



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB3142

by Rep. Brad Halbrook

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-6	from Ch. 38, par. 24-6
725 ILCS 5/112A-14	from Ch. 38, par. 112A-14
750 ILCS 60/214	from Ch. 40, par. 2312-14
765 ILCS 1030/2	from Ch. 141, par. 142

Amends the Criminal Code of 2012. Provides that after the disposition of a criminal case or in any criminal case where a final judgment in the case was not entered due to the death of the defendant, and when a confiscated weapon is no longer needed for evidentiary purposes, and when in due course no legitimate claim has been made for the weapon, a weapon transferred to a law enforcement agency may be sold by the law enforcement agency at public auction under the Law Enforcement Disposition of Property Act. Amends the Domestic Violence: Order of Protection Article of the Code of Criminal Procedure of 1963 and the Illinois Domestic Violence Act of 1986. Provides that upon expiration of the period of safekeeping of a firearm of a respondent against whom an order of protection was issued, if the firearms or Firearm Owner's Identification Card cannot be returned to respondent because the respondent cannot be located, fails to respond to requests to retrieve the firearms, or is not lawfully eligible to possess a firearm, upon petition from the local law enforcement agency, the court may order the local law enforcement agency to sell the firearm at public auction under the provisions of the Law Enforcement Disposition of Property Act. Amends the Law Enforcement Disposition of Property Act. Provides that weapons that have been confiscated as a result of having been abandoned or illegally possessed may be sold at public auction under the Act.

LRB101 04618 SLF 49626 b

1 AN ACT concerning criminal law.

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

4 Section 5. The Criminal Code of 2012 is amended by changing  
5 Section 24-6 as follows:

6 (720 ILCS 5/24-6) (from Ch. 38, par. 24-6)

7 Sec. 24-6. Confiscation and disposition of weapons.

8 (a) Upon conviction of an offense in which a weapon was  
9 used or possessed by the offender, any weapon seized shall be  
10 confiscated by the trial court.

11 (b) Any stolen weapon so confiscated, when no longer needed  
12 for evidentiary purposes, shall be returned to the person  
13 entitled to possession, if known. After the disposition of a  
14 criminal case or in any criminal case where a final judgment in  
15 the case was not entered due to the death of the defendant, and  
16 when a confiscated weapon is no longer needed for evidentiary  
17 purposes, and when in due course no legitimate claim has been  
18 made for the weapon, the court may transfer the weapon to the  
19 sheriff of the county who may proceed to destroy it, or may in  
20 its discretion order the weapon preserved as property of the  
21 governmental body whose police agency seized the weapon, or may  
22 in its discretion order the weapon to be transferred to the  
23 Department of State Police for use by the crime laboratory

1 system, for training purposes, or for any other application as  
2 deemed appropriate by the Department. A weapon transferred to a  
3 law enforcement agency under this Section may be sold by the  
4 law enforcement agency at public auction under Section 3 of the  
5 Law Enforcement Disposition of Property Act. If, after the  
6 disposition of a criminal case, a need still exists for the use  
7 of the confiscated weapon for evidentiary purposes, the court  
8 may transfer the weapon to the custody of the State Department  
9 of Corrections for preservation. The court may not order the  
10 transfer of the weapon to any private individual or private  
11 organization other than to return a stolen weapon to its  
12 rightful owner.

13 The provisions of this Section shall not apply to  
14 violations of the Fish and Aquatic Life Code or the Wildlife  
15 Code. Confiscation of weapons for Fish and Aquatic Life Code  
16 and Wildlife Code violations shall be only as provided in those  
17 Codes.

18 (c) Any mental hospital that admits a person as an  
19 inpatient pursuant to any of the provisions of the Mental  
20 Health and Developmental Disabilities Code shall confiscate  
21 any firearms in the possession of that person at the time of  
22 admission, or at any time the firearms are discovered in the  
23 person's possession during the course of hospitalization. The  
24 hospital shall, as soon as possible following confiscation,  
25 transfer custody of the firearms to the appropriate law  
26 enforcement agency. The hospital shall give written notice to

1 the person from whom the firearm was confiscated of the  
2 identity and address of the law enforcement agency to which it  
3 has given the firearm.

4 The law enforcement agency shall maintain possession of any  
5 firearm it obtains pursuant to this subsection for a minimum of  
6 90 days. Thereafter, the firearm may be disposed of pursuant to  
7 the provisions of subsection (b) of this Section.

8 (Source: P.A. 91-696, eff. 4-13-00.)

9 Section 10. The Code of Criminal Procedure of 1963 is  
10 amended by changing Section 112A-14 as follows:

11 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

12 Sec. 112A-14. Domestic violence order of protection;  
13 remedies.

14 (a) (Blank).

15 (b) The court may order any of the remedies listed in this  
16 subsection (b). The remedies listed in this subsection (b)  
17 shall be in addition to other civil or criminal remedies  
18 available to petitioner.

19 (1) Prohibition of abuse. Prohibit respondent's  
20 harassment, interference with personal liberty,  
21 intimidation of a dependent, physical abuse, or willful  
22 deprivation, as defined in this Article, if such abuse has  
23 occurred or otherwise appears likely to occur if not  
24 prohibited.

1           (2) Grant of exclusive possession of residence.  
2 Prohibit respondent from entering or remaining in any  
3 residence, household, or premises of the petitioner,  
4 including one owned or leased by respondent, if petitioner  
5 has a right to occupancy thereof. The grant of exclusive  
6 possession of the residence, household, or premises shall  
7 not affect title to real property, nor shall the court be  
8 limited by the standard set forth in subsection (c-2) of  
9 Section 501 of the Illinois Marriage and Dissolution of  
10 Marriage Act.

11           (A) Right to occupancy. A party has a right to  
12 occupancy of a residence or household if it is solely  
13 or jointly owned or leased by that party, that party's  
14 spouse, a person with a legal duty to support that  
15 party or a minor child in that party's care, or by any  
16 person or entity other than the opposing party that  
17 authorizes that party's occupancy (e.g., a domestic  
18 violence shelter). Standards set forth in subparagraph  
19 (B) shall not preclude equitable relief.

20           (B) Presumption of hardships. If petitioner and  
21 respondent each has the right to occupancy of a  
22 residence or household, the court shall balance (i) the  
23 hardships to respondent and any minor child or  
24 dependent adult in respondent's care resulting from  
25 entry of this remedy with (ii) the hardships to  
26 petitioner and any minor child or dependent adult in

1 petitioner's care resulting from continued exposure to  
2 the risk of abuse (should petitioner remain at the  
3 residence or household) or from loss of possession of  
4 the residence or household (should petitioner leave to  
5 avoid the risk of abuse). When determining the balance  
6 of hardships, the court shall also take into account  
7 the accessibility of the residence or household.  
8 Hardships need not be balanced if respondent does not  
9 have a right to occupancy.

