this State. The standard of proof in such a proceeding is proof by a preponderance of the evidence, whether the proceeding is heard in criminal or civil court. The Code of Civil Procedure and Supreme Court and local court rules applicable to civil proceedings, as now or hereafter amended, shall apply, except as otherwise provided by this law.

(b) (1) In all circuit court proceedings under this Act, domestic abuse advocates shall be allowed to attend and sit at counsel table and confer with the victim, unless otherwise directed by the court.

(2) In criminal proceedings in circuit courts, domestic abuse advocates shall be allowed to accompany the victim and confer with the victim, unless otherwise directed by the court.

(3) Court administrators shall allow domestic abuse advocates to assist victims of domestic violence in the preparation of petitions for orders of protection.

(4) Domestic abuse advocates are not engaged in the unauthorized practice of law when providing assistance of the types specified in this subsection (b).
(Source: P.A. 87-1186; 87-1255; 88-45.)

(750 ILCS 60/206) (from Ch. 40, par. 2312-6)
Sec. 206. Trial by jury. There shall be no right to trial by jury in any proceeding to obtain, modify, vacate or extend

any order of protection under this Act. However, nothing in this Section shall deny any existing right to trial by jury in a criminal proceeding.
(Source: P.A. 87-1186.)

(750 ILCS 60/207) (from Ch. 40, par. 2312-7)
Sec. 207. Subject matter jurisdiction. Each of the circuit courts shall have the power to issue orders of protection.
(Source: P.A. 84-1305.)

(750 ILCS 60/208) (from Ch. 40, par. 2312-8)
Sec. 208. Jurisdiction over persons. In child custody proceedings, the court's personal jurisdiction is determined by this State's Uniform Child-Custody Jurisdiction and Enforcement Act. Otherwise, the courts of this State have jurisdiction to bind (i) State residents and (ii) non-residents having minimum contacts with this State, to the extent permitted by the long-arm statute, Section 2-209 of the Code of Civil Procedure, as now or hereafter amended.
(Source: P.A. 93-108, eff. 1-1-04.)

(750 ILCS 60/209) (from Ch. 40, par. 2312-9)
Sec. 209. Venue.
(a) Filing. A petition for an order of protection may be filed in any county where (i) petitioner resides, (ii) respondent resides, (iii) the alleged abuse occurred or (iv) the petitioner is temporarily located if petitioner left petitioner's residence to avoid further abuse and could not obtain safe, accessible, and adequate temporary housing in the county of that residence.
(b) Exclusive Possession. With respect to requests for exclusive possession of the residence under this Act, venue is proper only in the county where the residence is located, except in the following circumstances:
(1) If a request for exclusive possession of the residence is made under this Act in conjunction with a proceeding under the Illinois Marriage and Dissolution of Marriage Act, venue is proper in the county or judicial circuit where the residence is located or in a contiguous county or judicial circuit.
(2) If a request for exclusive possession of the residence is made under this Act in any other proceeding, provided the petitioner meets the requirements of item (iv) of subsection (a), venue is proper in the county or judicial circuit where the residence is located or in a

contiguous county or judicial circuit. In such case, however, if the court is not located in the county where the residence is located, it may grant exclusive possession of the residence under subdivision (b)(2) of Section 214 only in an emergency order under Section 217, and such grant may be extended thereafter beyond the maximum initial period only by a court located in the county where the residence is located.

(c) Inconvenient forum. If an order of protection is issued by a court in a county in which neither of the parties resides, the court may balance hardships to the parties and accordingly transfer any proceeding to extend, modify, re-open, vacate or enforce any such order to a county wherein a party resides.

(d) Objection. Objection to venue is waived if not made within such time as respondent's response is due, except as otherwise provided in subsection (b). In no event shall venue be deemed jurisdictional.

(Source: P.A. 86-966; 87-1186.)

(750 ILCS 60/210) (from Ch. 40, par. 2312-10)

Sec. 210. Process.

(a) Summons. Any action for an order of protection, whether commenced alone or in conjunction with another proceeding, is a distinct cause of action and requires that a separate summons be issued and served, except that in pending cases the following methods may be used:

(1) By delivery of the summons to respondent personally in open court in pending civil or criminal cases.

(2) By notice in accordance with Section 210.1 in civil cases in which the defendant has filed a general appearance.

The summons shall be in the form prescribed by Supreme Court Rule 101(d), except that it shall require respondent to answer or appear within 7 days. Attachments to the summons or notice shall include the petition for order of protection and supporting affidavits, if any, and any emergency order of protection that has been issued. The enforcement of an order of protection under Section 223 shall not be affected by the lack of service, delivery, or notice, provided the requirements of subsection (d) of that Section are otherwise met.

(b) Blank.

(c) Expedited service. The summons shall be served by the sheriff or other law enforcement officer at the earliest time and shall take precedence over other summonses except those of a similar emergency nature. Special process servers may be appointed at any time, and their designation shall not affect the responsibilities and authority of the sheriff or other official process servers. In counties with a population over 3,000,000, a special process server may not be appointed if the order of protection grants the surrender of a child, the

surrender of a firearm or firearm owners identification card, or the exclusive possession of a shared residence.

(d) Remedies requiring actual notice. The counseling, payment of support, payment of shelter services, and payment of losses remedies provided by paragraphs 4, 12, 13, and 16 of subsection (b) of Section 214 may be granted only if respondent has been personally served with process, has answered or has made a general appearance.

(e) Remedies upon constructive notice. Service of process on a member of respondent's household or by publication shall be adequate for the remedies provided by paragraphs 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 14, 15, and 17 of subsection (b) of Section 214, but only if: (i) petitioner has made all reasonable efforts to accomplish actual service of process personally upon respondent, but respondent cannot be found to effect such service and (ii) petitioner files an affidavit or presents sworn testimony as to those efforts.

(f) Default. A plenary order of protection may be entered by default as follows:

(1) For any of the remedies sought in the petition, if respondent has been served or given notice in accordance with subsection (a) and if respondent then fails to appear as directed or fails to appear on any subsequent appearance or hearing date agreed to by the parties or set by the court; or

(2) For any of the remedies provided in accordance with subsection (e), if respondent fails to answer or appear in accordance with the date set in the publication notice or the return date indicated on the service of a household member.

(Source: P.A. 99-240, eff. 1-1-16.)

(750 ILCS 60/210.1) (from Ch. 40, par. 2312-10.1)

Sec. 210.1. Service of notice in conjunction with a pending civil case.

(a) Notice. When an action for an order of protection is sought in conjunction with a pending civil case in which the court has obtained jurisdiction over respondent, and respondent has filed a general appearance, then a separate summons need not issue. Original notice of a hearing on a petition for an order of protection may be given, and the documents served, in accordance with Illinois Supreme Court Rules 11 and 12. When, however, an emergency order of protection is sought in such a case on an ex parte application, then the procedure set forth in subsection (a) of Section 210 (other than in subsection (a)(2)) shall be followed. If an order of protection is issued using the notice provisions of this Section, then the order of protection or extensions of that order may survive the disposition of the main civil case. The enforcement of any order of protection under Section 223 shall not be affected by the lack of notice under this Section, provided the requirements of subsection (d) of that Section are otherwise met.

(b) Default. The form of notice described in subsection (a) shall include the following language directed to the respondent:

A 2-year plenary order of protection may be entered by default for any of the remedies sought in the petition if you fail to appear on the specified hearing date or on any subsequent hearing date agreed to by the parties or set by the court.

(c) Party to give notice. Notice in the pending civil case shall be given (i) by either party under this Section, with respect to extensions, modifications, hearings, or other relief pertinent to an order of protection, in accordance with Illinois Supreme Court Rules 11 and 12 or (ii) by the respondent as provided in subsection (c) of Section 224.
(Source: P.A. 87-1186.)

(750 ILCS 60/211) (from Ch. 40, par. 2312-11)

Sec. 211. Service of notice of hearings. Except as provided in Sections 210 and 210.1, notice of hearings on petitions or motions shall be served in accordance with Supreme Court Rules 11 and 12, unless notice is excused by Section 217 of this Act, or by the Code of Civil Procedure, Supreme Court Rules, or local rules, as now or hereafter amended.
(Source: P.A. 87-1186.)

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

Sec. 212. Hearings.

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

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

(c) If the court transfers or otherwise declines to decide

any issue, judgment on that issue shall be expressly reserved and ruling on other issues shall not be delayed or declined. (Source: P.A. 87-1186.)

(750 ILCS 60/213) (from Ch. 40, par. 2312-13)

Sec. 213. Continuances.

(a) Petitions for emergency orders. Petitions for emergency remedies shall be granted or denied in accordance with the standards of Section 217, regardless of respondent's appearance or presence in court.

(b) Petitions for interim and plenary orders. Any action for an order of protection is an expedited proceeding. Continuances should be granted only for good cause shown and kept to the minimum reasonable duration, taking into account the reasons for the continuance. If the continuance is necessary for some, but not all, of the remedies requested, hearing on those other remedies shall not be delayed. (Source: P.A. 87-1186.)

(750 ILCS 60/213.1) (from Ch. 40, par. 2312-13.1)

Sec. 213.1. Hearsay exception. In an action for an order of protection on behalf of a high-risk adult with disabilities, a finding of lack of capacity to testify shall not render inadmissible any statement as long as the reliability of the statement is ensured by circumstances bringing it within the scope of a hearsay exception. The following evidence shall be admitted as an exception to the hearsay rule whether or not the declarant is available as a witness:

(1) A statement relating to a startling event or condition made spontaneously while the declarant was under the contemporaneous or continuing stress of excitement caused by the event or condition.

(2) A statement made for the purpose of obtaining, receiving, or promoting medical diagnosis or treatment, including psychotherapy, and describing medical history, or past or present symptoms, pain, or sensations, or the inception or general character of the cause or external source thereof insofar as reasonably pertinent to diagnosis or treatment. For purposes of obtaining a protective order, the identity of any person inflicting abuse or neglect as defined in this Act shall be deemed reasonably pertinent to diagnosis or treatment.

(3) A statement not specifically covered by any of the foregoing exceptions but having equivalent circumstantial guarantees of trustworthiness, if the court determines that (A) the statement is offered as evidence of a material fact, and (B) the statement is more probative on the point for which it is offered than any other evidence which the proponent can

procure through reasonable efforts.

Circumstantial guarantees of trustworthiness include:

(1) the credibility of the witness who testifies the statement was made;

(2) assurance of the declarant's personal knowledge of the event;

(3) the declarant's interest or bias and the presence or absence of capacity or motive to fabricate;

(4) the presence or absence of suggestiveness or prompting at the time the statement was made;

(5) whether the declarant has ever reaffirmed or recanted the statement; and

(6) corroboration by physical evidence or behavioral changes in the declarant.

The record shall reflect the court's findings of fact and conclusions of law as to the trustworthiness requirement.

A statement shall not be admitted under the exception set forth in this Section unless its proponent gives written notice stating his or her intention to offer the statement and the particulars of it to the adverse party sufficiently in advance of offering the statement to provide the adverse party with a fair opportunity to prepare to meet the statement.
(Source: P.A. 86-542.)

(750 ILCS 60/213.2) (from Ch. 40, par. 2312-13.2)

Sec. 213.2. Waiver of privilege. When the subject of any proceeding under this Act is a high-risk adult with disabilities for whom no guardian has been appointed, no party other than the high-risk adult or the attorney for the high-risk adult shall be entitled to invoke or waive a common law or statutory privilege on behalf of the high-risk adult which results in the exclusion of evidence.
(Source: P.A. 86-542.)

(750 ILCS 60/213.3) (from Ch. 40, par. 2312-13.3)

Sec. 213.3. Independent counsel; temporary substitute guardian. If the petitioner is a high-risk adult with disabilities for whom a guardian has been appointed, the court shall appoint independent counsel other than a guardian ad litem and, may appoint a temporary substitute guardian under the provisions of Article XIa of the Probate Act of 1975. The court shall appoint a temporary substitute guardian if the guardian is named as a respondent in a petition under this Act.
(Source: P.A. 86-542.)

(750 ILCS 60/214) (from Ch. 40, par. 2312-14)

Sec. 214. Order of protection; remedies.

(a) Issuance of order. If the court finds that petitioner has been abused by a family or household member or that petitioner is a high-risk adult who has been abused, neglected, or exploited, as defined in this Act, an order of protection prohibiting the abuse, neglect, or exploitation shall issue; provided that petitioner must also satisfy the requirements of one of the following Sections, as appropriate: Section 217 on emergency orders, Section 218 on interim orders, or Section 219 on plenary orders. Petitioner shall not be denied an order of protection because petitioner or respondent is a minor. The court, when determining whether or not to issue an order of protection, shall not require physical manifestations of abuse on the person of the victim. Modification and extension of prior orders of protection shall be in accordance with this Act.

(b) Remedies and standards. The remedies to be included in an order of protection shall be determined in accordance with this Section and one of the following Sections, as appropriate: Section 217 on emergency orders, Section 218 on interim orders, and Section 219 on plenary orders. The remedies listed in this subsection shall be in addition to other civil or criminal remedies available to petitioner.

(1) Prohibition of abuse, neglect, or exploitation. Prohibit respondent's harassment, interference with personal liberty, intimidation of a dependent, physical abuse, or willful deprivation, neglect or exploitation, as defined in this Act, or stalking of the petitioner, as defined in Section 12-7.3 of the Criminal Code of 2012, if such abuse, neglect, exploitation, or stalking has occurred or otherwise appears likely to occur if not prohibited.

(2) Grant of exclusive possession of residence. Prohibit respondent from entering or remaining in any residence, household, or premises of the petitioner, including one owned or leased by respondent, if petitioner has a right to occupancy thereof. The grant of exclusive possession of the residence, household, or premises shall not affect title to real property, nor shall the court be limited by the standard set forth in Section 701 of the Illinois Marriage and Dissolution of Marriage Act.

(A) Right to occupancy. A party has a right to occupancy of a residence or household if it is solely or jointly owned or leased by that party, that party's spouse, a person with a legal duty to support that party or a minor child in that party's care, or by any person or entity other than the opposing party that authorizes that party's occupancy (e.g., a domestic violence shelter). Standards set forth in subparagraph (B) shall not preclude equitable relief.

(B) Presumption of hardships. If petitioner and respondent each has the right to occupancy of a residence or household, the court shall balance (i) the hardships to respondent and any minor child or dependent adult in respondent's care resulting from

entry of this remedy with (ii) the hardships to petitioner and any minor child or dependent adult in petitioner's care resulting from continued exposure to the risk of abuse (should petitioner remain at the residence or household) or from loss of possession of the residence or household (should petitioner leave to avoid the risk of abuse). When determining the balance of hardships, the court shall also take into account the accessibility of the residence or household. Hardships need not be balanced if respondent does not have a right to occupancy.

The balance of hardships is presumed to favor possession by petitioner unless the presumption is rebutted by a preponderance of the evidence, showing that the hardships to respondent substantially outweigh the hardships to petitioner and any minor child or dependent adult in petitioner's care. The court, on the request of petitioner or on its own motion, may order respondent to provide suitable, accessible, alternate housing for petitioner instead of excluding respondent from a mutual residence or household.

(3) Stay away order and additional prohibitions. Order respondent to stay away from petitioner or any other person protected by the order of protection, or prohibit respondent from entering or remaining present at petitioner's school, place of employment, or other specified places at times when petitioner is present, or both, if reasonable, given the balance of hardships. Hardships need not be balanced for the court to enter a stay away order or prohibit entry if respondent has no right to enter the premises.

(A) If an order of protection grants petitioner exclusive possession of the residence, or prohibits respondent from entering the residence, or orders respondent to stay away from petitioner or other protected persons, then the court may allow respondent access to the residence to remove items of clothing and personal adornment used exclusively by respondent, medications, and other items as the court directs. The right to access shall be exercised on only one occasion as the court directs and in the presence of an agreed-upon adult third party or law enforcement officer.

(B) When the petitioner and the respondent attend the same public, private, or non-public elementary, middle, or high school, the court when issuing an order of protection and providing relief shall consider the severity of the act, any continuing physical danger or emotional distress to the petitioner, the educational rights guaranteed to the petitioner and respondent under federal and State law, the availability of a transfer of the respondent to another school, a change of placement or a change of program of the respondent, the expense, difficulty, and educational disruption that would be caused by a transfer of the respondent to another school, and any

other relevant facts of the case. The court may order that the respondent not attend the public, private, or non-public elementary, middle, or high school attended by the petitioner, order that the respondent accept a change of placement or change of program, as determined by the school district or private or non-public school, or place restrictions on the respondent's movements within the school attended by the petitioner. The respondent bears the burden of proving by a preponderance of the evidence that a transfer, change of placement, or change of program of the respondent is not available. The respondent also bears the burden of production with respect to the expense, difficulty, and educational disruption that would be caused by a transfer of the respondent to another school. A transfer, change of placement, or change of program is not unavailable to the respondent solely on the ground that the respondent does not agree with the school district's or private or non-public school's transfer, change of placement, or change of program or solely on the ground that the respondent fails or refuses to consent or otherwise does not take an action required to effectuate a transfer, change of placement, or change of program. When a court orders a respondent to stay away from the public, private, or non-public school attended by the petitioner and the respondent requests a transfer to another attendance center within the respondent's school district or private or non-public school, the school district or private or non-public school shall have sole discretion to determine the attendance center to which the respondent is transferred. In the event the court order results in a transfer of the minor respondent to another attendance center, a change in the respondent's placement, or a change of the respondent's program, the parents, guardian, or legal custodian of the respondent is responsible for transportation and other costs associated with the transfer or change.

(C) The court may order the parents, guardian, or legal custodian of a minor respondent to take certain actions or to refrain from taking certain actions to ensure that the respondent complies with the order. In the event the court orders a transfer of the respondent to another school, the parents, guardian, or legal custodian of the respondent is responsible for transportation and other costs associated with the change of school by the respondent.

(4) Counseling. Require or recommend the respondent to undergo counseling for a specified duration with a social worker, psychologist, clinical psychologist, psychiatrist, family service agency, alcohol or substance abuse program, mental health center guidance counselor, agency providing services to elders, program designed for domestic violence abusers or any other guidance service the court deems appropriate. The Court may order the respondent in any intimate partner relationship to report

to an Illinois Department of Human Services protocol approved partner abuse intervention program for an assessment and to follow all recommended treatment.

(5) Physical care and possession of the minor child. In order to protect the minor child from abuse, neglect, or unwarranted separation from the person who has been the minor child's primary caretaker, or to otherwise protect the well-being of the minor child, the court may do either or both of the following: (i) grant petitioner physical care or possession of the minor child, or both, or (ii) order respondent to return a minor child to, or not remove a minor child from, the physical care of a parent or person in loco parentis.

If a court finds, after a hearing, that respondent has committed abuse (as defined in Section 103) of a minor child, there shall be a rebuttable presumption that awarding physical care to respondent would not be in the minor child's best interest.

(6) Temporary allocation of parental responsibilities: significant decision-making. Award temporary decision-making responsibility to petitioner in accordance with this Section, the Illinois Marriage and Dissolution of Marriage Act, the Illinois Parentage Act of 2015, and this State's Uniform Child-Custody Jurisdiction and Enforcement Act.

If a court finds, after a hearing, that respondent has committed abuse (as defined in Section 103) of a minor child, there shall be a rebuttable presumption that awarding temporary significant decision-making responsibility to respondent would not be in the child's best interest.

(7) Parenting time. Determine the parenting time, if any, of respondent in any case in which the court awards physical care or allocates temporary significant decision-making responsibility of a minor child to petitioner. The court shall restrict or deny respondent's parenting time with a minor child if the court finds that respondent has done or is likely to do any of the following: (i) abuse or endanger the minor child during parenting time; (ii) use the parenting time as an opportunity to abuse or harass petitioner or petitioner's family or household members; (iii) improperly conceal or detain the minor child; or (iv) otherwise act in a manner that is not in the best interests of the minor child. The court shall not be limited by the standards set forth in Section 603.10 of the Illinois Marriage and Dissolution of Marriage Act. If the court grants parenting time, the order shall specify dates and times for the parenting time to take place or other specific parameters or conditions that are appropriate. No order for parenting time shall refer merely to the term "reasonable parenting time".

Petitioner may deny respondent access to the minor child if, when respondent arrives for parenting time, respondent is under the influence of drugs or alcohol and constitutes a threat to the safety and well-being of petitioner or petitioner's minor children or is behaving in a violent or abusive manner.

If necessary to protect any member of petitioner's family or household from future abuse, respondent shall be prohibited from coming to petitioner's residence to meet the minor child for parenting time, and the parties shall submit to the court their recommendations for reasonable alternative arrangements for parenting time. A person may be approved to supervise parenting time only after filing an affidavit accepting that responsibility and acknowledging accountability to the court.

(8) Removal or concealment of minor child. Prohibit respondent from removing a minor child from the State or concealing the child within the State.

(9) Order to appear. Order the respondent to appear in court, alone or with a minor child, to prevent abuse, neglect, removal or concealment of the child, to return the child to the custody or care of the petitioner or to permit any court-ordered interview or examination of the child or the respondent.

(10) Possession of personal property. Grant petitioner exclusive possession of personal property and, if respondent has possession or control, direct respondent to promptly make it available to petitioner, if:

(i) petitioner, but not respondent, owns the property; or

(ii) the parties own the property jointly; sharing it would risk abuse of petitioner by respondent or is impracticable; and the balance of hardships favors temporary possession by petitioner.

If petitioner's sole claim to ownership of the property is that it is marital property, the court may award petitioner temporary possession thereof under the standards of subparagraph (ii) of this paragraph only if a proper proceeding has been filed under the Illinois Marriage and Dissolution of Marriage Act, as now or hereafter amended.

No order under this provision shall affect title to property.

(11) Protection of property. Forbid the respondent from taking, transferring, encumbering, concealing, damaging or otherwise disposing of any real or personal property, except as explicitly authorized by the court, if:

(i) petitioner, but not respondent, owns the property; or

(ii) the parties own the property jointly, and the balance of hardships favors granting this remedy.

If petitioner's sole claim to ownership of the property is that it is marital property, the court may grant petitioner relief under subparagraph (ii) of this paragraph only if a proper proceeding has been filed under the Illinois Marriage and Dissolution of Marriage Act, as now or hereafter amended.

The court may further prohibit respondent from improperly using the financial or other resources of an aged member of the family or household for the profit or advantage of respondent or of any other person.

(11.5) Protection of animals. Grant the petitioner

the exclusive care, custody, or control of any animal owned, possessed, leased, kept, or held by either the petitioner or the respondent or a minor child residing in the residence or household of either the petitioner or the respondent and order the respondent to stay away from the animal and forbid the respondent from taking, transferring, encumbering, concealing, harming, or otherwise disposing of the animal.

(12) Order for payment of support. Order respondent to pay temporary support for the petitioner or any child in the petitioner's care or over whom the petitioner has been allocated parental responsibility, when the respondent has a legal obligation to support that person, in accordance with the Illinois Marriage and Dissolution of Marriage Act, which shall govern, among other matters, the amount of support, payment through the clerk and withholding of income to secure payment. An order for child support may be granted to a petitioner with lawful physical care of a child, or an order or agreement for physical care of a child, prior to entry of an order allocating significant decision-making responsibility. Such a support order shall expire upon entry of a valid order allocating parental responsibility differently and vacating the petitioner's significant decision-making authority, unless otherwise provided in the order.

(13) Order for payment of losses. Order respondent to pay petitioner for losses suffered as a direct result of the abuse, neglect, or exploitation. Such losses shall include, but not be limited to, medical expenses, lost earnings or other support, repair or replacement of property damaged or taken, reasonable attorney's fees, court costs and moving or other travel expenses, including additional reasonable expenses for temporary shelter and restaurant meals.

(i) Losses affecting family needs. If a party is entitled to seek maintenance, child support or property distribution from the other party under the Illinois Marriage and Dissolution of Marriage Act, as now or hereafter amended, the court may order respondent to reimburse petitioner's actual losses, to the extent that such reimbursement would be "appropriate temporary relief", as authorized by subsection (a)(3) of Section 501 of that Act.

(ii) Recovery of expenses. In the case of an improper concealment or removal of a minor child, the court may order respondent to pay the reasonable expenses incurred or to be incurred in the search for and recovery of the minor child, including but not limited to legal fees, court costs, private investigator fees, and travel costs.

(14) Prohibition of entry. Prohibit the respondent from entering or remaining in the residence or household while the respondent is under the influence of alcohol or drugs and constitutes a threat to the safety and well-being of the petitioner or the petitioner's children.

(14.5) Prohibition of firearm possession.

(a) Prohibit a respondent against whom an order

of protection was issued from possessing any firearms during the duration of the order if the order:

(1) was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;

(2) restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

(3)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or (ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury.

Any Firearm Owner's Identification Card in the possession of the respondent, except as provided in subsection (b), shall be ordered by the court to be turned over to the local law enforcement agency. The local law enforcement agency shall immediately mail the card to the Department of State Police Firearm Owner's Identification Card Office for safekeeping. The court shall issue a warrant for seizure of any firearm in the possession of the respondent, to be kept by the local law enforcement agency for safekeeping, except as provided in subsection (b). The period of safekeeping shall be for the duration of the order of protection. The firearm or firearms and Firearm Owner's Identification Card, if unexpired, shall at the respondent's request, be returned to the respondent at the end of the order of protection. It is the respondent's responsibility to notify the Department of State Police Firearm Owner's Identification Card Office.

(b) If the respondent is a peace officer as defined in Section 2-13 of the Criminal Code of 2012, the court shall order that any firearms used by the respondent in the performance of his or her duties as a peace officer be surrendered to the chief law enforcement executive of the agency in which the respondent is employed, who shall retain the firearms for safekeeping for the duration of the order of protection.

(c) Upon expiration of the period of safekeeping, if the firearms or Firearm Owner's Identification Card cannot be returned to respondent because respondent cannot be located, fails to respond to requests to retrieve the firearms, or is not lawfully eligible to possess a firearm, upon petition from the local law enforcement agency, the court may order the local law enforcement agency to destroy the firearms, use the firearms for training purposes, or for any other application as deemed appropriate by the local law enforcement agency; or that the firearms be

turned over to a third party who is lawfully eligible to possess firearms, and who does not reside with respondent.

(15) Prohibition of access to records. If an order of protection prohibits respondent from having contact with the minor child, or if petitioner's address is omitted under subsection (b) of Section 203, or if necessary to prevent abuse or wrongful removal or concealment of a minor child, the order shall deny respondent access to, and prohibit respondent from inspecting, obtaining, or attempting to inspect or obtain, school or any other records of the minor child who is in the care of petitioner.

(16) Order for payment of shelter services. Order respondent to reimburse a shelter providing temporary housing and counseling services to the petitioner for the cost of the services, as certified by the shelter and deemed reasonable by the court.

(17) Order for injunctive relief. Enter injunctive relief necessary or appropriate to prevent further abuse of a family or household member or further abuse, neglect, or exploitation of a high-risk adult with disabilities or to effectuate one of the granted remedies, if supported by the balance of hardships. If the harm to be prevented by the injunction is abuse or any other harm that one of the remedies listed in paragraphs (1) through (16) of this subsection is designed to prevent, no further evidence is necessary that the harm is an irreparable injury.

(c) Relevant factors; findings.

(1) In determining whether to grant a specific remedy, other than payment of support, the court shall consider relevant factors, including but not limited to the following:

(i) the nature, frequency, severity, pattern and consequences of the respondent's past abuse, neglect or exploitation of the petitioner or any family or household member, including the concealment of his or her location in order to evade service of process or notice, and the likelihood of danger of future abuse, neglect, or exploitation to petitioner or any member of petitioner's or respondent's family or household; and

(ii) the danger that any minor child will be abused or neglected or improperly relocated from the jurisdiction, improperly concealed within the State or improperly separated from the child's primary caretaker.

(2) In comparing relative hardships resulting to the parties from loss of possession of the family home, the court shall consider relevant factors, including but not limited to the following:

(i) availability, accessibility, cost, safety, adequacy, location and other characteristics of alternate housing for each party and any minor child or dependent adult in the party's care;

(ii) the effect on the party's employment; and

(iii) the effect on the relationship of the

party, and any minor child or dependent adult in the party's care, to family, school, church and community.

(3) Subject to the exceptions set forth in paragraph (4) of this subsection, the court shall make its findings in an official record or in writing, and shall at a minimum set forth the following:

(i) That the court has considered the applicable relevant factors described in paragraphs (1) and (2) of this subsection.

(ii) Whether the conduct or actions of respondent, unless prohibited, will likely cause irreparable harm or continued abuse.

(iii) Whether it is necessary to grant the requested relief in order to protect petitioner or other alleged abused persons.

(4) For purposes of issuing an ex parte emergency order of protection, the court, as an alternative to or as a supplement to making the findings described in paragraphs (c)(3)(i) through (c)(3)(iii) of this subsection, may use the following procedure:

When a verified petition for an emergency order of protection in accordance with the requirements of Sections 203 and 217 is presented to the court, the court shall examine petitioner on oath or affirmation. An emergency order of protection shall be issued by the court if it appears from the contents of the petition and the examination of petitioner that the averments are sufficient to indicate abuse by respondent and to support the granting of relief under the issuance of the emergency order of protection.

(5) Never married parties. No rights or responsibilities for a minor child born outside of marriage attach to a putative father until a father and child relationship has been established under the Illinois Parentage Act of 1984, the Illinois Parentage Act of 2015, the Illinois Public Aid Code, Section 12 of the Vital Records Act, the Juvenile Court Act of 1987, the Probate Act of 1985, the Revised Uniform Reciprocal Enforcement of Support Act, the Uniform Interstate Family Support Act, the Expedited Child Support Act of 1990, any judicial, administrative, or other act of another state or territory, any other Illinois statute, or by any foreign nation establishing the father and child relationship, any other proceeding substantially in conformity with the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Pub. L. 104-193), or where both parties appeared in open court or at an administrative hearing acknowledging under oath or admitting by affirmation the existence of a father and child relationship. Absent such an adjudication, finding, or acknowledgement, no putative father shall be granted temporary allocation of parental responsibilities, including parenting time with the minor child, or physical care and possession of the minor child, nor shall an order of payment for support of the minor child be entered.

(d) Balance of hardships; findings. If the court finds that the balance of hardships does not support the granting of

a remedy governed by paragraph (2), (3), (10), (11), or (16) of subsection (b) of this Section, which may require such balancing, the court's findings shall so indicate and shall include a finding as to whether granting the remedy will result in hardship to respondent that would substantially outweigh the hardship to petitioner from denial of the remedy. The findings shall be an official record or in writing.

(e) Denial of remedies. Denial of any remedy shall not be based, in whole or in part, on evidence that:

(1) Respondent has cause for any use of force, unless that cause satisfies the standards for justifiable use of force provided by Article 7 of the Criminal Code of 2012;

(2) Respondent was voluntarily intoxicated;

(3) Petitioner acted in self-defense or defense of another, provided that, if petitioner utilized force, such force was justifiable under Article 7 of the Criminal Code of 2012;

(4) Petitioner did not act in self-defense or defense of another;

(5) Petitioner left the residence or household to avoid further abuse, neglect, or exploitation by respondent;

(6) Petitioner did not leave the residence or household to avoid further abuse, neglect, or exploitation by respondent;

(7) Conduct by any family or household member excused the abuse, neglect, or exploitation by respondent, unless that same conduct would have excused such abuse, neglect, or exploitation if the parties had not been family or household members.

