

CIRCUIT COURT OF ILLINOIS
SIXTH JUDICIAL CIRCUIT
PIATT COUNTY

CHAMBERS OF
JOHN P. SHONKWILER
CHIEF JUDGE
SIXTH JUDICIAL CIRCUIT

306 PIATT COUNTY COURTHOUSE
MONTICELLO, ILLINOIS 61856-1650

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December 11, 2008

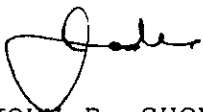
TO: PRESIDING JUDGES, SIXTH JUDICIAL CIRCUIT

Gentlemen:

Please find enclosed a notice from the ARDC concerning Daniel Mills from Springfield, IL who is suspended from practice of law effective immediately together with a rule to show cause issued to Mark Bradley from Decatur, IL, and order suspending him from the practice of law until further order of court.

As you are aware, P.A. 95-886 was amended, effective January 1, allowing an extension of a plenary order of protection until the order is vacated or modified. Enclosed with the act are two separate motions to extend and the follow-up order modifying the motions/orders from the Domestic Violence Benchbook. Would you please give the judges and the clerks who handle these cases copies of the modified motions and orders.

Very truly yours,



JOHN P. SHONKWILER
Chief Judge

JPS:jb
Enclosure

Section 10.. The Illinois Domestic Violence Act of 1986 is amended by changing Section 220 as follows:

[S.H.A. 750 ILCS 60/220] (750 ILCS 60/220) (from Ch. 40, par. 2312-20)

§ 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 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 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. 86-966; 87-1186.)

Approved: August 22, 2008

Effective: January 1, 2009

CIRCUIT COURT OF ILLINOIS
JUDICIAL CIRCUIT
COUNTY

_____))
Petitioner)
)
vs.)
)
_____))
Respondent)

Case No. _____ -OP- _____

MOTION TO EXTEND/MODIFY
[] EMERGENCY [] INTERIM
ORDER OF PROTECTION

1. The Petitioner in the above cause petitions this court to extend and/or modify the Order of Protection issued on _____ Date
2. The statutory requirements of Sections 217, 218 or 219, as appropriate, have been satisfied.
3. The Motion for Extension [] is [] is not contested. The Petitioner [] does [] does not seek a modification of the order;
4. There [] has [] has not been a material change of relevant circumstances since the entry of the order. If there has been a change of relevant circumstances, they are as follows:

5. The reason for the requested extension is as follows:

6. Petitioner requests the following modifications to the order:

7. Petitioner prays this motion be set for hearing, and further prays the Order of Protection will be [] extended [] modified.

Cause set for status call for _____, 20____, at _____ a.m./p.m., _____,

Date Room

County Courthouse, _____, IL _____
Street City Zip
(To be completed by Court)

Dated this _____ day of _____, 20____

Petitioner

PROOF OF SERVICE

I, _____,

on oath, state: I served this Motion to Extend/Modify Order of Protection by mailing a copy to:

NAME: _____

ADDRESS: _____

and depositing the same in the U.S. Mail at _____, IL at _____m.

on _____, 20____ with proper postage prepaid.

Note: Service is completed 4 days after date of mailing

Petitioner

SUBSCRIBED AND SWORN TO BEFORE ME THIS

_____ day of _____, 20_____.

Notary Public (Circuit Clerk)

CIRCUIT COURT OF ILLINOIS
JUDICIAL CIRCUIT
COUNTY

Petitioner

- Independent
- Criminal
- Juvenile

[] on behalf of: [] a minor child, or
[] an adult who because of age, disability, health,
or inaccessibility cannot file the Petition (name(s) listed below)

(file stamp)

Name(s) of additional Petitioner(s)

vs.

Case Number _____
(To be completed by Court)

ORDER FOR EXTENSION AND/OR MODIFICATION
OF [] EMERGENCY [] INTERIM ORDER OF PROTECTION

The Court finds that: [] an emergency order [] an interim order was entered
on _____.

The Court having jurisdiction of the subject matter and the parties, it is hereby ordered that:

- 1. An extension of the [] emergency order [] interim order is hereby granted.
to _____, 20____ at _____ .m.
- 1.(a) The motion to extend the [] emergency order [] interim order is denied.
- 2. A hearing on the [] emergency order [] interim order is set for
_____, 20____ at _____ .m., in the _____ County
Courthouse, Courtroom _____, _____, Illinois _____
(Street Address) (City) (Zip Code)
- 3. The [] emergency order [] interim order is vacated.
- 4. The [] emergency order [] interim order is modified as follows: _____

Order to be served on Respondent.