10 The balance of hardships is presumed to favor  
11 possession by petitioner unless the presumption is  
12 rebutted by a preponderance of the evidence, showing  
13 that the hardships to respondent substantially  
14 outweigh the hardships to petitioner and any minor  
15 child or dependent adult in petitioner's care. The  
16 court, on the request of petitioner or on its own  
17 motion, may order respondent to provide suitable,  
18 accessible, alternate housing for petitioner instead  
19 of excluding respondent from a mutual residence or  
20 household.

21 (3) Stay away order and additional prohibitions. Order  
22 respondent to stay away from petitioner or any other person  
23 protected by the domestic violence order of protection, or  
24 prohibit respondent from entering or remaining present at  
25 petitioner's school, place of employment, or other  
26 specified places at times when petitioner is present, or

1 both, if reasonable, given the balance of hardships.  
2 Hardships need not be balanced for the court to enter a  
3 stay away order or prohibit entry if respondent has no  
4 right to enter the premises.

5 (A) If a domestic violence order of protection  
6 grants petitioner exclusive possession of the  
7 residence, prohibits respondent from entering the  
8 residence, or orders respondent to stay away from  
9 petitioner or other protected persons, then the court  
10 may allow respondent access to the residence to remove  
11 items of clothing and personal adornment used  
12 exclusively by respondent, medications, and other  
13 items as the court directs. The right to access shall  
14 be exercised on only one occasion as the court directs  
15 and in the presence of an agreed-upon adult third party  
16 or law enforcement officer.

17 (B) When the petitioner and the respondent attend  
18 the same public, private, or non-public elementary,  
19 middle, or high school, the court when issuing a  
20 domestic violence order of protection and providing  
21 relief shall consider the severity of the act, any  
22 continuing physical danger or emotional distress to  
23 the petitioner, the educational rights guaranteed to  
24 the petitioner and respondent under federal and State  
25 law, the availability of a transfer of the respondent  
26 to another school, a change of placement or a change of

1 program of the respondent, the expense, difficulty,  
2 and educational disruption that would be caused by a  
3 transfer of the respondent to another school, and any  
4 other relevant facts of the case. The court may order  
5 that the respondent not attend the public, private, or  
6 non-public elementary, middle, or high school attended  
7 by the petitioner, order that the respondent accept a  
8 change of placement or change of program, as determined  
9 by the school district or private or non-public school,  
10 or place restrictions on the respondent's movements  
11 within the school attended by the petitioner. The  
12 respondent bears the burden of proving by a  
13 preponderance of the evidence that a transfer, change  
14 of placement, or change of program of the respondent is  
15 not available. The respondent also bears the burden of  
16 production with respect to the expense, difficulty,  
17 and educational disruption that would be caused by a  
18 transfer of the respondent to another school. A  
19 transfer, change of placement, or change of program is  
20 not unavailable to the respondent solely on the ground  
21 that the respondent does not agree with the school  
22 district's or private or non-public school's transfer,  
23 change of placement, or change of program or solely on  
24 the ground that the respondent fails or refuses to  
25 consent or otherwise does not take an action required  
26 to effectuate a transfer, change of placement, or



1 change of program. When a court orders a respondent to  
2 stay away from the public, private, or non-public  
3 school attended by the petitioner and the respondent  
4 requests a transfer to another attendance center  
5 within the respondent's school district or private or  
6 non-public school, the school district or private or  
7 non-public school shall have sole discretion to  
8 determine the attendance center to which the  
9 respondent is transferred. If the court order results  
10 in a transfer of the minor respondent to another  
11 attendance center, a change in the respondent's  
12 placement, or a change of the respondent's program, the  
13 parents, guardian, or legal custodian of the  
14 respondent is responsible for transportation and other  
15 costs associated with the transfer or change.

16 (C) The court may order the parents, guardian, or  
17 legal custodian of a minor respondent to take certain  
18 actions or to refrain from taking certain actions to  
19 ensure that the respondent complies with the order. If  
20 the court orders a transfer of the respondent to  
21 another school, the parents, guardian, or legal  
22 custodian of the respondent is responsible for  
23 transportation and other costs associated with the  
24 change of school by the respondent.

25 (4) Counseling. Require or recommend the respondent to  
26 undergo counseling for a specified duration with a social

1 worker, psychologist, clinical psychologist, psychiatrist,  
2 family service agency, alcohol or substance abuse program,  
3 mental health center guidance counselor, agency providing  
4 services to elders, program designed for domestic violence  
5 abusers, or any other guidance service the court deems  
6 appropriate. The court may order the respondent in any  
7 intimate partner relationship to report to an Illinois  
8 Department of Human Services protocol approved partner  
9 abuse intervention program for an assessment and to follow  
10 all recommended treatment.

11 (5) Physical care and possession of the minor child. In  
12 order to protect the minor child from abuse, neglect, or  
13 unwarranted separation from the person who has been the  
14 minor child's primary caretaker, or to otherwise protect  
15 the well-being of the minor child, the court may do either  
16 or both of the following: (i) grant petitioner physical  
17 care or possession of the minor child, or both, or (ii)  
18 order respondent to return a minor child to, or not remove  
19 a minor child from, the physical care of a parent or person  
20 in loco parentis.

21 If the respondent is charged with abuse (as defined in  
22 Section 112A-3 of this Code) of a minor child, there shall  
23 be a rebuttable presumption that awarding physical care to  
24 respondent would not be in the minor child's best interest.

25 (6) Temporary allocation of parental responsibilities  
26 and significant decision-making responsibilities. Award

1 temporary significant decision-making responsibility to  
2 petitioner in accordance with this Section, the Illinois  
3 Marriage and Dissolution of Marriage Act, the Illinois  
4 Parentage Act of 2015, and this State's Uniform  
5 Child-Custody Jurisdiction and Enforcement Act.

6 If the respondent is charged with abuse (as defined in  
7 Section 112A-3 of this Code) of a minor child, there shall  
8 be a rebuttable presumption that awarding temporary  
9 significant decision-making responsibility to respondent  
10 would not be in the child's best interest.

11 (7) Parenting time. Determine the parenting time, if  
12 any, of respondent in any case in which the court awards  
13 physical care or temporary significant decision-making  
14 responsibility of a minor child to petitioner. The court  
15 shall restrict or deny respondent's parenting time with a  
16 minor child if the court finds that respondent has done or  
17 is likely to do any of the following:

18 (i) abuse or endanger the minor child during  
19 parenting time;

20 (ii) use the parenting time as an opportunity to  
21 abuse or harass petitioner or petitioner's family or  
22 household members;

23 (iii) improperly conceal or detain the minor  
24 child; or

25 (iv) otherwise act in a manner that is not in the  
26 best interests of the minor child.

