

July 14, 2026
Committee Secretary
Illinois Supreme Court Rules Committee
222 North LaSalle Street, 13th Floor
Chicago, Illinois 60601

Re: Proposals 25-09 and 26-07 — Proposed Amendments to Supreme Court Rules 46 and 906
Dear Chair Rogers and Members of the Rules Committee:

I respectfully submit this public comment in support of Proposals 25-09 and 26-07.

I write from direct experience with an Illinois protective-order proceeding that was consolidated with an adult guardianship case and ultimately produced a suspended 13-week jail sentence, continuing arrest-backed restrictions, and an order displaying an expiration date of December 31, 2099. I also write from my family's experience with court-appointed representation of an adult with disabilities who attempted to disclose abuse and whose wishes were not meaningfully developed in the record.

I am not asking the Rules Committee to decide my case, review any individual ruling, or determine whether any person acted improperly. I offer these experiences because they demonstrate why complete records and competent court-appointed representation are essential whenever judicial proceedings affect liberty, safety, and family relationships.

I have limited this submission to information necessary to explain the public procedural record and have omitted sensitive medical details and other unnecessary personal information. The case numbers are included because they identify the relevant public dockets and demonstrate the consequences of consolidation.

When civil proceedings become the machinery through which incarceration, isolation, or decades of restraint are imposed, a complete record and meaningful representation are minimum safeguards against unreviewable government power.

PUBLIC COMMENT IN SUPPORT OF PROPOSALS 25-09 AND 26-07

When Protective-Order Proceedings Affect Liberty, the Complete Record Must Be Preserved

Submitted by Aimee Lynn Albrecht
Alexis, Illinois

I. PROPOSAL 25-09 PROTECTS LIBERTY, NOT MERELY RECORDKEEPING

Proposal 25-09 would require courts to create and maintain a record of protective-order proceedings, including proceedings in which an order is issued, extended, modified, terminated, vacated, published, or served, even when the protective-order matter is consolidated with another case. I strongly support that reform.

Protective-order proceedings are civil in form, but their consequences can be severe. They may restrict communication, movement, family relationships, access to a disabled family member, and presence at particular places. They may also become the basis for contempt, arrest, body attachment, and incarceration.

For that reason, the record must preserve more than the fact that a hearing occurred. It should show the evidence presented, objections made, rulings entered, statutory findings, reasons for relief, oral modifications, and the court's final decision.

A missing or incomplete record does not merely make appellate review inconvenient. It can make meaningful review impossible. When a reviewing court must presume that the trial court acted correctly because the record is incomplete, failure to preserve the proceeding may determine the outcome before the merits are ever reached.

II. CONSOLIDATION MUST NOT OBSCURE THE PROTECTIVE-ORDER RECORD

My protective-order proceeding, Rock Island County No. 2020-OP-250, was consolidated with adult guardianship No. 2016-P-313. That structure demonstrates why Proposal 25-09 must continue to apply when matters are consolidated.

When proceedings are combined, the record must still identify which case was being heard, what request was before the court, what testimony and exhibits related to the protective order, and what ruling produced each restriction.

The amended rule should require each covered proceeding to be indexed by date, protective-order case number, related case number, recording source, and resulting order. The docket in each case should identify where the complete recording is maintained.

The protective-order portion of a combined hearing should also be recorded continuously from the opening of the matter through the final ruling. A recording limited to the case call or announcement of the result does not preserve the basis for review.

III. PROCEEDINGS INVOLVING INCARCERATION REQUIRE A COMPLETE RECORD

On March 22, 2022, an opinion and order in my consolidated proceedings imposed a definite 13-week jail sentence while staying its execution. The order stated that I held the key to whether

I would serve that sentence, while the court retained enforcement authority through continuing compliance obligations.

Whatever civil label is placed on the proceeding, a definite jail sentence makes the completeness of the record exceptionally important. A reviewing court should not be forced to reconstruct from docket entries, disputed recollections, or an incomplete transcript what evidence and findings supported incarceration.

When a protective-order proceeding results in contempt, a stayed jail sentence, an arrest warrant, body attachment, or another restraint on physical liberty, the record should include the complete evidentiary proceeding, the contempt classification, any purge or compliance terms, the findings supporting incarceration, and the means by which the sanction may be activated, reviewed, or terminated.

The original audio, electronic recording, or stenographic source material should be preserved long enough to permit direct and collateral review whenever incarceration has been ordered, even if execution is stayed.

IV. EXTRAORDINARY DURATIONS REQUIRE PARTICULARIZED FINDINGS

On September 21, 2022, the protective order in my case was extended through December 31, 2099. A restraint lasting approximately seventy-seven years is extraordinary on its face, whether the date was intended as a fixed expiration date, an event-based duration, or an administrative system entry.

When a protective order continues for decades or effectively for the remainder of a person's life, the official record should explain the statutory authority, the evidence supporting continued relief, why each restriction remains necessary, and how review or modification may be requested.

The record must also distinguish between the court's legal ruling and any administrative date entered because a case-management or law-enforcement system requires one. Technology should record the order. It should never enlarge or obscure the order's legal effect.

For protective orders extending for extraordinary periods, the oral ruling, signed order, docket entry, service copy, and law-enforcement transmission should state the same duration and legal basis.

