

DELAY PA 101-0255

PROTECT SURVIVORS OF VIOLENCE

What is PA 101-0255?

On January 1, 2020, Public Act 101-0255 is scheduled to take effect. This Act amends three statutes¹ which allow individuals to seek protective orders. The Act states that *until Respondent is served with the petition, the petition will not be publicly available.*

Why would someone seek a protective order?

An individual may petition the court to grant an order against a respondent who has engaged in domestic violence or sexual violence or stalking to prevent the respondent from continuing the behavior.

What is this Act trying to accomplish?

An ex-parte protective order is not effective until it has been served on the respondent. The Act attempts to prevent a potentially explosive respondent from knowing a protective order against them is pending until after he/she is served.

BUT there are serious concerns about this Act taking effect so quickly

- It is not clear how courts will administer the new law.
- Without time to obtain input from practitioners in related areas of law, court administrative procedures that are put into effect may have unintended consequences which could actually harm survivors and families.
 - The petitioner or their attorney may be unable to access the court documents.
 - A domestic violence court advocate may not be able to access the documents in order to assist their client.
 - Attorneys considering accepting cases for representation may not be able to see the case file before appearing in court.
 - If an abuser fraudulently obtains an order against a survivor, that survivor may need an advocate, friend, family member, or attorney to obtain a copy of the petition prior to service.
 - DCFS workers, immigration attorneys, family law attorneys, and other professionals involved with the family may not be able to access past cases that were never served.
 - People who serve protective orders may not have access to these documents to enable quick service.
- A pending request for changes in Illinois Supreme Court Rules is likely to have an impact on the problem this new law was intended to resolve. Status on the request for changes is expected to be further clarified in early 2020.

DELAY PA 101-0255 SO THAT CONCERNS MAY BE ADDRESSED BEFORE THE ACT TAKES EFFECT

¹The Act amends the Illinois Stalking No Contact Order Act (740 ILCS 12), Illinois Civil No Contact Order Act (740 ILCS 22/101, and Illinois Domestic Violence Act (750 ILCS 60)