1           The court shall not be limited by the standards set  
2           forth in Section 603.10 of the Illinois Marriage and  
3           Dissolution of Marriage Act. If the court grants parenting  
4           time, the order shall specify dates and times for the  
5           parenting time to take place or other specific parameters  
6           or conditions that are appropriate. No order for parenting  
7           time shall refer merely to the term "reasonable parenting  
8           time". Petitioner may deny respondent access to the minor  
9           child if, when respondent arrives for parenting time,  
10          respondent is under the influence of drugs or alcohol and  
11          constitutes a threat to the safety and well-being of  
12          petitioner or petitioner's minor children or is behaving in  
13          a violent or abusive manner. If necessary to protect any  
14          member of petitioner's family or household from future  
15          abuse, respondent shall be prohibited from coming to  
16          petitioner's residence to meet the minor child for  
17          parenting time, and the petitioner and respondent shall  
18          submit to the court their recommendations for reasonable  
19          alternative arrangements for parenting time. A person may  
20          be approved to supervise parenting time only after filing  
21          an affidavit accepting that responsibility and  
22          acknowledging accountability to the court.

23           (8) Removal or concealment of minor child. Prohibit  
24           respondent from removing a minor child from the State or  
25           concealing the child within the State.

26           (9) Order to appear. Order the respondent to appear in

1 court, alone or with a minor child, to prevent abuse,  
2 neglect, removal or concealment of the child, to return the  
3 child to the custody or care of the petitioner, or to  
4 permit any court-ordered interview or examination of the  
5 child or the respondent.

6 (10) Possession of personal property. Grant petitioner  
7 exclusive possession of personal property and, if  
8 respondent has possession or control, direct respondent to  
9 promptly make it available to petitioner, if:

10 (i) petitioner, but not respondent, owns the  
11 property; or

12 (ii) the petitioner and respondent own the  
13 property jointly; sharing it would risk abuse of  
14 petitioner by respondent or is impracticable; and the  
15 balance of hardships favors temporary possession by  
16 petitioner.

17 If petitioner's sole claim to ownership of the property  
18 is that it is marital property, the court may award  
19 petitioner temporary possession thereof under the  
20 standards of subparagraph (ii) of this paragraph only if a  
21 proper proceeding has been filed under the Illinois  
22 Marriage and Dissolution of Marriage Act, as now or  
23 hereafter amended.

24 No order under this provision shall affect title to  
25 property.

26 (11) Protection of property. Forbid the respondent

1 from taking, transferring, encumbering, concealing,  
2 damaging, or otherwise disposing of any real or personal  
3 property, except as explicitly authorized by the court, if:

4 (i) petitioner, but not respondent, owns the  
5 property; or

6 (ii) the petitioner and respondent own the  
7 property jointly, and the balance of hardships favors  
8 granting this remedy.

9 If petitioner's sole claim to ownership of the property  
10 is that it is marital property, the court may grant  
11 petitioner relief under subparagraph (ii) of this  
12 paragraph only if a proper proceeding has been filed under  
13 the Illinois Marriage and Dissolution of Marriage Act, as  
14 now or hereafter amended.

15 The court may further prohibit respondent from  
16 improperly using the financial or other resources of an  
17 aged member of the family or household for the profit or  
18 advantage of respondent or of any other person.

19 (11.5) Protection of animals. Grant the petitioner the  
20 exclusive care, custody, or control of any animal owned,  
21 possessed, leased, kept, or held by either the petitioner  
22 or the respondent or a minor child residing in the  
23 residence or household of either the petitioner or the  
24 respondent and order the respondent to stay away from the  
25 animal and forbid the respondent from taking,  
26 transferring, encumbering, concealing, harming, or

1 otherwise disposing of the animal.

2 (12) Order for payment of support. Order respondent to  
3 pay temporary support for the petitioner or any child in  
4 the petitioner's care or over whom the petitioner has been  
5 allocated parental responsibility, when the respondent has  
6 a legal obligation to support that person, in accordance  
7 with the Illinois Marriage and Dissolution of Marriage Act,  
8 which shall govern, among other matters, the amount of  
9 support, payment through the clerk and withholding of  
10 income to secure payment. An order for child support may be  
11 granted to a petitioner with lawful physical care of a  
12 child, or an order or agreement for physical care of a  
13 child, prior to entry of an order allocating significant  
14 decision-making responsibility. Such a support order shall  
15 expire upon entry of a valid order allocating parental  
16 responsibility differently and vacating petitioner's  
17 significant decision-making responsibility unless  
18 otherwise provided in the order.

19 (13) Order for payment of losses. Order respondent to  
20 pay petitioner for losses suffered as a direct result of  
21 the abuse. Such losses shall include, but not be limited  
22 to, medical expenses, lost earnings or other support,  
23 repair or replacement of property damaged or taken,  
24 reasonable attorney's fees, court costs, and moving or  
25 other travel expenses, including additional reasonable  
26 expenses for temporary shelter and restaurant meals.

1           (i) Losses affecting family needs. If a party is  
2 entitled to seek maintenance, child support, or  
3 property distribution from the other party under the  
4 Illinois Marriage and Dissolution of Marriage Act, as  
5 now or hereafter amended, the court may order  
6 respondent to reimburse petitioner's actual losses, to  
7 the extent that such reimbursement would be  
8 "appropriate temporary relief", as authorized by  
9 subsection (a) (3) of Section 501 of that Act.

10           (ii) Recovery of expenses. In the case of an  
11 improper concealment or removal of a minor child, the  
12 court may order respondent to pay the reasonable  
13 expenses incurred or to be incurred in the search for  
14 and recovery of the minor child, including, but not  
15 limited to, legal fees, court costs, private  
16 investigator fees, and travel costs.

17           (14) Prohibition of entry. Prohibit the respondent  
18 from entering or remaining in the residence or household  
19 while the respondent is under the influence of alcohol or  
20 drugs and constitutes a threat to the safety and well-being  
21 of the petitioner or the petitioner's children.

22           (14.5) Prohibition of firearm possession.

23           (A) A person who is subject to an existing domestic  
24 violence order of protection issued under this Code may  
25 not lawfully possess weapons under Section 8.2 of the  
26 Firearm Owners Identification Card Act.



1           (B) Any firearms in the possession of the  
2 respondent, except as provided in subparagraph (C) of  
3 this paragraph (14.5), shall be ordered by the court to  
4 be turned over to a person with a valid Firearm Owner's  
5 Identification Card for safekeeping. The court shall  
6 issue an order that the respondent's Firearm Owner's  
7 Identification Card be turned over to the local law  
8 enforcement agency, which in turn shall immediately  
9 mail the card to the Department of State Police Firearm  
10 Owner's Identification Card Office for safekeeping.  
11 The period of safekeeping shall be for the duration of  
12 the domestic violence order of protection. The firearm  
13 or firearms and Firearm Owner's Identification Card,  
14 if unexpired, shall at the respondent's request be  
15 returned to the respondent at expiration of the  
16 domestic violence order of protection.