(Source: P.A. 99-85, eff. 1-1-16; 99-90, eff. 1-1-16; 99-642, eff. 7-28-16.)

(750 ILCS 60/215) (from Ch. 40, par. 2312-15)

Sec. 215. Mutual orders of protection; correlative separate orders. Mutual orders of protection are prohibited. Correlative separate orders of protection undermine the purposes of this Act and are prohibited unless both parties have properly filed written pleadings, proved past abuse by the other party, given prior written notice to the other party unless excused under Section 217, satisfied all prerequisites for the type of order and each remedy granted, and otherwise complied with this Act. In these cases, the court shall hear relevant evidence, make findings, and issue separate orders in accordance with Sections 214 and 221. The fact that correlative separate orders are issued shall not be a sufficient basis to deny any remedy to petitioner or to prove that the parties are equally at fault or equally endangered.

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

(750 ILCS 60/216) (from Ch. 40, par. 2312-16)

Sec. 216. Accountability for Actions of Others. For the purposes of issuing an order of protection, deciding what remedies should be included and enforcing the order, Article 5 of the Criminal Code of 2012 shall govern whether respondent is legally accountable for the conduct of another person. (Source: P.A. 97-1150, eff. 1-25-13.)

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

(b) Appearance by respondent. If 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 petitioner and that 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 Department of 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. 96-701, eff. 1-1-10; 96-1241, eff. 1-1-11.)

(750 ILCS 60/218) (from Ch. 40, par. 2312-18)

Sec. 218. 30-Day interim order of protection.

(a) Prerequisites. An interim order of protection shall issue if petitioner has served notice of the hearing for that order on respondent, in accordance with Section 211, and satisfies the requirements of this subsection for one or more of the requested remedies. For each remedy requested, petitioner shall establish that:

(1) The court has jurisdiction under Section 208;

(2) The requirements of Section 214 are satisfied; and

(3) A general appearance was made or filed by or for respondent; or process was served on respondent in the manner required by Section 210; or the petitioner is diligently attempting to complete the required service of process.

An interim order may not include the counseling, payment of support or monetary compensation remedies, unless the respondent has filed a general appearance or has been personally served.

(b) Appearance by respondent. If respondent appears in court for this hearing for an interim order, he or she may elect to file a general appearance and testify. Any resulting order may be an interim order, governed by this Section. Notwithstanding the requirements of this Section, if all requirements of Section 219 have been met, the Court may issue a plenary order of protection.

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

(750 ILCS 60/219) (from Ch. 40, par. 2312-19)

Sec. 219. Plenary order of protection. A plenary order of protection shall issue if petitioner has served notice of the hearing for that order on respondent, in accordance with Section 211, and satisfies the requirements of this Section for one or more of the requested remedies. For each remedy requested, petitioner must establish that:

(1) the court has jurisdiction under Section 208;

(2) the requirements of Section 214 are satisfied;

(3) a general appearance was made or filed by or for respondent or process was served on respondent in the manner required by Section 210; and

(4) respondent has answered or is in default.

(Source: P.A. 95-331, eff. 8-21-07.)

(750 ILCS 60/220) (from Ch. 40, par. 2312-20)

Sec. 220. Duration and extension of orders.

(a) Duration of emergency and interim orders. Unless re-opened or extended or voided by entry of an order of greater duration:

(1) Emergency orders issued under Section 217 shall be effective for not less than 14 nor more than 21 days;

(2) Interim orders shall be effective for up to 30 days.

(b) Duration of plenary orders. Except as otherwise provided in this Section, a plenary order of protection shall be valid for a fixed period of time, not to exceed two years.

(1) A plenary order of protection entered in conjunction with another civil proceeding shall remain in effect as follows:

(i) if entered as preliminary relief in that other proceeding, until entry of final judgment in that other proceeding;

(ii) if incorporated into the final judgment in that other proceeding, until the order of protection is vacated or modified; or

(iii) if incorporated in an order for involuntary commitment, until termination of both the involuntary commitment and any voluntary commitment, or for a fixed period of time not exceeding 2 years.

(2) A plenary order of protection entered in conjunction with a criminal prosecution shall remain in effect as follows:

(i) if entered during pre-trial release, until disposition, withdrawal, or dismissal of the underlying charge; if, however, the case is continued as an independent cause of action, the order's duration may be for a fixed period of time not to exceed 2 years;

(ii) if in effect in conjunction with a bond forfeiture warrant, until final disposition or an additional period of time not exceeding 2 years; no order of protection, however, shall be terminated by a dismissal that is accompanied by the issuance of a bond forfeiture warrant;

(iii) until expiration of any supervision, conditional discharge, probation, periodic imprisonment, parole, aftercare release, or mandatory supervised release and for an additional period of time thereafter not exceeding 2 years; or

(iv) until the date set by the court for expiration of any sentence of imprisonment and subsequent parole, aftercare release, or mandatory supervised release and for an additional period of time thereafter not exceeding 2 years.

(c) Computation of time. The duration of an order of protection shall not be reduced by the duration of any prior order of protection.

(d) Law enforcement records. When a plenary order of protection expires upon the occurrence of a specified event, rather than upon a specified date as provided in subsection (b), no expiration date shall be entered in Department of State Police records. To remove the plenary order from those records, either party shall request the clerk of the court to file a certified copy of an order stating that the specified event has occurred or that the plenary order has been vacated or modified with the Sheriff, and the Sheriff shall direct that law enforcement records shall be promptly corrected in accordance with the filed order.

(e) Extension of orders. Any emergency, interim or plenary order may be extended one or more times, as required, provided that the requirements of Section 217, 218 or 219, as appropriate, are satisfied. If the motion for extension is uncontested and petitioner seeks no modification of the order, the order may be extended on the basis of petitioner's motion or affidavit stating that there has been no material change in relevant circumstances since entry of the order and stating the reason for the requested extension. An extension of a plenary order of protection may be granted, upon good cause shown, to remain in effect until the order of protection is vacated or modified. Extensions may be granted only in open court and not under the provisions of subsection (c) of Section 217, which applies only when the court is unavailable at the close of business or on a court holiday.

(f) Termination date. Any order of protection which would expire on a court holiday shall instead expire at the close of the next court business day.

(g) Statement of purpose. The practice of dismissing or suspending a criminal prosecution in exchange for the issuance of an order of protection undermines the purposes of this Act. This Section shall not be construed as encouraging that practice.

(Source: P.A. 98-558, eff. 1-1-14.)

(750 ILCS 60/221) (from Ch. 40, par. 2312-21)

Sec. 221. Contents of orders.

(a) Any order of protection shall describe the following:

(1) Each remedy granted by the court, in reasonable detail and not by reference to any other document, so that respondent may clearly understand what he or she must do or refrain from doing. Pre-printed form orders of protection shall include the definitions of the types of abuse, neglect, and exploitation, as provided in Section 103. Remedies set forth in pre-printed form orders shall be numbered consistently with and corresponding to the numerical sequence of remedies listed in Section 214 (at least as of the date the form orders are printed).

(2) The reason for denial of petitioner's request for any remedy listed in Section 214.

(b) An order of protection shall further state the following:

(1) The name of each petitioner that the court finds was abused, neglected, or exploited by respondent, and that respondent is a member of the family or household of each such petitioner, and the name of each other person protected by the order and that such person is protected by this Act.

(2) For any remedy requested by petitioner on which the court has declined to rule, that that remedy is reserved.

(3) The date and time the order of protection was

issued, whether it is an emergency, interim or plenary order and the duration of the order.

(4) The date, time and place for any scheduled hearing for extension of that order of protection or for another order of greater duration or scope.

(5) For each remedy in an emergency order of protection, the reason for entering that remedy without prior notice to respondent or greater notice than was actually given.

(6) For emergency and interim orders of protection, that respondent may petition the court, in accordance with Section 224, to re-open that order if he or she did not receive actual prior notice of the hearing, in accordance with Section 211, and alleges that he or she had a meritorious defense to the order or that the order or any of its remedies was not authorized by this Act.

(c) Any order of protection shall include the following notice, printed in conspicuous type: "Any knowing violation of an order of protection forbidding physical abuse, neglect, exploitation, harassment, intimidation, interference with personal liberty, willful deprivation, or entering or remaining present at specified places when the protected person is present, or granting exclusive possession of the residence or household, or granting a stay away order is a Class A misdemeanor. Grant of exclusive possession of the residence or household shall constitute notice forbidding trespass to land. Any knowing violation of an order awarding legal custody or physical care of a child or prohibiting removal or concealment of a child may be a Class 4 felony. Any willful violation of any order is contempt of court. Any violation may result in fine or imprisonment."

(d) An emergency order of protection shall state, "This Order of Protection is enforceable, even without registration, in all 50 states, the District of Columbia, tribal lands, and the U.S. territories pursuant to the Violence Against Women Act (18 U.S.C. 2265). Violating this Order of Protection may subject the respondent to federal charges and punishment (18 U.S.C. 2261-2262)."

(e) An interim or plenary order of protection shall state, "This Order of Protection is enforceable, even without registration, in all 50 states, the District of Columbia, tribal lands, and the U.S. territories pursuant to the Violence Against Women Act (18 U.S.C. 2265). Violating this Order of Protection may subject the respondent to federal charges and punishment (18 U.S.C. 2261-2262). The respondent may be subject to federal criminal penalties for possessing, transporting, shipping, or receiving any firearm or ammunition under the Gun Control Act (18 U.S.C. 922(g)(8) and (9))."
(Source: P.A. 93-944, eff. 1-1-05.)

(750 ILCS 60/222) (from Ch. 40, par. 2312-22)
Sec. 222. Notice of orders.
(a) Entry and issuance. Upon issuance of any order of

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

(b) Filing with sheriff. The clerk of the issuing judge shall, or the petitioner may, on the same day that an order of protection is issued, file a certified copy of that order with the sheriff or other law enforcement officials charged with maintaining Department of State Police records or charged with serving the order upon respondent. If the order was issued in accordance with subsection (c) of Section 217, the clerk shall on the next court day, file a certified copy of the order with the Sheriff or other law enforcement officials charged with maintaining Department of State Police records. If the respondent, at the time of the issuance of the order, is committed to the custody of the Illinois Department of Corrections or Illinois Department of Juvenile Justice or is on parole, aftercare release, or mandatory supervised release, the sheriff or other law enforcement officials charged with maintaining Department of State Police records shall notify the Department of Corrections or Department of Juvenile Justice within 48 hours of receipt of a copy of the order of protection from the clerk of the issuing judge or the petitioner. Such notice shall include the name of the respondent, the respondent's IDOC inmate number or IDJJ youth identification number, the respondent's date of birth, and the LEADS Record Index Number.

(c) Service by sheriff. Unless respondent was present in court when the order was issued, the sheriff, other law enforcement official or special process server shall promptly serve that order upon respondent and file proof of such service, in the manner provided for service of process in civil proceedings. Instead of serving the order upon the respondent, however, the sheriff, other law enforcement official, special process server, or other persons defined in Section 222.10 may serve the respondent with a short form notification as provided in Section 222.10. If process has not yet been served upon the respondent, it shall be served with the order or short form notification if such service is made by the sheriff, other law enforcement official, or special process server. A single fee may be charged for service of an order obtained in civil court, or for service of such an order together with process, unless waived or deferred under Section 210.

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

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

(e) Notice to schools. Upon the request of the petitioner, within 24 hours of the issuance of an order of protection, the clerk of the issuing judge shall send a certified copy of the order of protection to the day-care facility, pre-school or pre-kindergarten, or private school or the principal office of the public school district or any college or university in which any child who is a protected person under the order of protection or any child of the petitioner is enrolled as requested by the petitioner at the mailing address provided by the petitioner. If the child transfers enrollment to another day-care facility, pre-school, pre-kindergarten, private school, public school, college, or university, the petitioner may, within 24 hours of the transfer, send to the clerk written notice of the transfer, including the name and address of the institution to which the child is transferring. Within 24 hours of receipt of notice from the petitioner that a child is transferring to another day-care facility, pre-school, pre-kindergarten, private school, public school, college, or university, the clerk shall send a certified copy of the order to the institution to which the child is transferring.

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

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

(h) Disclosure by health care facilities and health care practitioners. After receiving a certified copy of an order of protection that prohibits a respondent's access to records, no health care facility or health care practitioner shall allow a respondent access to the records of any child who is a protected person under the order of protection, or release information in those records to the respondent, unless the order has expired or the respondent shows a certified copy of the court order vacating the corresponding order of protection that was sent to the health care facility or practitioner.

Nothing in this Section shall be construed to require health care facilities or health care practitioners to alter procedures related to billing and payment. The health care facility or health care practitioner may file the copy of the order of protection in the records of a child who is a protected person under the order of protection, or may employ any other method to identify the records to which a respondent is prohibited access. No health care facility or health care practitioner shall be civilly or professionally liable for reliance on a copy of an order of protection, except for willful and wanton misconduct.
(Source: P.A. 97-50, eff. 6-28-11; 97-904, eff. 1-1-13; 98-558, eff. 1-1-14.)

(750 ILCS 60/222.5)

Sec. 222.5. Filing of an order of protection issued in another state.

(a) A person entitled to protection under an order of protection issued by the court of another state, tribe, or United States territory may file a certified copy of the order of protection with the clerk of the court in a judicial circuit in which the person believes that enforcement may be necessary.

(b) The clerk shall:

(1) treat the foreign order of protection in the same manner as a judgment of the circuit court for any county of this State in accordance with the provisions of the Uniform Enforcement of Foreign Judgments Act, except that the clerk shall not mail notice of the filing of the foreign order to the respondent named in the order; and

(2) on the same day that a foreign order of protection is filed, file a certified copy of that order with the sheriff or other law enforcement officials charged with maintaining Department of State Police records as set forth in Section 222 of this Act.

(c) Neither residence in this State nor filing of a foreign order of protection shall be required for enforcement of the order by this State. Failure to file the foreign order shall not be an impediment to its treatment in all respects as an Illinois order of protection.

(d) The clerk shall not charge a fee to file a foreign order of protection under this Section.

(e) The sheriff shall inform the Department of State Police as set forth in Section 302 of this Act.
(Source: P.A. 91-903, eff. 1-1-01.)

(750 ILCS 60/222.10)

Sec. 222.10. Short form notification.

(a) Instead of personal service of an order of protection under Section 222, a sheriff, other law enforcement official,

special process server, or personnel assigned by the Department of Corrections or Department of Juvenile Justice to investigate the alleged misconduct of committed persons or alleged violations of a parolee's or releasee's conditions of parole, aftercare release, or mandatory supervised release may serve a respondent with a short form notification. The short form notification must include the following items:

(1) The respondent's name.

(2) The respondent's date of birth, if known.

(3) The petitioner's name.

(4) The names of other protected parties.

(5) The date and county in which the order of protection was filed.

(6) The court file number.

(7) The hearing date and time, if known.

(8) The conditions that apply to the respondent, either in checklist form or handwritten.

(b) The short form notification must contain the following notice in bold print:

"The order is now enforceable. You must report to the office of the sheriff or the office of the circuit court in (name of county) County to obtain a copy of the order. You are subject to arrest and may be charged with a misdemeanor or felony if you violate any of the terms of the order."

(c) Upon verification of the identity of the respondent and the existence of an unserved order against the respondent, a sheriff or other law enforcement official may detain the respondent for a reasonable time necessary to complete and serve the short form notification.

(d) When service is made by short form notification under this Section, it may be proved by the affidavit of the person making the service.

(e) The Attorney General shall make the short form notification form available to law enforcement agencies in this State.

(f) A single short form notification form may be used for orders of protection under this Act, stalking no contact orders under the Stalking No Contact Order Act, and civil no contact orders under the Civil No Contact Order Act.

(Source: P.A. 97-50, eff. 6-28-11; 97-1017, eff. 1-1-13; 98-558, eff. 1-1-14.)

(750 ILCS 60/223) (from Ch. 40, par. 2312-23)

Sec. 223. Enforcement of orders of protection.

(a) When violation is crime. A violation of any order of protection, whether issued in a civil or criminal proceeding, shall be enforced by a criminal court when:

(1) The respondent commits the crime of violation of an order of protection pursuant to Section 12-3.4 or 12-30 of the Criminal Code of 1961 or the Criminal Code of 2012, by having knowingly violated:

(i) remedies described in paragraphs (1), (2),

(3), (14), or (14.5) of subsection (b) of Section 214 of this Act; or

(ii) a remedy, which is substantially similar to the remedies authorized under paragraphs (1), (2), (3), (14), and (14.5) of subsection (b) of Section 214 of this Act, in a valid order of protection which is authorized under the laws of another state, tribe, or United States territory; or

(iii) any other remedy when the act constitutes a crime against the protected parties as defined by the Criminal Code of 1961 or the Criminal Code of 2012.

Prosecution for a violation of an order of protection shall not bar concurrent prosecution for any other crime, including any crime that may have been committed at the time of the violation of the order of protection; or

(2) The respondent commits the crime of child abduction pursuant to Section 10-5 of the Criminal Code of 1961 or the Criminal Code of 2012, by having knowingly violated:

(i) remedies described in paragraphs (5), (6) or (8) of subsection (b) of Section 214 of this Act; or

(ii) a remedy, which is substantially similar to the remedies authorized under paragraphs (5), (6), or (8) of subsection (b) of Section 214 of this Act, in a valid order of protection which is authorized under the laws of another state, tribe, or United States territory.

(b) When violation is contempt of court. A violation of any valid Illinois order of protection, whether issued in a civil or criminal proceeding, may be enforced through civil or criminal contempt procedures, as appropriate, by any court with jurisdiction, regardless where the act or acts which violated the order of protection were committed, to the extent consistent with the venue provisions of this Act. Nothing in this Act shall preclude any Illinois court from enforcing any valid order of protection issued in another state. Illinois courts may enforce orders of protection through both criminal prosecution and contempt proceedings, unless the action which is second in time is barred by collateral estoppel or the constitutional prohibition against double jeopardy.

(1) In a contempt proceeding where the petition for a rule to show cause sets forth facts evidencing an immediate danger that the respondent will flee the jurisdiction, conceal a child, or inflict physical abuse on the petitioner or minor children or on dependent adults in petitioner's care, the court may order the attachment of the respondent without prior service of the rule to show cause or the petition for a rule to show cause. Bond shall be set unless specifically denied in writing.

(2) A petition for a rule to show cause for violation of an order of protection shall be treated as an expedited proceeding.

(b-1) The court shall not hold a school district or private or non-public school or any of its employees in civil or criminal contempt unless the school district or private or non-public school has been allowed to intervene.

(b-2) The court may hold the parents, guardian, or legal

custodian of a minor respondent in civil or criminal contempt for a violation of any provision of any order entered under this Act for conduct of the minor respondent in violation of this Act if the parents, guardian, or legal custodian directed, encouraged, or assisted the respondent minor in such conduct.

(c) Violation of custody or support orders or temporary or final judgments allocating parental responsibilities. A violation of remedies described in paragraphs (5), (6), (8), or (9) of subsection (b) of Section 214 of this Act may be enforced by any remedy provided by Section 607.5 of the Illinois Marriage and Dissolution of Marriage Act. The court may enforce any order for support issued under paragraph (12) of subsection (b) of Section 214 in the manner provided for under Parts V and VII of the Illinois Marriage and Dissolution of Marriage Act.

(d) Actual knowledge. An order of protection may be enforced pursuant to this Section if the respondent violates the order after the respondent has actual knowledge of its contents as shown through one of the following means:

(1) By service, delivery, or notice under Section 210.

(2) By notice under Section 210.1 or 211.

(3) By service of an order of protection under Section 222.

(4) By other means demonstrating actual knowledge of the contents of the order.

(e) The enforcement of an order of protection in civil or criminal court shall not be affected by either of the following:

(1) The existence of a separate, correlative order, entered under Section 215.

(2) Any finding or order entered in a conjoined criminal proceeding.

(f) Circumstances. The court, when determining whether or not a violation of an order of protection has occurred, shall not require physical manifestations of abuse on the person of the victim.

(g) Penalties.

(1) Except as provided in paragraph (3) of this subsection, where the court finds the commission of a crime or contempt of court under subsections (a) or (b) of this Section, the penalty shall be the penalty that generally applies in such criminal or contempt proceedings, and may include one or more of the following: incarceration, payment of restitution, a fine, payment of attorneys' fees and costs, or community service.

(2) The court shall hear and take into account evidence of any factors in aggravation or mitigation before deciding an appropriate penalty under paragraph (1) of this subsection.

(3) To the extent permitted by law, the court is encouraged to:

(i) increase the penalty for the knowing violation of any order of protection over any penalty previously imposed by any court for respondent's violation of any order of protection or penal statute

involving petitioner as victim and respondent as defendant;

(ii) impose a minimum penalty of 24 hours imprisonment for respondent's first violation of any order of protection; and

(iii) impose a minimum penalty of 48 hours imprisonment for respondent's second or subsequent violation of an order of protection

unless the court explicitly finds that an increased penalty or that period of imprisonment would be manifestly unjust.

(4) In addition to any other penalties imposed for a violation of an order of protection, a criminal court may consider evidence of any violations of an order of protection:

(i) to increase, revoke or modify the bail bond on an underlying criminal charge pursuant to Section 110-6 of the Code of Criminal Procedure of 1963;

(ii) to revoke or modify an order of probation, conditional discharge or supervision, pursuant to Section 5-6-4 of the Unified Code of Corrections;

(iii) to revoke or modify a sentence of periodic imprisonment, pursuant to Section 5-7-2 of the Unified Code of Corrections.

(5) In addition to any other penalties, the court shall impose an additional fine of $20 as authorized by Section 5-9-1.11 of the Unified Code of Corrections upon any person convicted of or placed on supervision for a violation of an order of protection. The additional fine shall be imposed for each violation of this Section.

(Source: P.A. 99-90, eff. 1-1-16.)

(750 ILCS 60/223.1) (from Ch. 40, par. 2312-23.1)

Sec. 223.1. Order of protection; status. Whenever relief is sought under this Act, the court, before granting relief, shall determine whether any order of protection has previously been entered in the instant proceeding or any other proceeding in which any party, or a child of any party, or both, if relevant, has been designated as either a respondent or a protected person.

(Source: P.A. 87-743.)

(750 ILCS 60/224) (from Ch. 40, par. 2312-24)

Sec. 224. Modification and re-opening of orders.

(a) Except as otherwise provided in this Section, upon motion by petitioner, the court may modify an emergency, interim, or plenary order of protection:

(1) If respondent has abused petitioner since the

hearing for that order, by adding or altering one or more remedies, as authorized by Section 214; and

(2) Otherwise, by adding any remedy authorized by Section 214 which was:

(i) reserved in that order of protection;

(ii) not requested for inclusion in that order of protection; or

(iii) denied on procedural grounds, but not on the merits.

(b) Upon motion by petitioner or respondent, the court may modify any prior order of protection's remedy for custody, visitation or payment of support in accordance with the relevant provisions of the Illinois Marriage and Dissolution of Marriage Act. Each order of protection shall be entered in the Law Enforcement Agencies Data System on the same day it is issued by the court.

(c) After 30 days following entry of a plenary order of protection, a court may modify that order only when changes in the applicable law or facts since that plenary order was entered warrant a modification of its terms.

(d) Upon 2 days' notice to petitioner, in accordance with Section 211 of this Act, or such shorter notice as the court may prescribe, a respondent subject to an emergency or interim order of protection issued under this Act may appear and petition the court to re-hear the original or amended petition. Any petition to re-hear shall be verified and shall allege the following:

(1) that respondent did not receive prior notice of the initial hearing in which the emergency, interim, or plenary order was entered under Sections 211 and 217; and

(2) that respondent had a meritorious defense to the order or any of its remedies or that the order or any of its remedies was not authorized by this Act.

(e) In the event that the emergency or interim order granted petitioner exclusive possession and the petition of respondent seeks to re-open or vacate that grant, the court shall set a date for hearing within 14 days on all issues relating to exclusive possession. Under no circumstances shall a court continue a hearing concerning exclusive possession beyond the 14th day, except by agreement of the parties. Other issues raised by the pleadings may be consolidated for the hearing if neither party nor the court objects.

(f) This Section does not limit the means, otherwise available by law, for vacating or modifying orders of protection.

(Source: P.A. 95-331, eff. 8-21-07.)

(750 ILCS 60/225) (from Ch. 40, par. 2312-25)

Sec. 225. Immunity from prosecution. Any individual or organization acting in good faith to report the abuse of any person 60 years of age or older or to do any of the following in complying with the provisions of this Act shall not be subject to criminal prosecution or civil liability as a result

of such action: providing any information to the appropriate law enforcement agency, providing that the giving of any information does not violate any privilege of confidentiality under law; assisting in any investigation; assisting in the preparation of any materials for distribution under this Act; or by providing services ordered under an order of protection.

Any individual, agency, or organization acting in good faith to report or investigate alleged abuse, neglect, or exploitation of a high-risk adult with disabilities, to testify in any proceeding on behalf of a high-risk adult with disabilities, to take photographs or perform an examination, or to perform any other act in compliance with the provisions of this Act shall not be the subject of criminal prosecution, civil liability, or other penalty, sanction, restriction, or retaliation as a result of such action.

(Source: P.A. 86-542; 87-1186.)

(750 ILCS 60/226) (from Ch. 40, par. 2312-26)

Sec. 226. Untrue statements. Allegations and denials, made without reasonable cause and found to be untrue, shall subject the party pleading them to the payment of reasonable expenses actually incurred by the other party by reason of the untrue pleading, together with a reasonable attorney's fee, to be summarily taxed by the court upon motion made within 30 days of the judgment or dismissal, as provided in Supreme Court Rule 137. The court may direct that a copy of an order entered under this Section be provided to the State's Attorney so that he or she may determine whether to prosecute for perjury. This Section shall not apply to proceedings heard in Criminal Court or to criminal contempt of court proceedings, whether heard in Civil or Criminal Court.

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

(750 ILCS 60/227) (from Ch. 40, par. 2312-27)

Sec. 227. Privileged communications between domestic violence counselors and victims.

(a) As used in this Section:

(1) "Domestic violence program" means any unit of local government, organization, or association whose major purpose is to provide one or more of the following: information, crisis intervention, emergency shelter, referral, counseling, advocacy, or emotional support to victims of domestic violence.

(2) "Domestic violence advocate or counselor" means any person (A) who has undergone a minimum of forty hours of training in domestic violence advocacy, crisis intervention, and related areas, and (B) who provides

services to victims through a domestic violence program either on an employed or volunteer basis.

(3) "Confidential communication" means any communication between an alleged victim of domestic violence and a domestic violence advocate or counselor in the course of providing information, counseling, or advocacy. The term includes all records kept by the advocate or counselor or by the domestic violence program in the course of providing services to an alleged victim concerning the alleged victim and the services provided. The confidential nature of the communication is not waived by the presence at the time of the communication of any additional persons, including but not limited to an interpreter, to further express the interests of the domestic violence victim or by the advocate's or counselor's disclosure to such an additional person with the consent of the victim when reasonably necessary to accomplish the purpose for which the advocate or counselor is consulted.

(4) "Domestic violence victim" means any person who consults a domestic violence counselor for the purpose of securing advice, counseling or assistance related to one or more alleged incidents of domestic violence.

(5) "Domestic violence" means abuse as defined in this Act.

(b) No domestic violence advocate or counselor shall disclose any confidential communication or be examined as a witness in any civil or criminal case or proceeding or in any legislative or administrative proceeding without the written consent of the domestic violence victim except (1) in accordance with the provisions of the Abused and Neglected Child Reporting Act or (2) in cases where failure to disclose is likely to result in an imminent risk of serious bodily harm or death of the victim or another person.

(c) A domestic violence advocate or counselor who knowingly discloses any confidential communication in violation of this Act commits a Class A misdemeanor.

(d) When a domestic violence victim is deceased or has been adjudged incompetent by a court of competent jurisdiction, the guardian of the domestic violence victim or the executor or administrator of the estate of the domestic violence victim may waive the privilege established by this Section, except where the guardian, executor or administrator of the estate has been charged with a violent crime against the domestic violence victim or has had an Order of Protection entered against him or her at the request of or on behalf of the domestic violence victim or otherwise has an interest adverse to that of the domestic violence victim with respect to the waiver of the privilege. In that case, the court shall appoint an attorney for the estate of the domestic violence victim.

(e) A minor may knowingly waive the privilege established by this Section. Where a minor is, in the opinion of the court, incapable of knowingly waiving the privilege, the parent or guardian of the minor may waive the privilege on behalf of the minor, except where such parent or guardian has been charged with a violent crime against the minor or has had

an Order of Protection entered against him or her on request of or on behalf of the minor or otherwise has any interest adverse to that of the minor with respect to the waiver of the privilege. In that case, the court shall appoint an attorney for the minor child who shall be compensated in accordance with Section 506 of the Illinois Marriage and Dissolution of Marriage Act.

(f) Nothing in this Section shall be construed to limit in any way any privilege that might otherwise exist under statute or common law.

(g) The assertion of any privilege under this Section shall not result in an inference unfavorable to the State's cause or to the cause of the domestic violence victim.
(Source: P.A. 99-642, eff. 7-28-16.)

(750 ILCS 60/227.1) (from Ch. 40, par. 2312-27.1)

Sec. 227.1. Other privileged information. Except as otherwise provided in this Section, no court or administrative or legislative body shall compel any person or domestic violence program to disclose the location of any domestic violence program or the identity of any domestic violence advocate or counselor in any civil or criminal case or proceeding or in any administrative or legislative proceeding. A court may compel disclosure of the location of a domestic violence program or the identity of a domestic violence advocate or counselor if the court finds, following a hearing, that there is clear and convincing evidence that failure to disclose would be likely to result in an imminent risk of serious bodily harm or death to a domestic violence victim or another person. If the court makes such a finding, then disclosure shall take place in camera, under a restrictive protective order that does not frustrate the purposes of compelling the disclosure, and the information disclosed shall not be made a part of the written record of the case.
(Source: P.A. 87-1186.)

(750 ILCS 60/Art. III heading)

ARTICLE III
LAW ENFORCEMENT RESPONSIBILITIES

(750 ILCS 60/301) (from Ch. 40, par. 2313-1)

Sec. 301. Arrest without warrant.

(a) Any law enforcement officer may make an arrest without

warrant if the officer has probable cause to believe that the person has committed or is committing any crime, including but not limited to violation of an order of protection, under Section 12-3.4 or 12-30 of the Criminal Code of 1961 or the Criminal Code of 2012, even if the crime was not committed in the presence of the officer.

(b) The law enforcement officer may verify the existence of an order of protection by telephone or radio communication with his or her law enforcement agency or by referring to the copy of the order provided by the petitioner or respondent.

(c) Any law enforcement officer may make an arrest without warrant if the officer has reasonable grounds to believe a defendant at liberty under the provisions of subdivision (d)(1) or (d)(2) of Section 110-10 of the Code of Criminal Procedure of 1963 has violated a condition of his or her bail bond or recognizance.

(Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

(750 ILCS 60/301.1) (from Ch. 40, par. 2313-1.1)

Sec. 301.1. Law enforcement policies.