JUDGE

Date: _____

I certify that I served this order on the Respondent as follows:

(a) - (Individual Respondent - personal):

By leaving a copy and a copy of the order with the respondent personally, as follows:

Name of Respondent	Date of Service
_____	_____

(b) - (Individual Respondent - abode):

By leaving a copy of the order at the usual place of abode of the respondent with a person of his family, of the age of 10 years or upwards, informing that person of the contents of the order, and also by sending a copy of the order in a sealed envelope with postage fully prepaid, addressed to the respondent at his usual place of abode, as follows:

Name of Respondent	Person with whom left	Date of Service	Date of Mailing
_____	_____	_____	_____

(c) - (Other service):

_____, Sheriff of _____ County

By _____ Deputy

SHERIFF'S FEES

Service and return.....\$ _____

Miles.....\$ _____

Mailing Expense.....\$ _____

Total.....\$ _____

Sheriff of _____ County

CIRCUIT COURT OF ILLINOIS

JUDICIAL CIRCUIT

COUNTY

Petitioner

Case No. _____

vs.

Respondent

MOTION TO [] EXTEND [] MODIFY PLENARY ORDER OF PROTECTION

Now comes the Petitioner and requests the court to extend/modify the prior Plenary Order of Protection in this cause:

for a period of _____ [] No modification is requested.
(Not to exceed 2 years)

until the order of protection is vacated or modified for the following good cause:

No modification is requested.

The Petitioner also requests the following modification:

(To be completed by Court)

This cause is set for status call on _____ at _____ m.,
Courtroom _____, _____ County Courthouse, _____, Illinois.

A copy of this Petition to be mailed to the Respondent by the Petitioner with proof of mailing.

DATE: _____

PETITIONER: _____

PROOF OF SERVICE

I, _____,

on oath, state: I served this Motion to Extend/Modify Order of Protection by mailing a copy to:

NAME: _____

ADDRESS: _____

and depositing the same in the U.S. Mail at _____, IL at _____m.

on _____, 20____ with proper postage prepaid.

Note: Service is completed 4 days after date of mailing

Petitioner

SUBSCRIBED AND SWORN TO BEFORE ME THIS

_____ day of _____, 20_____.

Notary Public (Circuit Clerk)

CIRCUIT COURT OF ILLINOIS
JUDICIAL CIRCUIT
COUNTY

Petitioner

- Independent
- Criminal
- Juvenile

[] on behalf of: [] a minor child, or
[] an adult who because of age, disability, health,
or inaccessibility cannot file the Petition (name(s) listed below)

(file stamp)

Name(s) of additional Petitioner(s)

vs.

Case Number _____
(To be completed by Court)

**ORDER FOR EXTENSION AND/OR MODIFICATION
OF PLENARY ORDER OF PROTECTION**

A plenary order was entered on _____
The Court having jurisdiction of the subject matter and the parties, it is hereby ordered that:

- 1. An extension of the plenary order is granted until _____, 20__ at _____.m.
(Not to exceed 2 years)
- OR**
- An extension of the plenary order is granted until the plenary order of protection is vacated or modified, good cause having been shown.
- 1.(a) The motion of extension for the plenary order is denied.
- 2. A hearing on the extension of the plenary order is set for _____,
20__ at _____.m., in the _____ County Courthouse,
Courtroom _____, _____ Illinois _____.
(Street Address) (City) (Zip Code)
- 3. The plenary order is vacated.
- 4. The plenary order is modified as follows: _____

Order to be served on Respondent

JUDGE

Date: _____

[] Petitioner [] Respondent given a copy of this Order in open court on _____
cc: [] Petitioner [] Respondent [] Counsel of Record [] Sheriff [] Advocate [] Jail [] S/A

I certify that I served this order on the Respondent as follows:

(a) - (Individual Respondent - personal):

By leaving a copy and a copy of the order with the respondent personally, as follows:

Name of Respondent

Date of Service

(b) - (Individual Respondent - abode):

By leaving a copy of the order at the usual place of abode of the respondent with a person of his family, of the age of 10 years or upwards, informing that person of the contents of the order, and also by sending a copy of the order in a sealed envelope with postage fully prepaid, addressed to the respondent at his usual place of abode, as follows:

Name of Respondent

Person with whom left

Date of Service

Date of Mailing

(c) - (Other service):

_____, Sheriff of _____ County

By _____ Deputy

SHERIFF'S FEES

Service and return.....\$ _____

Miles.....\$ _____

Mailing Expense.....\$ _____

Total.....\$ _____

Sheriff of _____ County