17           (C) If the respondent is a peace officer as defined  
18 in Section 2-13 of the Criminal Code of 2012, the court  
19 shall order that any firearms used by the respondent in  
20 the performance of his or her duties as a peace officer  
21 be surrendered to the chief law enforcement executive  
22 of the agency in which the respondent is employed, who  
23 shall retain the firearms for safekeeping for the  
24 duration of the domestic violence order of protection.

25           (D) Upon expiration of the period of safekeeping,  
26 if the firearms or Firearm Owner's Identification Card

1 cannot be returned to respondent because respondent  
2 cannot be located, fails to respond to requests to  
3 retrieve the firearms, or is not lawfully eligible to  
4 possess a firearm, upon petition from the local law  
5 enforcement agency, the court may order the local law  
6 enforcement agency to destroy the firearms, use the  
7 firearms for training purposes, or for any other  
8 application as deemed appropriate by the local law  
9 enforcement agency, including a sale at public auction  
10 under the provisions of the Law Enforcement  
11 Disposition of Property Act; or that the firearms be  
12 turned over to a third party who is lawfully eligible  
13 to possess firearms, and who does not reside with  
14 respondent.

15 (15) Prohibition of access to records. If a domestic  
16 violence order of protection prohibits respondent from  
17 having contact with the minor child, or if petitioner's  
18 address is omitted under subsection (b) of Section 112A-5  
19 of this Code, or if necessary to prevent abuse or wrongful  
20 removal or concealment of a minor child, the order shall  
21 deny respondent access to, and prohibit respondent from  
22 inspecting, obtaining, or attempting to inspect or obtain,  
23 school or any other records of the minor child who is in  
24 the care of petitioner.

25 (16) Order for payment of shelter services. Order  
26 respondent to reimburse a shelter providing temporary

1 housing and counseling services to the petitioner for the  
2 cost of the services, as certified by the shelter and  
3 deemed reasonable by the court.

4 (17) Order for injunctive relief. Enter injunctive  
5 relief necessary or appropriate to prevent further abuse of  
6 a family or household member or to effectuate one of the  
7 granted remedies, if supported by the balance of hardships.  
8 If the harm to be prevented by the injunction is abuse or  
9 any other harm that one of the remedies listed in  
10 paragraphs (1) through (16) of this subsection is designed  
11 to prevent, no further evidence is necessary to establish  
12 that the harm is an irreparable injury.

13 (18) Telephone services.

14 (A) Unless a condition described in subparagraph  
15 (B) of this paragraph exists, the court may, upon  
16 request by the petitioner, order a wireless telephone  
17 service provider to transfer to the petitioner the  
18 right to continue to use a telephone number or numbers  
19 indicated by the petitioner and the financial  
20 responsibility associated with the number or numbers,  
21 as set forth in subparagraph (C) of this paragraph. In  
22 this paragraph (18), the term "wireless telephone  
23 service provider" means a provider of commercial  
24 mobile service as defined in 47 U.S.C. 332. The  
25 petitioner may request the transfer of each telephone  
26 number that the petitioner, or a minor child in his or

1 her custody, uses. The clerk of the court shall serve  
2 the order on the wireless telephone service provider's  
3 agent for service of process provided to the Illinois  
4 Commerce Commission. The order shall contain all of the  
5 following:

6 (i) The name and billing telephone number of  
7 the account holder including the name of the  
8 wireless telephone service provider that serves  
9 the account.

10 (ii) Each telephone number that will be  
11 transferred.

12 (iii) A statement that the provider transfers  
13 to the petitioner all financial responsibility for  
14 and right to the use of any telephone number  
15 transferred under this paragraph.

16 (B) A wireless telephone service provider shall  
17 terminate the respondent's use of, and shall transfer  
18 to the petitioner use of, the telephone number or  
19 numbers indicated in subparagraph (A) of this  
20 paragraph unless it notifies the petitioner, within 72  
21 hours after it receives the order, that one of the  
22 following applies:

23 (i) The account holder named in the order has  
24 terminated the account.

25 (ii) A difference in network technology would  
26 prevent or impair the functionality of a device on

1 a network if the transfer occurs.

2 (iii) The transfer would cause a geographic or  
3 other limitation on network or service provision  
4 to the petitioner.

5 (iv) Another technological or operational  
6 issue would prevent or impair the use of the  
7 telephone number if the transfer occurs.

8 (C) The petitioner assumes all financial  
9 responsibility for and right to the use of any  
10 telephone number transferred under this paragraph. In  
11 this paragraph, "financial responsibility" includes  
12 monthly service costs and costs associated with any  
13 mobile device associated with the number.

14 (D) A wireless telephone service provider may  
15 apply to the petitioner its routine and customary  
16 requirements for establishing an account or  
17 transferring a number, including requiring the  
18 petitioner to provide proof of identification,  
19 financial information, and customer preferences.

20 (E) Except for willful or wanton misconduct, a  
21 wireless telephone service provider is immune from  
22 civil liability for its actions taken in compliance  
23 with a court order issued under this paragraph.

24 (F) All wireless service providers that provide  
25 services to residential customers shall provide to the  
26 Illinois Commerce Commission the name and address of an

1 agent for service of orders entered under this  
2 paragraph (18). Any change in status of the registered  
3 agent must be reported to the Illinois Commerce  
4 Commission within 30 days of such change.

5 (G) The Illinois Commerce Commission shall  
6 maintain the list of registered agents for service for  
7 each wireless telephone service provider on the  
8 Commission's website. The Commission may consult with  
9 wireless telephone service providers and the Circuit  
10 Court Clerks on the manner in which this information is  
11 provided and displayed.

12 (c) Relevant factors; findings.

13 (1) In determining whether to grant a specific remedy,  
14 other than payment of support, the court shall consider  
15 relevant factors, including, but not limited to, the  
16 following:

17 (i) the nature, frequency, severity, pattern, and  
18 consequences of the respondent's past abuse of the  
19 petitioner or any family or household member,  
20 including the concealment of his or her location in  
21 order to evade service of process or notice, and the  
22 likelihood of danger of future abuse to petitioner or  
23 any member of petitioner's or respondent's family or  
24 household; and

25 (ii) the danger that any minor child will be abused  
26 or neglected or improperly relocated from the

1 jurisdiction, improperly concealed within the State,  
2 or improperly separated from the child's primary  
3 caretaker.

4 (2) In comparing relative hardships resulting to the  
5 parties from loss of possession of the family home, the  
6 court shall consider relevant factors, including, but not  
7 limited to, the following:

8 (i) availability, accessibility, cost, safety,  
9 adequacy, location, and other characteristics of  
10 alternate housing for each party and any minor child or  
11 dependent adult in the party's care;

12 (ii) the effect on the party's employment; and

13 (iii) the effect on the relationship of the party,  
14 and any minor child or dependent adult in the party's  
15 care, to family, school, church, and community.