(a) Every law enforcement agency shall develop, adopt, and implement written policies regarding arrest procedures for domestic violence incidents consistent with the provisions of this Act. In developing these policies, each law enforcement agency shall consult with community organizations and other law enforcement agencies with expertise in recognizing and handling domestic violence incidents.

(b) In the initial training of new recruits and every 5 years in the continuing education of law enforcement officers, every law enforcement agency shall provide training to aid in understanding the actions of domestic violence victims and abusers and to prevent further victimization of those who have been abused, focusing specifically on looking beyond the physical evidence to the psychology of domestic violence situations, such as the dynamics of the aggressor-victim relationship, separately evaluating claims where both parties claim to be the victim, and long-term effects.

The Law Enforcement Training Standards Board shall formulate and administer the training under this subsection (b) as part of the current programs for both new recruits and active law enforcement officers. The Board shall formulate the training by July 1, 2017, and implement the training statewide by July 1, 2018. In formulating the training, the Board shall work with community organizations with expertise in domestic violence to determine which topics to include. The Law Enforcement Training Standards Board shall oversee the implementation and continual administration of the training.

(Source: P.A. 99-810, eff. 1-1-17.)

(750 ILCS 60/302) (from Ch. 40, par. 2313-2)

Sec. 302. Data maintenance by law enforcement agencies.

(a) All sheriffs shall furnish to the Department of State Police, on the same day as received, in the form and detail the Department requires, copies of any recorded emergency, interim, or plenary orders of protection issued by the court, and any foreign orders of protection filed by the clerk of the court, and transmitted to the sheriff by the clerk of the court pursuant to subsection (b) of Section 222 of this Act. Each order of protection shall be entered in the Law Enforcement Agencies Data System on the same day it is issued by the court. If an emergency order of protection was issued in accordance with subsection (c) of Section 217, the order shall be entered in the Law Enforcement Agencies Data System as soon as possible after receipt from the clerk.

(b) The Department of State Police shall maintain a complete and systematic record and index of all valid and recorded orders of protection issued pursuant to this Act. The data shall be used to inform all dispatchers and law enforcement officers at the scene of an alleged incident of abuse, neglect, or exploitation or violation of an order of protection of any recorded prior incident of abuse, neglect, or exploitation involving the abused, neglected, or exploited party and the effective dates and terms of any recorded order of protection.

(c) The data, records and transmittals required under this Section shall pertain to any valid emergency, interim or plenary order of protection, whether issued in a civil or criminal proceeding or authorized under the laws of another state, tribe, or United States territory.

(Source: P.A. 95-331, eff. 8-21-07.)

(750 ILCS 60/303) (from Ch. 40, par. 2313-3)

Sec. 303. Reports by law enforcement officers.

(a) Every law enforcement officer investigating an alleged incident of abuse, neglect, or exploitation between family or household members shall make a written police report of any bona fide allegation and the disposition of such investigation. The police report shall include the victim's statements as to the frequency and severity of prior incidents of abuse, neglect, or exploitation by the same family or household member and the number of prior calls for police assistance to prevent such further abuse, neglect, or exploitation.

(b) Every police report completed pursuant to this Section shall be recorded and compiled as a domestic crime within the meaning of Section 5.1 of the Criminal Identification Act.

(Source: P.A. 86-542; 87-1186.)

(750 ILCS 60/304) (from Ch. 40, par. 2313-4)

Sec. 304. Assistance by law enforcement officers.

(a) Whenever a law enforcement officer has reason to believe that a person has been abused, neglected, or exploited by a family or household member, the officer shall immediately use all reasonable means to prevent further abuse, neglect, or exploitation, including:

(1) Arresting the abusing, neglecting and exploiting party, where appropriate;

(2) If there is probable cause to believe that particular weapons were used to commit the incident of abuse, subject to constitutional limitations, seizing and taking inventory of the weapons;

(3) Accompanying the victim of abuse, neglect, or exploitation to his or her place of residence for a reasonable period of time to remove necessary personal belongings and possessions;

(4) Offering the victim of abuse, neglect, or exploitation immediate and adequate information (written in a language appropriate for the victim or in Braille or communicated in appropriate sign language), which shall include a summary of the procedures and relief available to victims of abuse under subsection (c) of Section 217 and the officer's name and badge number;

(5) Providing the victim with one referral to an accessible service agency;

(6) Advising the victim of abuse about seeking medical attention and preserving evidence (specifically including photographs of injury or damage and damaged clothing or other property); and

(7) Providing or arranging accessible transportation for the victim of abuse (and, at the victim's request, any minors or dependents in the victim's care) to a medical facility for treatment of injuries or to a nearby place of shelter or safety; or, after the close of court business hours, providing or arranging for transportation for the victim (and, at the victim's request, any minors or dependents in the victim's care) to the nearest available circuit judge or associate judge so the victim may file a petition for an emergency order of protection under subsection (c) of Section 217. When a victim of abuse chooses to leave the scene of the offense, it shall be presumed that it is in the best interests of any minors or dependents in the victim's care to remain with the victim or a person designated by the victim, rather than to remain with the abusing party.

(b) Whenever a law enforcement officer does not exercise arrest powers or otherwise initiate criminal proceedings, the officer shall:

(1) Make a police report of the investigation of any bona fide allegation of an incident of abuse, neglect, or exploitation and the disposition of the investigation, in accordance with subsection (a) of Section 303;

(2) Inform the victim of abuse neglect, or exploitation of the victim's right to request that a criminal proceeding be initiated where appropriate,

including specific times and places for meeting with the State's Attorney's office, a warrant officer, or other official in accordance with local procedure; and

(3) Advise the victim of the importance of seeking medical attention and preserving evidence (specifically including photographs of injury or damage and damaged clothing or other property).

(c) Except as provided by Section 24-6 of the Criminal Code of 2012 or under a court order, any weapon seized under subsection (a)(2) shall be returned forthwith to the person from whom it was seized when it is no longer needed for evidentiary purposes.

(Source: P.A. 97-1150, eff. 1-25-13.)

(750 ILCS 60/305) (from Ch. 40, par. 2313-5)

Sec. 305. Limited law enforcement liability. Any act of omission or commission by any law enforcement officer acting in good faith in rendering emergency assistance or otherwise enforcing this Act shall not impose civil liability upon the law enforcement officer or his or her supervisor or employer, unless the act is a result of willful or wanton misconduct.

(Source: P.A. 84-1305.)

(750 ILCS 60/306) (from Ch. 40, par. 2313-6)

Sec. 306. (Repealed).

(Source: Repealed by internal repealer, eff. 9-1-94.)

(750 ILCS 60/Art. IV heading)

ARTICLE IV
HEALTH CARE PROVIDERS

(750 ILCS 60/401) (from Ch. 40, par. 2314-1)

Sec. 401. Any person who is licensed, certified or otherwise authorized by the law of this State to administer health care in the ordinary course of business or practice of a profession shall offer to a person suspected to be a victim of abuse immediate and adequate information regarding services available to victims of abuse.

Any person who is licensed, certified or otherwise

authorized by the law of this State to administer health care in the ordinary course of business, or practice of a profession and who in good faith offers to a person suspected to be a victim of abuse information regarding services available to victims of abuse shall not be civilly liable for any act or omission of the agency providing those services to the victims of abuse or for the inadequacy of those services provided by the agency.
(Source: P.A. 87-436.)

Information maintained by the Legislative Reference Bureau
Updating the database of the Illinois Compiled Statutes (ILCS) is an ongoing process. Recent laws may not yet be included in the ILCS database, but they are found on this site as Public Acts soon after they become law. For information concerning the relationship between statutes and Public Acts, refer to the Guide.
Because the statute database is maintained primarily for legislative drafting purposes, statutory changes are sometimes included in the statute database before they take effect. If the source note at the end of a Section of the statutes includes a Public Act that has not yet taken effect, the version of the law that is currently in effect may have already been removed from the database and you should refer to that Public Act to see the changes made to the current law.

FAMILIES
(750 ILCS 61/) Address Confidentiality for Victims of Domestic Violence Act.

(750 ILCS 61/1)
Sec. 1. Short title. This Act may be cited as the Address Confidentiality for Victims of Domestic Violence Act.
(Source: P.A. 91-494, eff. 1-1-00.)

(750 ILCS 61/5)
Sec. 5. Legislative findings. The General Assembly finds that persons attempting to escape from actual or threatened domestic violence frequently establish new addresses in order to prevent their assailants or probable assailants from finding them. The purpose of this Act is to enable State and local agencies to respond to requests for public records without disclosing the location of a victim of domestic violence, to enable interagency cooperation with the Attorney General in providing address confidentiality for victims of domestic violence, and to enable State and local agencies to accept a program participant's use of an address designated by the Attorney General as a substitute mailing address.
(Source: P.A. 91-494, eff. 1-1-00.)

(750 ILCS 61/10)
Sec. 10. Definitions. In this Act, unless the context otherwise requires:
"Address" means a residential street address, school address, or work address of an individual, as specified on the individual's application to be a program participant under this Act.
"Program participant" means a person certified as a program participant under this Act.
"Domestic violence" has the same meaning as in the Illinois Domestic Violence Act of 1986 and includes a threat of domestic violence against an individual in a domestic situation, regardless of whether the domestic violence or

threat has been reported to law enforcement officers.
(Source: P.A. 91-494, eff. 1-1-00.)

(750 ILCS 61/11)

Sec. 11. Address confidentiality program; administration. Subject to appropriations for the purposes of this Act, the Attorney General shall administer an address confidentiality program for victims of domestic violence.
(Source: P.A. 91-494, eff. 1-1-00.)

(750 ILCS 61/15)

Sec. 15. Address confidentiality program; application; certification.

(a) An adult person, a parent or guardian acting on behalf of a minor, or a guardian acting on behalf of a person with a disability, as defined in Article 11a of the Probate Act of 1975, may apply to the Attorney General to have an address designated by the Attorney General serve as the person's address or the address of the minor or person with a disability. The Attorney General shall approve an application if it is filed in the manner and on the form prescribed by him or her and if it contains:

(1) a sworn statement by the applicant that the applicant has good reason to believe (i) that the applicant, or the minor or person with a disability on whose behalf the application is made, is a victim of domestic violence; and (ii) that the applicant fears for his or her safety or his or her children's safety, or the safety of the minor or person with a disability on whose behalf the application is made;

(2) a designation of the Attorney General as agent for purposes of service of process and receipt of mail;

(3) the mailing address where the applicant can be contacted by the Attorney General, and the phone number or numbers where the applicant can be called by the Attorney General;

(4) the new address or addresses that the applicant requests not be disclosed for the reason that disclosure will increase the risk of domestic violence; and

(5) the signature of the applicant and of any individual or representative of any office designated in writing under Section 40 of this Act who assisted in the preparation of the application, and the date on which the applicant signed the application.

(b) Applications shall be filed with the office of the Attorney General.

(c) Upon filing a properly completed application, the Attorney General shall certify the applicant as a program participant. Applicants shall be certified for 4 years following the date of filing unless the certification is

withdrawn or invalidated before that date. The Attorney General shall by rule establish a renewal procedure.

(d) A person who falsely attests in an application that disclosure of the applicant's address would endanger the applicant's safety or the safety of the applicant's children or the minor or incapacitated person on whose behalf the application is made, or who knowingly provides false or incorrect information upon making an application, is guilty of a Class 3 felony.

(Source: P.A. 99-143, eff. 7-27-15.)

(750 ILCS 61/20)

Sec. 20. Certification cancellation.

(a) If the program participant obtains a name change, he or she loses certification as a program participant.

(b) The Attorney General may cancel a program participant's certification if there is a change in the residential address from the one listed on the application, unless the program participant provides the Attorney General within 7 days notice before the change of address.

(c) The Attorney General may cancel certification of a program participant if mail forwarded by the Attorney General to the program participant's address is returned as nondeliverable.

(d) The Attorney General shall cancel certification of a program participant who applies using false information.

(Source: P.A. 91-494, eff. 1-1-00.)

(750 ILCS 61/25)

Sec. 25. Agency use of designated address.

(a) A program participant may request that State and local agencies use the address designated by the Attorney General as his or her address. When creating a new public record, State and local agencies shall accept the address designated by the Attorney General as a program participant's substitute address, unless the Attorney General has determined that:

(1) the agency has a bona fide statutory or administrative requirement for the use of the address that would otherwise be confidential under this Act; and

(2) this address will be used only for those statutory and administrative purposes.

(b) A program participant may use the address designated by the Attorney General as his or her work address.

(c) The office of the Attorney General shall forward all first class mail to the appropriate program participants.

(Source: P.A. 91-494, eff. 1-1-00.)

(750 ILCS 61/30)

Sec. 30. Voting by program participant; use of designated address by election authority.

(a) A program participant who is otherwise qualified to vote may apply to vote under Article 20 of the Election Code. The program participant shall automatically receive absentee ballots for all elections in the jurisdictions for which that individual resides in the same manner as absentee voters who qualify under Article 20 of the Election Code. The Attorney General shall adopt rules to ensure the integrity of the voting process and the confidentiality of the program participant. The election authority shall transmit the absentee ballot to the program participant at the address designated by the participant in his or her application. Neither the name nor the address of a program participant shall be included in any list of registered voters available to the public.

(b) The election authority may not make the participant's address contained in voter registration records available for public inspection or copying except under the following circumstances:

(1) if requested by a law enforcement agency, to the law enforcement agency; and

(2) if directed by a court order, to a person identified in the order.

(Source: P.A. 91-494, eff. 1-1-00.)

(750 ILCS 61/35)

Sec. 35. Disclosure of address prohibited; exceptions. The Attorney General may not make a program participant's address, other than the address designated by the Attorney General, available for inspection or copying, except under the following circumstances:

(a) if requested by a law enforcement agency, to the law enforcement agency;

(b) if directed by a court order, to a person identified in the order; and

(c) if certification has been canceled.

(Source: P.A. 91-494, eff. 1-1-00.)

(750 ILCS 61/40)

Sec. 40. Assistance for program applicants. The Attorney General shall designate State and local agencies and nonprofit agencies that provide counseling and shelter services to victims of domestic violence to assist persons applying to be program participants. Any assistance and counseling rendered by the office of the Attorney General or its designees to applicants shall in no way be construed as legal advice.

(Source: P.A. 91-494, eff. 1-1-00.)

(750 ILCS 61/45)

Sec. 45. Rules. The Attorney General may adopt rules to facilitate the administration of this Act by State and local agencies.

(Source: P.A. 91-494, eff. 1-1-00.)

(750 ILCS 61/100)

Sec. 100. (Amendatory provisions; text omitted).

(Source: P.A. 91-494, eff. 1-1-00; text omitted.)

(750 ILCS 5/505) (from Ch. 40, par. 505)

Sec. 505. Child support; contempt; penalties.

(a) In a proceeding for dissolution of marriage, legal separation, declaration of invalidity of marriage, dissolution of a civil union, a proceeding for child support following dissolution of the marriage or civil union by a court that lacked personal jurisdiction over the absent spouse, a proceeding for modification of a previous order for child support under Section 510 of this Act, or any proceeding authorized under Section 501 or 601 of this Act, the court may order either or both parents owing a duty of support to a child of the marriage or civil union to pay an amount reasonable and necessary for support. The duty of support owed to a child includes the obligation to provide for the reasonable and necessary physical, mental and emotional health needs of the child. For purposes of this Section, the term "child" shall include any child under age 18 and any child age 19 or younger who is still attending high school. For purposes of this Section, the term "obligor" means the parent obligated to pay support to the other parent.

(1) Child support guidelines. The Illinois Department of Healthcare and Family Services shall adopt rules establishing child support guidelines which include worksheets to aid in the calculation of the child support obligations and a schedule of basic child support obligations that reflects the percentage of combined net income that parents living in the same household in this State ordinarily spend on their child. The child support guidelines have the following purposes:

(A) to establish as State policy an adequate standard of support for a child, subject to the ability of parents to pay;

(B) to make child support obligations more equitable by ensuring more consistent treatment of parents in similar circumstances;

(C) to improve the efficiency of the court process by promoting settlements and giving courts and the parties guidance in establishing levels of child support;

(D) to calculate child support based upon the parents' combined net income estimated to have been allocated for the support of the child if the parents and child were living in an intact household;

(E) to adjust child support based upon the needs of the child; and

(F) to allocate the amount of child support to be paid by each parent based upon a parent's net income and the child's physical care arrangements.

(1.5) Computation of basic child support obligation. The court shall compute the basic child support obligation by taking the following steps:

(A) determine each parent's monthly net income;

(B) add the parents' monthly net incomes together to determine the combined monthly net income of the parents;

(C) select the corresponding appropriate amount

from the schedule of basic child support obligations based on the parties' combined monthly net income and number of children of the parties; and

(D) calculate each parent's percentage share of the basic child support obligation.

Although a monetary obligation is computed for each parent as child support, the receiving parent's share is not payable to the other parent and is presumed to be spent directly on the child.

(2) Duty of support. The court shall determine child support in each case by applying the child support guidelines unless the court makes a finding that application of the guidelines would be inappropriate, after considering the best interests of the child and evidence which shows relevant factors including, but not limited to, one or more of the following:

(A) the financial resources and needs of the child;

(B) the financial resources and needs of the parents;

(C) the standard of living the child would have enjoyed had the marriage or civil union not been dissolved; and

(D) the physical and emotional condition of the child and his or her educational needs.

(3) Income.

(A) As used in this Section, "gross income" means the total of all income from all sources, except "gross income" does not include (i) benefits received by the parent from means-tested public assistance programs, including, but not limited to, Temporary Assistance to Needy Families, Supplemental Security Income, and the Supplemental Nutrition Assistance Program or (ii) benefits and income received by the parent for other children in the household, including, but not limited to, child support, survivor benefits, and foster care payments. Social security disability and retirement benefits paid for the benefit of the subject child must be included in the disabled or retired parent's gross income for purposes of calculating the parent's child support obligation, but the parent is entitled to a child support credit for the amount of benefits paid to the other party for the child. "Gross income" also includes spousal maintenance received pursuant to a court order in the pending proceedings or any other proceedings that must be included in the recipient's gross income for purposes of calculating the parent's child support obligation.

(B) As used in this Section, "net income" means gross income minus either the standardized tax amount calculated pursuant to subparagraph (C) of this paragraph (3) or the individualized tax amount calculated pursuant to subparagraph (D) of this paragraph (3), and minus any adjustments pursuant to subparagraph (F) of this paragraph (3). The standardized tax amount shall be used unless the

requirements for an individualized tax amount set forth in subparagraph (E) of this paragraph (3) are met.

(C) As used in this Section, "standardized tax amount" means the total of federal and state income taxes for a single person claiming the standard tax deduction, one personal exemption, and the applicable number of dependency exemptions for the minor child or children of the parties, and Social Security and Medicare tax calculated at the Federal Insurance Contributions Act rate.

(I) Unless a court has determined otherwise or the parties otherwise agree, the party with the majority of parenting time shall be deemed entitled to claim the dependency exemption for the parties' minor child.

(II) The Illinois Department of Healthcare and Family Services shall promulgate a standardized net income conversion table that computes net income by deducting the standardized tax amount from gross income.

(D) As used in this Section, "individualized tax amount" means the aggregate of the following taxes:

(I) federal income tax (properly calculated withholding or estimated payments);

(II) State income tax (properly calculated withholding or estimated payments); and

(III) Social Security or self-employment tax, if applicable (or, if none, mandatory retirement contributions required by law or as a condition of employment) and Medicare tax calculated at the Federal Insurance Contributions Act rate.

(E) In lieu of a standardized tax amount, a determination of an individualized tax amount may be made under items (I), (II), or (III) below. If an individualized tax amount determination is made under this subparagraph (E), all relevant tax attributes (including filing status, allocation of dependency exemptions, and whether a party is to claim the standard deduction or itemized deductions for federal income tax purposes) shall be as the parties agree or as the court determines. To determine a party's reported income, the court may order the party to complete an Internal Revenue Service Form 4506-T, Request for Tax Transcript.

(I) Agreement. Irrespective of whether the parties agree on any other issue before the court, if they jointly stipulate for the record their concurrence on a computation method for the individualized tax amount that is different from the method set forth under subparagraph (D), the stipulated method shall be used by the court unless the court rejects the proposed stipulated method for good cause.

(II) Summary hearing. If the court determines child support in a summary hearing under Section 501 and an eligible party opts in to the

individualized tax amount method under this item (II), the individualized tax amount shall be determined by the court on the basis of information contained in one or both parties' Supreme Court approved Financial Affidavit (Family & Divorce Cases) and relevant supporting documents under applicable court rules. No party, however, is eligible to opt in unless the party, under applicable court rules, has served the other party with the required Supreme Court approved Financial Affidavit (Family & Divorce Cases) and has substantially produced supporting documents required by the applicable court rules.

(III) Evidentiary hearing. If the court determines child support in an evidentiary hearing, whether for purposes of a temporary order or at the conclusion of a proceeding, item (II) of this subparagraph (E) does not apply. In each such case (unless item (I) governs), the individualized tax amount shall be as determined by the court on the basis of the record established.

(F) Adjustments to income.

(I) Multi-family adjustment. If a parent is also legally responsible for support of a child not shared with the other parent and not subject to the present proceeding, there shall be an adjustment to net income as follows:

(i) Multi-family adjustment with court order. The court shall deduct from the parent's net income the amount of child support actually paid by the parent pursuant to a support order unless the court makes a finding that it would cause economic hardship to the child.

(ii) Multi-family adjustment without court order. Upon the request or application of a parent actually supporting a presumed, acknowledged, or adjudicated child living in or outside of that parent's household, there shall be an adjustment to child support. The court shall deduct from the parent's net income the amount of financial support actually paid by the parent for the child or 75% of the support the parent should pay under the child support guidelines (before this adjustment), whichever is less, unless the court makes a finding that it would cause economic hardship to the child. The adjustment shall be calculated using that parent's income alone.

(II) Spousal Maintenance adjustment. Obligations pursuant to a court order for spousal maintenance in the pending proceeding actually paid or payable to the same party to whom child support is to be payable or actually paid to a former spouse pursuant to a court order shall be deducted from the parent's gross income.

(3.1) Business income. For purposes of calculating child support, net business income from the operation of a business means gross receipts minus ordinary and necessary expenses required to carry on the trade or business. As used in this paragraph, "business" includes, but is not limited to, sole proprietorships, closely held corporations, partnerships, other flow-through business entities, and self-employment. The court shall apply the following:

(A) The accelerated component of depreciation and any business expenses determined either judicially or administratively to be inappropriate or excessive shall be excluded from the total of ordinary and necessary business expenses to be deducted in the determination of net business income from gross business income.

(B) Any item of reimbursement or in-kind payment received by a parent from a business, including, but not limited to, a company car, reimbursed meals, free housing, or a housing allowance, shall be counted as income if not otherwise included in the recipient's gross income, if the item is significant in amount and reduces personal expenses.

(3.2) Unemployment or underemployment. If a parent is voluntarily unemployed or underemployed, child support shall be calculated based on a determination of potential income. A determination of potential income shall be made by determining employment potential and probable earnings level based on the obligor's work history, occupational qualifications, prevailing job opportunities, the ownership by a parent of a substantial non-income producing asset, and earnings levels in the community. If there is insufficient work history to determine employment potential and probable earnings level, there shall be a rebuttable presumption that the parent's potential income is 75% of the most recent United States Department of Health and Human Services Federal Poverty Guidelines for a family of one person.

(3.3) Rebuttable presumption in favor of guidelines. There is a rebuttable presumption in any judicial or administrative proceeding for child support that the amount of the child support obligation that would result from the application of the child support guidelines is the correct amount of child support.

(3.3a) Minimum child support obligation. There is a rebuttable presumption that a minimum child support obligation of $40 per month, per child, will be entered for an obligor who has actual or imputed gross income at or less than 75% of the most recent United States Department of Health and Human Services Federal Poverty Guidelines for a family of one person, with a maximum total child support obligation for that obligor of $120 per month to be divided equally among all of the obligor's children.

(3.3b) Zero dollar child support order. For parents with no gross income, who receive only means-tested assistance, or who cannot work due to a medically proven

disability, incarceration, or institutionalization, there is a rebuttable presumption that the $40 per month minimum support order is inapplicable and a zero dollar order shall be entered.

(3.4) Deviation factors. In any action to establish or modify child support, whether pursuant to a temporary or final administrative or court order, the child support guidelines shall be used as a rebuttable presumption for the establishment or modification of the amount of child support. The court may deviate from the child support guidelines if the application would be inequitable, unjust, or inappropriate. Any deviation from the guidelines shall be accompanied by written findings by the court specifying the reasons for the deviation and the presumed amount under the child support guidelines without a deviation. These reasons may include:

(A) extraordinary medical expenditures necessary to preserve the life or health of a party or a child of either or both of the parties;

(B) additional expenses incurred for a child subject to the child support order who has special medical, physical, or developmental needs; and

(C) any other factor the court determines should be applied upon a finding that the application of the child support guidelines would be inappropriate, after considering the best interest of the child.

(3.5) Income in excess of the schedule of basic child support obligation. A court may use its discretion to determine child support if the combined adjusted net income of the parties exceeds the highest level of the schedule of basic child support obligation, except that the basic child support obligation shall not be less than the highest level of combined net income set forth in the schedule of basic child support obligation.

(3.6) Extracurricular activities and school expenses. The court, in its discretion, in addition to the basic child support obligation, may order either or both parents owing a duty of support to the child to contribute to the reasonable school and extracurricular activity expenses incurred which are intended to enhance the educational, athletic, social, or cultural development of the child.

(3.7) Child care expenses. The court, in its discretion, in addition to the basic child support obligation, may order either or both parents owing a duty of support to the child to contribute to the reasonable child care expenses of the child. The child care expenses shall be made payable directly to a party or directly to the child care provider at the time of child care services.

(A) "Child care expenses" means actual expenses reasonably necessary to enable a parent or non-parent custodian to be employed, to attend educational or vocational training programs to improve employment opportunities, or to search for employment. "Child care expenses" also includes deposits for securing placement in a child care program, the cost of before and after school care, and camps when school is not in

session. A child's special needs shall be a consideration in determining reasonable child care expenses.

(B) Child care expenses shall be prorated in proportion to each parent's percentage share of combined net income, and may be added to the basic child support obligation if not paid directly by each parent to the provider of child care services. The obligor's and obligee's portion of actual child care expenses shall appear in the support order. If allowed, the value of the federal income tax credit for child care shall be subtracted from the actual cost to determine the net child care costs.

(C) The amount of child care expenses shall be adequate to obtain reasonable and necessary child care. The actual child care expenses shall be used to calculate the child care expenses, if available. When actual child care expenses vary, the actual child care expenses may be averaged over the most recent 12-month period. When a parent is temporarily unemployed or temporarily not attending educational or vocational training programs, future child care expenses shall be based upon prospective expenses to be incurred upon return to employment or educational or vocational training programs.

(D) An order for child care expenses may be modified upon a showing of a substantial change in circumstances. The party incurring child care expenses shall notify the other party within 14 days of any change in the amount of child care expenses that would affect the annualized child care amount as determined in the support order.

(3.8) Shared physical care. If each parent exercises 146 or more overnights per year with the child, the basic child support obligation is multiplied by 1.5 to calculate the shared care child support obligation. The court shall determine each parent's share of the shared care child support obligation based on the parent's percentage share of combined net income. The child support obligation is then computed for each parent by multiplying that parent's portion of the shared care support obligation by the percentage of time the child spends with the other parent. The respective child support obligations are then offset, with the parent owing more child support paying the difference between the child support amounts. The Illinois Department of Healthcare and Family Services shall promulgate a worksheet to calculate child support in cases in which the parents have shared physical care and use the standardized tax amount to determine net income.

(3.9) Split physical care. When there is more than one child and each parent has physical care of at least one but not all of the children, the support is calculated by using 2 child support worksheets to determine the support each parent owes the other. The support shall be calculated as follows:

(A) compute the support the first parent would

owe to other parent as if the child in his or her care was the only child of the parties; then

(B) compute the support the other parent would owe to the first parent as if the child in his or her care were the only child of the parties; then

(C) subtract the lesser support obligation from the greater.

The parent who owes the greater obligation shall be ordered to pay the difference in support to the other parent, unless the court determines, pursuant to other provisions of this Section, that it should deviate from the guidelines.

(4) Health care.

(A) A portion of the basic child support obligation is intended to cover basic ordinary out-of-pocket medical expenses. The court, in its discretion, in addition to the basic child support obligation, shall also provide for the child's current and future medical needs by ordering either or both parents to initiate health insurance coverage for the child through currently effective health insurance policies held by the parent or parents, purchase one or more or all health, dental, or vision insurance policies for the child, or provide for the child's current and future medical needs through some other manner.

(B) The court, in its discretion, may order either or both parents to contribute to the reasonable health care needs of the child not covered by insurance, including, but not limited to, unreimbursed medical, dental, orthodontic, or vision expenses and any prescription medication for the child not covered under the child's health insurance.

(C) If neither parent has access to appropriate private health insurance coverage, the court may order:

(I) one or both parents to provide health insurance coverage at any time it becomes available at a reasonable cost; or

(II) the parent or non-parent custodian with primary physical responsibility for the child to apply for public health insurance coverage for the child and require either or both parents to pay a reasonable amount of the cost of health insurance for the child.

The order may also provide that any time private health insurance coverage is available at a reasonable cost to that party it will be provided instead of cash medical support. As used in this Section, "cash medical support" means an amount ordered to be paid toward the cost of health insurance provided by a public entity or by another person through employment or otherwise or for other medical costs not covered by insurance.

(D) The amount to be added to the basic child support obligation shall be the actual amount of the total health insurance premium that is attributable to the child who is the subject of the order. If this

amount is not available or cannot be verified, the total cost of the health insurance premium shall be divided by the total number of persons covered by the policy. The cost per person derived from this calculation shall be multiplied by the number of children who are the subject of the order and who are covered under the health insurance policy. This amount shall be added to the basic child support obligation and shall be allocated between the parents in proportion to their respective net incomes.

(E) After the health insurance premium for the child is added to the basic child support obligation and allocated between the parents in proportion to their respective incomes for child support purposes, if the obligor is paying the premium, the amount calculated for the obligee's share of the health insurance premium for the child shall be deducted from the obligor's share of the total child support obligation. If the obligee is paying for private health insurance for the child, the child support obligation shall be increased by the obligor's share of the premium payment. The obligor's and obligee's portion of health insurance costs shall appear in the support order.

(F) Prior to allowing the health insurance adjustment, the parent requesting the adjustment must submit proof that the child has been enrolled in a health insurance plan and must submit proof of the cost of the premium. The court shall require the parent receiving the adjustment to annually submit proof of continued coverage of the child to the other parent, or as designated by the court.

(G) A reasonable cost for providing health insurance coverage for the child may not exceed 5% of the providing parent's gross income. Parents with a net income below 133% of the most recent United States Department of Health and Human Services Federal Poverty Guidelines or whose child is covered by Medicaid based on that parent's income may not be ordered to contribute toward or provide private coverage, unless private coverage is obtainable without any financial contribution by that parent.

(H) If dental or vision insurance is included as part of the employer's medical plan, the coverage shall be maintained for the child. If not included in the employer's medical plan, adding the dental or vision insurance for the child is at the discretion of the court.

(I) If a parent has been directed to provide health insurance pursuant to this paragraph and that parent's spouse or legally recognized partner provides the insurance for the benefit of the child either directly or through employment, a credit on the child support worksheet shall be given to that parent in the same manner as if the premium were paid by that parent.

