



August 27, 2026

Supreme Court Rules Committee
222 N. LaSalle Street, 13th Floor
Chicago, Illinois 60601
Submitted via email to RulesCommittee@illinoiscourts.gov

RE: Ascend Justice's Comments in Support of Proposal 25-09 to Amend Illinois Supreme Court Rule 46 (Official Record of Court Proceedings)

To the Illinois Supreme Court Rules Committee,

Please accept these comments from Ascend Justice in support of Proposal 25-09 to Amend Illinois Supreme Court Rule 46 (Official Record of Court Proceedings). These comments describe Ascend Justice's expertise in protective order cases and explain the reasons the proposed rule change is necessary.

Ascend Justice's Expertise

Ascend Justice is a legal services organization that provides free legal representation to survivors of domestic violence in a variety of civil legal proceedings, including protective orders. Ascend Justice's lawyers represent survivors of gender-based violence in Orders of Protection and Civil No Contact Orders. Ascend Justice lawyers practice under and have a thorough understanding of the language and practical implications of the Domestic Violence Act (750 ILCS 60), Civil No Contact Order Act (740 ICLS 22), and Section 112A of the Criminal Code of Procedure Code of Civil Procedure. Ascend Justice lawyers routinely utilize court transcripts from Protective Order proceedings in their cases.

Ascend Justice operates a same-day Order of Protection Clinic at the Cook County Domestic Violence Courthouse. Ascend Justice provides brief services to approximately 550-600 clients seeking an Emergency Order of Protection or Civil No Contact Order each year. Ascend Justice's lawyers also evaluate cases for representation in pending litigation and represent nearly 200 survivors of domestic and sexual violence in protective order cases each year. Based upon Ascend Justice's professional experience and the needs of client survivors of gender-based violence, court transcripts are a crucial tool to ensure proper documentation related to protective orders, ensuring the safety of and fairness for survivors of domestic violence.

Support for Proposal 25-09

Proposal 25-09 amends Rule 46 to require the court to “create and maintain a record” of all protective order proceedings, regardless of where the matter is heard and whether the case has been consolidated into another matter. Ascend Justice supports this rule change because it is important that the court maintain proper documentation of the entry or denial of protective orders, including the relevant findings; the existence and terms of extensions; and the documentation of service and notice for enforcement purposes, to ensure the safety of and fairness for survivors of domestic violence.

Protective Orders

The Illinois Domestic Violence Act (hereinafter “IDVA”) (750 ILCS 46) creates the remedy of an Order of Protection for survivors of domestic violence and allows for the entry of Orders of Protection in civil court. The Civil No Contact Order Act (hereinafter “CNCOA”) (740 ILCS 22), and the Stalking No Contact Order Act (hereinafter “SNCOA”) (740 ILCS 21), provide similar protective orders in the case of sexual abuse or assault and stalking, respectively. Section 112A of the Criminal Code of Procedure Code of Civil Procedure (725 ILCS 5/112 A)) allows for protective orders to be issued in certain criminal cases involving domestic violence, sexual harm, and staking.

Protective orders are an important tool for safety from abuse and include many crucial remedies for survivors. The relevant statutes allow for emergency or ex parte protective orders to be granted without notice to the Respondent. In civil cases, emergency orders can be granted if continued abuse would be likely if the Respondent were given any prior notice of the entry of the order. In this way, survivors are protected from retaliation as soon as service on a protective order occurs.

Once entered, protective orders can be extended one or more times as needed. Extensions are necessary for a variety of reasons, including to execute service of process on the Respondent. After service of process occurs, the Petitioner can request a plenary protective order. Plenary orders can last for much longer – in some cases, vacated or modified. 750 ILCS 220 (b)(1)(ii) Violating a protective order is a crime.

Current Availability of Court Reporters or Electronic Recording Devices in Protective Order Proceedings

The availability of court reporters or electronic recording equipment varies at courthouses across the state. For instance, all proceedings that occur at the Cook County Domestic Violence Courthouse (555 W. Harrison, Chicago) are electronically recorded for transcription purposes. This is not the case at other courthouses. As a result, there may not be a court record of what findings were made when an emergency or plenary protective order requested at another courthouse is either granted or denied. This proposed rule is important because there is significant variability within a circuit itself and amongst the circuits across the state about protective order proceedings that have a court reporter or electronic recording equipment and those that do not.

