

Illinois Family Law- Jurisdiction and Service of Process

By Morgan, Lewis & Bockius LLP– March 31, 2021

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Custody Determination - Jurisdiction

Initial Custody Determination

750 Ill. Comp. Stat. Ann. 36/201 (2019)

Uniform Child Custody Jurisdiction and Enforcement Act, Section 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.

750 Ill. Comp. Stat. Ann. 36/204 (2019)

Section 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.

Proceeding to Adjudicate Parentage:

750 Ill. Comp. Stat. Ann. 46/603 (2019)

Section 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.

750 Ill. Comp. Stat. Ann. 22/201 (2019)

Uniform Interstate Family Support Act, Section 201. Bases for jurisdiction over a nonresident.

(a) In a proceeding to establish or enforce a support order or to determine parentage of a child, a tribunal of this State may exercise personal jurisdiction over a nonresident individual or the individual's guardian or conservator if:

- (1) the individual is personally served with notice within this State;
- (2) the individual submits to the jurisdiction of this State by consent in a record, by entering a general appearance, or by filing a responsive document having the effect of waiving any contest to personal jurisdiction;
- (3) the individual resided with the child in this State;
- (4) the individual resided in this State and provided prenatal expenses or support for the child;
- (5) the child resides in this State as a result of the acts or directives of the individual;
- (6) the individual engaged in sexual intercourse in this State and the child may have been conceived by that act of intercourse;
- (7) the individual asserted parentage of a child in the putative father registry maintained in this State by the Illinois Department of Children and Family Services; or
- (8) there is any other basis consistent with the constitutions of this State and the United States for the exercise of personal jurisdiction.

(b) The bases of personal jurisdiction set forth in subsection (a) or in any other law of this State may not be used to acquire personal jurisdiction for a tribunal of this State to modify a child-support order of another state unless the requirements of Section 611 are met, or, in the case of a foreign support order, unless the requirements of Section 615 are met.

Custody Determination – Service/Notification Requirements

750 Ill. Comp. Stat. Ann. 36/205 (2019)

Uniform Child-Custody Jurisdiction and Enforcement Act, Section 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.

750 Ill. Comp. Stat. Ann. 36/108 (2019)

Section 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.

Paternity and Child Support Proceeding – Jurisdiction

750 Ill. Comp. Stat. Ann. 46/603 (2019)

Section 603. Subject matter and personal jurisdiction. Proceeding to Adjudicate Parentage:

- (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.

750 Ill. Comp. Stat. Ann. 22/201 (2019)

Uniform Interstate Family Support Act, Section 201. Bases for jurisdiction over a nonresident.

- (a) In a proceeding to establish or enforce a support order or to determine parentage of a child, a tribunal of this State may exercise personal jurisdiction over a nonresident individual or the individual's guardian or conservator if:
 - (1) the individual is personally served with notice within this State;
 - (2) the individual submits to the jurisdiction of this State by consent in a record, by entering a general appearance, or by filing a responsive document having the effect of waiving any contest to personal jurisdiction;
 - (3) the individual resided with the child in this State;
 - (4) the individual resided in this State and provided prenatal expenses or support for the child;
 - (5) the child resides in this State as a result of the acts or directives of the individual;
 - (6) the individual engaged in sexual intercourse in this State and the child may have been conceived by that act of intercourse;
 - (7) the individual asserted parentage of a child in the putative father registry maintained in this State by the Illinois Department of Children and Family Services; or
 - (8) there is any other basis consistent with the constitutions of this State and the United States for the exercise of personal jurisdiction.
- (b) The bases of personal jurisdiction set forth in subsection (a) or in any other law of this State may not be used to acquire personal jurisdiction for a tribunal of this State to modify a child-support order of another state unless the requirements of Section 611 are met, or, in the case of a foreign support order, unless the requirements of Section 615 are met.

Paternity and Child Support Proceeding – Service/Notification Requirements

750 Ill. Comp. Stat. Ann. 46/605 (2019)

Section 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. 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.

"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 provided in the statute." Anne E. Melley & Carrie A. Wood, Parent and Child, in 29 Ill. Law and Prac. Parent and Child § 53 (2019).

Child Abuse/Neglect Proceeding – Jurisdiction

705 Ill. Comp. Stat. Ann. 405/2-1 (2019)

Abused, Neglected or Dependent Minors

Juvenile Court Act of 1987, Section 2-1. Jurisdictional facts.