(4.5) In a proceeding for child support following

dissolution of the marriage or civil union by a court that lacked personal jurisdiction over the absent spouse, and in which the court is requiring payment of support for the period before the date an order for current support is entered, there is a rebuttable presumption that the obligor's net income for the prior period was the same as his or her net income at the time the order for current support is entered.

(5) If the net income cannot be determined because of default or any other reason, the court shall order support in an amount considered reasonable in the particular case. The final order in all cases shall state the support level in dollar amounts. However, if the court finds that the child support amount cannot be expressed exclusively as a dollar amount because all or a portion of the obligor's net income is uncertain as to source, time of payment, or amount, the court may order a percentage amount of support in addition to a specific dollar amount and enter such other orders as may be necessary to determine and enforce, on a timely basis, the applicable support ordered.

(6) If (i) the obligor was properly served with a request for discovery of financial information relating to the obligor's ability to provide child support, (ii) the obligor failed to comply with the request, despite having been ordered to do so by the court, and (iii) the obligor is not present at the hearing to determine support despite having received proper notice, then any relevant financial information concerning the obligor's ability to provide child support that was obtained pursuant to subpoena and proper notice shall be admitted into evidence without the need to establish any further foundation for its admission.

(a-5) In an action to enforce an order for child support based on the obligor's failure to make support payments as required by the order, notice of proceedings to hold the obligor in contempt for that failure may be served on the obligor by personal service or by regular mail addressed to the last known address of the obligor. The last known address of the obligor may be determined from records of the clerk of the court, from the Federal Case Registry of Child Support Orders, or by any other reasonable means.

(b) Failure of either parent to comply with an order to pay support shall be punishable as in other cases of contempt. In addition to other penalties provided by law the court may, after finding the parent guilty of contempt, order that the parent be:

(1) placed on probation with such conditions of probation as the court deems advisable;

(2) sentenced to periodic imprisonment for a period not to exceed 6 months; provided, however, that the court may permit the parent to be released for periods of time during the day or night to:

(A) work; or

(B) conduct a business or other self-employed occupation.

The court may further order any part or all of the earnings of a parent during a sentence of periodic

imprisonment paid to the Clerk of the Circuit Court or to the parent having physical possession of the child or to the non-parent custodian having custody of the child of the sentenced parent for the support of the child until further order of the court.

If a parent who is found guilty of contempt for failure to comply with an order to pay support is a person who conducts a business or who is self-employed, the court in addition to other penalties provided by law may order that the parent do one or more of the following: (i) provide to the court monthly financial statements showing income and expenses from the business or the self-employment; (ii) seek employment and report periodically to the court with a diary, listing, or other memorandum of his or her employment search efforts; or (iii) report to the Department of Employment Security for job search services to find employment that will be subject to withholding for child support.

If there is a unity of interest and ownership sufficient to render no financial separation between an obligor and another person or persons or business entity, the court may pierce the ownership veil of the person, persons, or business entity to discover assets of the obligor held in the name of that person, those persons, or that business entity. The following circumstances are sufficient to authorize a court to order discovery of the assets of a person, persons, or business entity and to compel the application of any discovered assets toward payment on the judgment for support:

(1) the obligor and the person, persons, or business entity maintain records together.

(2) the obligor and the person, persons, or business entity fail to maintain an arm's length relationship between themselves with regard to any assets.

(3) the obligor transfers assets to the person, persons, or business entity with the intent to perpetrate a fraud on the obligee.

With respect to assets which are real property, no order entered under this paragraph shall affect the rights of bona fide purchasers, mortgagees, judgment creditors, or other lien holders who acquire their interests in the property prior to the time a notice of lis pendens pursuant to the Code of Civil Procedure or a copy of the order is placed of record in the office of the recorder of deeds for the county in which the real property is located.

The court may also order in cases where the parent is 90 days or more delinquent in payment of support or has been adjudicated in arrears in an amount equal to 90 days obligation or more, that the parent's Illinois driving privileges be suspended until the court determines that the parent is in compliance with the order of support. The court may also order that the parent be issued a family financial responsibility driving permit that would allow limited driving privileges for employment and medical purposes in accordance with Section 7-702.1 of the Illinois Vehicle Code. The Clerk of the Circuit Court shall certify the order suspending the driving privileges of the parent or granting the issuance of a family financial responsibility driving permit to the Secretary of State on forms prescribed by the Secretary of

State. Upon receipt of the authenticated documents, the Secretary of State shall suspend the parent's driving privileges until further order of the court and shall, if ordered by the court, subject to the provisions of Section 7-702.1 of the Illinois Vehicle Code, issue a family financial responsibility driving permit to the parent.

In addition to the penalties or punishment that may be imposed under this Section, any person whose conduct constitutes a violation of Section 15 of the Non-Support Punishment Act may be prosecuted under that Act, and a person convicted under that Act may be sentenced in accordance with that Act. The sentence may include but need not be limited to a requirement that the person perform community service under Section 50 of that Act or participate in a work alternative program under Section 50 of that Act. A person may not be required to participate in a work alternative program under Section 50 of that Act if the person is currently participating in a work program pursuant to Section 505.1 of this Act.

A support obligation, or any portion of a support obligation, which becomes due and remains unpaid as of the end of each month, excluding the child support that was due for that month to the extent that it was not paid in that month, shall accrue simple interest as set forth in Section 12-109 of the Code of Civil Procedure. An order for support entered or modified on or after January 1, 2006 shall contain a statement that a support obligation required under the order, or any portion of a support obligation required under the order, that becomes due and remains unpaid as of the end of each month, excluding the child support that was due for that month to the extent that it was not paid in that month, shall accrue simple interest as set forth in Section 12-109 of the Code of Civil Procedure. Failure to include the statement in the order for support does not affect the validity of the order or the accrual of interest as provided in this Section.

(c) A one-time charge of 20% is imposable upon the amount of past-due child support owed on July 1, 1988 which has accrued under a support order entered by the court. The charge shall be imposed in accordance with the provisions of Section 10-21 of the Illinois Public Aid Code and shall be enforced by the court upon petition.

(d) Any new or existing support order entered by the court under this Section shall be deemed to be a series of judgments against the person obligated to pay support thereunder, each such judgment to be in the amount of each payment or installment of support and each such judgment to be deemed entered as of the date the corresponding payment or installment becomes due under the terms of the support order. Each such judgment shall have the full force, effect and attributes of any other judgment of this State, including the ability to be enforced. Notwithstanding any other State or local law to the contrary, a lien arises by operation of law against the real and personal property of the obligor for each installment of overdue support owed by the obligor.

(e) When child support is to be paid through the Clerk of the Court in a county of 1,000,000 inhabitants or less, the order shall direct the obligor to pay to the Clerk, in

addition to the child support payments, all fees imposed by the county board under paragraph (3) of subsection (u) of Section 27.1 of the Clerks of Courts Act. Unless paid pursuant to an Income Withholding Order/Notice for Support, the payment of the fee shall be by payment acceptable to the clerk and shall be made to the order of the Clerk.

(f) All orders for support, when entered or modified, shall include a provision requiring the obligor to notify the court and, in cases in which a party is receiving child and spouse services under Article X of the Illinois Public Aid Code, the Department of Healthcare and Family Services, within 7 days, (i) of the name and address of any new employer of the obligor, (ii) whether the obligor has access to health insurance coverage through the employer or other group coverage and, if so, the policy name and number and the names of persons covered under the policy, except only the initials of any covered minors shall be included, and (iii) of any new residential or mailing address or telephone number of the obligor. In any subsequent action to enforce a support order, upon a sufficient showing that a diligent effort has been made to ascertain the location of the obligor, service of process or provision of notice necessary in the case may be made at the last known address of the obligor in any manner expressly provided by the Code of Civil Procedure or this Act, which service shall be sufficient for purposes of due process.

(g) An order for support shall include a date on which the current support obligation terminates. The termination date shall be no earlier than the date on which the child covered by the order will attain the age of 18. However, if the child will not graduate from high school until after attaining the age of 18, then the termination date shall be no earlier than the earlier of the date on which the child's high school graduation will occur or the date on which the child will attain the age of 19. The order for support shall state that the termination date does not apply to any arrearage that may remain unpaid on that date. Nothing in this subsection shall be construed to prevent the court from modifying the order or terminating the order in the event the child is otherwise emancipated.

(g-5) If there is an unpaid arrearage or delinquency (as those terms are defined in the Income Withholding for Support Act) equal to at least one month's support obligation on the termination date stated in the order for support or, if there is no termination date stated in the order, on the date the child attains the age of majority or is otherwise emancipated, the periodic amount required to be paid for current support of that child immediately prior to that date shall automatically continue to be an obligation, not as current support but as periodic payment toward satisfaction of the unpaid arrearage or delinquency. That periodic payment shall be in addition to any periodic payment previously required for satisfaction of the arrearage or delinquency. The total periodic amount to be paid toward satisfaction of the arrearage or delinquency may be enforced and collected by any method provided by law for enforcement and collection of child support, including but not limited to income withholding under the Income Withholding for Support Act. Each order for support entered or modified on or

after the effective date of this amendatory Act of the 93rd General Assembly must contain a statement notifying the parties of the requirements of this subsection. Failure to include the statement in the order for support does not affect the validity of the order or the operation of the provisions of this subsection with regard to the order. This subsection shall not be construed to prevent or affect the establishment or modification of an order for support of a minor child or the establishment or modification of an order for support of a non-minor child or educational expenses under Section 513 of this Act.

(h) An order entered under this Section shall include a provision requiring either parent to report to the other parent and to the Clerk of Court within 10 days each time either parent obtains new employment, and each time either parent's employment is terminated for any reason. The report shall be in writing and shall, in the case of new employment, include the name and address of the new employer. Failure to report new employment or the termination of current employment, if coupled with nonpayment of support for a period in excess of 60 days, is indirect criminal contempt. For either parent arrested for failure to report new employment bond shall be set in the amount of the child support that should have been paid during the period of unreported employment. An order entered under this Section shall also include a provision requiring either obligor and obligee to advise the other of a change in residence within 5 days of the change except when the court finds that the physical, mental, or emotional health of a party or that of a child, or both, would be seriously endangered by disclosure of the party's address.

(i) The court does not lose the powers of contempt, driver's license suspension, or other child support enforcement mechanisms, including, but not limited to, criminal prosecution as set forth in this Act, upon the emancipation of the minor child.

(Source: P.A. 99-90, eff. 1-1-16; 99-763, eff. 1-1-17; 99-764, eff. 7-1-17; 100-15, eff. 7-1-17.)

Information maintained by the Legislative Reference Bureau
Updating the database of the Illinois Compiled Statutes (ILCS) is an ongoing process. Recent laws may not yet be included in the ILCS database, but they are found on this site as Public Acts soon after they become law. For information concerning the relationship between statutes and Public Acts, refer to the Guide.
Because the statute database is maintained primarily for legislative drafting purposes, statutory changes are sometimes included in the statute database before they take effect. If the source note at the end of a Section of the statutes includes a Public Act that has not yet taken effect, the version of the law that is currently in effect may have already been removed from the database and you should refer to that Public Act to see the changes made to the current law.

FAMILIES
(750 ILCS 46/) Illinois Parentage Act of 2015.

(750 ILCS 46/Art. 1 heading)
ARTICLE 1. GENERAL PROVISIONS
(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/101)
Sec. 101. Short title. This Act may be cited as the Illinois Parentage Act of 2015.
(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/102)
Sec. 102. Public policy. Illinois recognizes the right of every child to the physical, mental, emotional, and financial support of his or her parents. The parent-child relationship, including support obligations, extends equally to every child and to his or her parent or to each of his or her 2 parents, regardless of the legal relationship of the parents, and regardless of whether a parent is a minor.
(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/103)
(Text of Section from P.A. 99-85)
Sec. 103. Definitions. In this Act:
(a) "Acknowledged father" means a man who has established a father-child relationship under Article 3.
(b) "Adjudicated father" means a man who has been adjudicated by a court of competent jurisdiction, or as authorized under Article X of the Illinois Public Aid Code, to be the father of a child.
(c) "Alleged father" means a man who alleges himself to

be, or is alleged to be, the biological father or a possible biological father of a child, but whose paternity has not been established. The term does not include:

(1) a presumed parent or acknowledged father; or

(2) a man whose parental rights have been terminated or declared not to exist.

(d) (Reserved).

(e) "Child" means an individual of any age whose parentage may be established under this Act.

(f) "Combined paternity index" means the likelihood of paternity calculated by computing the ratio between:

(1) the likelihood that the tested man is the father, based on the genetic markers of the tested man, mother, and child, conditioned on the hypothesis that the tested man is the father of the child; and

(2) the likelihood that the tested man is not the father, based on the genetic markers of the tested man, mother, and child, conditioned on the hypothesis that the tested man is not the father of the child and that the father is of the same ethnic or racial group as the tested man.

(g) "Commence" means to file the initial pleading seeking an adjudication of parentage in the circuit court of this State.

(h) "Determination of parentage" means the establishment of the parent-child relationship by the signing of a voluntary acknowledgment under Article 3 of this Act or adjudication by the court or as authorized under Article X of the Illinois Public Aid Code.

(i) (Reserved).

(j) "Ethnic or racial group" means, for purposes of genetic testing, a recognized group that an individual identifies as all or part of the individual's ancestry or that is so identified by other information.

(k) "Gamete" means either a sperm or an egg.

(l) "Genetic testing" means an analysis of genetic markers to exclude or identify a man as the father or a woman as the mother of a child as provided in Article 4 of this Act.

(m) "Gestational mother" means an adult woman who gives birth to a child pursuant to the terms of a valid gestational surrogacy contract.

(n) "Parent" means an individual who has established a parent-child relationship under Section 201 of this Act.

(o) "Parent-child relationship" means the legal relationship between a child and a parent of the child.

(p) "Presumed parent" means an individual who, by operation of law under Section 204 of this Act, is recognized as the parent of a child until that status is rebutted or confirmed in a judicial or administrative proceeding.

(q) "Probability of paternity" means the measure, for the ethnic or racial group to which the alleged father belongs, of the probability that the man in question is the father of the child, compared with a random, unrelated man of the same ethnic or racial group, expressed as a percentage incorporating the combined paternity index and a prior probability.

(r) "Record" means information that is inscribed on a

tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(s) "Signatory" means an individual who authenticates a record and is bound by its terms.

(t) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(u) "Substantially similar legal relationship" means a relationship recognized in this State under Section 60 of the Illinois Religious Freedom Protection and Civil Union Act.

(v) "Support-enforcement agency" means a public official or agency authorized to seek:

(1) enforcement of support orders or laws relating to the duty of support;

(2) establishment or modification of child support;

(3) determination of parentage; or

(4) location of child-support obligors and their income and assets.

(Source: P.A. 99-85, eff. 1-1-16.)

(Text of Section from P.A. 99-763)

Sec. 103. Definitions. In this Act:

(a) "Acknowledged father" means a man who has established a father-child relationship under Article 3.

(b) "Adjudicated father" means a man who has been adjudicated by a court of competent jurisdiction, or as authorized under Article X of the Illinois Public Aid Code, to be the father of a child.

(c) "Alleged father" means a man who alleges himself to be, or is alleged to be, the biological father or a possible biological father of a child, but whose paternity has not been established. The term does not include:

(1) a presumed parent or acknowledged father; or

(2) a man whose parental rights have been terminated or declared not to exist.

(d) "Assisted reproduction" means a method of achieving a pregnancy though an artificial insemination or an embryo transfer and includes gamete and embryo donation. "Assisted reproduction" does not include any pregnancy achieved through sexual intercourse.

(e) "Child" means an individual of any age whose parentage may be established under this Act.

(f) "Combined paternity index" means the likelihood of paternity calculated by computing the ratio between:

(1) the likelihood that the tested man is the father, based on the genetic markers of the tested man, mother, and child, conditioned on the hypothesis that the tested man is the father of the child; and

(2) the likelihood that the tested man is not the father, based on the genetic markers of the tested man, mother, and child, conditioned on the hypothesis that the tested man is not the father of the child and that the father is of the same ethnic or racial group as the tested man.

(g) "Commence" means to file the initial pleading seeking an adjudication of parentage in the circuit court of this State.

(h) "Determination of parentage" means the establishment of the parent-child relationship by the signing of a voluntary acknowledgment under Article 3 of this Act or adjudication by the court or as authorized under Article X of the Illinois Public Aid Code.

(i) "Donor" means an individual who participates in an assisted reproductive technology arrangement by providing gametes and relinquishes all rights and responsibilities to the gametes so that another individual or individuals may become the legal parent or parents of any resulting child. "Donor" does not include a spouse in any assisted reproductive technology arrangement in which his or her spouse will parent any resulting child.

(j) "Ethnic or racial group" means, for purposes of genetic testing, a recognized group that an individual identifies as all or part of the individual's ancestry or that is so identified by other information.

(k) "Gamete" means either a sperm or an egg.

(l) "Genetic testing" means an analysis of genetic markers to exclude or identify a man as the father or a woman as the mother of a child as provided in Article 4 of this Act.

(m) "Gestational mother" means an adult woman who gives birth to a child pursuant to the terms of a valid gestational surrogacy contract.

(n) "Parent" means an individual who has established a parent-child relationship under Section 201 of this Act.

(o) "Parent-child relationship" means the legal relationship between a child and a parent of the child.

(p) "Presumed parent" means an individual who, by operation of law under Section 204 of this Act, is recognized as the parent of a child until that status is rebutted or confirmed in a judicial or administrative proceeding.

(q) "Probability of paternity" means the measure, for the ethnic or racial group to which the alleged father belongs, of the probability that the man in question is the father of the child, compared with a random, unrelated man of the same ethnic or racial group, expressed as a percentage incorporating the combined paternity index and a prior probability.

(r) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(s) "Signatory" means an individual who authenticates a record and is bound by its terms.

(t) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(u) "Substantially similar legal relationship" means a relationship recognized in this State under Section 60 of the Illinois Religious Freedom Protection and Civil Union Act.

(v) "Support-enforcement agency" means a public official or agency authorized to seek:

(1) enforcement of support orders or laws relating to

the duty of support;

(2) establishment or modification of child support;

(3) determination of parentage; or

(4) location of child-support obligors and their income and assets.

(Source: P.A. 99-85, eff. 1-1-16; 99-763, eff. 1-1-17.)

(Text of Section from P.A. 99-769)

Sec. 103. Definitions. In this Act:

(a) "Acknowledged father" means a man who has established a father-child relationship under Article 3.

(b) "Adjudicated father" means a man who has been adjudicated by a court of competent jurisdiction, or as authorized under Article X of the Illinois Public Aid Code, to be the father of a child.

(c) "Alleged father" means a man who alleges himself to be, or is alleged to be, the biological father or a possible biological father of a child, but whose paternity has not been established. The term does not include:

(1) a presumed parent or acknowledged father; or

(2) a man whose parental rights have been terminated or declared not to exist.

(d) (Reserved).

(e) "Child" means an individual of any age whose parentage may be established under this Act.

(f) "Combined paternity index" means the likelihood of paternity calculated by computing the ratio between:

(1) the likelihood that the tested man is the father, based on the genetic markers of the tested man, mother, and child, conditioned on the hypothesis that the tested man is the father of the child; and

(2) the likelihood that the tested man is not the father, based on the genetic markers of the tested man, mother, and child, conditioned on the hypothesis that the tested man is not the father of the child and that the father is of the same ethnic or racial group as the tested man.

(g) "Commence" means to file the initial pleading seeking an adjudication of parentage in the circuit court of this State.

(h) "Determination of parentage" means the establishment of the parent-child relationship by the signing of a voluntary acknowledgment under Article 3 of this Act or adjudication by the court or as authorized under Article X of the Illinois Public Aid Code.

(i) (Reserved).

(j) "Ethnic or racial group" means, for purposes of genetic testing, a recognized group that an individual identifies as all or part of the individual's ancestry or that is so identified by other information.

(k) "Gamete" means either a sperm or an egg.

(l) "Genetic testing" means an analysis of genetic markers to exclude or identify a man as the father or a woman as the mother of a child as provided in Article 4 of this Act.

(l-5) "Gestational surrogacy" means the process by which a woman attempts to carry and give birth to a child created

through in vitro fertilization in which the gestational surrogate has made no genetic contribution to any resulting child.

(m) "Gestational surrogate" means a woman who is not an intended parent and agrees to engage in a gestational surrogacy arrangement pursuant to the terms of a valid gestational surrogacy arrangement under the Gestational Surrogacy Act.

(m-5) "Intended parent" means a person who enters into an assisted reproductive technology arrangement, including a gestational surrogacy arrangement, under which he or she will be the legal parent of the resulting child.

(n) "Parent" means an individual who has established a parent-child relationship under Section 201 of this Act.

(o) "Parent-child relationship" means the legal relationship between a child and a parent of the child.

(p) "Presumed parent" means an individual who, by operation of law under Section 204 of this Act, is recognized as the parent of a child until that status is rebutted or confirmed in a judicial or administrative proceeding.

(q) "Probability of paternity" means the measure, for the ethnic or racial group to which the alleged father belongs, of the probability that the man in question is the father of the child, compared with a random, unrelated man of the same ethnic or racial group, expressed as a percentage incorporating the combined paternity index and a prior probability.

(r) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(s) "Signatory" means an individual who authenticates a record and is bound by its terms.

(t) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(u) "Substantially similar legal relationship" means a relationship recognized in this State under Section 60 of the Illinois Religious Freedom Protection and Civil Union Act.

(v) "Support-enforcement agency" means a public official or agency authorized to seek:

(1) enforcement of support orders or laws relating to the duty of support;

(2) establishment or modification of child support;

(3) determination of parentage; or

(4) location of child-support obligors and their income and assets.

(Source: P.A. 99-85, eff. 1-1-16; 99-769, eff. 1-1-17.)

(750 ILCS 46/104)

Sec. 104. Scope of Act; choice of law; other legal rights and duties preserved.

(a) This Act applies to determination of parentage in this

State.

(b) The court shall apply the law of this State to adjudicate the parent-child relationship. The applicable law does not depend on:

(1) the place of birth of the child; or

(2) the past or present residence of the child.

(c) This Act does not create, enlarge, abrogate, or diminish parental rights or duties under other laws of this State, including the common law.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/105)

Sec. 105. Authority to establish parentage. The circuit courts are authorized to establish parentage under this Act. The Department of Healthcare and Family Services may make administrative determinations of paternity and nonpaternity in accordance with Section 10-17.7 of the Illinois Public Aid Code. Such administrative determinations shall have the full force and effect of court judgments entered under this Act.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/106)

Sec. 106. Protection of participants. Proceedings under this Act are subject to other law of this State governing the health, safety, privacy, and liberty of a child or other individual who could be jeopardized by disclosure of identifying information, including address, telephone number, place of employment, social security number, and the child's day-care facility and school.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/107)

Sec. 107. Applicability. Insofar as practicable, the provisions of this Act applicable to the father and child relationship shall apply to the mother and child relationship including, but not limited to, the obligation to support.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/Art. 2 heading)

ARTICLE 2. PARENT-CHILD RELATIONSHIP
(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/201)
Sec. 201. Establishment of parent-child relationship.
(a) The parent-child relationship is established between a woman and a child by:
(1) the woman having given birth to the child, except as otherwise provided in the Gestational Surrogacy Act;
(2) an adjudication of the woman's parentage;
(3) adoption of the child by the woman;
(4) a valid gestational surrogacy arrangement that complies with the Gestational Surrogacy Act or other law; or
(5) an unrebutted presumption of the woman's parentage of the child under Section 204 of this Act.
(b) The parent-child relationship is established between a man and a child by:
(1) an unrebutted presumption of the man's parentage of the child under Section 204 of this Act;
(2) an effective voluntary acknowledgment of paternity by the man under Article 3 of this Act, unless the acknowledgment has been rescinded or successfully challenged;
(3) an adjudication of the man's parentage;
(4) adoption of the child by the man; or
(5) a valid gestational surrogacy arrangement that complies with the Gestational Surrogacy Act or other law.
(c) Insofar as practicable, the provisions of this Act applicable to parent-child relationships shall apply equally to men and women as parents, including, but not limited to, the obligation to support.
(Source: P.A. 99-85, eff. 1-1-16; 99-769, eff. 1-1-17.)

(750 ILCS 46/202)
Sec. 202. Parents' legal relationship. Every child has equal rights under the law regardless of the parents' legal relationship.
(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/203)
Sec. 203. Consequences of establishment of parentage. A parent-child relationship established under this Act applies for all purposes, except as otherwise specifically provided by

other law of this State.
(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/204)
Sec. 204. Presumption of parentage.
(a) A person is presumed to be the parent of a child if:
(1) the person and the mother of the child have entered into a marriage, civil union, or substantially similar legal relationship, and the child is born to the mother during the marriage, civil union, or substantially similar legal relationship, except as provided in the Gestational Surrogacy Act or other law;
(2) the person and the mother of the child were in a marriage, civil union, or substantially similar legal relationship and the child is born to the mother within 300 days after the marriage, civil union, or substantially similar legal relationship is terminated by death, declaration of invalidity of marriage, judgment for dissolution of marriage, civil union, or substantially similar legal relationship, or after a judgment for legal separation, except as provided in the Gestational Surrogacy Act or other law;
(3) before the birth of the child, the person and the mother of the child entered into a marriage, civil union, or substantially similar legal relationship in apparent compliance with law, even if the attempted marriage, civil union, or substantially similar legal relationship is or could be declared invalid, and the child is born during the invalid marriage, civil union, or substantially similar legal relationship or within 300 days after its termination by death, declaration of invalidity of marriage, judgment for dissolution of marriage, civil union, or substantially similar legal relationship, or after a judgment for legal separation, except as provided in the Gestational Surrogacy Act or other law; or
(4) after the child's birth, the person and the child's mother have entered into a marriage, civil union, or substantially similar legal relationship, even if the marriage, civil union, or substantially similar legal relationship is or could be declared invalid, and the person is named, with the person's written consent, as the child's parent on the child's birth certificate.
(b) If 2 or more conflicting presumptions arise under this Section, the presumption which on the facts is founded on the weightier considerations of policy and logic, especially the policy of promoting the child's best interests, controls.
(Source: P.A. 99-85, eff. 1-1-16; 99-769, eff. 1-1-17.)

(750 ILCS 46/205)

Sec. 205. Proceedings to declare the non-existence of the parent-child relationship.

(a) An action to declare the non-existence of the parent-child relationship may be brought by the child, the birth mother, or a person presumed to be a parent under Section 204 of this Act. Actions brought by the child, the birth mother, or a presumed parent shall be brought by verified complaint, which shall be designated a petition. After a presumption under Section 204 of this Act has been rebutted, parentage of the child by another man or woman may be established in the same action, if he or she has been made a party.

(b) An action to declare the non-existence of the parent-child relationship brought under subsection (a) of this Section shall be barred if brought later than 2 years after the petitioner knew or should have known of the relevant facts. The 2-year period for bringing an action to declare the non-existence of the parent-child relationship shall not extend beyond the date on which the child reaches the age of 18 years. Failure to bring an action within 2 years shall not bar any party from asserting a defense in any action to declare the existence of the parent-child relationship.

(c) An action to declare the non-existence of the parent-child relationship may be brought subsequent to an adjudication of parentage in any judgment by the man adjudicated to be the parent pursuant to a presumption in paragraphs (a)(1) through (a)(4) of Section 204 if, as a result of deoxyribonucleic acid (DNA) testing, it is discovered that the man adjudicated to be the parent is not the father of the child. Actions brought by the adjudicated father shall be brought by verified petition. If, as a result of the deoxyribonucleic acid (DNA) testing that is admissible under Section 614 of this Act, the petitioner is determined not to be the father of the child, the adjudication of paternity and any orders regarding the allocation of parental responsibilities, parenting time, and future payments of support may be vacated.

(d) An action to declare the non-existence of the parent-child relationship brought under subsection (c) of this Section shall be barred if brought more than 2 years after the petitioner obtains actual knowledge of relevant facts. The 2-year period shall not apply to periods of time where the birth mother or the child refuses to submit to deoxyribonucleic acid (DNA) testing. The 2-year period for bringing an action to declare the non-existence of the parent-child relationship shall not extend beyond the date on which the child reaches the age of 18 years.

(Source: P.A. 99-85, eff. 1-1-16; 99-769, eff. 1-1-17.)

(750 ILCS 46/206)

Sec. 206. Presumption; burden of proof. A person challenging a presumption under Section 204 of this Act may

rebut the presumption with clear and convincing evidence.
(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/Art. 3 heading)

ARTICLE 3. VOLUNTARY ACKNOWLEDGMENT

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/301)

Sec. 301. Voluntary acknowledgment. A parent-child relationship may be established voluntarily by the signing and witnessing of a voluntary acknowledgment in accordance with Section 12 of the Vital Records Act and Section 10-17.7 of the Illinois Public Aid Code. The voluntary acknowledgment shall contain the social security numbers or tax identification numbers of the persons signing the voluntary acknowledgment; however, failure to include the social security numbers of the persons signing a voluntary acknowledgment does not invalidate the voluntary acknowledgment.
(Source: P.A. 99-85, eff. 1-1-16; 99-769, eff. 1-1-17.)

(750 ILCS 46/302)

Sec. 302. Execution of voluntary acknowledgment.

(a) A voluntary acknowledgment described in Section 301 of this Act must:

(1) be in a record;

(2) be signed, or otherwise authenticated, under penalty of perjury by the mother and by the man seeking to establish his parentage;

(3) state that the child whose parentage is being acknowledged:

(A) does not have a presumed parent, or has a presumed parent whose full name is stated; and

(B) does not have another acknowledged or adjudicated parent;

(4) be witnessed; and

(5) state that the signatories understand that the voluntary acknowledgment is the equivalent of a judicial adjudication of parentage of the child and that: (i) a challenge by a signatory to the voluntary acknowledgment may be permitted only upon a showing of fraud, duress, or material mistake of fact; and (ii) a challenge to the voluntary acknowledgment is barred after 2 years unless that period is tolled pursuant to the law.

(b) An acknowledgment is void if it:

(1) states that another person is a presumed parent, unless a denial signed or otherwise authenticated by the presumed parent is filed with the Department of Healthcare and Family Services, as provided by law;

(2) states that another person is an acknowledged or adjudicated parent; or

(3) falsely denies the existence of a presumed, acknowledged, or adjudicated parent of the child.

(c) A presumed father may sign or otherwise authenticate a voluntary acknowledgment.

(Source: P.A. 99-85, eff. 1-1-16; 99-769, eff. 1-1-17.)

(750 ILCS 46/303)

Sec. 303. Denial of parentage. A presumed parent may sign a denial of parentage. The denial is valid only if:

(a) a voluntary acknowledgment described in Section 301 of this Act signed, or otherwise authenticated, by a man is filed pursuant to Section 305 of this Act;

(b) the denial is in a record, and is signed, or otherwise authenticated, under penalty of perjury; and

(c) the presumed parent has not previously:

(1) acknowledged his parentage, unless the previous voluntary acknowledgment has been rescinded under Section 307 of this Act or successfully challenged under Section 308 of this Act; or

(2) been adjudicated to be the parent of the child.

(Source: P.A. 99-85, eff. 1-1-16; 99-769, eff. 1-1-17.)