16 (3) Subject to the exceptions set forth in paragraph  
17 (4) of this subsection (c), the court shall make its  
18 findings in an official record or in writing, and shall at  
19 a minimum set forth the following:

20 (i) That the court has considered the applicable  
21 relevant factors described in paragraphs (1) and (2) of  
22 this subsection (c).

23 (ii) Whether the conduct or actions of respondent,  
24 unless prohibited, will likely cause irreparable harm  
25 or continued abuse.

26 (iii) Whether it is necessary to grant the

1 requested relief in order to protect petitioner or  
2 other alleged abused persons.

3 (4) (Blank).

4 (5) Never married parties. No rights or  
5 responsibilities for a minor child born outside of marriage  
6 attach to a putative father until a father and child  
7 relationship has been established under the Illinois  
8 Parentage Act of 1984, the Illinois Parentage Act of 2015,  
9 the Illinois Public Aid Code, Section 12 of the Vital  
10 Records Act, the Juvenile Court Act of 1987, the Probate  
11 Act of 1975, the Uniform Interstate Family Support Act, the  
12 Expedited Child Support Act of 1990, any judicial,  
13 administrative, or other act of another state or territory,  
14 any other statute of this State, or by any foreign nation  
15 establishing the father and child relationship, any other  
16 proceeding substantially in conformity with the federal  
17 Personal Responsibility and Work Opportunity  
18 Reconciliation Act of 1996, or when both parties appeared  
19 in open court or at an administrative hearing acknowledging  
20 under oath or admitting by affirmation the existence of a  
21 father and child relationship. Absent such an  
22 adjudication, no putative father shall be granted  
23 temporary allocation of parental responsibilities,  
24 including parenting time with the minor child, or physical  
25 care and possession of the minor child, nor shall an order  
26 of payment for support of the minor child be entered.



1 (d) Balance of hardships; findings. If the court finds that  
2 the balance of hardships does not support the granting of a  
3 remedy governed by paragraph (2), (3), (10), (11), or (16) of  
4 subsection (b) of this Section, which may require such  
5 balancing, the court's findings shall so indicate and shall  
6 include a finding as to whether granting the remedy will result  
7 in hardship to respondent that would substantially outweigh the  
8 hardship to petitioner from denial of the remedy. The findings  
9 shall be an official record or in writing.

10 (e) Denial of remedies. Denial of any remedy shall not be  
11 based, in whole or in part, on evidence that:

12 (1) respondent has cause for any use of force, unless  
13 that cause satisfies the standards for justifiable use of  
14 force provided by Article 7 of the Criminal Code of 2012;

15 (2) respondent was voluntarily intoxicated;

16 (3) petitioner acted in self-defense or defense of  
17 another, provided that, if petitioner utilized force, such  
18 force was justifiable under Article 7 of the Criminal Code  
19 of 2012;

20 (4) petitioner did not act in self-defense or defense  
21 of another;

22 (5) petitioner left the residence or household to avoid  
23 further abuse by respondent;

24 (6) petitioner did not leave the residence or household  
25 to avoid further abuse by respondent; or

26 (7) conduct by any family or household member excused

1 the abuse by respondent, unless that same conduct would  
2 have excused such abuse if the parties had not been family  
3 or household members.

4 (Source: P.A. 99-85, eff. 1-1-16; 100-199, eff. 1-1-18;  
5 100-388, eff. 1-1-18; 100-597, eff. 6-29-18; 100-863, eff.  
6 8-14-18; 100-923, eff. 1-1-19; revised 10-18-18.)

7 Section 15. The Illinois Domestic Violence Act of 1986 is  
8 amended by changing Section 214 as follows:

9 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

10 Sec. 214. Order of protection; remedies.

11 (a) Issuance of order. If the court finds that petitioner  
12 has been abused by a family or household member or that  
13 petitioner is a high-risk adult who has been abused, neglected,  
14 or exploited, as defined in this Act, an order of protection  
15 prohibiting the abuse, neglect, or exploitation shall issue;  
16 provided that petitioner must also satisfy the requirements of  
17 one of the following Sections, as appropriate: Section 217 on  
18 emergency orders, Section 218 on interim orders, or Section 219  
19 on plenary orders. Petitioner shall not be denied an order of  
20 protection because petitioner or respondent is a minor. The  
21 court, when determining whether or not to issue an order of  
22 protection, shall not require physical manifestations of abuse  
23 on the person of the victim. Modification and extension of  
24 prior orders of protection shall be in accordance with this

1 Act.

2 (b) Remedies and standards. The remedies to be included in  
3 an order of protection shall be determined in accordance with  
4 this Section and one of the following Sections, as appropriate:  
5 Section 217 on emergency orders, Section 218 on interim orders,  
6 and Section 219 on plenary orders. The remedies listed in this  
7 subsection shall be in addition to other civil or criminal  
8 remedies available to petitioner.

9 (1) Prohibition of abuse, neglect, or exploitation.  
10 Prohibit respondent's harassment, interference with  
11 personal liberty, intimidation of a dependent, physical  
12 abuse, or willful deprivation, neglect or exploitation, as  
13 defined in this Act, or stalking of the petitioner, as  
14 defined in Section 12-7.3 of the Criminal Code of 2012, if  
15 such abuse, neglect, exploitation, or stalking has  
16 occurred or otherwise appears likely to occur if not  
17 prohibited.

18 (2) Grant of exclusive possession of residence.  
19 Prohibit respondent from entering or remaining in any  
20 residence, household, or premises of the petitioner,  
21 including one owned or leased by respondent, if petitioner  
22 has a right to occupancy thereof. The grant of exclusive  
23 possession of the residence, household, or premises shall  
24 not affect title to real property, nor shall the court be  
25 limited by the standard set forth in subsection (c-2) of  
26 Section 501 of the Illinois Marriage and Dissolution of

1           Marriage Act.

2                   (A) Right to occupancy. A party has a right to  
3           occupancy of a residence or household if it is solely  
4           or jointly owned or leased by that party, that party's  
5           spouse, a person with a legal duty to support that  
6           party or a minor child in that party's care, or by any  
7           person or entity other than the opposing party that  
8           authorizes that party's occupancy (e.g., a domestic  
9           violence shelter). Standards set forth in subparagraph  
10          (B) shall not preclude equitable relief.

11                  (B) Presumption of hardships. If petitioner and  
12          respondent each has the right to occupancy of a  
13          residence or household, the court shall balance (i) the  
14          hardships to respondent and any minor child or  
15          dependent adult in respondent's care resulting from  
16          entry of this remedy with (ii) the hardships to  
17          petitioner and any minor child or dependent adult in  
18          petitioner's care resulting from continued exposure to  
19          the risk of abuse (should petitioner remain at the  
20          residence or household) or from loss of possession of  
21          the residence or household (should petitioner leave to  
22          avoid the risk of abuse). When determining the balance  
23          of hardships, the court shall also take into account  
24          the accessibility of the residence or household.  
25          Hardships need not be balanced if respondent does not  
26          have a right to occupancy.