Proceedings may be instituted under the provisions of this Article concerning boys and girls who are abused, neglected or dependent, as defined in Sections 2-3 or 2-4.

705 Ill. Comp. Stat. Ann. 405/2-2 (2019)

Section 2-2. Venue.

(1) Venue under this Article lies in the county where the minor resides or is found.

(2) If proceedings are commenced in any county other than that of the minor's residence, the court in which the proceedings were initiated may at any time before or after adjudication of wardship transfer the case to the county of the minor's residence by transmitting to the court in that county an authenticated copy of the court record, including all documents, petitions and orders filed therein, and the minute orders and docket entries of the court. Transfer in like manner may be made in the event of a change of residence from one county to another of a minor concerning whom proceedings are pending.

705 Ill. Comp. Stat. Ann. 405/3-1 (2019)

Minors Requiring Authoritative Intervention.

Section 3-1. Jurisdictional facts.

Proceedings may be instituted under this Article concerning boys and girls who require authoritative intervention as defined in Section 3-3, who are truant minors in need of supervision as defined in Section 3-33.5, or who are minors involved in electronic dissemination of indecent visual depictions in need of supervision as defined in Section 3-40.

705 Ill. Comp. Stat. Ann. 405/3-2 (2019)

Section 3-2. Venue.

(1) Venue under this Article lies in the county where the minor resides or is found.

(2) If proceedings are commenced in any county other than that of the minor's residence, the court in which the proceedings were initiated may at any time before or after adjudication of wardship transfer the case to the county of the minor's residence by transmitting to the court in that county an authenticated copy of the court record, including all documents, petitions and orders filed therein, and the minute orders and docket entries of the court. Transfer in like manner may be made in the event of a change of residence from one county to another of a minor concerning whom proceedings are pending.

705 Ill. Comp. Stat. Ann. 405/4-1 (2019)

Addicted Minors

Section 4-1. Jurisdictional Facts.

Proceedings may be instituted under the provisions of this Article concerning boys and girls who are addicted as defined in Section 4-3.

705 Ill. Comp. Stat. Ann. 405/4-2 (2019)

Section 4-2. Venue.

- (1) Venue under this Article lies in the county where the minor resides or is found.
- (2) If proceedings are commenced in any county other than that of the minor's residence, the court in which the proceedings were initiated may at any time before or after adjudication of wardship transfer the case to the county of the minor's residence by transmitting to the court in that county an authenticated copy of the court record, including all documents, petitions and orders filed therein, and the minute orders and docket entries of the court. Transfer in like manner may be made in the event of a change of residence from one county to another of a minor concerning whom proceedings are pending.

Child Abuse/Neglect Proceeding – Service/Notification Requirements

See 705 Ill. Comp. Stat. Ann. 405/2-15, 405/3-17, 405/4-14 (2019)

Summons under the Juvenile Court Act of 1987.

When a petition is filed, the clerk of the court shall issue a summons with a copy of the petition attached. The summons shall be directed to the minor's legal guardian or custodian and to each person named as a respondent in the petition, except that summons need not be directed to a minor respondent under 8 years of age for whom the court appoints a guardian ad litem if the guardian ad litem appears on behalf of the minor in any proceeding under this Act.

Service of a summons and petition shall be made by: (a) leaving a copy thereof with the person summoned at least 3 days before the time stated therein for appearance; (b) leaving a copy at his usual place of abode with some person of the family, of the age of 10 years or upwards, and informing that person of the contents thereof, provided that the officer or other person making service shall also send a copy of the summons in a sealed envelope with postage fully prepaid, addressed to the person summoned at his usual place of abode, at least 3 days before the time stated therein for appearance; or (c) leaving a copy thereof with the guardian or custodian of a minor, at least 3 days before the time stated therein for appearance. If the guardian or custodian is an agency of the State of Illinois, proper service may be made by leaving a copy of the summons and petition with any administrative employee of such agency designated by such agency to accept service of summons and petitions. The certificate of the officer or affidavit of the person that he has sent the copy pursuant to this Section is sufficient proof of service.

See 705 Ill. Comp. Stat. Ann. 405/2-16, 405/3-18, 405/4-15 (2019)

Notice by Certified Mail or Publication.

If service on individuals as provided above is not made on any respondent within a reasonable time or if it appears that any respondent resides outside the State, service may be made by certified mail. In such case the clerk shall mail the summons and a copy of the petition to that respondent by certified mail marked for delivery to addressee only. The court shall not proceed with the adjudicatory hearing until 5 days after such mailing. The regular return receipt for certified mail is sufficient proof of service.