(750 ILCS 46/304)

Sec. 304. Rules for voluntary acknowledgment and denial of parentage.

(a) A voluntary acknowledgment as described in Section 301 of this Act and a denial of parentage may be contained in a single document or may be signed in counterparts, and may be filed separately or simultaneously. If the voluntary acknowledgment and denial are both necessary, neither is valid until both are filed.

(b) A voluntary acknowledgment or a denial may be signed before the birth of the child.

(c) Subject to subsection (a), an acknowledgment or denial takes effect on the filing of the document with the Department of Healthcare and Family Services, as provided by law.

(d) A voluntary acknowledgment or denial signed by a minor is valid if it is otherwise in compliance with this Act.

(Source: P.A. 99-85, eff. 1-1-16; 99-769, eff. 1-1-17.)

(750 ILCS 46/305)

Sec. 305. Effect of voluntary acknowledgment or denial of parentage.

(a) Except as otherwise provided in Sections 307 and 308 of this Act, a valid voluntary acknowledgment filed with the Department of Healthcare and Family Services, as provided by law, is equivalent to an adjudication of the parentage of a child and confers upon the acknowledged father all of the rights and duties of a parent.

(b) Notwithstanding any other provision of this Act, parentage established in accordance with Section 301 of this Act has the full force and effect of a judgment entered under this Act and serves as a basis for seeking a child support order without any further proceedings to establish parentage.

(c) Except as otherwise provided in Sections 307 and 308 of this Act, a valid denial by a presumed parent filed with the Department of Healthcare and Family Services, as provided by law, in conjunction with a voluntary acknowledgment, is equivalent to an adjudication of the nonparentage of the presumed parent and discharges the presumed parent from all rights and duties of a parent.

(Source: P.A. 99-85, eff. 1-1-16; 99-769, eff. 1-1-17.)

(750 ILCS 46/306)

Sec. 306. No filing fee. The Department of Healthcare and Family Services, as provided by law, may not charge a fee for filing a voluntary acknowledgment or denial.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/307)

Sec. 307. Proceeding for rescission. A signatory may rescind a voluntary acknowledgment or denial by filing a signed and witnessed rescission with the Department of Healthcare and Family Services as provided in Section 12 of the Vital Records Act, before the earlier of:

(a) 60 days after the effective date of the voluntary acknowledgment or denial, as provided in Section 304 of this Act; or

(b) the date of a judicial or administrative proceeding relating to the child (including a proceeding to establish a support order) in which the signatory is a party.

(Source: P.A. 99-85, eff. 1-1-16; 99-769, eff. 1-1-17.)

(750 ILCS 46/308)

Sec. 308. Challenge after expiration of period for rescission. After the period for rescission under Section 307 of this Act has expired, a signatory of a voluntary acknowledgment or denial may commence a proceeding to challenge the voluntary acknowledgment or denial only as provided in Section 309 of this Act.

(Source: P.A. 99-85, eff. 1-1-16; 99-769, eff. 1-1-17.)

(750 ILCS 46/309)

Sec. 309. Procedure for challenge.

(a) A voluntary acknowledgment and any related denial may be challenged only on the basis of fraud, duress, or material mistake of fact by filing a verified petition under this Section within 2 years after the effective date of the voluntary acknowledgment or denial, as provided in Section 304 of this Act. Time during which the person challenging the voluntary acknowledgment or denial is under legal disability or duress or the ground for relief is fraudulently concealed shall be excluded in computing the period of 2 years.

(b) The verified complaint, which shall be designated a petition, shall be filed in the county where a proceeding relating to the child was brought, such as a support proceeding or, if none exists, in the county where the child resides. Every signatory to the voluntary acknowledgment and any related denial must be made a party to a proceeding to challenge the voluntary acknowledgment or denial. The party challenging the voluntary acknowledgment or denial shall have the burden of proof. The burden of proof to challenge a voluntary acknowledgment is clear and convincing evidence.

(c) For the purpose of a challenge to a voluntary acknowledgment or denial, a signatory submits to personal jurisdiction of this State by signing the voluntary acknowledgment and any related denial, effective upon the filing of the voluntary acknowledgment and any related denial with the Department of Healthcare and Family Services, as provided in Section 12 of the Vital Records Act.

(d) Except for good cause shown, during the pendency of a proceeding to challenge a voluntary acknowledgment or denial, the court may not suspend the legal responsibilities of a signatory arising from the voluntary acknowledgment, including the duty to pay child support.

(e) At the conclusion of a proceeding to challenge a voluntary acknowledgment or denial, the court shall order the Department of Public Health to amend the birth record of the child, if appropriate. A copy of an order entered at the conclusion of a proceeding to challenge shall be provided to the Department of Healthcare and Family Services.

(Source: P.A. 99-85, eff. 1-1-16; 99-769, eff. 1-1-17.)

(750 ILCS 46/310)

Sec. 310. Ratification barred. A court or administrative agency conducting a judicial or administrative proceeding is not required or permitted to ratify an unchallenged voluntary acknowledgment described in Section 301 of this Act.

(Source: P.A. 99-85, eff. 1-1-16; 99-769, eff. 1-1-17.)

(750 ILCS 46/311)

Sec. 311. Full faith and credit. A court of this State shall give full faith and credit to a valid voluntary acknowledgment or denial of parentage effective in another state if the voluntary acknowledgment or denial has been signed and is otherwise in compliance with the law of the other state.

(Source: P.A. 99-85, eff. 1-1-16; 99-769, eff. 1-1-17.)

(750 ILCS 46/312)

Sec. 312. Forms for voluntary acknowledgment and denial of parentage.

(a) To facilitate compliance with this Article, the Department of Healthcare and Family Services shall prescribe forms for the voluntary acknowledgment and denial of parentage and for the rescission of the voluntary acknowledgment or denial of parentage consistent with Section 307 of this Act.

(b) A voluntary acknowledgment, denial, or rescission of voluntary acknowledgment or denial of parentage, regardless of which version of the prescribed form is used, is not affected by a later modification of the prescribed form.

(c) Any voluntary acknowledgment, denial, or rescission of voluntary acknowledgement or denial of parentage that was completed before January 1, 2016 is valid if it met all criteria for validity at the time it was signed.

(Source: P.A. 99-85, eff. 1-1-16; 99-769, eff. 1-1-17.)

(750 ILCS 46/313)

Sec. 313. Release of information. The Department of Healthcare and Family Services may release information relating to the voluntary acknowledgment described in Section 301 of this Act, or the related denial, to a signatory of the voluntary acknowledgment or denial; to the child's guardian, the emancipated child, or the legal representatives of those individuals; to appropriate federal agencies; and to courts

and appropriate agencies of this State or another state.
(Source: P.A. 99-85, eff. 1-1-16; 99-769, eff. 1-1-17.)

(750 ILCS 46/314)
Sec. 314. Adoption of rules. The Department of Public Health and the Department of Healthcare and Family Services may adopt rules to implement this Article.
(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/Art. 4 heading)
ARTICLE 4. GENETIC TESTING
(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/401)
Sec. 401. Proceeding authorized. As soon as practicable, a court or an administrative hearing officer in an Expedited Child Support System may, and upon the request of a party except as provided in Section 610 of this Act, or of the child, shall order or direct the mother, child, and alleged father to submit to deoxyribonucleic acid (DNA) testing to determine inherited characteristics. If any party refuses to submit to genetic testing, the court may resolve the question of paternity against that party or enforce its order if the rights of others and the interests of justice so require.
(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/402)
Sec. 402. Requirements for genetic testing.
(a) The genetic testing shall be conducted by an expert qualified as an examiner of blood or tissue types and appointed by the court. The expert shall determine the genetic testing procedures. However, any interested party, for good cause shown, in advance of the scheduled genetic testing, may request a hearing to object to the qualifications of the expert or the genetic testing procedures. The expert appointed by the court shall testify at the pre-test hearing at the expense of the party requesting the hearing, except for an indigent party as provided in Section 405 of this Act. An expert not appointed by the court shall testify at the pre-

test hearing at the expense of the party retaining the expert. Inquiry into an expert's qualifications at the pre-test hearing shall not affect either party's right to have the expert qualified at trial.

(b) Genetic testing must be of a type reasonably relied upon by experts in the field of genetic testing and performed in a testing laboratory accredited by the American Association of Blood Banks or a successor to its functions.

(c) A specimen used in genetic testing may consist of one or more samples, or a combination of samples, of blood, buccal cells, bone, hair, or other body tissue or fluid.

(d) The testing laboratory shall determine the databases from which to select frequencies for use in calculation of the probability of paternity based on the ethnic or racial group of an individual or individuals. If there is disagreement as to the testing laboratory's choice, the following rules apply:

(1) The individual objecting may require the testing laboratory, within 30 days after receipt of the report of the genetic testing, to recalculate the probability of paternity using an ethnic or racial group different from that used by the laboratory.

(2) The individual objecting to the testing laboratory's initial choice shall:

(A) if the frequencies are not available to the testing laboratory for the ethnic or racial group requested, provide the requested frequencies compiled in a manner recognized by accrediting bodies; or

(B) engage another testing laboratory to perform the calculations.

(e) If, after recalculation using a different ethnic or racial group, genetic testing does not reputably identify a man as the father of a child, an individual who has been tested may be required to submit to additional genetic testing.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/403)

Sec. 403. Genetic test results.

(a) The expert shall prepare a written report of the genetic test results. If the genetic test results show that the alleged father is not excluded, the report shall contain statistics based upon the statistical formula of combined paternity index (CPI) and the probability of paternity as determined by the probability of exclusion (Random Man Not Excluded = RMNE). The expert may be called by the court as a witness to testify to his or her findings and, if called, shall be subject to cross-examination by the parties. If the genetic test results show that the alleged father is not excluded, any party may demand that other experts, qualified as examiners of blood or tissue types, perform independent genetic testing under order of court, including, but not limited to, blood types or other testing of genetic markers.

The results of the genetic testing may be offered into evidence. The number and qualifications of the experts shall be determined by the court.

(b) Documentation of the chain of custody of the blood or tissue samples, accompanied by an affidavit or certification in accordance with Section 1-109 of the Code of Civil Procedure, is competent evidence to establish the chain of custody.

(c) The report of the genetic test results prepared by the appointed expert shall be made by affidavit or by certification as provided in Section 1-109 of the Code of Civil Procedure and shall be mailed to all parties. A proof of service shall be filed with the court. The verified report shall be admitted into evidence at trial without foundation testimony or other proof of authenticity or accuracy, unless a written motion challenging the admissibility of the report is filed by either party within 28 days of receipt of the report, in which case expert testimony shall be required. A party may not file such a motion challenging the admissibility of the report later than 28 days before commencement of trial. Before trial, the court shall determine whether the motion is sufficient to deny admission of the report by verification. Failure to make that timely motion constitutes a waiver of the right to object to admission by verification and shall not be grounds for a continuance of the hearing to establish paternity.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/404)

Sec. 404. Effect of genetic testing. Genetic testing taken under this Article shall have the following effect:

(a) If the court finds that the conclusion of the expert or experts, as disclosed by the evidence based upon the genetic testing, is that the alleged father is not the parent of the child, the question of paternity shall be resolved accordingly.

(b) If the experts disagree in their findings or conclusions, the question shall be weighed with other competent evidence of paternity.

(c) If the genetic testing results indicate that the alleged father is not excluded and that the combined paternity index is at least 1,000 to 1, and there is at least a 99.9% probability of paternity, the alleged father is presumed to be the father, and this evidence shall be admitted.

(d) A man identified under subsection (c) of this Section as the father of the child may rebut the genetic testing results by other genetic testing satisfying the requirements of this Article which:

(1) excludes the man as a genetic father of the child; or

(2) identifies another man as the possible father of the child.

(e) Except as otherwise provided in this Article, if more than one man is identified by genetic testing as the possible father of the child, the court shall order them to submit to further genetic testing to identify the genetic father.
(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/405)
Sec. 405. Cost of genetic testing. The expense of the genetic testing shall be paid by the party who requests the genetic testing, except that the court may apportion the costs between the parties, upon request. When the genetic testing is requested by the party seeking to establish paternity and that party is found to be indigent by the court, the expense shall be paid by the public agency providing representation; except that where a public agency is not providing representation, the expense shall be paid by the county in which the action is brought. When the genetic testing is ordered by the court on its own motion or is requested by the alleged or presumed father and that father is found to be indigent by the court, the expense shall be paid by the county in which the action is brought. Any part of the expense may be taxed as costs in the action, except that no costs may be taxed against a public agency that has not requested the genetic testing.
(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/406)
Sec. 406. Compensation of expert. The compensation of each expert witness appointed by the court shall be paid as provided in Section 405 of this Act. Any part of the payment may be taxed as costs in the action, except that no costs may be taxed against a public agency that has not requested the services of the expert witness.
(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/407)
Sec. 407. Independent genetic testing. Nothing in this Article shall prevent a party from obtaining genetic testing of his or her own blood or tissue independent of those ordered by the court or from presenting expert testimony interpreting those tests or any other blood tests ordered under this Article. Reports of all the independent tests, accompanied by affidavit or certification pursuant to Section 1-109 of the Code of Civil Procedure, and notice of any expert witnesses to be called to testify to the results of those tests shall be

submitted to all parties at least 30 days before any hearing set to determine the issue of parentage.
(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/408)
Sec. 408. Additional persons to be tested.
(a) Subject to subsection (b), if a genetic-testing specimen is not available from a man who may be the father of a child, for good cause and under circumstances the court considers to be just, the court may order the following individuals to submit specimens for genetic testing:
(1) the parents of the man;
(2) brothers and sisters of the man;
(3) other children of the man and their mothers; and
(4) other relatives of the man necessary to complete genetic testing.
(b) Issuance of an order under this Section requires a finding that a need for genetic testing outweighs the legitimate interests of the individual sought to be tested, and in no event shall an order be issued until the individual is joined as a party and given notice as required under the Code of Civil Procedure.
(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/Art. 5 heading)
ARTICLE 5. TEMPORARY RELIEF
(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/501)
Sec. 501. Temporary orders.
(a) On a motion by a party and a showing of clear and convincing evidence of parentage, the court shall issue a temporary order for support of a child, including a non-minor child with a disability, if the order is appropriate and the individual ordered to pay support is:
(1) a presumed parent of the child;
(2) petitioning to have parentage adjudicated;
(3) identified as the father through genetic testing under Article 4 of this Act;
(4) an alleged father who has declined to submit to genetic testing;
(5) shown by clear and convincing evidence to be the child's father;

(6) the mother of the child; or

(7) anyone else determined to be the child's parent.

In determining the amount of a temporary child support award, the court shall use the guidelines and standards set forth in Sections 505, 505.2, and 513.5 of the Illinois Marriage and Dissolution of Marriage Act.

(b) A temporary order may include provisions for the allocation of parental responsibilities and parenting time as provided by the Illinois Marriage and Dissolution of Marriage Act. A temporary order may, in accordance with the provisions of subsection (a) of Section 508 of the Illinois Marriage and Dissolution of Marriage Act that relate to proceedings other than pre-judgment dissolution proceedings, include an award for interim attorney's fees and costs.

(c) Temporary orders issued under this Section shall not have prejudicial effect with respect to final child support, the allocation of parental responsibilities, or parenting time orders.

(Source: P.A. 99-85, eff. 1-1-16; 99-769, eff. 1-1-17.)

(750 ILCS 46/502)

Sec. 502. Injunctive relief.

(a) In any action brought under this Act for the initial determination of parentage, the allocation of parental responsibilities or parenting time, or for modification of a prior allocation order or judgment or parenting time order, the court, upon application of a party, may enjoin a party having physical possession or an allocation order or judgment from temporarily relocating the child from this State pending the adjudication of the issues of parentage, the allocation of parental responsibilities, and parenting time. When deciding whether to enjoin relocation of a child, or to order a party to return the child to this State, the court shall consider factors including, but not limited to:

(1) the extent of previous involvement with the child by the party seeking to enjoin relocation or to have the absent party return the child to this State;

(2) the likelihood that parentage will be established; and

(3) the impact on the financial, physical, and emotional health of the party being enjoined from relocating the child or the party being ordered to return the child to this State.

(b) A temporary restraining order or preliminary injunction under this Act shall be governed by the relevant provisions of Part 1 of Article XI of the Code of Civil Procedure.

(c) Notwithstanding the provisions of subsection (a) of this Section, the court may decline to enjoin a domestic violence victim having physical possession or an allocation order or judgment from temporarily or permanently relocating the child from this State pending an allocation of parental responsibilities or an adjudication of parenting time. In

determining whether a person is a domestic violence victim, the court shall consider the following factors:

(1) a sworn statement by the person that the person has good reason to believe that he or she is the victim of domestic violence or stalking;

(2) a sworn statement that the person fears for his or her safety or the safety of his or her children;

(3) evidence from police, court, or other government agency records or files;

(4) documentation from a domestic violence program if the person is alleged to be a victim of domestic violence;

(5) documentation from a legal, clerical, medical, or other professional from whom the person has sought assistance in dealing with the alleged domestic violence; and

(6) any other evidence that supports the sworn statements, such as a statement from any other individual with knowledge of the circumstances that provides the basis for the claim, or physical evidence of the domestic violence.

(Source: P.A. 99-85, eff. 1-1-16; 99-769, eff. 1-1-17.)

(750 ILCS 46/Art. 6 heading)

ARTICLE 6. PROCEEDING TO ADJUDICATE PARENTAGE

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/601)

Sec. 601. Proceeding authorized. A civil proceeding may be maintained to adjudicate the parentage of a child. The proceeding is governed by the Code of Civil Procedure and Illinois Supreme Court Rules. Administrative proceedings adjudicating paternity shall be governed by Section 10-17.7 of the Illinois Public Aid Code.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/602)

Sec. 602. Standing. A complaint to adjudicate parentage shall be verified, shall be designated a petition, and shall name the person or persons alleged to be the parent of the child. Subject to Article 3 and Sections 607, 608, and 609 of this Act, a proceeding to adjudicate parentage may be maintained by:

(a) the child;

(b) the mother of the child;

(c) a pregnant woman;

(d) a man presumed or alleging himself to be the parent of the child;

(e) a woman presumed or alleging herself to be the parent of the child;

(f) the support-enforcement agency or other governmental agency authorized by other law;

(g) any person or public agency that has physical possession of or has custody of or has been allocated parental responsibilities for, is providing financial support to, or has provided financial support to the child;

(h) the Department of Healthcare and Family Services if it is providing, or has provided, financial support to the child or if it is assisting with child support collections services;

(i) an authorized adoption agency or licensed child-placing agency;

(j) a representative authorized by law to act for an individual who would otherwise be entitled to maintain a proceeding but who is deceased, incapacitated, or a minor; or

(k) an intended parent.

(Source: P.A. 99-85, eff. 1-1-16; 99-769, eff. 1-1-17.)

(750 ILCS 46/603)

Sec. 603. Subject matter and personal jurisdiction.

(a) The circuit courts of this State shall have jurisdiction of an action brought under this Act. In a civil action not brought under this Act, the provisions of this Act shall apply if parentage is at issue. The court may join any action under this Act with any other civil action in which this Act is applicable.

(b) An individual may not be adjudicated to be a parent unless the court has personal jurisdiction over the individual.

(c) A court of this State having jurisdiction to adjudicate parentage may exercise personal jurisdiction over a nonresident individual, or the guardian or conservator of the individual, if the conditions prescribed in Section 201 of the Uniform Interstate Family Support Act are fulfilled.

(d) Lack of jurisdiction over one individual does not preclude the court from making an adjudication of parentage binding on another individual over whom the court has personal jurisdiction.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/604)

Sec. 604. Venue.

(a) Venue for a proceeding to adjudicate parentage is any county of this State in which a party resides, or if the presumed or alleged father is deceased, in which a proceeding for probate or administration of the presumed or alleged father's estate has been commenced, or could be commenced.

(b) A proceeding for the allocation of parental responsibilities is commenced in the county where the child resides.

(Source: P.A. 99-85, eff. 1-1-16; 99-769, eff. 1-1-17.)

(750 ILCS 46/605)

Sec. 605. Notice to presumed parent.

(a) In any action brought under Article 3 or Article 6 of this Act where the individual signing the petition for an order establishing the existence of the parent-child relationship by consent or the individual alleged to be the parent in a petition is different from an individual who is presumed to be the parent of the child under Article 2 of this Act, a notice shall be served on the presumed parent in the same manner as summonses are served in other civil proceedings or, in lieu of personal service, service may be made as follows:

(1) The person requesting notice shall pay to the clerk of the circuit court a mailing fee of $1.50 and furnish to the clerk of the circuit court an original and one copy of a notice together with an affidavit setting forth the presumed parent's last known address. The original notice shall be retained by the clerk of the circuit court.

(2) The clerk of the circuit court shall promptly mail to the presumed parent, at the address appearing in the affidavit, the copy of the notice by certified mail, return receipt requested. The envelope and return receipt shall bear the return address of the clerk of the circuit court. The receipt for certified mail shall state the name and address of the addressee and the date of mailing and shall be attached to the original notice.

(3) The return receipt, when returned to the clerk of the circuit court, shall be attached to the original notice and shall constitute proof of service.

(4) The clerk of the circuit court shall note the fact of service in a permanent record.

(b) The notice shall read as follows:

"IN THE MATTER OF NOTICE TO ..... PRESUMED PARENT.

You have been identified as the presumed parent of ..... , born on ..... The birth parent of the child is .....

An action is being brought to establish the parent-child relationship between the named child and a parent named by the person filing this action, ...

As the presumed parent, you have certain legal rights with

respect to the named child, including the right to notice of the filing of proceedings instituted for the establishment of parentage of the named child and, if named as a parent in a petition to establish parentage, the right to submit to, along with the birth parent and child, deoxyribonucleic acid (DNA) tests to determine inherited characteristics, subject to Section 610 of the Illinois Parentage Act of 2015. If you wish to assert your rights with respect to the child named in this notice, you must file with the Clerk of this Circuit Court of ..... County, Illinois, whose address is ..... , within 30 days after the date of receipt of this notice, a declaration of parentage stating that you are, in fact, the parent of the named child and that you intend to assert your legal rights with respect to the child, or that you request to be notified of any further proceedings with respect to the parentage of the child.

If you do not file a declaration of parentage or a request for notice, then whatever legal rights you have with respect to the named child, including the right to notice of any future proceedings for the establishment of parentage of the child, may be terminated without any further notice to you. When your legal rights with respect to the named child are terminated, you will not be entitled to notice of any future proceedings.".

(c) The notice to a presumed parent under this Section in any action brought by a public agency shall be prepared and mailed by the public agency, and the mailing fee to the clerk of the circuit court shall be waived.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/606)

Sec. 606. Summons. The summons that is served on a respondent shall include the return date on or by which the respondent must appear and shall contain the following information, in a prominent place and in conspicuous language, in addition to the information required to be provided under the laws of this State: "If you do not appear as instructed in this summons, you may be required to support the child named in this petition until the child is at least 18 years old. You may also have to pay the pregnancy and delivery costs of the mother.".

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/607)

Sec. 607. No limitation; child having no presumed, acknowledged, or adjudicated parent. A proceeding to adjudicate the parentage of a child having no presumed, acknowledged, or adjudicated parent may be commenced at any

time, even after:

(a) the child becomes an adult, but only if the child initiates the proceeding; or

(b) an earlier proceeding to adjudicate parentage has been dismissed based on the application of a statute of limitations then in effect.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/608)

Sec. 608. Limitation; child having presumed parent.

(a) An alleged father, as that term is defined in Section 103 of this Act, must commence an action to establish a parent-child relationship for a child having a presumed parent not later than 2 years after the petitioner knew or should have known of the relevant facts. The time the petitioner is under legal disability or duress or the ground for relief is fraudulently concealed shall be excluded in computing the period of 2 years.

(b) A proceeding seeking to declare the non-existence of the parent-child relationship between a child and the child's presumed father may be maintained at any time by a person described in paragraphs (1) through (4) of subsection (a) of Section 204 of this Act if the court determines that the presumed father and the mother of the child neither cohabited nor engaged in sexual intercourse with each other during the probable time of conception.

(c) An adjudication under this Section shall serve as a rebuttal or confirmation of a presumed parent as defined in subsection (p) of Section 103.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/609)

Sec. 609. Limitation; child having acknowledged or adjudicated parent.

(a) If a child has an acknowledged parent, a signatory to the acknowledgment described in Section 301 of this Act or related denial may commence a proceeding seeking to challenge the acknowledgment or denial or challenge the paternity of the child only within the time allowed under Section 309 of this Act.

(b) If a child has an acknowledged parent or an adjudicated parent, an individual, other than the child, who is neither a signatory to the acknowledgment nor a party to the adjudication and who seeks an adjudication of parentage of the child must commence a proceeding not later than 2 years after the effective date of the acknowledgment or adjudication.

(c) A proceeding under this Section is subject to the application of the principles of estoppel established in

Section 610 of this Act.
(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/610)

Sec. 610. Authority to deny motion for genetic testing.

(a) In a proceeding in which the parentage of a child having a presumed, acknowledged, or adjudicated parent is at issue, the court may deny a motion by a parent, presumed parent, acknowledged parent, adjudicated parent, alleged parent, or the child seeking an order for genetic testing of the parents and child if the court determines that:

(1) the conduct of the parent, acknowledged parent, adjudicated parent, or the presumed parent estops that party from denying parentage;

(2) it would be inequitable to disprove the parent-child relationship between the child and the presumed, acknowledged, or adjudicated parent; and

(3) it is in the child's best interests to deny genetic testing, taking into account the following factors:

(A) the length of time between the current proceeding to adjudicate parentage and the time that the presumed, acknowledged, or adjudicated parent was placed on notice that he or she might not be the biological parent;

(B) the length of time during which the presumed, acknowledged, or adjudicated parent has assumed the role of parent of the child;

(C) the facts surrounding the presumed, acknowledged, or adjudicated parent's discovery of his or her possible nonparentage;

(D) the nature of the relationship between the child and the presumed, acknowledged, or adjudicated parent;

(E) the age of the child;

(F) the harm that may result to the child if the presumed, acknowledged, or adjudicated parentage is successfully disproved;

(G) the nature of the relationship between the child and any alleged parent;

(H) the extent to which the passage of time reduces the chances of establishing the parentage of another person and a child support obligation in favor of the child;

(I) other factors that may affect the equities arising from the disruption of the parent-child relationship between the child and the presumed, acknowledged, or adjudicated parent or the chance of other harm to the child; and

(J) any other factors the court determines to be equitable.

(b) In a proceeding involving the application of this Section, a minor or incapacitated child must be represented by

a guardian ad litem, child's representative, or attorney for the child. It shall be presumed to be equitable and in the best interests of the child to grant a motion by the child seeking an order for genetic testing. The presumption may be overcome by clear and convincing evidence that extraordinary circumstances exist making the genetic testing contrary to the child's best interests. The court's order denying a child's request for genetic testing must state the basis upon which the presumption was overcome. The court's order granting a child's request for genetic testing must specify the ways in which the testing results may be used for purposes of protecting the child's best interests.

(c) If the court denies a motion seeking an order for genetic testing, it shall issue an order adjudicating the presumed parent to be the parent of the child.

(Source: P.A. 99-85, eff. 1-1-16; 99-769, eff. 1-1-17.)

(750 ILCS 46/611)

Sec. 611. Joinder of proceedings.

(a) Except as otherwise provided in subsection (b), a proceeding to adjudicate parentage may be joined with a proceeding for adoption, termination of parental rights, the allocation of parental responsibilities or parenting time, child support, dissolution of marriage or civil union, declaration of invalidity of marriage or civil union, legal separation, probate or administration of an estate, or other appropriate proceeding.

(b) A respondent may not join a proceeding described in subsection (a) with a proceeding to adjudicate parentage brought under the Uniform Interstate Family Support Act.

(Source: P.A. 99-85, eff. 1-1-16; 99-769, eff. 1-1-17.)

(750 ILCS 46/612)

Sec. 612. Proceeding before birth. A proceeding to establish parentage may be commenced before the birth of the child, but may not be concluded until after the birth of the child. The following actions may be taken before the birth of the child:

(a) service of process;

(b) the taking of depositions to perpetuate testimony; and

(c) except as prohibited by Article 4 of this Act, collection of specimens for genetic testing.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/613)

Sec. 613. Child as party; representation.

(a) A minor child is a permissible party, but is not a necessary party to a proceeding under this Article.

(b) The court shall appoint a guardian ad litem, child's representative, or attorney for the child to represent a minor or incapacitated child if the child is a party or the court finds that the interests of the child are not adequately represented.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/614)

Sec. 614. Admissibility of results of genetic testing; expenses.

(a) If a child has a presumed, acknowledged, or adjudicated parent, the results of genetic testing are inadmissible to adjudicate parentage unless performed:

(1) with the consent of both the mother and the presumed, acknowledged, or adjudicated parent; or

(2) pursuant to an order of the court under Section 402 of this Act.

(b) Copies of bills for genetic testing and for prenatal and postnatal health care for the mother and child which are furnished to the adverse party not less than 10 days before the date of a hearing are admissible to establish:

(1) the amount of the charges billed; and

(2) that the charges were reasonable, necessary, and customary.

(c) Certified copies of the bills for costs incurred for pregnancy and childbirth shall be admitted into evidence at judicial or administrative proceedings without foundation testimony or other proof of authenticity or accuracy.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/615)

Sec. 615. Consequences of declining genetic testing.

(a) An order for genetic testing is enforceable through a proceeding for adjudication of contempt.

(b) If an individual whose parentage is being determined declines to submit to genetic testing ordered by the court or administrative agency, the court or administrative agency may adjudicate parentage contrary to the position of that individual.

(c) Genetic testing of the mother of a child is not a condition precedent to genetically testing the child and a man whose paternity is being determined. If the mother is unavailable or declines to submit to genetic testing, the court or administrative agency may order the genetic testing of the child and every man whose paternity is being

adjudicated.
(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/616)
Sec. 616. Admission of parentage authorized.
(a) A respondent in a proceeding to adjudicate parentage may admit to the parentage of a child by filing a pleading to that effect or by admitting parentage under penalty of perjury when making an appearance or during a hearing.
(b) If the court finds that the admission of parentage satisfies the requirements of this Section and finds that there is no reason to question the admission, the court shall enter an order adjudicating the child to be the child of the person admitting parentage.
(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/617)
Sec. 617. Rules for adjudication of parentage. The court shall apply the following rules to adjudicate the parentage of a child:

(a) The parentage of a child having an adjudicated parent may be disproved only by admissible results of genetic testing, or other means, excluding that person as the parent of the child or identifying another person as the parent of the child.

(b) Unless the results of the genetic testing or other evidence are admitted to rebut other results of genetic testing, a person identified as the parent of a child under Section 404 of this Act may be adjudicated the parent of the child.

(c) If the court finds that genetic testing under Section 404 neither identifies nor excludes a person as the parent of a child, the court may not dismiss the proceeding. In that event, the results of genetic testing and other evidence are admissible to adjudicate the issue of parentage.

