

HB 2487 - DIGEST

(SUBSTITUTED FOR - SEE 1ST SUB)

Requires that a copy of an order for protection of a vulnerable adult shall be forwarded by the clerk of the court on or before the next judicial day to the appropriate law enforcement agency specified in the order.

Requires the law enforcement agency to enter the order into any computer-based criminal intelligence information system to list outstanding warrants. The order shall remain in the computer for the period stated in the order and may be expunged when it is expired, vacated, or superseded. The information entered into the system shall include notice to law enforcement whether the order was personally served, served by publication, or served by mail.

Provides that the court should, before entering an order for protection of a vulnerable adult, conduct a check of the judicial information system for the existence of other orders affecting the parties to the petition, criminal history of the parties, and other relevant information necessary to assist courts in issuing orders under this act.

Provides that if the respondent, or the vulnerable adult where the petition is filed by someone other than the vulnerable adult, was not personally served with the petition, notice of hearing, and ex parte order before the hearing, the court shall reset the hearing for twenty-four days from the date of entry of the order and may order service by publication instead of personal service under the following circumstances: (1) The sheriff, municipal officer, or other process server files an affidavit stating that the officer or process server was unable to complete personal service upon the party to be served;

(2) The petitioner files an affidavit stating that the petitioner believes that the party to be served is hiding from the server to avoid service or is being hidden from the server to avoid service;

(3) The server has deposited a copy of the summons, notice of hearing, and the ex parte order of protection in the post office, directed to the party to be served at the party's last known address; and

(4) The court finds reasonable grounds exist to believe that the party to be served is concealing himself or herself to avoid service or is being hidden from the server to avoid service, and that further attempts to personally serve the party to be served would be futile or unduly burdensome.

Provides that in circumstances justifying service by publication, if the serving party files an affidavit stating facts from which the court determines that service by mail is just as likely to give actual notice as service by publication

and that the serving party is unable to afford the cost of service by publication, the court may order that service be made by mail.

Provides that following completion of service by publication or by mail, if the party served by publication or by mail fails to appear at the hearing, the court may issue an order of protection.