If service upon individuals as provided above is not made on any respondents within a reasonable time or if any person is made a respondent under the designation of "All whom it may Concern", or if service cannot be made because the whereabouts of a respondent are unknown, service may be made by publication. The clerk of the court as soon as possible shall cause publication to be made once in a newspaper of general circulation in the county where the action is pending. Notice by publication is not required in any case when the person alleged to have legal custody of the minor has been served with summons personally or by certified mail, but the court may not enter any order or judgment against any person who cannot be served with process other than by publication unless notice by publication is given or unless that person appears. When a minor has been sheltered under Section 4-6 of this Act and summons has not been served personally or by certified mail within 20 days from the date of the order of court directing such shelter care, the clerk of the court shall cause publication.

See 705 Ill. Comp. Stat. Ann. 405/2-30, 405/3-31, 405/4-28 (2019)

Notice to the Putative Father.

Upon the written request to any Clerk of any Circuit Court by any interested party, including persons intending to adopt a child, a child welfare agency with whom the mother has placed or has given written notice of her intention to place a child for adoption, the mother of a child, or any attorney representing an interested party, a notice may be served on a putative father in the same manner as Summons is served in other proceedings under this Act, or in lieu of personal service, service may be made as follows:

- (a) The person requesting notice shall furnish to the Clerk an original and one copy of a notice together with an Affidavit setting forth the putative father's last known address. The original notice shall be retained by the Clerk.
- (b) The Clerk forthwith shall mail to the putative father, at the address appearing in the Affidavit, the copy of the notice, certified mail, return receipt requested; the envelope and return receipt shall bear the return address of the Clerk. 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.
- (c) The return receipt, when returned to the Clerk, shall be attached to the original notice, and shall constitute proof of service.
- (d) The Clerk shall note the fact of service in a permanent record.

Divorce and Legal Separation – Jurisdiction

750 Ill. Comp. Stat. Ann. 5/401 (2019)

Illinois Marriage and Dissolution of Marriage Act, Section 401. Dissolution of marriage.

Illinois courts may 'enter a judgment of dissolution of marriage if at the time the action was commenced one of the spouses was a resident of this State or was stationed in this State while a member of the armed services, and the residence or military presence had been maintained for 90 days next preceding the commencement of the action or the making of the finding.

"Marriage dissolution proceedings are within the general jurisdiction of the circuit courts. The authority of a circuit court to act in dissolution of marriage or divorce cases is conferred only by statute. Dissolution of marriage is entirely statutory in origin and nature, and courts must exercise their powers in dissolution cases within the limits of the Marriage and Dissolution of Marriage Act. However, a court in a dissolution of marriage proceeding does not exceed its jurisdiction merely because it overlooks or misapplies the provisions of the Act. The courts have no inherent power in dissolution or divorce cases, and thus may not rely upon the general equity power. Subject-matter jurisdiction in divorce cases cannot be conferred by stipulation or consent of the parties." Tracy Bateman et al.,

Divorce; Dissolution of Marriage, in 16 Ill. Law and Prac. § 14 (2019).

In rem jurisdiction over the marriage itself:

"In order to dissolve a marriage the circuit court must have in rem jurisdiction, meaning jurisdiction over the marital status. Although an Illinois court does not have in personam jurisdiction over a spouse who resides in a foreign state, and thus, cannot resolve issues regarding property division, maintenance, support, or child custody, it may have in rem jurisdiction to dissolve the marriage." Tracy Bateman et al., Divorce;

Dissolution of Marriage, in 16 Ill. Law and Prac. § 15 (2019).

750 Ill. Comp. Stat. Ann. 5/402 (2019)

Section 402. Legal Separation.

- (a) Any person living separate and apart from his or her spouse may have a remedy for reasonable support and maintenance while they so live apart.
- (b) Such action shall be brought in the circuit court of the county in which the petitioner or respondent resides or in which the parties last resided together as husband and wife.

"Under Illinois law spouses can contract to live separate and apart, and agreements between a husband and a wife for a separation are not per se invalid, except where it is a contract to procure a divorce. Where the separation of a

husband and wife is imminent or has already occurred, an agreement making fair and equitable provision for the separate support of one spouse and for a settlement of property rights is not against public policy." Romualdo P. Eclavea & Eric C. Surette, Husband and Wife, in 21 Ill. Law and Prac. § 91 (2019).