(d) Unless the results of genetic testing are admitted to rebut other results of genetic testing, a person excluded as the parent of a child by genetic testing may be adjudicated not to be the parent of the child.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/618)
Sec. 618. Pre-trial proceedings. As soon as practicable

after an action to declare the existence or non-existence of the parent-child relationship has been brought, and the parties are at issue, the court may conduct a pre-trial conference.
(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/619)
Sec. 619. Jury prohibited. Trial by jury is not available under this Act.
(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/620)
Sec. 620. Order on default. The court may issue an order adjudicating the parentage of a person who is in default after service of process.
(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/621)
Sec. 621. Binding effect of determination of parentage.
(a) Except as otherwise provided in subsection (b) of this Section, a determination of parentage is binding on:
(1) all signatories to an acknowledgment or denial as provided in Article 3 of this Act; and
(2) all parties to an adjudication by a court acting under circumstances that satisfy the jurisdictional requirements of Section 201 of the Uniform Interstate Family Support Act.
(b) A child is not bound by a determination of parentage under this Act unless:
(1) the determination was based on an unrescinded acknowledgment as provided in Article 3 of this Act and the acknowledgment is consistent with the results of genetic testing;
(2) the adjudication of parentage was based on a finding consistent with the results of genetic testing and the consistency is declared in the determination or is otherwise shown;
(3) the child was a party or was represented in the proceeding determining parentage by a guardian ad litem, child's representative or attorney for the child; and
(4) the child was no longer a minor at the time the proceeding was initiated and was the moving party resulting in the parentage determination.
(c) In a proceeding for dissolution of marriage, civil union, or substantially similar legal relationship,

declaration of invalidity of marriage, civil union, or substantially similar legal relationship, or legal separation, the court is deemed to have made an adjudication of the parentage of a child if the court acts under circumstances that satisfy the jurisdictional requirements of Section 201 of the Uniform Interstate Family Support Act, and the final order:

(1) expressly identifies a child as a "child of the marriage, civil union, or substantially similar legal relationship", "issue of the marriage, civil union, or substantially similar legal relationship", or uses similar words indicating that a party to the marriage, civil union, or substantially similar legal relationship is the parent of the child; or

(2) provides for support of the child by the parties to the marriage, civil union, or substantially similar legal relationship, unless parentage is specifically disclaimed in the order.

(d) Except as otherwise provided in subsection (b) of this Section, a determination of parentage may be a defense in a subsequent proceeding seeking to adjudicate parentage by an individual who was not a party to the earlier proceeding.

(e) A party to an adjudication of parentage may challenge the adjudication only under the laws of this State relating to appeal, vacation of judgments, or other judicial review. (Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/622)

Sec. 622. Allocation of parental responsibilities or parenting time prohibited to men who father through sexual assault or sexual abuse.

(a) This Section applies to a person who has been found to be the father of a child under this Act and who:

(1) has been convicted of or who has pled guilty or nolo contendere to a violation of Section 11-1.20 (criminal sexual assault), Section 11-1.30 (aggravated criminal sexual assault), Section 11-1.40 (predatory criminal sexual assault of a child), Section 11-1.50 (criminal sexual abuse), Section 11-1.60 (aggravated criminal sexual abuse), Section 11-11 (sexual relations within families), Section 12-13 (criminal sexual assault), Section 12-14 (aggravated criminal sexual assault), Section 12-14.1 (predatory criminal sexual assault of a child), Section 12-15 (criminal sexual abuse), or Section 12-16 (aggravated criminal sexual abuse) of the Criminal Code of 1961 or the Criminal Code of 2012, or a similar statute in another jurisdiction, for his conduct in fathering that child; or

(2) at a fact-finding hearing, is found by clear and convincing evidence to have committed an act of non-consensual sexual penetration for his conduct in fathering that child.

(b) A person described in subsection (a) shall not be entitled to an allocation of any parental responsibilities or parenting time with that child without the consent of the child's mother or guardian. If the person described in subsection (a) is also the guardian of the child, he does not have the authority to consent to parenting time or the allocation of parental responsibilities under this Section. If the mother of the child is a minor, and the person described in subsection (a) is also the father or guardian of the mother, then he does not have the authority to consent to the allocation of parental responsibilities or parenting time.

(c) Notwithstanding any other provision of this Act, nothing in this Section shall be construed to relieve the father described in subsection (a) of any support and maintenance obligations to the child under this Act. The child's mother or guardian may decline support and maintenance obligations from the father.

(d) Notwithstanding any other provision of law, the father described in subsection (a) of this Section is not entitled to any inheritance or other rights from the child without the consent of the child's mother or guardian.

(e) Notwithstanding any provision of the Illinois Marriage and Dissolution of Marriage Act, the parent, grandparent, great-grandparent, or sibling of the person described in subsection (a) of this Section does not have standing to bring an action requesting the allocation of parental responsibilities or parenting time with the child without the consent of the child's mother or guardian.

(f) A petition under this Section may be filed by the child's mother or guardian either as an affirmative petition in circuit court or as an affirmative defense in any proceeding filed by the person described in subsection (a) of this Section regarding the child.

(Source: P.A. 99-85, eff. 1-1-16; 99-769, eff. 1-1-17.)

(750 ILCS 46/Art. 7 heading)

ARTICLE 7. CHILD OF ASSISTED REPRODUCTION

(Source: P.A. 99-85, eff. 1-1-16; 99-763, eff. 1-1-17.)

(750 ILCS 46/701)

Sec. 701. Scope of Article. Except as described in this Article, this Article does not apply to the birth of a child conceived by means of sexual intercourse or a child born as a result of a valid gestational surrogacy arrangement meeting the requirements of the Gestational Surrogacy Act.

(Source: P.A. 99-763, eff. 1-1-17.)

(750 ILCS 46/702)

Sec. 702. Parental status of donor. Except as provided in this Act, a donor is not a parent of a child conceived by means of assisted reproduction.

(Source: P.A. 99-763, eff. 1-1-17.)

(750 ILCS 46/703)

Sec. 703. Parentage of child of assisted reproduction.

(a) Any individual who is an intended parent as defined by this Act is the legal parent of any resulting child. If the donor and the intended parent have been represented by independent counsel and entered into a written legal agreement in which the donor relinquishes all rights and responsibilities to any resulting child, the intended parent is the parent of the child. An agreement under this subsection shall be entered into prior to any insemination or embryo transfer.

(b) If a person makes an anonymous gamete donation without a designated intended parent at the time of the gamete donation, the intended parent is the parent of any resulting child if the anonymous donor relinquished his or her parental rights in writing at the time of donation. The written relinquishment shall be directed to the entity to which the donor donated his or her gametes.

(c) An intended parent may seek a court order confirming the existence of a parent-child relationship prior to or after the birth of a child based on compliance with subsection (a) or (b) of this Section.

(d) If the requirements of subsection (a) of this Section are not met, or subsection (b) of this Section is found by a court to be inapplicable, a court of competent jurisdiction shall determine parentage based on evidence of the parties' intent at the time of donation.

(Source: P.A. 99-763, eff. 1-1-17.)

(750 ILCS 46/704)

Sec. 704. Withdrawal of consent of intended parent or donor. An intended parent or donor may withdraw consent to use his or her gametes in a writing or legal pleading with notice to the other participants. An intended parent who withdraws consent under this Section prior to the insemination or embryo transfer is not a parent of any resulting child. If a donor withdraws consent to his or her donation prior to the insemination or the combination of gametes, the intended parent is not the parent of any resulting child.

(Source: P.A. 99-763, eff. 1-1-17.)

(750 ILCS 46/705)

Sec. 705. Parental status of deceased individual. If an individual consents in a writing to be a parent of any child born of his or her gametes posthumously, and dies before the insemination of the individual's gametes or embryo transfer, the deceased individual is a parent of any resulting child born within 36 months of the death of the deceased individual.

(Source: P.A. 99-763, eff. 1-1-17.)

(750 ILCS 46/706)

Sec. 706. Inheritance rights of posthumous child. Notwithstanding Section 705, the rights of a posthumous child to an inheritance or to property under an instrument shall be governed by the provisions of the Probate Act of 1975.

(Source: P.A. 99-763, eff. 1-1-17.)

(750 ILCS 46/707)

Sec. 707. Burden of proof. Parentage established under Section 703, a withdrawal of consent under Section 704, or a proceeding to declare the non-existence of the parent-child relationship under Section 708 of this Act must be proven by clear and convincing evidence.

(Source: P.A. 99-763, eff. 1-1-17.)

(750 ILCS 46/708)

Sec. 708. Limitation on proceedings to declare the non-existence of the parent-child relationship. An action to declare the non-existence of the parent-child relationship under this Article shall be barred if brought more than 2 years following the birth of the child.

(Source: P.A. 99-763, eff. 1-1-17.)

(750 ILCS 46/709)

Sec. 709. Establishment of parentage; requirements of Gestational Surrogacy Act.

(a) In the event of gestational surrogacy, in addition to

the requirements of the Gestational Surrogacy Act, a parent-child relationship is established between a person and a child if all of the following conditions are met prior to the birth of the child:

(1) The gestational surrogate certifies that she did not provide a gamete for the child, and that she is carrying the child for the intended parents.

(2) The spouse, if any, of the gestational surrogate certifies that he or she did not provide a gamete for the child.

(3) Each intended parent certifies that the child being carried by the gestational surrogate was conceived using at least one of the intended parents' gametes.

(4) A physician certifies that the child being carried by the gestational surrogate was conceived using the gamete or gametes of at least one of the intended parents, and that neither the gestational surrogate nor the gestational surrogate's spouse, if any, provided gametes for the child being carried by the gestational surrogate.

(5) The attorneys for the intended parents and the gestational surrogate each certify that the parties entered into a gestational surrogacy agreement intended to satisfy the requirements of the Gestational Surrogacy Act.

(b) All certifications under this Section shall be in writing and witnessed by 2 competent adults who are not the gestational surrogate, gestational surrogate's spouse, if any, or an intended parent. Certifications shall be on forms prescribed by the Illinois Department of Public Health and shall be executed prior to the birth of the child. All certifications shall be provided, prior to the birth of the child, to both the hospital where the gestational surrogate anticipates the delivery will occur and to the Illinois Department of Public Health.

(c) Parentage established in accordance with this Section has the full force and effect of a judgment entered under this Act.

(d) The Illinois Department of Public Health shall adopt rules to implement this Section.

(Source: P.A. 99-763, eff. 1-1-17.)

(750 ILCS 46/710)

Sec. 710. Applicability. This Article applies only to assisted reproductive arrangements or gestational surrogacy contracts entered into after the effective date of this amendatory Act of the 99th General Assembly.

(Source: P.A. 99-763, eff. 1-1-17.)

(750 ILCS 46/Art. 8 heading)

ARTICLE 8. SUPPORT AND JUDGMENT

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/801)

Sec. 801. Child support orders.

(a) Notwithstanding any other law to the contrary, pending the outcome of a judicial determination of parentage, the court shall issue an order for child support upon motion by a party and a showing of clear and convincing evidence of parentage. In determining the amount of the child support award, the court shall use the guidelines and standards set forth in Sections 505 and 505.2 of the Illinois Marriage and Dissolution of Marriage Act.

(b) Any new or existing support order entered by the court under this Section shall be deemed to be a series of judgments against the person obligated to pay support thereunder, each judgment to be in the amount of each payment or installment of support and each judgment to be deemed entered as of the date the corresponding payment or installment becomes due under the terms of the support order. Each judgment shall have the full force, effect, and attributes of any other judgment of this State, including the ability to be enforced. A judgment under this Section is subject to modification or termination only in accordance with Section 510 of the Illinois Marriage and Dissolution of Marriage Act. Notwithstanding any other state or local law to the contrary, a lien arises by operation of law against the real and personal property of the noncustodial parent for each installment of overdue support owed by the noncustodial parent.

(c) An order for support, when entered or modified, shall include a provision requiring the non-custodial parent to notify the court and, in cases in which a party is receiving child support enforcement services under Article X of the Illinois Public Aid Code, the Department of Healthcare and Family Services, within 7 days: (i) of the name and address of any new employer of the non-custodial parent; (ii) whether the non-custodial parent has access to health insurance coverage through the employer or other group coverage and, if so, of the policy name and number and the names of adults and initials of minors covered under the policy; and (iii) of any new residential or mailing address or telephone number of the non-custodial parent. In any subsequent action to enforce a support order, upon a sufficient showing that a diligent effort has been made to ascertain the location of the non-custodial parent, service of process or provision of notice necessary in the case may be made at the last known address of the non-custodial parent in any manner expressly provided by this Act or the Code of Civil Procedure, and shall be sufficient for purposes of due process.

(d) An order for support shall include a date on which the

current support obligation terminates. The termination date shall be no earlier than the date on which the child covered by the order will attain the age of 18. However, if the child will not graduate from high school until after attaining the age of 18, then the termination date shall be no earlier than the earlier of the date on which the child's high school graduation will occur or the date on which the child will attain the age of 19. The order for support shall state that the termination date does not apply to any arrearage that may remain unpaid on that date. Nothing in this subsection shall be construed to prevent the court from modifying the order or terminating the order in the event the child is otherwise emancipated.

(e) If there is an unpaid arrearage or delinquency (as those terms are defined in the Income Withholding for Support Act) equal to at least one month's support obligation on the termination date stated in the order for support or, if there is no termination date stated in the order, on the date the child attains the age of majority or is otherwise emancipated, the periodic amount required to be paid for current support of that child immediately prior to that date shall automatically continue to be an obligation, not as current support but as periodic payment toward satisfaction of the unpaid arrearage or delinquency. The periodic payment shall be in addition to any periodic payment previously required for satisfaction of the arrearage or delinquency. The total periodic amount to be paid toward satisfaction of the arrearage or delinquency may be enforced and collected by any method provided by law for the enforcement and collection of child support including, but not limited to, income withholding under the Income Withholding for Support Act. Each order for support entered or modified must contain a statement notifying the parties of the requirements of this subsection. Failure to include the statement in the order for support does not affect the validity of the order or the operation of the provisions of this subsection with regard to the order. This subsection shall not be construed to prevent or affect the establishment or modification of an order for the support of a minor child or the establishment or modification of an order for the support of a non-minor child or educational expenses under Section 513 of the Illinois Marriage and Dissolution of Marriage Act.

(f) An order entered under this Section shall include a provision requiring the obligor to report to the obligee and to the clerk of the circuit court within 7 days each time the obligor obtains new employment, and each time the obligor's employment is terminated for any reason. The report shall be in writing and shall, in the case of new employment, include the name and address of the new employer. Failure to report new employment or the termination of current employment, if coupled with nonpayment of support for a period in excess of 60 days, is indirect criminal contempt. For an obligor arrested for failure to report new employment, bond shall be set in the amount of the child support that should have been paid during the period of unreported employment. An order entered under this Section shall also include a provision requiring the obligor and obligee parents to advise each other

of a change in residence within 5 days of the change except when the court finds that the physical, mental, or emotional health of a party or that of a minor child, or both, would be seriously endangered by disclosure of the party's address. (Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/802)

Sec. 802. Judgment.

(a) The court shall issue an order adjudicating whether a person alleged or claiming to be the parent is the parent of the child. An order adjudicating parentage must identify the child by name and date of birth.

The court may assess filing fees, reasonable attorney's fees, fees for genetic testing, other costs, necessary travel expenses, and other reasonable expenses incurred in a proceeding under this Act. The court may award attorney's fees, which may be paid directly to the attorney, who may enforce the order in the attorney's own name. The court may not assess fees, costs, or expenses against the support-enforcement agency of this State or another state, except as provided by other law.

The judgment shall contain or explicitly reserve provisions concerning any duty and amount of child support and may contain provisions concerning the allocation of parental responsibilities or guardianship of the child, parenting time privileges with the child, and the furnishing of bond or other security for the payment of the judgment, which the court shall determine in accordance with the relevant factors set forth in the Illinois Marriage and Dissolution of Marriage Act and any other applicable law of this State, to guide the court in a finding in the best interests of the child. In determining the allocation of parental responsibilities, relocation, parenting time, parenting time interference, support for a non-minor disabled child, educational expenses for a non-minor child, and related post-judgment issues, the court shall apply the relevant standards of the Illinois Marriage and Dissolution of Marriage Act. Specifically, in determining the amount of a child support award, the court shall use the guidelines and standards set forth in subsection (a) of Section 505 and in Section 505.2 of the Illinois Marriage and Dissolution of Marriage Act. The court shall order all child support payments, determined in accordance with such guidelines, to commence with the date summons is served. The level of current periodic support payments shall not be reduced because of payments set for the period prior to the date of entry of the support order.

(b) In an action brought within 2 years after a child's birth, the judgment or order may direct either parent to pay the reasonable expenses incurred by either parent or the Department of Healthcare and Family Services related to the mother's pregnancy and the delivery of the child.

(c) In the absence of an explicit order or judgment for the allocation of parental responsibilities, the establishment

of a child support obligation or the allocation of parenting time to one parent shall be construed as an order or judgment allocating all parental responsibilities to the other parent. If the parentage order or judgment contains no such provisions, all parental responsibilities shall be presumed to be allocated to the mother; however, the presumption shall not apply if the child has resided primarily with the other parent for at least 6 months prior to the date that the mother seeks to enforce the order or judgment of parentage.

(d) The court, if necessary to protect and promote the best interests of the child, may set aside a portion of the separately held estates of the parties in a separate fund or trust for the support, education, physical and mental health, and general welfare of a minor or mentally or physically disabled child of the parties.

(e) The court may order child support payments to be made for a period prior to the commencement of the action. In determining whether and to what extent the payments shall be made for the prior period, the court shall consider all relevant facts, including but not limited to:

(1) The factors for determining the amount of support specified in the Illinois Marriage and Dissolution of Marriage Act.

(2) The prior knowledge of the person obligated to pay support of the fact and circumstances of the child's birth.

(3) The father's prior willingness or refusal to help raise or support the child.

(4) The extent to which the mother or the public agency bringing the action previously informed the person obligated to pay support of the child's needs or attempted to seek or require the help of the person obligated to pay support in raising or supporting the child.

(5) The reasons the mother or the public agency did not file the action earlier.

(6) The extent to which the person obligated to pay support would be prejudiced by the delay in bringing the action.

For purposes of determining the amount of child support to be paid for the period before the date the order for current child support is entered, there is a rebuttable presumption that the net income of the person obligated to pay support for the prior period was the same as the net income of the person obligated to pay support at the time the order for current child support is entered.

If (i) the person obligated to pay support was properly served with a request for discovery of financial information relating to the ability to provide child support of the person obligated to pay support; (ii) the person obligated to pay support failed to comply with the request, despite having been ordered to do so by the court; and (iii) the person obligated to pay support is not present at the hearing to determine support despite having received proper notice, then any relevant financial information concerning the ability to provide child support of the person obligated to pay support that was obtained pursuant to subpoena and proper notice shall be admitted into evidence without the need to establish any

further foundation for its admission.

(f) A new or existing support order entered by the court under this Section shall be deemed to be a series of judgments against the person obligated to pay support thereunder, each judgment to be in the amount of each payment or installment of support and each judgment to be deemed entered as of the date the corresponding payment or installment becomes due under the terms of the support order. Each judgment shall have the full force, effect, and attributes of any other judgment of this State, including the ability to be enforced. A judgment under this Section is subject to modification or termination only in accordance with Section 510 of the Illinois Marriage and Dissolution of Marriage Act. Notwithstanding any State or local law to the contrary, a lien arises by operation of law against the real and personal property of the noncustodial parent for each installment of overdue support owed by the noncustodial parent.

(g) If the judgment or order of the court is at variance with the child's birth certificate, the court shall order that a new birth certificate be issued under the Vital Records Act.

(h) On the request of both parents, the court shall order a change in the child's name.

(i) After hearing evidence, the court may stay payment of support during the period of the father's minority or period of disability.

(j) If, upon a showing of proper service, the father fails to appear in court or otherwise appear as provided by law, the court may proceed to hear the cause upon testimony of the mother or other parties taken in open court and shall enter a judgment by default. The court may reserve any order as to the amount of child support until the father has received notice, by regular mail, of a hearing on the matter.

(k) An order for support, when entered or modified, shall include a provision requiring the non-custodial parent to notify the court and, in cases in which a party is receiving child support enforcement services under Article X of the Illinois Public Aid Code, the Department of Healthcare and Family Services, within 7 days: (i) of the name and address of any new employer of the non-custodial parent; (ii) whether the non-custodial parent has access to health insurance coverage through the employer or other group coverage and, if so, of the policy name and number and the names of adults and initials of minors covered under the policy; and (iii) of any new residential or mailing address or telephone number of the non-custodial parent. In a subsequent action to enforce a support order, upon a sufficient showing that a diligent effort has been made to ascertain the location of the non-custodial parent, service of process or provision of notice necessary in the case may be made at the last known address of the non-custodial parent in any manner expressly provided by this Act or the Code of Civil Procedure, and shall be sufficient for purposes of due process.

(l) An order for support shall include a date on which the current support obligation terminates. The termination date shall be no earlier than the date on which the child covered by the order will attain the age of 18. However, if the child

will not graduate from high school until after attaining the age of 18, then the termination date shall be no earlier than the earlier of the date on which the child's high school graduation will occur or the date on which the child will attain the age of 19. The order for support shall state that the termination date does not apply to any arrearage that may remain unpaid on that date. Nothing in this subsection shall be construed to prevent the court from modifying the order or terminating the order in the event the child is otherwise emancipated.

(m) If there is an unpaid arrearage or delinquency (as those terms are defined in the Income Withholding for Support Act) equal to at least one month's support obligation on the termination date stated in the order for support or, if there is no termination date stated in the order, on the date the child attains the age of majority or is otherwise emancipated, the periodic amount required to be paid for current support of that child immediately prior to that date shall automatically continue to be an obligation, not as current support but as periodic payment toward satisfaction of the unpaid arrearage or delinquency. The periodic payment shall be in addition to any periodic payment previously required for satisfaction of the arrearage or delinquency. The total periodic amount to be paid toward satisfaction of the arrearage or delinquency may be enforced and collected by any method provided by law for enforcement and collection of child support, including but not limited to income withholding under the Income Withholding for Support Act. Each order for support entered or modified must contain a statement notifying the parties of the requirements of this subsection. Failure to include the statement in the order for support does not affect the validity of the order or the operation of the provisions of this subsection with regard to the order. This subsection shall not be construed to prevent or affect the establishment or modification of an order for support of a minor child or the establishment or modification of an order for support of a non-minor child or educational expenses under Section 513 of the Illinois Marriage and Dissolution of Marriage Act.

(n) An order entered under this Section shall include a provision requiring the obligor to report to the obligee and to the clerk of court within 7 days each time the obligor obtains new employment, and each time the obligor's employment is terminated for any reason. The report shall be in writing and shall, in the case of new employment, include the name and address of the new employer. Failure to report new employment or the termination of current employment, if coupled with nonpayment of support for a period in excess of 60 days, is indirect criminal contempt. For an obligor arrested for failure to report new employment, bond shall be set in the amount of the child support that should have been paid during the period of unreported employment. An order entered under this Section shall also include a provision requiring the obligor and obligee parents to advise each other of a change in residence within 5 days of the change except when the court finds that the physical, mental, or emotional health of a party or that of a minor child, or both, would be seriously

endangered by disclosure of the party's address.
(Source: P.A. 99-85, eff. 1-1-16; 99-769, eff. 1-1-17.)

(750 ILCS 46/803)

Sec. 803. Information to State Case Registry.

(a) In this Section:

"Order for support", "obligor", "obligee", and "business day" are defined as set forth in the Income Withholding for Support Act.

"State Case Registry" means the State Case Registry established under Section 10-27 of the Illinois Public Aid Code.

(b) Each order for support entered or modified by the circuit court under this Act shall require that the obligor and obligee file with the clerk of the circuit court (i) the information required by this Section (and any other information required under Title IV, Part D of the Social Security Act or by the federal Department of Health and Human Services) at the time of entry or modification of the order for support; and (ii) updated information within 5 business days of any change. Failure of the obligor or obligee to file or update the required information shall be punishable as in cases of contempt. The failure shall not prevent the court from entering or modifying the order for support, however.

(c) The obligor shall file the following information: the obligor's name, date of birth, mailing address, and the obligor's social security number or tax identification number. If either the obligor or the obligee receives child support enforcement services from the Department of Healthcare and Family Services under Article X of the Illinois Public Aid Code, the obligor shall also file the following information: the obligor's telephone number, driver's license number, residential address (if different from the obligor's mailing address), and the name, address, and telephone number of the obligor's employer or employers.

(d) The obligee shall file the following information:

(1) The name of the obligee and the name of the child or children covered by the order for support.

(2) The dates of birth of the obligee and the child or children covered by the order for support.

(3) The social security numbers or tax identification numbers of the obligee and the child or children covered by the order for support.

(4) The obligee's mailing address.

(e) In cases in which the obligee receives child support enforcement services from the Department of Healthcare and Family Services under Article X of the Illinois Public Aid Code, the order for support shall (i) require that the obligee file the information required under subsection (d) with the Department of Healthcare and Family Services for inclusion in the State Case Registry, rather than file the information with the clerk, and (ii) require that the obligee include the

following additional information:

(1) The obligee's telephone and driver's license number.

(2) The obligee's residential address, if different from the obligee's mailing address.

(3) The name, address, and telephone number of the obligee's employer or employers.

The order for support shall also require that the obligee update the information filed with the Department of Healthcare and Family Services within 5 business days of any change.

(f) The clerk of the circuit court shall provide the information filed under this Section, together with the court docket number and county in which the order for support was entered, to the State Case Registry within 5 business days after receipt of the information.

(g) In a case in which a party is receiving child support enforcement services under Article X of the Illinois Public Aid Code, the clerk of the circuit court shall provide the following additional information to the State Case Registry within 5 business days after entry or modification of an order for support or request from the Department of Healthcare and Family Services:

(1) the amount of monthly or other periodic support owed under the order for support and other amounts, including arrearage, interest, or late payment penalties and fees, due or overdue under the order; and

(2) any amounts that have been received by the clerk, and the distribution of those amounts by the clerk.

(h) Information filed by the obligor and obligee under this Section that is not specifically required to be included in the body of an order for support under other laws is not a public record and shall be treated as confidential and subject to disclosure only in accordance with the provisions of this Section, Section 10-27 of the Illinois Public Aid Code, and Title IV, Part D of the Social Security Act.

(Source: P.A. 99-85, eff. 1-1-16; 99-769, eff. 1-1-17.)

(750 ILCS 46/804)

Sec. 804. Information to locate putative fathers and noncustodial parents.

(a) Upon request by a public office, employers, labor unions, and telephone companies shall provide location information concerning putative fathers and noncustodial parents for the purpose of establishing the parentage of a child or establishing, enforcing, or modifying a child support obligation. As used in this Section, the term "public office" is defined as set forth in the Income Withholding for Support Act, and "location information" means information about (i) the physical whereabouts of a putative father or noncustodial parent; (ii) the employer of the putative father or noncustodial parent; or (iii) the salary, wages, and other compensation paid and the health insurance coverage provided to the putative father or noncustodial parent by the employer

of the putative father or noncustodial parent or by a labor union of which the putative father or noncustodial parent is a member. An employer, labor union, or telephone company shall respond to the request of the public office within 15 days after receiving the request. An employer, labor union, or telephone company that willfully fails to fully respond within the 15-day period shall be subject to a penalty of $100 for each day that the response is not provided to the public office after the 15-day period has expired. The penalty may be collected in a civil action, which may be brought against the employer, labor union, or telephone company in favor of the public office.

(b) Upon being served with a subpoena (including an administrative subpoena as authorized by law), a utility company or cable television company must provide location information to a public office for the purpose of establishing the parentage of a child or establishing, enforcing, or modifying a child support obligation.

(c) Notwithstanding the provisions of any other State or local law to the contrary, an employer, labor union, telephone company, utility company, or cable television company shall not be liable to any person for disclosure of location information under the requirements of this Section, except for willful and wanton misconduct.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/805)

Sec. 805. Enforcement of judgment or order.

(a) If the existence of the parent-child relationship is declared, or if parentage or a duty of support has been established under this Act or under prior law or under the law of any other jurisdiction, the judgment rendered thereunder may be enforced in the same or in other proceedings by any party or any person or agency that has furnished or may furnish financial assistance or services to the child. The Income Withholding for Support Act and Sections 802 and 808 of this Act shall also be applicable with respect to the entry, modification, and enforcement of a support judgment entered under the Paternity Act, approved July 5, 1957 and repealed July 1, 1985.

(b) Failure to comply with an order of the court shall be punishable as contempt as in other cases of failure to comply under the Illinois Marriage and Dissolution of Marriage Act. In addition to other penalties provided by law, the court may, after finding the party guilty of contempt, take the following action:

(1) Order that the party be placed on probation with such conditions of probation as the court deems advisable.

(2) Order that the party be sentenced to periodic imprisonment for a period not to exceed 6 months. However, the court may permit the party to be released for periods of time during the day or night to work, conduct business, or engage in other self-employed occupation. The court may

further order any part of all the earnings of a party during a sentence of periodic imprisonment to be paid to the clerk of the circuit court or to the person or parent having custody of or having been allocated parental responsibilities for the minor child for the support of the child until further order of the court.

(3) Pierce the ownership veil of a person, persons, or business entity to discover assets of a non-custodial parent held in the name of that person, those persons, or that business entity, if there is a unity of interest and ownership sufficient to render no financial separation between the non-custodial parent and that person, those persons, or the business entity. The following circumstances are sufficient for a court to order discovery of the assets of a person, persons, or business entity and to compel the application of any discovered assets toward payment of the judgment for support:

(A) the non-custodial parent and the person, persons, or business entity maintain records together.

(B) the non-custodial parent and the person, persons, or business entity fail to maintain an arm's-length relationship between themselves with regard to any assets.

(C) the non-custodial parent transfers assets to the person, persons, or business entity with the intent to perpetrate a fraud on the custodial parent.

With respect to assets which are real property, no order entered under this subdivision (3) shall affect the rights of bona fide purchasers, mortgagees, judgment creditors, or other lien holders who acquire their interests in the property prior to the time a notice of lis pendens under the Code of Civil Procedure or a copy of the order is placed of record in the office of the recorder of deeds for the county in which the real property is located.

(4) Order that, in cases where the party is 90 days or more delinquent in payment of support or has been adjudicated in arrears in an amount equal to 90 days obligation or more, the party's Illinois driving privileges be suspended until the court determines that the party is in compliance with the judgment or duty of support. The court may also order that the parent be issued a family financial responsibility driving permit that would allow limited driving privileges for employment and medical purposes in accordance with Section 7-702.1 of the Illinois Vehicle Code. The clerk of the circuit court shall certify the order suspending the driving privileges of the parent or granting the issuance of a family financial responsibility driving permit to the Secretary of State on forms prescribed by the Secretary. Upon receipt of the authenticated documents, the Secretary of State shall suspend the party's driving privileges until further order of the court and shall, if ordered by the court and subject to the provisions of Section 7-702.1 of the Illinois Vehicle Code, issue a family financial responsibility driving permit to the parent.

In addition to the penalties or punishment that may be imposed under this Section, a person whose conduct constitutes a violation of Section 15 of the Non-Support Punishment Act may be prosecuted under that Act, and a person convicted under that Act may be sentenced in accordance with that Act. The sentence may include, but need not be limited to, a requirement that the person perform community service under Section 50 of that Act or participate in a work alternative program under Section 50 of that Act. A person may not be required to participate in a work alternative program under Section 50 of the Non-Support Punishment Act if the person is currently participating in a work program under Section 806 of this Act.