1           The balance of hardships is presumed to favor  
2 possession by petitioner unless the presumption is  
3 rebutted by a preponderance of the evidence, showing  
4 that the hardships to respondent substantially  
5 outweigh the hardships to petitioner and any minor  
6 child or dependent adult in petitioner's care. The  
7 court, on the request of petitioner or on its own  
8 motion, may order respondent to provide suitable,  
9 accessible, alternate housing for petitioner instead  
10 of excluding respondent from a mutual residence or  
11 household.

12           (3) Stay away order and additional prohibitions. Order  
13 respondent to stay away from petitioner or any other person  
14 protected by the order of protection, or prohibit  
15 respondent from entering or remaining present at  
16 petitioner's school, place of employment, or other  
17 specified places at times when petitioner is present, or  
18 both, if reasonable, given the balance of hardships.  
19 Hardships need not be balanced for the court to enter a  
20 stay away order or prohibit entry if respondent has no  
21 right to enter the premises.

22           (A) If an order of protection grants petitioner  
23 exclusive possession of the residence, or prohibits  
24 respondent from entering the residence, or orders  
25 respondent to stay away from petitioner or other  
26 protected persons, then the court may allow respondent

1 access to the residence to remove items of clothing and  
2 personal adornment used exclusively by respondent,  
3 medications, and other items as the court directs. The  
4 right to access shall be exercised on only one occasion  
5 as the court directs and in the presence of an  
6 agreed-upon adult third party or law enforcement  
7 officer.

8 (B) When the petitioner and the respondent attend  
9 the same public, private, or non-public elementary,  
10 middle, or high school, the court when issuing an order  
11 of protection and providing relief shall consider the  
12 severity of the act, any continuing physical danger or  
13 emotional distress to the petitioner, the educational  
14 rights guaranteed to the petitioner and respondent  
15 under federal and State law, the availability of a  
16 transfer of the respondent to another school, a change  
17 of placement or a change of program of the respondent,  
18 the expense, difficulty, and educational disruption  
19 that would be caused by a transfer of the respondent to  
20 another school, and any other relevant facts of the  
21 case. The court may order that the respondent not  
22 attend the public, private, or non-public elementary,  
23 middle, or high school attended by the petitioner,  
24 order that the respondent accept a change of placement  
25 or change of program, as determined by the school  
26 district or private or non-public school, or place

1 restrictions on the respondent's movements within the  
2 school attended by the petitioner. The respondent  
3 bears the burden of proving by a preponderance of the  
4 evidence that a transfer, change of placement, or  
5 change of program of the respondent is not available.  
6 The respondent also bears the burden of production with  
7 respect to the expense, difficulty, and educational  
8 disruption that would be caused by a transfer of the  
9 respondent to another school. A transfer, change of  
10 placement, or change of program is not unavailable to  
11 the respondent solely on the ground that the respondent  
12 does not agree with the school district's or private or  
13 non-public school's transfer, change of placement, or  
14 change of program or solely on the ground that the  
15 respondent fails or refuses to consent or otherwise  
16 does not take an action required to effectuate a  
17 transfer, change of placement, or change of program.  
18 When a court orders a respondent to stay away from the  
19 public, private, or non-public school attended by the  
20 petitioner and the respondent requests a transfer to  
21 another attendance center within the respondent's  
22 school district or private or non-public school, the  
23 school district or private or non-public school shall  
24 have sole discretion to determine the attendance  
25 center to which the respondent is transferred. In the  
26 event the court order results in a transfer of the

1 minor respondent to another attendance center, a  
2 change in the respondent's placement, or a change of  
3 the respondent's program, the parents, guardian, or  
4 legal custodian of the respondent is responsible for  
5 transportation and other costs associated with the  
6 transfer or change.

7 (C) The court may order the parents, guardian, or  
8 legal custodian of a minor respondent to take certain  
9 actions or to refrain from taking certain actions to  
10 ensure that the respondent complies with the order. In  
11 the event the court orders a transfer of the respondent  
12 to another school, the parents, guardian, or legal  
13 custodian of the respondent is responsible for  
14 transportation and other costs associated with the  
15 change of school by the respondent.

16 (4) Counseling. Require or recommend the respondent to  
17 undergo counseling for a specified duration with a social  
18 worker, psychologist, clinical psychologist, psychiatrist,  
19 family service agency, alcohol or substance abuse program,  
20 mental health center guidance counselor, agency providing  
21 services to elders, program designed for domestic violence  
22 abusers or any other guidance service the court deems  
23 appropriate. The Court may order the respondent in any  
24 intimate partner relationship to report to an Illinois  
25 Department of Human Services protocol approved partner  
26 abuse intervention program for an assessment and to follow



1 all recommended treatment.

2 (5) Physical care and possession of the minor child. In  
3 order to protect the minor child from abuse, neglect, or  
4 unwarranted separation from the person who has been the  
5 minor child's primary caretaker, or to otherwise protect  
6 the well-being of the minor child, the court may do either  
7 or both of the following: (i) grant petitioner physical  
8 care or possession of the minor child, or both, or (ii)  
9 order respondent to return a minor child to, or not remove  
10 a minor child from, the physical care of a parent or person  
11 in loco parentis.

12 If a court finds, after a hearing, that respondent has  
13 committed abuse (as defined in Section 103) of a minor  
14 child, there shall be a rebuttable presumption that  
15 awarding physical care to respondent would not be in the  
16 minor child's best interest.

17 (6) Temporary allocation of parental responsibilities:  
18 significant decision-making. Award temporary  
19 decision-making responsibility to petitioner in accordance  
20 with this Section, the Illinois Marriage and Dissolution of  
21 Marriage Act, the Illinois Parentage Act of 2015, and this  
22 State's Uniform Child-Custody Jurisdiction and Enforcement  
23 Act.

24 If a court finds, after a hearing, that respondent has  
25 committed abuse (as defined in Section 103) of a minor  
26 child, there shall be a rebuttable presumption that

1           awarding       temporary       significant       decision-making  
2           responsibility to respondent would not be in the child's  
3           best interest.

4           (7) Parenting time. Determine the parenting time, if  
5           any, of respondent in any case in which the court awards  
6           physical care or allocates temporary significant  
7           decision-making responsibility of a minor child to  
8           petitioner. The court shall restrict or deny respondent's  
9           parenting time with a minor child if the court finds that  
10          respondent has done or is likely to do any of the  
11          following: (i) abuse or endanger the minor child during  
12          parenting time; (ii) use the parenting time as an  
13          opportunity to abuse or harass petitioner or petitioner's  
14          family or household members; (iii) improperly conceal or  
15          detain the minor child; or (iv) otherwise act in a manner  
16          that is not in the best interests of the minor child. The  
17          court shall not be limited by the standards set forth in  
18          Section 603.10 of the Illinois Marriage and Dissolution of  
19          Marriage Act. If the court grants parenting time, the order  
20          shall specify dates and times for the parenting time to  
21          take place or other specific parameters or conditions that  
22          are appropriate. No order for parenting time shall refer  
23          merely to the term "reasonable parenting time".

