

AN ACT concerning health.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Mental Health and Developmental Disabilities Code is amended by changing Sections 3-100 and 3-812 as follows:

(405 ILCS 5/3-100) (from Ch. 91 1/2, par. 3-100)

Sec. 3-100. Jurisdiction over involuntary admissions.

(a) The circuit court has jurisdiction under this Chapter over persons not charged with a felony who are subject to involuntary admission.

(b) The circuit court has jurisdiction over all persons who are subject to involuntary admission on an outpatient basis under Article VII-A of this Chapter. This subsection (b) is inoperative on and after January 1, 2030.

(c) Inmates of penal institutions shall not be considered as charged with a felony within the meaning of this Chapter. Court proceedings under Article VIII of this Chapter may be instituted as to any such inmate at any time within 90 days prior to discharge of such inmate by expiration of sentence or otherwise, and if such inmate is found to be subject to involuntary admission, the order of the court ordering hospitalization or other disposition shall become effective at

the time of discharge of the inmate from penal custody.

(d) The circuit court has jurisdiction over all persons alleged to be in need of treatment under Section 2-107.1 of this Code, whether or not they are charged with a felony.

(Source: P.A. 99-179, eff. 7-29-15.)

(405 ILCS 5/3-812) (from Ch. 91 1/2, par. 3-812)

Sec. 3-812. Court ordered admission on an outpatient basis; modification; revocation.

(a) If a respondent is found subject to involuntary admission on an outpatient basis, the court may issue an order: (i) placing the respondent in the care and custody of a relative or other person willing and able to properly care for him or her; or (ii) committing the respondent to alternative treatment at a community mental health provider.

(b) An order placing the respondent in the care and custody of a relative or other person shall specify the powers and duties of the custodian. Unless the respondent is charged with a felony, an ~~An~~ order of care and custody entered pursuant to this Section may grant the custodian the authority to consent to the admission of ~~admit~~ a respondent to a hospital if the respondent fails to comply with the conditions of the order. If necessary in order to obtain the hospitalization of the respondent, the custodian may apply to the court for an order authorizing an officer of the peace to take the respondent into custody and transport the respondent to a

mental health facility. The provisions of Section 3-605 shall govern the transportation of the respondent to a mental health facility, except to the extent that those provisions are inconsistent with this Section. No person admitted to a hospital pursuant to this subsection shall be detained for longer than 24 hours, excluding Saturdays, Sundays, and holidays, unless, within that period, a petition for involuntary admission on an inpatient basis and a certificate supporting such petition have been filed as provided in Section 3-611.

(c) Alternative treatment shall not be ordered unless the program being considered is capable of providing adequate and humane treatment in the least restrictive setting which is appropriate to the respondent's condition. The court shall have continuing authority to modify an order for alternative treatment if the recipient fails to comply with the order or is otherwise found unsuitable for alternative treatment. Prior to modifying such an order, the court shall receive a report from the facility director of the program specifying why the alternative treatment is unsuitable. The recipient shall be notified and given an opportunity to respond when modification of the order for alternative treatment is considered. If the court determines that the respondent has violated the order for alternative treatment in the community or that alternative treatment in the community will no longer provide adequate assurances for the safety of the respondent or others, the

court may revoke the order for alternative treatment in the community and may order a peace officer to take the recipient into custody and transport him to an inpatient mental health facility. The provisions of Section 3-605 shall govern the transportation of the respondent to a mental health facility, except to the extent that those provisions are inconsistent with this Section. No person admitted to a hospital pursuant to this subsection shall be detained for longer than 24 hours, excluding Saturdays, Sundays, and holidays, unless, within that period, a petition for involuntary admission on an inpatient basis and a certificate supporting such petition have been filed as provided in Section 3-611.

(d) Noncompliance with an order placing the respondent in the care and custody of a relative or other person willing and able to properly care for him or her or committing the respondent to alternative treatment at a community mental health provider shall not be a basis for a finding of contempt.

(Source: P.A. 98-221, eff. 1-1-14.)

Section 10. The Clerks of Courts Act is amended by changing Section 27.1c as follows:

(705 ILCS 105/27.1c)

Sec. 27.1c. Assessment report.

(a) Not later than March 1, 2022, and March 1 of every year thereafter, the clerk of the circuit court shall submit to the

Administrative Office of the Illinois Courts an annual report for the period January 1 through December 31 of the previous year. The report shall contain, with respect to each of the 4 categories of civil cases established by the Supreme Court pursuant to Section 27.1b of this Act:

- (1) the total number of cases that were filed;
- (2) the amount of filing fees that were collected pursuant to subsection (a) of Section 27.1b;
- (3) the amount of appearance fees that were collected pursuant to subsection (b) of Section 27.1b;
- (4) the amount of fees collected pursuant to subsection (b-5) of Section 27.1b;
- (5) the amount of filing fees collected for counterclaims or third party complaints pursuant to subsection (c) of Section 27.1b;
- (6) the nature and amount of any fees collected pursuant to subsection (y) of Section 27.1b; and
- (7) the number of cases for which, pursuant to Section 5-105 of the Code of Civil Procedure, there were waivers of fees, costs, and charges of 25%, 50%, 75%, or 100%, respectively, and the associated amount of fees, costs, and charges that were waived.

(b) The Administrative Office of the Illinois Courts shall publish the reports submitted under this Section on its website.

(c) (Blank).

(c-5) Not later than March 1, 2026, and March 1 of every year thereafter, the clerk of the circuit court shall submit to the Administrative Office of the Illinois Courts a report for the previous calendar year containing the total number of petitions filed asserting that a person is subject to involuntary admission on an outpatient basis pursuant to Section 3-751 of the Mental Health and Developmental Disabilities Code. This subsection (c-5) is inoperative on and after January 1, 2030.

(Source: P.A. 101-645, eff. 6-26-20; 102-145, eff. 7-23-21.)