(c) In a post-judgment proceeding to enforce or modify the judgment, the parties shall continue to be designated as in the original proceeding.

(Source: P.A. 99-85, eff. 1-1-16; 99-769, eff. 1-1-17.)

(750 ILCS 46/806)

Sec. 806. Unemployment of person owing duty of support.

(a) Whenever it is determined in a proceeding to establish or enforce a child support obligation that the person owing a duty of support is unemployed, the court may order the person to seek employment and report periodically to the court with a diary, listing, or other memorandum of his or her efforts to seek employment in accordance with the order. Additionally, the court may order the unemployed person to report to the Department of Employment Security for job search services and to participate in job training or work programs. When the duty of support is owed to a child receiving child support enforcement services under Article X of the Illinois Public Aid Code, the court may order the unemployed person to report to the Department of Healthcare and Family Services for participation in job search, training, or work programs established under Section 9-6 and Article IXA of that Code.

(b) Whenever it is determined that a person owes past-due support for a child, and the child is receiving assistance under the Illinois Public Aid Code, the court shall, at the request of the Department of Healthcare and Family Services, order the following:

(1) that the person pay the past-due support in accordance with a payment plan approved by the court; or

(2) if the person owing past-due support is unemployed, is subject to a payment plan, and is not incapacitated, that the person participate in job search, training, or work programs established under Section 9-6 and Article IXA of the Illinois Public Aid Code as the court deems appropriate.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/807)

Sec. 807. Order of protection; status. Whenever relief is sought under this Act, the court, before granting relief, shall determine whether an order of protection has previously been entered in the instant proceeding or any other proceeding in which any party, or a child of any party, or both, if relevant, has been designated as either a respondent or a protected person.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/808)

Sec. 808. Modification of judgment. The court has continuing jurisdiction to modify an order for child support, allocation of parental responsibilities, parenting time, or relocation included in a judgment entered under this Act. Any allocation of parental responsibilities, parenting time, or relocation judgment modification shall be in accordance with the relevant factors specified in the Illinois Marriage and Dissolution of Marriage Act. Any support judgment is subject to modification or termination only in accordance with Section 510 of the Illinois Marriage and Dissolution of Marriage Act.

(Source: P.A. 99-85, eff. 1-1-16; 99-769, eff. 1-1-17.)

(750 ILCS 46/809)

Sec. 809. Right to counsel.

(a) Any party may be represented by counsel at all proceedings under this Act. Except as otherwise provided in this Act, the court may order, in accordance with the relevant factors specified in Section 508 of the Illinois Marriage and Dissolution of Marriage Act, reasonable fees of counsel, experts, and other costs of the action, pre-trial proceedings, post-judgment proceedings to enforce or modify the judgment, and the appeal or the defense of an appeal of the judgment to be paid by the parties. The court may not order payment by the Department of Healthcare and Family Services in cases in which the Department is providing child support enforcement services under Article X of the Illinois Public Aid Code.

(b) In any proceedings involving the support, allocation of parental responsibilities, parenting time, education, parentage, property interest, relocation, or general welfare of a minor or dependent child, the court may, on its own motion or that of any party, appoint an attorney to serve in one of the capacities specified in Section 506 of the Illinois Marriage and Dissolution of Marriage Act.

(Source: P.A. 99-85, eff. 1-1-16; 99-769, eff. 1-1-17.)

(750 ILCS 46/810)

Sec. 810. Withholding of income to secure payment of support. Orders for support entered under this Act are subject to the Income Withholding for Support Act.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/811)

Sec. 811. Information concerning obligors.

(a) In this Section:

"Arrearage", "delinquency", "obligor", and "order for support" have the meanings attributed to those terms in the Income Withholding for Support Act.

"Consumer reporting agency" has the meaning attributed to that term in Section 603(f) of the Fair Credit Reporting Act, 15 U.S.C. 1681a(f).

(b) Whenever a court of competent jurisdiction finds that an obligor either owes an arrearage of more than $10,000 or is delinquent in payment of an amount equal to at least 3 months' support obligation pursuant to an order for support, the court shall direct the clerk of the circuit court to make information concerning the obligor available to consumer reporting agencies.

(c) Whenever a court of competent jurisdiction finds that an obligor either owes an arrearage of more than $10,000 or is delinquent in payment of an amount equal to at least 3 months' support obligation pursuant to an order for support, the court shall direct the clerk of the circuit court to cause the obligor's name and address to be published in a newspaper of general circulation in the area in which the obligor resides. The clerk of the circuit court shall cause the obligor's name and address to be published only after sending to the obligor at the obligor's last known address, by certified mail, return receipt requested, a notice of intent to publish the information. This subsection (c) applies only if the obligor resides in the county in which the clerk of the circuit court holds office.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/812)

Sec. 812. Interest on support obligations. A support obligation, or any portion of a support obligation, which becomes due and remains unpaid as of the end of each month, excluding the child support that was due for that month to the extent that it was not paid in that month, shall accrue simple interest as set forth in Section 12-109 of the Code of Civil Procedure. An order for support shall contain a statement that a support obligation required under the order, or any portion of a support obligation required under the order, that becomes due and remains unpaid as of the end of each month, excluding

the child support that was due for that month to the extent that it was not paid in that month, shall accrue simple interest as set forth in Section 12-109 of the Code of Civil Procedure. Failure to include the statement in the order for support does not affect the validity of the order or the accrual of interest as provided in this Section.
(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/813)

Sec. 813. Support payments; receiving and disbursing agents.

(a) In an action filed in a county with less than 3,000,000 inhabitants in which an order for child support is entered, and in supplementary proceedings to enforce or vary the terms of the order arising out of an action filed in such a county, the court, except in actions or supplementary proceedings in which the pregnancy and delivery expenses of the mother or the child support payments are for a recipient of aid under the Illinois Public Aid Code, shall direct that child support payments be made to the clerk of the circuit court, unless in the discretion of the court exceptional circumstances warrant otherwise. In cases where payment is to be made to persons other than the clerk of the circuit court, the judgment or order of support shall set forth the facts of the exceptional circumstances.

(b) In an action filed in a county of 3,000,000 or more inhabitants in which an order for child support is entered, and in supplementary proceedings to enforce or vary the terms of the order arising out of an action filed in such a county, the court, except in actions or supplementary proceedings in which the pregnancy and delivery expenses of the mother or the child support payments are for a recipient of aid under the Illinois Public Aid Code, shall direct that child support payments be made either to the clerk of the circuit court or to the Court Service Division of the Department of Human Services local office or offices or its successor or to the Department of Healthcare and Family Services, unless in the discretion of the court exceptional circumstances warrant otherwise. In cases where payment is to be made to persons other than the clerk of the circuit court, the Court Service Division of the Department of Human Services local office or offices or its successor, or the Department of Healthcare and Family Services, the judgment or order of support shall set forth the facts of the exceptional circumstances.

(c) When the action or supplementary proceeding is on behalf of a mother for pregnancy and delivery expenses or for child support, or both, and the mother, child, or both, are recipients of aid under the Illinois Public Aid Code, the court shall order that the payments be made directly to (1) the Department of Healthcare and Family Services, if the mother or child, or both, are recipients under Article IV or V of the Illinois Public Aid Code; or (2) the local governmental unit responsible for the support of the mother or child, or

both, if they are recipients under Article VI of the Illinois Public Aid Code. In accordance with federal law and regulations, the Department of Healthcare and Family Services may continue to collect current maintenance payments or child support payments, or both, after those persons cease to receive public assistance and until termination of services under Article X of the Illinois Public Aid Code. The Department of Healthcare and Family Services shall pay the net amount collected to those persons after deducting any costs incurred in making the collection or any collection fee from the amount of any recovery made. The Department of Healthcare and Family Services or the local governmental unit, as the case may be, may direct that payments be made directly to the mother of the child, or to some other person or agency on the child's behalf, upon the removal of the mother and child from the public aid rolls or upon termination of services under Article X of the Illinois Public Aid Code; upon such direction, the Department of Healthcare and Family Services or the local governmental unit shall give notice of the action to the court in writing or by electronic transmission.

(d) All clerks of the circuit court and the Court Service Division of the Department of Human Services local office or offices or its successor and the Department of Healthcare and Family Services, receiving child support payments under subsection (a) or (b) shall disburse the payments to the person or persons entitled to the payments under the terms of the order. The entity disbursing the payments shall establish and maintain clear and current records of all moneys received and disbursed and of defaults and delinquencies in required payments. The court, by order or rule, shall make provision for the carrying out of these duties. Payments under this Section to the Department of Healthcare and Family Services made pursuant to the Child Support Enforcement Program established by Title IV-D of the Social Security Act shall be paid into the Child Support Enforcement Trust Fund. All payments under this Section to the Illinois Department of Human Services shall be deposited in the DHS Recoveries Trust Fund. Disbursement from these funds shall be as provided in the Illinois Public Aid Code. Payments received by a local governmental unit shall be deposited in that unit's General Assistance Fund.

(e) The moneys received by persons or agencies designated by the court shall be disbursed by them in accordance with the order. However, the court, on petition of the State's Attorney, may enter new orders designating the clerk of the circuit court or the Department of Healthcare and Family Services as the person or agency authorized to receive and disburse child support payments and, in the case of a recipient of public aid, the court, on petition of the Attorney General or State's Attorney, shall direct subsequent payments to be paid to the Department of Healthcare and Family Services or to the appropriate local governmental unit, as provided in subsection (c) of this Section. Payments of child support by principals or sureties on bonds or proceeds of any sale for the enforcement of a judgment shall be made to the clerk of the circuit court, the Department of Healthcare and Family Services, or the appropriate local governmental unit,

as required by this Section.

(f) For those cases in which child support is payable to the clerk of the circuit court for transmittal to the Department of Healthcare and Family Services by order of court or upon notification by the Department of Healthcare and Family Services, the clerk of the circuit court shall transmit all payments, within 4 working days of receipt, to insure that funds are available for immediate distribution by the Department of Healthcare and Family Services to the person or entity entitled to them in accordance with the Child Support Enforcement Program under Title IV-D of the Social Security Act. The clerk of the circuit court shall notify the Department of Healthcare and Family Services of the date of receipt and the amount of the funds at the time of transmittal. If the clerk of the circuit court has entered into an agreement of cooperation with the Department of Healthcare and Family Services to record the terms of child support orders and payments made thereunder directly into the Department's automated data processing system, the clerk of the circuit court shall account for, transmit and otherwise distribute child support payments in accordance with the agreement in lieu of the requirements contained in this Section.

(g) To the extent the provisions of this Section are inconsistent with the requirements pertaining to the State Disbursement Unit under Section 815 of this Act and Section 10-26 of the Illinois Public Aid Code, the requirements pertaining to the State Disbursement Unit shall apply.
(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/814)

Sec. 814. Notice of child support enforcement services. The Department of Healthcare and Family Services may provide notice at any time to the parties to an action filed under this Act that child support enforcement services are being provided by the Department under Article X of the Illinois Public Aid Code. After notice is provided, the Department of Healthcare and Family Services shall be entitled, as if it were a party, to notice of any further proceedings brought in the case. The Department of Healthcare and Family Services shall provide the clerk of the circuit court with copies of the notices sent to the parties. The clerk of the circuit court shall file the copies in the court file.
(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/815)

Sec. 815. Payment of support to State Disbursement Unit.

(a) As used in this Section, "order for support",

"obligor", "obligee", and "payor" have the meanings ascribed to them in the Income Withholding for Support Act, except that "order for support" does not mean an order for spousal maintenance under which there is no child support obligation.

(b) Notwithstanding any other provision of this Act to the contrary, each order for support entered or modified on or after October 1, 1999 shall require that support payments be made to the State Disbursement Unit established under Section 10-26 of the Illinois Public Aid Code if:

(1) a party to the order is receiving child support enforcement services under Article X of the Illinois Public Aid Code; or

(2) no party to the order is receiving child support enforcement services, but the support payments are made through income withholding.

(c) Support payments shall be made to the State Disbursement Unit if:

(1) the order for support was entered before October 1, 1999, and a party to the order is receiving child support enforcement services under Article X of the Illinois Public Aid Code; or

(2) no party to the order is receiving child support enforcement services, and the support payments are being made through income withholding.

(d) If no party to the order is receiving child support enforcement services under Article X of the Illinois Public Aid Code and the support payments are not made through income withholding, then support payments shall be made as directed by the order for support.

(e) At any time, and notwithstanding the existence of an order directing payments to be made elsewhere, the Department of Healthcare and Family Services may provide notice to the obligor and, where applicable, to the obligor's payor:

(1) to make support payments to the State Disbursement Unit if:

(A) a party to the order for support is receiving child support enforcement services under Article X of the Illinois Public Aid Code; or

(B) no party to the order for support is receiving child support enforcement services under Article X of the Illinois Public Aid Code, but the support payments are made through income withholding; or

(2) to make support payments to the State Disbursement Unit of another state upon request of another state's Title IV-D child support enforcement agency, in accordance with the requirements of Title IV, Part D of the Social Security Act and regulations promulgated under that Part D.

The Department of Healthcare and Family Services shall provide a copy of the notice sent under this subsection to the obligee and to the clerk of the circuit court.

(f) The clerk of the circuit court shall provide written notice to the obligor to make payments directly to the clerk of the circuit court if no party to the order is receiving child support enforcement services under Article X of the Illinois Public Aid Code, the support payments are not made

through income withholding, and the order for support requires support payments to be made directly to the clerk of the circuit court. The clerk of the circuit court shall provide a copy of the notice to the obligee.

(g) If the State Disbursement Unit receives a support payment that was not appropriately made to the Unit under this Section, the Unit shall immediately return the payment to the sender, including, if possible, instructions detailing where to send the support payments.

(h) The notices under subsections (e) and (f) may be sent by ordinary mail, certified mail with return receipt requested, facsimile transmission, other electronic process, or any method provided by law for service of a summons.
(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/816)

Sec. 816. Notice to the clerk of the circuit court of payment received by Department of Healthcare and Family Services. For those cases in which support is payable to the clerk of the circuit court for transmittal to the Department of Healthcare and Family Services by order of court, and the Department of Healthcare and Family Services collects support by assignment, offset, withhold, deduction, or other process permitted by law, the Department of Healthcare and Family Services shall notify the clerk of the circuit court of the date and amount of the collection. Upon notification, the clerk of the circuit court shall record the collection on the payment record for the case.
(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/Art. 9 heading)

ARTICLE 9. MISCELLANEOUS PROVISIONS
(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/901)

Sec. 901. Burden of proof. Absent a burden of proof specifically set forth in this Act, the burden of proof shall be by a preponderance of the evidence.
(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/902)

Sec. 902. Severability clause. If any provision of this Act or its application to an individual or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/903)

Sec. 903. Transitional provision. A proceeding to adjudicate parentage which was commenced before the effective date of this Act is governed by the law in effect at the time the proceeding was commenced, except that this Act applies to all pending actions and proceedings commenced before January 1, 2016 with respect to issues on which a judgment has not been entered.

(Source: P.A. 99-85, eff. 1-1-16; 99-769, eff. 1-1-17.)

(750 ILCS 46/904)

Sec. 904. Savings provision. The repeal of the Illinois Parentage Act of 1984 shall not affect rights or liabilities under that Act which have been determined, settled, or adjudicated prior to the effective date of this Act. This Act shall not be construed to bar an action which would have been barred because the action had not been filed within a time limitation under the Illinois Parentage Act of 1984, or which could not have been maintained under that Act, as long as the action is not barred by a limitations period set forth in this Act.

(Source: P.A. 99-85, eff. 1-1-16; 99-769, eff. 1-1-17.)

(750 ILCS 46/905)

Sec. 905. Other states' establishments of parentage. Establishments of parentage made under the laws of other states shall be given full faith and credit in this State regardless of whether parentage was established through voluntary acknowledgment or through judicial or administrative processes.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/951)
Sec. 951. (Amendatory provisions; text omitted).
(Source: P.A. 99-85, eff. 1-1-16; text omitted.)

(750 ILCS 46/952)
Sec. 952. (Amendatory provisions; text omitted).
(Source: P.A. 99-85, eff. 1-1-16; text omitted.)

(750 ILCS 46/953)
Sec. 953. (Amendatory provisions; text omitted).
(Source: P.A. 99-85, eff. 1-1-16; text omitted.)

(750 ILCS 46/954)
Sec. 954. (Amendatory provisions; text omitted).
(Source: P.A. 99-85, eff. 1-1-16; text omitted.)

(750 ILCS 46/955)
Sec. 955. (Amendatory provisions; text omitted).
(Source: P.A. 99-85, eff. 1-1-16; text omitted.)

(750 ILCS 46/956)
Sec. 956. (Amendatory provisions; text omitted).
(Source: P.A. 99-85, eff. 1-1-16; text omitted.)

(750 ILCS 46/957)
Sec. 957. (Amendatory provisions; text omitted).
(Source: P.A. 99-85, eff. 1-1-16; text omitted.)

(750 ILCS 46/958)
Sec. 958. (Amendatory provisions; text omitted).
(Source: P.A. 99-85, eff. 1-1-16; text omitted.)

(750 ILCS 46/959)
Sec. 959. (Amendatory provisions; text omitted).
(Source: P.A. 99-85, eff. 1-1-16; text omitted.)

(750 ILCS 46/960)
Sec. 960. (Amendatory provisions; text omitted).
(Source: P.A. 99-85, eff. 1-1-16; text omitted.)

(750 ILCS 46/961)
Sec. 961. (Amendatory provisions; text omitted).
(Source: P.A. 99-85, eff. 1-1-16; text omitted.)

(750 ILCS 46/962)
Sec. 962. (Amendatory provisions; text omitted).
(Source: P.A. 99-85, eff. 1-1-16; text omitted.)

(750 ILCS 46/963)
Sec. 963. (Amendatory provisions; text omitted).
(Source: P.A. 99-85, eff. 1-1-16; text omitted.)

(750 ILCS 46/964)
Sec. 964. (Amendatory provisions; text omitted).
(Source: P.A. 99-85, eff. 1-1-16; text omitted.)

(750 ILCS 46/965)
Sec. 965. (Amendatory provisions; text omitted).
(Source: P.A. 99-85, eff. 1-1-16; text omitted.)

(750 ILCS 46/966)
Sec. 966. (Amendatory provisions; text omitted).
(Source: P.A. 99-85, eff. 1-1-16; text omitted.)

(750 ILCS 46/967)
Sec. 967. (Amendatory provisions; text omitted).
(Source: P.A. 99-85, eff. 1-1-16; text omitted.)

(750 ILCS 46/968)
Sec. 968. (Amendatory provisions; text omitted).
(Source: P.A. 99-85, eff. 1-1-16; text omitted.)

(750 ILCS 46/969)
Sec. 969. (Amendatory provisions; text omitted).
(Source: P.A. 99-85, eff. 1-1-16; text omitted.)

(750 ILCS 46/970)
Sec. 970. (Amendatory provisions; text omitted).
(Source: P.A. 99-85, eff. 1-1-16; text omitted.)

(750 ILCS 46/971)
Sec. 971. (Amendatory provisions; text omitted).
(Source: P.A. 99-85, eff. 1-1-16; text omitted.)

(750 ILCS 46/972)
Sec. 972. (Amendatory provisions; text omitted).
(Source: P.A. 99-85, eff. 1-1-16; text omitted.)

(750 ILCS 46/973)
Sec. 973. (Amendatory provisions; text omitted).
(Source: P.A. 99-85, eff. 1-1-16; text omitted.)

(750 ILCS 46/973.5)
Sec. 973.5. (Amendatory provisions; text omitted).
(Source: P.A. 99-85, eff. 1-1-16; text omitted.)

(750 ILCS 46/974)
Sec. 974. (Amendatory provisions; text omitted).
(Source: P.A. 99-85, eff. 1-1-16; text omitted.)

(750 ILCS 46/975)
Sec. 975. (Amendatory provisions; text omitted).
(Source: P.A. 99-85, eff. 1-1-16; text omitted.)

(750 ILCS 46/977)
Sec. 977. The Illinois Parentage Act of 1984 is repealed.
(Source: P.A. 99-85, eff. 1-1-16.)

Information maintained by the Legislative Reference Bureau
Updating the database of the Illinois Compiled Statutes (ILCS) is an ongoing process. Recent laws may not yet be included in the ILCS database, but they are found on this site as Public Acts soon after they become law. For information concerning the relationship between statutes and Public Acts, refer to the Guide.
Because the statute database is maintained primarily for legislative drafting purposes, statutory changes are sometimes included in the statute database before they take effect. If the source note at the end of a Section of the statutes includes a Public Act that has not yet taken effect, the version of the law that is currently in effect may have already been removed from the database and you should refer to that Public Act to see the changes made to the current law.

FAMILIES
(750 ILCS 36/) Uniform Child-Custody Jurisdiction and Enforcement Act.

(750 ILCS 36/Art. 1 heading)

ARTICLE 1

GENERAL PROVISIONS

(750 ILCS 36/101)

Sec. 101. Short Title. This Act may be cited as the Uniform Child-Custody Jurisdiction and Enforcement Act. (Source: P.A. 93-108, eff. 1-1-04.)

(750 ILCS 36/102)

Sec. 102. Definitions. In this Act:

(1) "Abandoned" means left without provision for reasonable and necessary care or supervision.

(2) "Child" means an individual who has not attained 18 years of age.

(3) "Child-custody determination" means a judgment, decree, or other order of a court providing for the legal custody, physical custody, or visitation with respect to a child. The term includes a permanent, temporary, initial, and modification order. The term does not include an order relating to child support or other monetary obligation of an individual.

(4) "Child-custody proceeding" means a proceeding in which legal custody, physical custody, or visitation with respect to a child is an issue. The term includes a proceeding for divorce, separation, neglect, abuse, dependency, guardianship, paternity, termination of parental rights, and protection from domestic violence, in which the issue may appear. The term does not include a proceeding involving juvenile delinquency, contractual emancipation, or enforcement under Article 3.

(5) "Commencement" means the filing of the first pleading in a proceeding.

(6) "Court" means an entity authorized under the law of a

state to establish, enforce, or modify a child-custody determination.

(7) "Home state" means the state in which a child lived with a parent or a person acting as a parent for at least six consecutive months immediately before the commencement of a child-custody proceeding. In the case of a child less than six months of age, the term means the state in which the child lived from birth with any of the persons mentioned. A period of temporary absence of any of the mentioned persons is part of the period.

(8) "Initial determination" means the first child-custody determination concerning a particular child.

(9) "Issuing court" means the court that makes a child-custody determination for which enforcement is sought under this Act.

(10) "Issuing state" means the state in which a child-custody determination is made.

(11) "Modification" means a child-custody determination that changes, replaces, supersedes, or is otherwise made after a previous determination concerning the same child, whether or not it is made by the court that made the previous determination.

(12) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government; governmental subdivision, agency, or instrumentality; public corporation; or any other legal or commercial entity.

(13) "Person acting as a parent" means a person, other than a parent, who:

(A) has physical custody of the child or has had physical custody for a period of six consecutive months, including any temporary absence, within one year immediately before the commencement of a child-custody proceeding; and

(B) has been awarded legal custody by a court or claims a right to legal custody under the law of this State.

(14) "Physical custody" means the physical care and supervision of a child.

(15) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(16) "Tribe" means an Indian tribe or band, or Alaskan Native village, which is recognized by federal law or formally acknowledged by a state.

(17) "Warrant" means an order issued by a court authorizing law enforcement officers to take physical custody of a child.

(Source: P.A. 93-108, eff. 1-1-04.)

(750 ILCS 36/103)

Sec. 103. Proceedings Governed By Other Law. This Act does

not govern an adoption proceeding or a proceeding pertaining to the authorization of emergency medical care for a child.
(Source: P.A. 93-108, eff. 1-1-04.)

(750 ILCS 36/104)

Sec. 104. Application To Indian Tribes.

(a) A child-custody proceeding that pertains to an Indian child as defined in the Indian Child Welfare Act, 25 U.S.C. 1901 et seq., is not subject to this Act to the extent that it is governed by the Indian Child Welfare Act.

(b) A court of this State shall treat a tribe as if it were a state of the United States for the purpose of applying Articles 1 and 2.

(c) A child-custody determination made by a tribe under factual circumstances in substantial conformity with the jurisdictional standards of this Act must be recognized and enforced under Article 3.
(Source: P.A. 93-108, eff. 1-1-04.)

(750 ILCS 36/105)

Sec. 105. International Application Of Act.

(a) A court of this State shall treat a foreign country as if it were a state of the United States for the purpose of applying Articles 1 and 2.

(b) Except as otherwise provided in subsection (c), a child-custody determination made in a foreign country under factual circumstances in substantial conformity with the jurisdictional standards of this Act must be recognized and enforced under Article 3.

(c) A court of this State need not apply this Act if the child custody law of a foreign country violates fundamental principles of human rights.
(Source: P.A. 93-108, eff. 1-1-04.)

(750 ILCS 36/106)

Sec. 106. Effect Of Child-Custody Determination. A child-custody determination made by a court of this State that had jurisdiction under this Act binds all persons who have been served in accordance with the laws of this State or notified in accordance with Section 108 or who have submitted to the jurisdiction of the court, and who have been given an opportunity to be heard. As to those persons, the determination is conclusive as to all decided issues of law and fact except to the extent the determination is modified.
(Source: P.A. 93-108, eff. 1-1-04.)

(750 ILCS 36/107)

Sec. 107. Priority. If a question of existence or exercise of jurisdiction under this Act is raised in a child-custody proceeding, the question, upon request of a party, must be given priority on the calendar and handled expeditiously.
(Source: P.A. 93-108, eff. 1-1-04.)

(750 ILCS 36/108)

Sec. 108. Notice To Persons Outside State.

(a) Notice required for the exercise of jurisdiction when a person is outside this State may be given in a manner prescribed by the law of this State for service of process or by the law of the state in which the service is made. Notice must be given in a manner reasonably calculated to give actual notice but may be by publication if other means are not effective.

(b) Proof of service may be made in the manner prescribed by the law of this State or by the law of the state in which the service is made.

(c) Notice is not required for the exercise of jurisdiction with respect to a person who submits to the jurisdiction of the court.
(Source: P.A. 93-108, eff. 1-1-04.)

(750 ILCS 36/109)

Sec. 109. Appearance And Limited Immunity.

(a) A party to a child-custody proceeding, including a modification proceeding, or a petitioner or respondent in a proceeding to enforce or register a child-custody determination, is not subject to personal jurisdiction in this State for another proceeding or purpose solely by reason of having participated, or of having been physically present for the purpose of participating, in the proceeding.

(b) A person who is subject to personal jurisdiction in this State on a basis other than physical presence is not immune from service of process in this State. A party present in this State who is subject to the jurisdiction of another state is not immune from service of process allowable under the laws of that state.

(c) The immunity granted by subsection (a) does not extend to civil litigation based on acts unrelated to the participation in a proceeding under this Act committed by an individual while present in this State.
(Source: P.A. 93-108, eff. 1-1-04.)

(750 ILCS 36/110)

Sec. 110. Communication Between Courts.

(a) A court of this State may communicate with a court in another state concerning a proceeding arising under this Act.

(b) The court may allow the parties to participate in the communication. If the parties are not able to participate in the communication, they must be given the opportunity to present facts and legal arguments before a decision on jurisdiction is made.

(c) Communication between courts on schedules, calendars, court records, and similar matters may occur without informing the parties. A record need not be made of the communication.

(d) Except as otherwise provided in subsection (c), a record must be made of a communication under this Section. The parties must be informed promptly of the communication and granted access to the record.

(e) For the purposes of this Section, "record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(Source: P.A. 93-108, eff. 1-1-04.)

(750 ILCS 36/111)

Sec. 111. Taking Testimony In Another State.

(a) In addition to other procedures available to a party, a party to a child-custody proceeding may offer testimony of witnesses who are located in another state, including testimony of the parties and the child, by deposition or other means allowable in this State for testimony taken in another state. The court on its own motion may order that the testimony of a person be taken in another state and may prescribe the manner in which and the terms upon which the testimony is taken.

(b) A court of this State may permit an individual residing in another state to be deposed or to testify by telephone, audiovisual means, or other electronic means before a designated court or at another location in that state. A court of this State shall cooperate with courts of other states in designating an appropriate location for the deposition or testimony.

(c) Documentary evidence transmitted from another state to a court of this State by technological means that do not produce an original writing may not be excluded from evidence on an objection based on the means of transmission.

(Source: P.A. 93-108, eff. 1-1-04.)

(750 ILCS 36/112)
Sec. 112. Cooperation Between Courts; Preservation Of Records.

(a) A court of this State may request the appropriate court of another state to:

(1) hold an evidentiary hearing;

(2) order a person to produce or give evidence pursuant to procedures of that state;

(3) order that an evaluation be made with respect to the custody of a child involved in a pending proceeding;

(4) forward to the court of this State a certified copy of the transcript of the record of the hearing, the evidence otherwise presented, and any evaluation prepared in compliance with the request; and

(5) order a party to a child-custody proceeding or any person having physical custody of the child to appear in the proceeding with or without the child.

(b) Upon request of a court of another state, a court of this State may hold a hearing or enter an order described in subsection (a).

(c) Travel and other necessary and reasonable expenses incurred under subsections (a) and (b) may be assessed against the parties according to the law of this State.

(d) A court of this State shall preserve the pleadings, orders, decrees, records of hearings, evaluations, and other pertinent records with respect to a child-custody proceeding until the child attains 18 years of age. Upon appropriate request by a court or law enforcement official of another state, the court shall forward a certified copy of those records.

(Source: P.A. 93-108, eff. 1-1-04.)

(750 ILCS 36/Art. 2 heading)

ARTICLE 2
JURISDICTION

(750 ILCS 36/201)
Sec. 201. Initial Child-Custody Jurisdiction.

(a) Except as otherwise provided in Section 204, a court of this State has jurisdiction to make an initial child-custody determination only if:

(1) this State is the home state of the child on the date of the commencement of the proceeding, or was the home state of the child within six months before the commencement of the proceeding and the child is absent from this State but a parent or person acting as a parent continues to live in this State;

(2) a court of another state does not have jurisdiction under paragraph (1), or a court of the home state of the child has declined to exercise jurisdiction on the ground that this State is the more appropriate forum under Section 207 or 208, and:

(A) the child and the child's parents, or the child and at least one parent or a person acting as a parent, have a significant connection with this State other than mere physical presence; and

(B) substantial evidence is available in this State concerning the child's care, protection, training, and personal relationships;

(3) all courts having jurisdiction under paragraph (1) or (2) have declined to exercise jurisdiction on the ground that a court of this State is the more appropriate forum to determine the custody of the child under Section 207 or 208; or

(4) no court of any other state would have jurisdiction under the criteria specified in paragraph (1), (2), or (3).

(b) Subsection (a) is the exclusive jurisdictional basis for making a child-custody determination by a court of this State.

(c) Physical presence of, or personal jurisdiction over, a party or a child is not necessary or sufficient to make a child-custody determination.

(Source: P.A. 93-108, eff. 1-1-04.)

(750 ILCS 36/202)

Sec. 202. Exclusive, Continuing Jurisdiction.

(a) Except as otherwise provided in Section 204, a court of this State which has made a child-custody determination consistent with Section 201 or 203 has exclusive, continuing jurisdiction over the determination until:

(1) a court of this State determines that neither the child, the child's parents, and any person acting as a parent do not have a significant connection with this State and that substantial evidence is no longer available in this State concerning the child's care, protection, training, and personal relationships; or

(2) a court of this State or a court of another state determines that the child, the child's parents, and any person acting as a parent do not presently reside in this State.