Divorce and Legal Separation – Service/Notification Requirements

750 Ill. Comp. Stat. Ann. 5/410 (2019)

Illinois Marriage and Dissolution of Marriage Act, Section 410. Process—Practice—Proceedings—Publication.

The process, practice and proceedings under this Act shall be the same as in other civil cases, except as otherwise provided by this Act, or by any law or rule of court, and except that when the parties resided in a municipality, in a county with a population under 2,000,000, at the time the cause of action arose, and if service by publication is necessary, publication shall be in a newspaper published in such municipality if there is one.

"Personal service or service by publication on a nonresident completes the requirements for in rem jurisdiction, that is, jurisdiction of marital status, even though the grounds take place in a different state." Tracy Bateman et al.,

Divorce; Dissolution of Marriage, in 16 Ill. Law and Prac. § 15 (2019).

Constructive Service: "Constructive or substituted service of process may be appropriate in a dissolution of marriage or divorce proceeding, and the statutory requirements must be met. Statutory requirements are met where a motion for substituted service alleges that service of a spouse by other statutory methods are impractical because he or she is willfully avoiding service, and demonstrating that a diligent inquiry was made to locate and serve the spouse without success." Tracy Bateman et al., Divorce; Dissolution of Marriage, in 16 Ill. Law and Prac. § 24 (2019).

Adoption Proceeding – Jurisdiction

750 Ill. Comp. Stat. Ann. 50/2 (2019)

Adoption Act, Section 2. Who may adopt a child.

A. Any of the following persons, who is under no legal disability (except the minority specified in sub-paragraph (b)) and who has resided in the State of Illinois continuously for a period of at least 6 months immediately preceding the commencement of an adoption proceeding, or any member of the armed forces of the United States who has been domiciled in the State of Illinois for 90 days, may institute such proceeding:

- (a) A reputable person of legal age and of either sex, provided that if such person is married or in a civil union and has not been living separate and apart from his or her spouse or civil union partner for 12 months or longer, his or her spouse or civil union partner shall be a party to the adoption proceeding, including a spouse or civil union partner desiring to adopt a child of the other spouse or civil union partner, in all of which cases the adoption shall be by both spouses or civil union partners jointly;
- (b) A minor, by leave of court upon good cause shown.

Notwithstanding sub-paragraph (a) of this subsection, a spouse or civil union partner is not required to join in a petition for adoption to re-adopt a child after an intercountry adoption if the spouse or civil union partner did not previously adopt the child as set forth in subsections (c) and (e) of Section 4.1 of this Act.

B. The residence requirement specified in paragraph A of this Section shall not apply to:

- (a) an adoption of a related child or child previously adopted in a foreign country by the petitioner; or
- (b) an adoption of a child placed by an agency.

750 Ill. Comp. Stat. Ann. 50/4 (2019)

Section 4. Venue.

An adoption proceeding may be commenced in any county in this State.

Adoption Proceeding – Service/Notification Requirements

750 Ill. Comp. Stat. Ann. 50/7 (2019)

Adoption Act, Section 7. Process.

A. All persons named in the petition for adoption or standby adoption, other than the petitioners and any party who has previously either denied being a parent pursuant to Section 12a of this Act or whose rights have been terminated pursuant to Section 12a of this Act, but including the person sought to be adopted, shall be made parties defendant by name, and if the name or names of any such persons are alleged in the petition to be unknown such persons shall be made parties defendant under the name and style of "All whom it may concern". In all such actions petitioner or his attorney shall file, at the office of the clerk of the court in which the action is pending, an affidavit showing that the defendant resides or has gone out of this State, or on due inquiry cannot be found, or is concealed within this State, so that process cannot be served upon him, and stating the place of residence of the defendant, if known, or that upon diligent inquiry his place of residence cannot be ascertained, the clerk shall cause