24          Petitioner may deny respondent access to the minor  
25          child if, when respondent arrives for parenting time,  
26          respondent is under the influence of drugs or alcohol and

1 constitutes a threat to the safety and well-being of  
2 petitioner or petitioner's minor children or is behaving in  
3 a violent or abusive manner.

4 If necessary to protect any member of petitioner's  
5 family or household from future abuse, respondent shall be  
6 prohibited from coming to petitioner's residence to meet  
7 the minor child for parenting time, and the parties shall  
8 submit to the court their recommendations for reasonable  
9 alternative arrangements for parenting time. A person may  
10 be approved to supervise parenting time only after filing  
11 an affidavit accepting that responsibility and  
12 acknowledging accountability to the court.

13 (8) Removal or concealment of minor child. Prohibit  
14 respondent from removing a minor child from the State or  
15 concealing the child within the State.

16 (9) Order to appear. Order the respondent to appear in  
17 court, alone or with a minor child, to prevent abuse,  
18 neglect, removal or concealment of the child, to return the  
19 child to the custody or care of the petitioner or to permit  
20 any court-ordered interview or examination of the child or  
21 the respondent.

22 (10) Possession of personal property. Grant petitioner  
23 exclusive possession of personal property and, if  
24 respondent has possession or control, direct respondent to  
25 promptly make it available to petitioner, if:

26 (i) petitioner, but not respondent, owns the

1 property; or

2 (ii) the parties own the property jointly; sharing  
3 it would risk abuse of petitioner by respondent or is  
4 impracticable; and the balance of hardships favors  
5 temporary possession by petitioner.

6 If petitioner's sole claim to ownership of the property  
7 is that it is marital property, the court may award  
8 petitioner temporary possession thereof under the  
9 standards of subparagraph (ii) of this paragraph only if a  
10 proper proceeding has been filed under the Illinois  
11 Marriage and Dissolution of Marriage Act, as now or  
12 hereafter amended.

13 No order under this provision shall affect title to  
14 property.

15 (11) Protection of property. Forbid the respondent  
16 from taking, transferring, encumbering, concealing,  
17 damaging or otherwise disposing of any real or personal  
18 property, except as explicitly authorized by the court, if:

19 (i) petitioner, but not respondent, owns the  
20 property; or

21 (ii) the parties own the property jointly, and the  
22 balance of hardships favors granting this remedy.

23 If petitioner's sole claim to ownership of the property  
24 is that it is marital property, the court may grant  
25 petitioner relief under subparagraph (ii) of this  
26 paragraph only if a proper proceeding has been filed under

1 the Illinois Marriage and Dissolution of Marriage Act, as  
2 now or hereafter amended.

3 The court may further prohibit respondent from  
4 improperly using the financial or other resources of an  
5 aged member of the family or household for the profit or  
6 advantage of respondent or of any other person.

7 (11.5) Protection of animals. Grant the petitioner the  
8 exclusive care, custody, or control of any animal owned,  
9 possessed, leased, kept, or held by either the petitioner  
10 or the respondent or a minor child residing in the  
11 residence or household of either the petitioner or the  
12 respondent and order the respondent to stay away from the  
13 animal and forbid the respondent from taking,  
14 transferring, encumbering, concealing, harming, or  
15 otherwise disposing of the animal.

16 (12) Order for payment of support. Order respondent to  
17 pay temporary support for the petitioner or any child in  
18 the petitioner's care or over whom the petitioner has been  
19 allocated parental responsibility, when the respondent has  
20 a legal obligation to support that person, in accordance  
21 with the Illinois Marriage and Dissolution of Marriage Act,  
22 which shall govern, among other matters, the amount of  
23 support, payment through the clerk and withholding of  
24 income to secure payment. An order for child support may be  
25 granted to a petitioner with lawful physical care of a  
26 child, or an order or agreement for physical care of a

1 child, prior to entry of an order allocating significant  
2 decision-making responsibility. Such a support order shall  
3 expire upon entry of a valid order allocating parental  
4 responsibility differently and vacating the petitioner's  
5 significant decision-making authority, unless otherwise  
6 provided in the order.

7 (13) Order for payment of losses. Order respondent to  
8 pay petitioner for losses suffered as a direct result of  
9 the abuse, neglect, or exploitation. Such losses shall  
10 include, but not be limited to, medical expenses, lost  
11 earnings or other support, repair or replacement of  
12 property damaged or taken, reasonable attorney's fees,  
13 court costs and moving or other travel expenses, including  
14 additional reasonable expenses for temporary shelter and  
15 restaurant meals.

16 (i) Losses affecting family needs. If a party is  
17 entitled to seek maintenance, child support or  
18 property distribution from the other party under the  
19 Illinois Marriage and Dissolution of Marriage Act, as  
20 now or hereafter amended, the court may order  
21 respondent to reimburse petitioner's actual losses, to  
22 the extent that such reimbursement would be  
23 "appropriate temporary relief", as authorized by  
24 subsection (a) (3) of Section 501 of that Act.

25 (ii) Recovery of expenses. In the case of an  
26 improper concealment or removal of a minor child, the

1 court may order respondent to pay the reasonable  
2 expenses incurred or to be incurred in the search for  
3 and recovery of the minor child, including but not  
4 limited to legal fees, court costs, private  
5 investigator fees, and travel costs.

6 (14) Prohibition of entry. Prohibit the respondent  
7 from entering or remaining in the residence or household  
8 while the respondent is under the influence of alcohol or  
9 drugs and constitutes a threat to the safety and well-being  
10 of the petitioner or the petitioner's children.

11 (14.5) Prohibition of firearm possession.

12 (a) Prohibit a respondent against whom an order of  
13 protection was issued from possessing any firearms  
14 during the duration of the order if the order:

15 (1) was issued after a hearing of which such  
16 person received actual notice, and at which such  
17 person had an opportunity to participate;

18 (2) restrains such person from harassing,  
19 stalking, or threatening an intimate partner of  
20 such person or child of such intimate partner or  
21 person, or engaging in other conduct that would  
22 place an intimate partner in reasonable fear of  
23 bodily injury to the partner or child; and

24 (3) (i) includes a finding that such person  
25 represents a credible threat to the physical  
26 safety of such intimate partner or child; or (ii)

1           by its terms explicitly prohibits the use,  
2           attempted use, or threatened use of physical force  
3           against such intimate partner or child that would  
4           reasonably be expected to cause bodily injury.