V. TRANSCRIPT ACCURACY REQUIRES A UNIFORM CORRECTION PROCESS

Creating a recording is only the first step. The system must also preserve the ability to verify whether a later transcript accurately reflects what occurred.

In my proceedings, I submitted a written objection identifying claimed omissions from a transcript. That experience exposed a serious procedural gap: parties need a clear statewide process for challenging material inaccuracies while preserving the original source recording.

The process should provide notice when a transcript is submitted for approval, a defined period for objections, continued preservation of the source audio or stenographic notes, and review when a party identifies a material discrepancy.

Any resulting order should identify the source material reviewed, resolve the disputed points, and preserve both the transcript and the objection as part of the official record. A disputed transcript should never replace or lead to destruction of the source recording.

VI. RECORDS MUST BE ACCESSIBLE AND CAPABLE OF CERTIFICATION

A recording that exists but cannot be located, obtained, or certified does not provide meaningful review.

The Administrative Office of the Illinois Courts should establish a uniform request process identifying the proceeding date, relevant case numbers, recording method, custodian, procedure for obtaining a transcript or certified copy, and procedure for expedited access when liberty or emergency review is involved.

Reasonable indigent access should also be available. Review of incarceration or long-term restraints should not depend entirely on a litigant's ability to pay privately to reconstruct a record the court was required to preserve.

When equipment fails, the docket should promptly state that fact. The parties should receive notice and an opportunity to prepare an agreed statement, bystander's report, or other lawful reconstruction while memories and source materials remain available.

VII. PROPOSAL 26-07 AND ADULT GUARDIANSHIP SAFEGUARDS

I also support Proposal 26-07 because court-appointed representatives must be trained to recognize and respond appropriately when a vulnerable person attempts to disclose abuse.

My sister is an adult with disabilities who became the subject of an Illinois guardianship proceeding. At the beginning of that proceeding, she made statements to the guardian ad litem concerning abuse and serious safety concerns. Yet the available record does not reflect the meaningful interviews and family inquiry necessary to develop a complete account of her circumstances, wishes, relationships, safety concerns, and available supports.

Adult guardianship proceedings may affect residence, medical decisions, communication, property, family relationships, and personal liberty. An adult cannot be accurately represented

unless the appointed attorney or guardian ad litem meets privately with that person, listens carefully, investigates material disclosures, identifies the person's expressed wishes, and distinguishes disability from inability to communicate.

Notice and family inquiry also matter. Persons legally entitled to notice, along with family members and others possessing relevant information, may know important facts concerning the adult's history, safety, functioning, relationships, possible abuse, and less restrictive alternatives. Failure to provide required notice or conduct meaningful interviews can leave the court with a one-sided account at the beginning of the case.

Proposal 26-07 recognizes that appointment alone does not guarantee competence. Training should address coercive control, trauma responses, dependence, isolation, fear, communication barriers, and abuse within caregiving and family relationships.

Because Proposal 26-07 currently applies to domestic-relations and child-custody appointments, I respectfully ask the Committee and the Illinois Supreme Court to consider parallel training and interview requirements for guardians ad litem and appointed counsel in adult guardianship proceedings.

Court-appointed representatives in adult guardianship matters should be expected to meet personally and privately with the adult, document the adult's wishes and objections, use appropriate communication accommodations, investigate material allegations of abuse or coercion, identify relevant sources of information, and distinguish the adult's expressed position from the representative's recommendation.

A court cannot protect a vulnerable adult if the person's voice is never meaningfully heard.

VIII. REQUESTED COMMITTEE ACTION

I respectfully ask the Committee to:

1. Adopt Proposal 25-09 and preserve its application to protective-order proceedings consolidated with another matter.
2. Require automatic recording of the complete proceeding, including testimony, exhibits, objections, rulings, findings, reasons, oral modifications, and the final ruling.
3. Require separate indexing and cross-docket identification in consolidated or related cases.
4. Preserve original audio, electronic recordings, stenographic notes, and other source materials whenever transcript accuracy is disputed or incarceration has been ordered, including a stayed sentence.
5. Require specific findings on the record for contempt, incarceration, body attachment, arrest-backed restraints, and protective orders extending for extraordinary periods.

6. Establish a uniform process for correcting material discrepancies among the source recording, transcript, docket, oral ruling, signed order, service copy, and law-enforcement record.
7. Establish statewide standards for retention, certification, confidentiality, indigent access, expedited production, and recording failure.
8. Adopt Proposal 26-07 and require meaningful, verifiable domestic-abuse training for attorneys and guardians ad litem covered by the proposed rule.
9. Consider parallel training and interview requirements for guardians ad litem and appointed counsel in adult guardianship proceedings.

CONCLUSION

Proposal 25-09 is necessary because protective-order proceedings can become the means through which the State imposes incarceration, arrest-backed restrictions, family separation, and restraints lasting for decades. Proposal 26-07 is also important because court-appointed representation must be competent enough to recognize abuse, obtain the person's actual wishes, and present reliable information to the court.

A complete record protects litigants, protected persons, judges, court reporters, law enforcement, and reviewing courts. Competent representation protects vulnerable people whose voices may otherwise be overlooked.

I respectfully ask the Committee to approve Proposals 25-09 and 26-07 and to ensure that Illinois proceedings affecting liberty are supported by complete records, meaningful review, and competent court-appointed representation.

Respectfully submitted,

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Self-represented Illinois litigant