publication to be made in some newspaper published in the county in which the action is pending. If there is no newspaper published in that county, then the publication shall be in a newspaper published in an adjoining county in this State, having a circulation in the county in which such action is pending. In the event there is service on any of the parties by publication, the publication shall contain notice of pendency of the action, the name of the person to be adopted and the name of the parties to be served by publication, and the date on or after which default may be entered against such parties. Neither the name of petitioners nor the name of any party who has either surrendered said child, has given their consent to the adoption of the child, or whose parental rights have been terminated by a court of competent jurisdiction shall be included in the notice of publication. The Clerk shall also, within ten (10) days of the first publication of the notice, send a copy thereof by mail, addressed to each defendant whose place of residence is stated in such affidavit. The certificate of the Clerk that he sent the copies pursuant to this section is evidence that he has done so. Except as provided in this section pertaining to service by publication, all parties defendant shall be notified of the proceedings in the same manner as is now or may hereafter be required in other civil cases or proceedings, except that service of process need not be directed to a minor defendant under 14 years of age for whom a guardian ad litem has been or will be appointed pursuant to paragraph (a) of subsection B of Section 13 of this Act. Nothing in the provisions of the preceding sentence stating that service of process need not be directed to a minor defendant under 14 years of age for whom a guardian ad litem has been or will be appointed is intended to override any provision of this Act which relates to information to which an adopted person is entitled under Section 18.1 of this Act. Any party defendant who is of age of 14 years or upward may waive service of process by entering an appearance in writing. The form to be used for publication shall be substantially as follows: "ADOPTION NOTICE--STATE OF ILLINOIS, County of, ss. - Circuit Court of County. In the matter of the Petition for the Adoption of, a ..male child. Adoption No. To--..... (whom it may concern or the named parent) Take notice that a petition was filed in the Circuit Court of County, Illinois, for the adoption of a child named Now, therefore, unless you, and all whom it may concern, file your answer to the Petition in the action or otherwise file your appearance therein, in the said Circuit Court of, County, Room,, in the City of, Illinois, on or before the day of, a default may be entered against you at any time after that day and a judgment entered in accordance with the prayer of said Petition. Dated,, Illinois,, Clerk. (Name and address of attorney for petitioners.)

B. A minor defendant who has been served in accordance with this Section may be defaulted in the same manner as any other defendant.

C. Notwithstanding any inconsistent provision of this or any other law, and in addition to the notice requirements of any law pertaining to persons other than those specified in this subsection, the persons entitled to notice that a petition has been filed under Section 5 of this Act shall include:

- (a) any person adjudicated by a court in this State to be the father of the child;
- (b) any person adjudicated by a court of another state or territory of the United States to be the father of the child, when a certified copy of the court order has been filed with the Putative Father Registry under Section 12.1 of this Act;
- (c) any person who at the time of the filing of the petition is registered in the Putative Father Registry under Section 12.1 of this Act as the putative father of the child;
- (d) any person who is recorded on the child's birth certificate as the child's father;

- (e) any person who is openly living with the child or the child's mother at the time the proceeding is initiated and who is holding himself out to be the child's father;
- (f) any person who has been identified as the child's father by the mother in a written, sworn statement, including an Affidavit of Identification as specified under Section 11 of this Act;
- (g) any person who was married to the child's mother on the date of the child's birth or within 300 days prior to the child's birth.

The sole purpose of notice under this Section shall be to enable the person receiving notice to appear in the adoption proceedings to present evidence to the court relevant to whether the consent or surrender of the person to the adoption is required pursuant to Section 8 of this Act. If the court determines that the consent or surrender of the person is not required pursuant to Section 8, then the person shall not be entitled to participate in the proceedings or to any further notice of the proceedings.

750 Ill. Comp. Stat. Ann. 50/12.1 (2019)

Section 12. The Putative Father Registry.

The Department of Children and Family Services shall establish a Putative Father Registry for the purpose of determining the identity and location of a putative father of a minor child who is, or is expected to be, the subject of an adoption proceeding, in order to provide notice of such proceeding to the putative father.

750 Ill. Comp. Stat. Ann. 50/12.1 (2019)

The Registry shall not be used to notify a putative father who is the father of a child as a result of criminal sexual abuse or assault as defined under Article 11 of the Criminal Code of 2012.

Domestic Violence – Jurisdiction

750 Ill. Comp. Stat. Ann. 60/207 (2019)

Illinois Domestic Violence Act of 1986, Section 207. Subject Matter Jurisdiction.

Each of the circuit courts shall have the power to issue orders of protection.

750 Ill. Comp. Stat. Ann. 60/208 (2019)

Section 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.¹ 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,² as now or hereafter amended.

Ill. Comp. Stat. Ann. 60/209 (2019)

Section 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,¹ 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.

Domestic Violence– Service/Notification Requirements

Ill. Comp. Stat. Ann. 60/210 (2019)

Illinois Domestic Violence Act of 1986, Section 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.

(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.

750 Ill. Comp. Stat. Ann. 60/210.1 (2019)

Section 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.

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