Importance of Creating a Record of Entry of Protective Orders

It is important that court proceedings for the entry of protective orders be accurately documented in every circuit across the state, including the specific findings made under the IDVA, to ensure the safety of survivors and the ability to appeal erroneous judgments. The IDVA requires that certain findings be made to grant the remedies that are available in an Order of Protection. Such findings must be made in, "...an official record or in writing..." (214(c)(4)). In addition to the reasons listed below, a record of the court's decision is crucial if a survivor wishes to file a post-decree motion or appeal. This ability is especially important, as protective orders are regularly sought on an emergency basis, often before the survivor has time to retain an attorney.

Documenting Service for Enforcement Purposes

It is imperative that the court documents whether respondents have been properly served with protective orders or extensions in open court so that those protective orders are enforceable. The Respondent must have "actual knowledge" of the contents of an order before they can be charged with violating the order. (60/233) Actual knowledge can occur through service of process, short form notification, or in open court (either in person or remotely). Respondents must also have actual knowledge of each extension of a protective order.

Often, service of process with protective orders or extension occurs in open court. In remote proceedings, service can occur in open court, so long as "the operative terms of the protective order are read to respondent in open court during the remote court appearance." (Illinois Supreme Court Rule 102.1). As expanded upon below, due to human error, court orders do not always accurately reflect the proceedings. Even if an order is drafted clearly to indicate that the Respondent has been served in open court, questions may still arise as to whether the specific requirements under Supreme Court Rule 102.1 have been followed. Without a transcript or a very clearly written order, law enforcement and State's Attorneys cannot verify actual knowledge and may be unable to pursue criminal charges for violating protective orders.

Importance of Court Record in Capturing Extensions of Protective Orders

Emergency protective orders are commonly extended while a protective order case is pending. Extensions are needed to ensure service of process, allow both parties the opportunity to hire counsel, or allow witnesses to be present for hearings. Extensions of protective orders need to occur in open court (750 ILCS 60/220 (e)). Extensions also must be documented by filing a certified copy of the extension order with law enforcement that same day (750 ILCS 60/220 (e)). Ascend Justice lawyers have represented and consulted with clients in protective order cases that have occurred at the Daley Center in connection with Domestic Relations cases. In many of these situations, extensions have occurred at status dates for family law matters. Because there are often no court reporters or electronic recording equipment at these types of court proceedings, it is imperative that court orders completely and accurately reflect the proceedings and be entered and transmitted promptly.

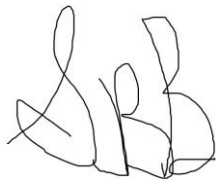
In several situations Ascend Justice is aware of, an Emergency Order of Protection has been extended in open court, but a corresponding court order has not been properly entered. This has included a situation where a draft order had been prepared and emailed to the court but had not been signed and stamped; where an order had been signed but not distributed to counsel, parties,

or the clerk; and where an order appeared to be incorrectly completed by the adverse parties' counsel and did not actually extend the emergency order. Situations such as these lead to a survivor being immediately endangered, as either the Order of Protection that they have come to rely on is no longer in effect, or because law enforcement does not have the correct information to be able to enforce the order.

When these mistakes occur, it can be difficult, if not impossible, to correct the errors without a court transcript. If an extension order is not entered, or is entered but inaccurate, the issue is sometimes not discovered until much time has passed. It is often when a survivor contacts police to enforce their order, or a survivor raises the issue on their next court date, that they learn there is no longer a protective order in effect. The details of the prior court date are unlikely to be fresh in anyone's mind after many weeks. The petitioner is left without the protective order they had previously been granted. With a transcript, it would be possible to reference back to the transcript to enter or correct the extension order to ensure that the petitioner continues to have the intended protection.

Ascend Justice commends the Illinois Supreme Court for proposing this important rule change. Thank you for considering these comments. Please do not hesitate to contact me with any further questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Block', with a stylized, cursive-like script.

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