(b) A court of this State which has made a child-custody determination and does not have exclusive, continuing jurisdiction under this Section may modify that determination only if it has jurisdiction to make an initial determination under Section 201.

(c) A court of this State shall continue to exercise exclusive jurisdiction and be considered the home state of a child if a parent moves with a child under subsection (h) of Section 609.2 of the Illinois Marriage and Dissolution of

Marriage Act.
(Source: P.A. 99-90, eff. 1-1-16.)

(750 ILCS 36/203)

Sec. 203. Jurisdiction To Modify Determination. Except as otherwise provided in Section 204, a court of this State may not modify a child-custody determination made by a court of another state unless a court of this State has jurisdiction to make an initial determination under Section 201(a)(1) or (2) and:

(1) the court of the other state determines it no longer has exclusive, continuing jurisdiction under Section 202 or that a court of this State would be a more convenient forum under Section 207; or

(2) a court of this State or a court of the other state determines that the child, the child's parents, and any person acting as a parent do not presently reside in the other state.

(Source: P.A. 93-108, eff. 1-1-04.)

(750 ILCS 36/204)

Sec. 204. Temporary Emergency Jurisdiction.

(a) A court of this State has temporary emergency jurisdiction if the child is present in this State and the child has been abandoned or it is necessary in an emergency to protect the child because the child, or a sibling or parent of the child, is subjected to or threatened with mistreatment or abuse.

(b) If there is no previous child-custody determination that is entitled to be enforced under this Act and a child-custody proceeding has not been commenced in a court of a state having jurisdiction under Sections 201 through 203, a child-custody determination made under this Section remains in effect until an order is obtained from a court of a state having jurisdiction under Sections 201 through 203. If a child-custody proceeding has not been or is not commenced in a court of a state having jurisdiction under Sections 201 through 203, a child-custody determination made under this Section becomes a final determination, if it so provides and this State becomes the home state of the child.

(c) If there is a previous child-custody determination that is entitled to be enforced under this Act, or a child-custody proceeding has been commenced in a court of a state having jurisdiction under Sections 201 through 203, any order issued by a court of this State under this Section must specify in the order a period that the court considers adequate to allow the person seeking an order to obtain an order from the state having jurisdiction under Sections 201 through 203. The order issued in this State remains in effect until an order is obtained from the other state within the

period specified or the period expires.

(d) A court of this State which has been asked to make a child-custody determination under this Section, upon being informed that a child-custody proceeding has been commenced in, or a child-custody determination has been made by, a court of a state having jurisdiction under Sections 201 through 203, shall immediately communicate with the other court. A court of this State which is exercising jurisdiction pursuant to Sections 201 through 203, upon being informed that a child-custody proceeding has been commenced in, or a child-custody determination has been made by, a court of another state under a statute similar to this Section shall immediately communicate with the court of that state to resolve the emergency, protect the safety of the parties and the child, and determine a period for the duration of the temporary order.

(Source: P.A. 93-108, eff. 1-1-04.)

(750 ILCS 36/205)

Sec. 205. Notice; Opportunity To Be Heard; Joinder.

(a) Before a child-custody determination is made under this Act, notice and an opportunity to be heard in accordance with the standards of Section 108 must be given to all persons entitled to notice under the law of this State as in child-custody proceedings between residents of this State, any parent whose parental rights have not been previously terminated, and any person having physical custody of the child.

(b) This Act does not govern the enforceability of a child-custody determination made without notice or an opportunity to be heard.

(c) The obligation to join a party and the right to intervene as a party in a child-custody proceeding under this Act are governed by the law of this State as in child-custody proceedings between residents of this State.

(Source: P.A. 93-108, eff. 1-1-04.)

(750 ILCS 36/206)

Sec. 206. Simultaneous Proceedings.

(a) Except as otherwise provided in Section 204, a court of this State may not exercise its jurisdiction under this Article if, at the time of the commencement of the proceeding, a proceeding concerning the custody of the child has been commenced in a court of another state having jurisdiction substantially in conformity with this Act, unless the proceeding has been terminated or is stayed by the court of the other state because a court of this State is a more convenient forum under Section 207.

(b) Except as otherwise provided in Section 204, a court of this State, before hearing a child-custody proceeding,

shall examine the court documents and other information supplied by the parties pursuant to Section 209. If the court determines that a child-custody proceeding has been commenced in a court in another state having jurisdiction substantially in accordance with this Act, the court of this State shall stay its proceeding and communicate with the court of the other state. If the court of the state having jurisdiction substantially in accordance with this Act does not determine that the court of this State is a more appropriate forum, the court of this State shall dismiss the proceeding.

(c) In a proceeding to modify a child-custody determination, a court of this State shall determine whether a proceeding to enforce the determination has been commenced in another state. If a proceeding to enforce a child-custody determination has been commenced in another state, the court may:

(1) stay the proceeding for modification pending the entry of an order of a court of the other state enforcing, staying, denying, or dismissing the proceeding for enforcement;

(2) enjoin the parties from continuing with the proceeding for enforcement; or

(3) proceed with the modification under conditions it considers appropriate.

(Source: P.A. 93-108, eff. 1-1-04.)

(750 ILCS 36/207)

Sec. 207. Inconvenient Forum.

(a) A court of this State which has jurisdiction under this Act to make a child-custody determination may decline to exercise its jurisdiction at any time if it determines that it is an inconvenient forum under the circumstances and that a court of another state is a more appropriate forum. The issue of inconvenient forum may be raised upon motion of a party, the court's own motion, or request of another court.

(b) Before determining whether it is an inconvenient forum, a court of this State shall consider whether it is appropriate for a court of another state to exercise jurisdiction. For this purpose, the court shall allow the parties to submit information and shall consider all relevant factors, including:

(1) whether domestic violence has occurred and is likely to continue in the future and which state could best protect the parties and the child;

(2) the length of time the child has resided outside this State;

(3) the distance between the court in this State and the court in the state that would assume jurisdiction;

(4) the relative financial circumstances of the parties;

(5) any agreement of the parties as to which state should assume jurisdiction;

(6) the nature and location of the evidence required

to resolve the pending litigation, including testimony of the child;

(7) the ability of the court of each state to decide the issue expeditiously and the procedures necessary to present the evidence; and

(8) the familiarity of the court of each state with the facts and issues in the pending litigation.

(c) If a court of this State determines that it is an inconvenient forum and that a court of another state is a more appropriate forum, it shall stay the proceedings upon condition that a child-custody proceeding be promptly commenced in another designated state and may impose any other condition the court considers just and proper.

(d) A court of this State may decline to exercise its jurisdiction under this Act if a child-custody determination is incidental to an action for divorce or another proceeding while still retaining jurisdiction over the divorce or other proceeding.

(Source: P.A. 93-108, eff. 1-1-04.)

(750 ILCS 36/208)

Sec. 208. Jurisdiction Declined By Reason Of Conduct.

(a) Except as otherwise provided in Section 204 or by other law of this State, if a court of this State has jurisdiction under this Act because a person seeking to invoke its jurisdiction has engaged in unjustifiable conduct, the court shall decline to exercise its jurisdiction unless:

(1) the parents and all persons acting as parents have acquiesced in the exercise of jurisdiction;

(2) a court of the state otherwise having jurisdiction under Sections 201 through 203 determines that this State is a more appropriate forum under Section 207; or

(3) no court of any other state would have jurisdiction under the criteria specified in Sections 201 through 203.

(b) If a court of this State declines to exercise its jurisdiction pursuant to subsection (a), it may fashion an appropriate remedy to ensure the safety of the child and prevent a repetition of the unjustifiable conduct, including staying the proceeding until a child-custody proceeding is commenced in a court having jurisdiction under Sections 201 through 203.

(c) If a court dismisses a petition or stays a proceeding because it declines to exercise its jurisdiction pursuant to subsection (a), it shall assess against the party seeking to invoke its jurisdiction necessary and reasonable expenses including costs, communication expenses, attorney's fees, investigative fees, expenses for witnesses, travel expenses, and child care during the course of the proceedings, unless the party from whom fees are sought establishes that the assessment would be clearly inappropriate. The court may not assess fees, costs, or expenses against this State unless

authorized by law other than this Act.
(Source: P.A. 93-108, eff. 1-1-04.)

(750 ILCS 36/209)

Sec. 209. Information To Be Submitted To Court.

(a) Subject to any other law providing for the confidentiality of procedures, addresses, and other identifying information, in a child-custody proceeding, each party, in its first pleading or in an attached affidavit, shall give information, if reasonably ascertainable, under oath as to the child's present address or whereabouts, the places where the child has lived during the last five years, and the names and present addresses of the persons with whom the child has lived during that period. The pleading or affidavit must state whether the party:

(1) has participated, as a party or witness or in any other capacity, in any other proceeding concerning the custody of or visitation with the child and, if so, identify the court, the case number, and the date of the child-custody determination, if any;

(2) knows of any proceeding that could affect the current proceeding, including proceedings for enforcement and proceedings relating to domestic violence, protective orders, termination of parental rights, and adoptions and, if so, identify the court, the case number, and the nature of the proceeding; and

(3) knows the names and addresses of any person not a party to the proceeding who has physical custody of the child or claims rights of legal custody or physical custody of, or visitation with, the child and, if so, the names and addresses of those persons.

(b) If the information required by subsection (a) is not furnished, the court, upon motion of a party or its own motion, may stay the proceeding until the information is furnished.

(c) If the declaration as to any of the items described in subsection (a)(1) through (3) is in the affirmative, the declarant shall give additional information under oath as required by the court. The court may examine the parties under oath as to details of the information furnished and other matters pertinent to the court's jurisdiction and the disposition of the case.

(d) Each party has a continuing duty to inform the court of any proceeding in this or any other state that could affect the current proceeding.

(e) (Blank).

(Source: P.A. 93-108, eff. 1-1-04.)

(750 ILCS 36/210)

Sec. 210. Appearance Of Parties And Child.

(a) In a child-custody proceeding in this State, the court may order a party to the proceeding who is in this State to appear before the court in person with or without the child. The court may order any person who is in this State and who has physical custody or control of the child to appear in person with the child.

(b) If a party to a child-custody proceeding whose presence is desired by the court is outside this State, the court may order that a notice given pursuant to Section 108 include a statement directing the party to appear in person with or without the child and informing the party that failure to appear may result in a decision adverse to the party.

(c) The court may enter any orders necessary to ensure the safety of the child and of any person ordered to appear under this Section.

(d) If a party to a child-custody proceeding who is outside this State is directed to appear under subsection (b) or desires to appear personally before the court with or without the child, the court may require another party to pay reasonable and necessary travel and other expenses of the party so appearing and of the child.

(Source: P.A. 93-108, eff. 1-1-04.)

(750 ILCS 36/Art. 3 heading)

ARTICLE 3

ENFORCEMENT

(750 ILCS 36/301)

Sec. 301. Definitions. In this Article:

(1) "Petitioner" means a person who seeks enforcement of an order for return of a child under the Hague Convention on the Civil Aspects of International Child Abduction or enforcement of a child-custody determination.

(2) "Respondent" means a person against whom a proceeding has been commenced for enforcement of an order for return of a child under the Hague Convention on the Civil Aspects of International Child Abduction or enforcement of a child-custody determination.

(Source: P.A. 93-108, eff. 1-1-04.)

(750 ILCS 36/302)

Sec. 302. Enforcement Under Hague Convention. Under this Article a court of this State may enforce an order for the return of the child made under the Hague Convention on the

Civil Aspects of International Child Abduction as if it were a child-custody determination.
(Source: P.A. 93-108, eff. 1-1-04.)

(750 ILCS 36/303)
Sec. 303. Duty To Enforce.
(a) A court of this State shall recognize and enforce a child-custody determination of a court of another state if the latter court exercised jurisdiction in substantial conformity with this Act or the determination was made under factual circumstances meeting the jurisdictional standards of this Act and the determination has not been modified in accordance with this Act.
(b) A court of this State may utilize any remedy available under other law of this State to enforce a child-custody determination made by a court of another state. The remedies provided in this Article are cumulative and do not affect the availability of other remedies to enforce a child-custody determination.
(Source: P.A. 93-108, eff. 1-1-04.)

(750 ILCS 36/304)
Sec. 304. Temporary Visitation.
(a) A court of this State which does not have jurisdiction to modify a child-custody determination, may issue a temporary order enforcing:
(1) a visitation schedule made by a court of another state; or
(2) the visitation provisions of a child-custody determination of another state that does not provide for a specific visitation schedule.
(b) If a court of this State makes an order under subsection (a)(2), it shall specify in the order a period that it considers adequate to allow the petitioner to obtain an order from a court having jurisdiction under the criteria specified in Article 2. The order remains in effect until an order is obtained from the other court or the period expires.
(Source: P.A. 93-108, eff. 1-1-04.)

(750 ILCS 36/305)
Sec. 305. Registration Of Child-Custody Determination.
(a) A child-custody determination issued by a court of another state may be registered in this State, with or without a simultaneous request for enforcement, by sending to the circuit court in this State:
(1) a letter or other document requesting

registration;

(2) two copies, including one certified copy, of the determination sought to be registered, and a statement under penalty of perjury that to the best of the knowledge and belief of the person seeking registration the order has not been modified; and

(3) except as otherwise provided in Section 209, the name and address of the person seeking registration and any parent or person acting as a parent who has been awarded custody or visitation in the child-custody determination sought to be registered.

(b) On receipt of the documents required by subsection (a), the registering court shall:

(1) cause the determination to be filed as a foreign judgment, together with one copy of any accompanying documents and information, regardless of their form; and

(2) serve notice upon the persons named pursuant to subsection (a)(3) and provide them with an opportunity to contest the registration in accordance with this Section.

(c) The notice required by subsection (b)(2) must state that:

(1) a registered determination is enforceable as of the date of the registration in the same manner as a determination issued by a court of this State;

(2) a hearing to contest the validity of the registered determination must be requested within 20 days after service of notice; and

(3) failure to contest the registration will result in confirmation of the child-custody determination and preclude further contest of that determination with respect to any matter that could have been asserted.

(d) A person seeking to contest the validity of a registered order must request a hearing within 20 days after service of the notice. At that hearing, the court shall confirm the registered order unless the person contesting registration establishes that:

(1) the issuing court did not have jurisdiction under Article 2;

(2) the child-custody determination sought to be registered has been vacated, stayed, or modified by a court having jurisdiction to do so under Article 2; or

(3) the person contesting registration was entitled to notice, but notice was not given in accordance with the standards of Section 108, in the proceedings before the court that issued the order for which registration is sought.

(e) If a timely request for a hearing to contest the validity of the registration is not made, the registration is confirmed as a matter of law and the person requesting registration and all persons served must be notified of the confirmation.

(f) Confirmation of a registered order, whether by operation of law or after notice and hearing, precludes further contest of the order with respect to any matter that could have been asserted at the time of registration.

(Source: P.A. 93-108, eff. 1-1-04.)

(750 ILCS 36/306)

Sec. 306. Enforcement Of Registered Determination.

(a) A court of this State may grant any relief normally available under the law of this State to enforce a registered child-custody determination made by a court of another state.

(b) A court of this State shall recognize and enforce, but may not modify, except in accordance with Article 2, a registered child-custody determination of a court of another state.

(Source: P.A. 93-108, eff. 1-1-04.)

(750 ILCS 36/307)

Sec. 307. Simultaneous Proceedings. If a proceeding for enforcement under this Article is commenced in a court of this State and the court determines that a proceeding to modify the determination is pending in a court of another state having jurisdiction to modify the determination under Article 2, the enforcing court shall immediately communicate with the modifying court. The proceeding for enforcement continues unless the enforcing court, after consultation with the modifying court, stays or dismisses the proceeding.

(Source: P.A. 93-108, eff. 1-1-04.)

(750 ILCS 36/308)

Sec. 308. Expedited Enforcement Of Child-Custody Determination.

(a) A petition under this Article must be verified. Certified copies of all orders sought to be enforced and of any order confirming registration must be attached to the petition. A copy of a certified copy of an order may be attached instead of the original.

(b) A petition for enforcement of a child-custody determination must state:

(1) whether the court that issued the determination identified the jurisdictional basis it relied upon in exercising jurisdiction and, if so, what the basis was;

(2) whether the determination for which enforcement is sought has been vacated, stayed, or modified by a court whose decision must be enforced under this Act and, if so, identify the court, the case number, and the nature of the proceeding;

(3) whether any proceeding has been commenced that could affect the current proceeding, including proceedings relating to domestic violence, protective orders, termination of parental rights, and adoptions and, if so,

identify the court, the case number, and the nature of the proceeding;

(4) the present physical address of the child and the respondent, if known;

(5) whether relief in addition to the immediate physical custody of the child and attorney's fees is sought, including a request for assistance from law enforcement officials and, if so, the relief sought; and

(6) if the child-custody determination has been registered and confirmed under Section 305, the date and place of registration.

(c) Upon the filing of a petition, the court shall issue an order directing the respondent to appear in person with or without the child at a hearing and may enter any order necessary to ensure the safety of the parties and the child. The hearing must be held on the next judicial day after service of the order unless that date is impossible. In that event, the court shall hold the hearing on the first judicial day possible. The court may extend the date of hearing at the request of the petitioner.

(d) An order issued under subsection (c) must state the time and place of the hearing and advise the respondent that at the hearing the court will order that the petitioner may take immediate physical custody of the child and the payment of fees, costs, and expenses under Section 312, and may schedule a hearing to determine whether further relief is appropriate, unless the respondent appears and establishes that:

(1) the child-custody determination has not been registered and confirmed under Section 305 and that:

(A) the issuing court did not have jurisdiction under Article 2;

(B) the child-custody determination for which enforcement is sought has been vacated, stayed, or modified by a court having jurisdiction to do so under Article 2;

(C) the respondent was entitled to notice, but notice was not given in accordance with the standards of Section 108, in the proceedings before the court that issued the order for which enforcement is sought; or

(2) the child-custody determination for which enforcement is sought was registered and confirmed under Section 304, but has been vacated, stayed, or modified by a court of a state having jurisdiction to do so under Article 2.

(Source: P.A. 93-108, eff. 1-1-04.)

(750 ILCS 36/309)

Sec. 309. Service Of Petition And Order. Except as otherwise provided in Section 311, the petition and order must be served, by any method authorized by the law of this State, upon respondent and any person who has physical custody of the

child.
(Source: P.A. 93-108, eff. 1-1-04.)

(750 ILCS 36/310)
Sec. 310. Hearing And Order.
(a) Unless the court issues a temporary emergency order pursuant to Section 204, upon a finding that a petitioner is entitled to immediate physical custody of the child, the court shall order that the petitioner may take immediate physical custody of the child unless the respondent establishes that:
(1) the child-custody determination has not been registered and confirmed under Section 305 and that:
(A) the issuing court did not have jurisdiction under Article 2;
(B) the child-custody determination for which enforcement is sought has been vacated, stayed, or modified by a court of a state having jurisdiction to do so under Article 2; or
(C) the respondent was entitled to notice, but notice was not given in accordance with the standards of Section 108, in the proceedings before the court that issued the order for which enforcement is sought; or
(2) the child-custody determination for which enforcement is sought was registered and confirmed under Section 305 but has been vacated, stayed, or modified by a court of a state having jurisdiction to do so under Article 2.
(b) The court shall award the fees, costs, and expenses authorized under Section 312 and may grant additional relief, including a request for the assistance of law enforcement officials, and set a further hearing to determine whether additional relief is appropriate.
(c) If a party called to testify refuses to answer on the ground that the testimony may be self-incriminating, the court may draw an adverse inference from the refusal.
(d) A privilege against disclosure of communications between spouses and a defense of immunity based on the relationship of husband and wife or parent and child may not be invoked in a proceeding under this Article.
(Source: P.A. 93-108, eff. 1-1-04.)

(750 ILCS 36/311)
Sec. 311. Warrant To Take Physical Custody Of Child.
(a) Upon the filing of a petition seeking enforcement of a child-custody determination, the petitioner may file a verified application for the issuance of a warrant to take physical custody of the child if the child is immediately likely to suffer serious physical harm or be removed from this State.

(b) If the court, upon the testimony of the petitioner or other witness, finds that the child is imminently likely to suffer serious physical harm or be removed from this State, it may issue a warrant to take physical custody of the child. The petition must be heard on the next judicial day after the warrant is executed unless that date is impossible. In that event, the court shall hold the hearing on the first judicial day possible. The application for the warrant must include the statements required by Section 308(b).

(c) A warrant to take physical custody of a child must:

(1) recite the facts upon which a conclusion of imminent serious physical harm or removal from the jurisdiction is based;

(2) direct law enforcement officers to take physical custody of the child immediately; and

(3) provide for the placement of the child pending final relief.

(d) The respondent must be served with the petition, warrant, and order immediately after the child is taken into physical custody.

(e) A warrant to take physical custody of a child is enforceable throughout this State. If the court finds on the basis of the testimony of the petitioner or other witness that a less intrusive remedy is not effective, it may authorize law enforcement officers to enter private property to take physical custody of the child. If required by exigent circumstances of the case, the court may authorize law enforcement officers to make a forcible entry at any hour.

(f) The court may impose conditions upon placement of a child to ensure the appearance of the child and the child's custodian.

(Source: P.A. 93-108, eff. 1-1-04.)

(750 ILCS 36/312)

Sec. 312. Costs, Fees, And Expenses.

(a) The court shall award the prevailing party, including a state, necessary and reasonable expenses incurred by or on behalf of the party, including costs, communication expenses, attorney's fees, investigative fees, expenses for witnesses, travel expenses, and child care during the course of the proceedings, unless the party from whom fees or expenses are sought establishes that the award would be clearly inappropriate.

(b) The court may not assess fees, costs, or expenses against a state unless authorized by law other than this Act.

(Source: P.A. 93-108, eff. 1-1-04.)

(750 ILCS 36/313)

Sec. 313. Recognition And Enforcement. A court of this State shall accord full faith and credit to an order issued by

another state and consistent with this Act which enforces a child-custody determination by a court of another state unless the order has been vacated, stayed, or modified by a court having jurisdiction to do so under Article 2.
(Source: P.A. 93-108, eff. 1-1-04.)

(750 ILCS 36/314)

Sec. 314. Appeals. An appeal may be taken from a final order in a proceeding under this Article in accordance with expedited appellate procedures which are or may be established by Supreme Court Rule. Unless the court enters a temporary emergency order under Section 204, the enforcing court may not stay an order enforcing a child-custody determination pending appeal.
(Source: P.A. 93-108, eff. 1-1-04.)

(750 ILCS 36/315)

Sec. 315. Role Of State's Attorney.

(a) In a case arising under this Act or involving the Hague Convention on the Civil Aspects of International Child Abduction, the State's Attorney or other appropriate public official may take any lawful action, including resort to a proceeding under this Article or any other available civil proceeding to locate a child, obtain the return of a child, or enforce a child-custody determination if there is:

(1) an existing child-custody determination;

(2) a request to do so from a court in a pending child-custody proceeding;

(3) a reasonable belief that a criminal statute has been violated; or

(4) a reasonable belief that the child has been wrongfully removed or retained in violation of the Hague Convention on the Civil Aspects of International Child Abduction.

(b) A State's Attorney or appropriate public official acting under this Section acts on behalf of the court and may not represent any party.
(Source: P.A. 93-108, eff. 1-1-04.)

(750 ILCS 36/316)

Sec. 316. Role Of Law Enforcement. At the request of a State's Attorney or other appropriate public official acting under Section 315, a law enforcement officer may take any lawful action reasonably necessary to locate a child or a party and assist a State's Attorney or appropriate public

official with responsibilities under Section 315.
(Source: P.A. 93-108, eff. 1-1-04.)

(750 ILCS 36/317)
Sec. 317. Costs And Expenses. If the respondent is not the prevailing party, the court may assess against the respondent all direct expenses and costs incurred by the State's Attorney or other appropriate public official and law enforcement officers under Section 315 or 316.
(Source: P.A. 93-108, eff. 1-1-04.)

(750 ILCS 36/Art. 4 heading)

ARTICLE 4
MISCELLANEOUS PROVISIONS

(750 ILCS 36/401)
Sec. 401. Application And Construction. In applying and construing this Uniform Act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.
(Source: P.A. 93-108, eff. 1-1-04.)

(750 ILCS 36/402)
Sec. 402. Severability Clause. If any provision of this Act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.
(Source: P.A. 93-108, eff. 1-1-04.)

(750 ILCS 36/402.1)
Sec. 402.1. (Amendatory provisions; text omitted).
(Source: P.A. 93-108, eff. 1-1-04; text omitted.)

(750 ILCS 36/402.2)
Sec. 402.2. (Amendatory provisions; text omitted).
(Source: P.A. 93-108, eff. 1-1-04; text omitted.)

(750 ILCS 36/402.3)
Sec. 402.3. (Amendatory provisions; text omitted).
(Source: P.A. 93-108, eff. 1-1-04; text omitted.)

(750 ILCS 36/402.4)
Sec. 402.4. (Amendatory provisions; text omitted).
(Source: P.A. 93-108, eff. 1-1-04; text omitted.)

(750 ILCS 36/402.5)
Sec. 402.5. (Amendatory provisions; text omitted).
(Source: P.A. 93-108, eff. 1-1-04; text omitted.)

(750 ILCS 36/402.6)
Sec. 402.6. (Amendatory provisions; text omitted).
(Source: P.A. 93-108, eff. 1-1-04; text omitted.)

(750 ILCS 36/403)
Sec. 403. Effective Date. This Act takes effect on January 1, 2004.
(Source: P.A. 93-108, eff. 1-1-04.)

(750 ILCS 36/404)
Sec. 404. Repeals. The following Acts and parts of Acts are hereby repealed:
Uniform Child Custody Jurisdiction Act.
(Source: P.A. 93-108, eff. 1-1-04.)

(750 ILCS 36/405)

Sec. 405. Transitional Provision. A motion or other request for relief made in a child-custody proceeding or to enforce a child-custody determination which was commenced before the effective date of this Act is governed by the law in effect at the time the motion or other request was made. (Source: P.A. 93-108, eff. 1-1-04.)

Information maintained by the Legislative Reference Bureau
Updating the database of the Illinois Compiled Statutes (ILCS) is an ongoing process. Recent laws may not yet be included in the ILCS database, but they are found on this site as Public Acts soon after they become law. For information concerning the relationship between statutes and Public Acts, refer to the Guide.
Because the statute database is maintained primarily for legislative drafting purposes, statutory changes are sometimes included in the statute database before they take effect. If the source note at the end of a Section of the statutes includes a Public Act that has not yet taken effect, the version of the law that is currently in effect may have already been removed from the database and you should refer to that Public Act to see the changes made to the current law.

(735 ILCS 5/2-209) (from Ch. 110, par. 2-209)
Sec. 2-209. Act submitting to jurisdiction - Process.
(a) Any person, whether or not a citizen or resident of this State, who in person or through an agent does any of the acts hereinafter enumerated, thereby submits such person, and, if an individual, his or her personal representative, to the jurisdiction of the courts of this State as to any cause of action arising from the doing of any of such acts:
(1) The transaction of any business within this State;
(2) The commission of a tortious act within this State;
(3) The ownership, use, or possession of any real estate situated in this State;
(4) Contracting to insure any person, property or risk located within this State at the time of contracting;
(5) With respect to actions of dissolution of marriage, declaration of invalidity of marriage and legal separation, the maintenance in this State of a matrimonial domicile at the time this cause of action arose or the commission in this State of any act giving rise to the cause of action;
(6) With respect to actions brought under the Illinois Parentage Act of 1984, as now or hereafter amended, or under the Illinois Parentage Act of 2015 on and after the effective date of that Act, the performance of an act of sexual intercourse within this State during the possible period of conception;
(7) The making or performance of any contract or promise substantially connected with this State;
(8) The performance of sexual intercourse within this State which is claimed to have resulted in the conception of a child who resides in this State;
(9) The failure to support a child, spouse or former spouse who has continued to reside in this State since the person either formerly resided with them in this State or directed them to reside in this State;
(10) The acquisition of ownership, possession or control of any asset or thing of value present within this State when ownership, possession or control was acquired;
(11) The breach of any fiduciary duty within this State;
(12) The performance of duties as a director or

officer of a corporation organized under the laws of this State or having its principal place of business within this State;

(13) The ownership of an interest in any trust administered within this State; or

(14) The exercise of powers granted under the authority of this State as a fiduciary.

(b) A court may exercise jurisdiction in any action arising within or without this State against any person who:

(1) Is a natural person present within this State when served;

(2) Is a natural person domiciled or resident within this State when the cause of action arose, the action was commenced, or process was served;

(3) Is a corporation organized under the laws of this State; or

(4) Is a natural person or corporation doing business within this State.

(b-5) Foreign defamation judgment. The courts of this State shall have personal jurisdiction over any person who obtains a judgment in a defamation proceeding outside the United States against any person who is a resident of Illinois or, if not a natural person, has its principal place of business in Illinois, for the purposes of rendering declaratory relief with respect to that resident's liability for the judgment, or for the purpose of determining whether said judgment should be deemed non-recognizable pursuant to this Code, to the fullest extent permitted by the United States Constitution, provided:

(1) the publication at issue was published in Illinois, and

(2) that resident (i) has assets in Illinois which might be used to satisfy the foreign defamation judgment, or (ii) may have to take actions in Illinois to comply with the foreign defamation judgment.

The provisions of this subsection (b-5) shall apply to persons who obtained judgments in defamation proceedings outside the United States prior to, on, or after the effective date of this amendatory Act of the 95th General Assembly.

(c) A court may also exercise jurisdiction on any other basis now or hereafter permitted by the Illinois Constitution and the Constitution of the United States.

(d) Service of process upon any person who is subject to the jurisdiction of the courts of this State, as provided in this Section, may be made by personally serving the summons upon the defendant outside this State, as provided in this Act, with the same force and effect as though summons had been personally served within this State.

(e) Service of process upon any person who resides or whose business address is outside the United States and who is subject to the jurisdiction of the courts of this State, as provided in this Section, in any action based upon product liability may be made by serving a copy of the summons with a copy of the complaint attached upon the Secretary of State. The summons shall be accompanied by a $5 fee payable to the Secretary of State. The plaintiff shall forthwith mail a copy of the summons, upon which the date of service upon the

Secretary is clearly shown, together with a copy of the complaint to the defendant at his or her last known place of residence or business address. Plaintiff shall file with the circuit clerk an affidavit of the plaintiff or his or her attorney stating the last known place of residence or the last known business address of the defendant and a certificate of mailing a copy of the summons and complaint to the defendant at such address as required by this subsection (e). The certificate of mailing shall be prima facie evidence that the plaintiff or his or her attorney mailed a copy of the summons and complaint to the defendant as required. Service of the summons shall be deemed to have been made upon the defendant on the date it is served upon the Secretary and shall have the same force and effect as though summons had been personally served upon the defendant within this State.

(f) Only causes of action arising from acts enumerated herein may be asserted against a defendant in an action in which jurisdiction over him or her is based upon subsection (a).

(g) Nothing herein contained limits or affects the right to serve any process in any other manner now or hereafter provided by law.

(Source: P.A. 99-85, eff. 1-1-16.)