5           Any Firearm Owner's Identification Card in the  
6           possession of the respondent, except as provided in  
7           subsection (b), shall be ordered by the court to be  
8           turned over to the local law enforcement agency. The  
9           local law enforcement agency shall immediately mail  
10          the card to the Department of State Police Firearm  
11          Owner's Identification Card Office for safekeeping.  
12          The court shall issue a warrant for seizure of any  
13          firearm in the possession of the respondent, to be kept  
14          by the local law enforcement agency for safekeeping,  
15          except as provided in subsection (b). The period of  
16          safekeeping shall be for the duration of the order of  
17          protection. The firearm or firearms and Firearm  
18          Owner's Identification Card, if unexpired, shall at  
19          the respondent's request, be returned to the  
20          respondent at the end of the order of protection. It is  
21          the respondent's responsibility to notify the  
22          Department of State Police Firearm Owner's  
23          Identification Card Office.

24               (b) If the respondent is a peace officer as defined  
25               in Section 2-13 of the Criminal Code of 2012, the court  
26               shall order that any firearms used by the respondent in



1 the performance of his or her duties as a peace officer  
2 be surrendered to the chief law enforcement executive  
3 of the agency in which the respondent is employed, who  
4 shall retain the firearms for safekeeping for the  
5 duration of the order of protection.

6 (c) Upon expiration of the period of safekeeping,  
7 if the firearms or Firearm Owner's Identification Card  
8 cannot be returned to respondent because respondent  
9 cannot be located, fails to respond to requests to  
10 retrieve the firearms, or is not lawfully eligible to  
11 possess a firearm, upon petition from the local law  
12 enforcement agency, the court may order the local law  
13 enforcement agency to destroy the firearms, use the  
14 firearms for training purposes, or for any other  
15 application as deemed appropriate by the local law  
16 enforcement agency, including a sale at public auction  
17 under the provisions of the Law Enforcement  
18 Disposition of Property Act; or that the firearms be  
19 turned over to a third party who is lawfully eligible  
20 to possess firearms, and who does not reside with  
21 respondent.

22 (15) Prohibition of access to records. If an order of  
23 protection prohibits respondent from having contact with  
24 the minor child, or if petitioner's address is omitted  
25 under subsection (b) of Section 203, or if necessary to  
26 prevent abuse or wrongful removal or concealment of a minor

1 child, the order shall deny respondent access to, and  
2 prohibit respondent from inspecting, obtaining, or  
3 attempting to inspect or obtain, school or any other  
4 records of the minor child who is in the care of  
5 petitioner.

6 (16) Order for payment of shelter services. Order  
7 respondent to reimburse a shelter providing temporary  
8 housing and counseling services to the petitioner for the  
9 cost of the services, as certified by the shelter and  
10 deemed reasonable by the court.

11 (17) Order for injunctive relief. Enter injunctive  
12 relief necessary or appropriate to prevent further abuse of  
13 a family or household member or further abuse, neglect, or  
14 exploitation of a high-risk adult with disabilities or to  
15 effectuate one of the granted remedies, if supported by the  
16 balance of hardships. If the harm to be prevented by the  
17 injunction is abuse or any other harm that one of the  
18 remedies listed in paragraphs (1) through (16) of this  
19 subsection is designed to prevent, no further evidence is  
20 necessary that the harm is an irreparable injury.

21 (18) Telephone services.

22 (A) Unless a condition described in subparagraph  
23 (B) of this paragraph exists, the court may, upon  
24 request by the petitioner, order a wireless telephone  
25 service provider to transfer to the petitioner the  
26 right to continue to use a telephone number or numbers

1 indicated by the petitioner and the financial  
2 responsibility associated with the number or numbers,  
3 as set forth in subparagraph (C) of this paragraph. For  
4 purposes of this paragraph (18), the term "wireless  
5 telephone service provider" means a provider of  
6 commercial mobile service as defined in 47 U.S.C. 332.  
7 The petitioner may request the transfer of each  
8 telephone number that the petitioner, or a minor child  
9 in his or her custody, uses. The clerk of the court  
10 shall serve the order on the wireless telephone service  
11 provider's agent for service of process provided to the  
12 Illinois Commerce Commission. The order shall contain  
13 all of the following:

14 (i) The name and billing telephone number of  
15 the account holder including the name of the  
16 wireless telephone service provider that serves  
17 the account.

18 (ii) Each telephone number that will be  
19 transferred.

20 (iii) A statement that the provider transfers  
21 to the petitioner all financial responsibility for  
22 and right to the use of any telephone number  
23 transferred under this paragraph.

24 (B) A wireless telephone service provider shall  
25 terminate the respondent's use of, and shall transfer  
26 to the petitioner use of, the telephone number or

1 numbers indicated in subparagraph (A) of this  
2 paragraph unless it notifies the petitioner, within 72  
3 hours after it receives the order, that one of the  
4 following applies:

5 (i) The account holder named in the order has  
6 terminated the account.

7 (ii) A difference in network technology would  
8 prevent or impair the functionality of a device on  
9 a network if the transfer occurs.

10 (iii) The transfer would cause a geographic or  
11 other limitation on network or service provision  
12 to the petitioner.

13 (iv) Another technological or operational  
14 issue would prevent or impair the use of the  
15 telephone number if the transfer occurs.

16 (C) The petitioner assumes all financial  
17 responsibility for and right to the use of any  
18 telephone number transferred under this paragraph. In  
19 this paragraph, "financial responsibility" includes  
20 monthly service costs and costs associated with any  
21 mobile device associated with the number.

22 (D) A wireless telephone service provider may  
23 apply to the petitioner its routine and customary  
24 requirements for establishing an account or  
25 transferring a number, including requiring the  
26 petitioner to provide proof of identification,

1 financial information, and customer preferences.

2 (E) Except for willful or wanton misconduct, a  
3 wireless telephone service provider is immune from  
4 civil liability for its actions taken in compliance  
5 with a court order issued under this paragraph.

6 (F) All wireless service providers that provide  
7 services to residential customers shall provide to the  
8 Illinois Commerce Commission the name and address of an  
9 agent for service of orders entered under this  
10 paragraph (18). Any change in status of the registered  
11 agent must be reported to the Illinois Commerce  
12 Commission within 30 days of such change.

13 (G) The Illinois Commerce Commission shall  
14 maintain the list of registered agents for service for  
15 each wireless telephone service provider on the  
16 Commission's website. The Commission may consult with  
17 wireless telephone service providers and the Circuit  
18 Court Clerks on the manner in which this information is  
19 provided and displayed.

20 (c) Relevant factors; findings.

21 (1) In determining whether to grant a specific remedy,  
22 other than payment of support, the court shall consider  
23 relevant factors, including but not limited to the  
24 following:

25 (i) the nature, frequency, severity, pattern and  
26 consequences of the respondent's past abuse, neglect

1 or exploitation of the petitioner or any family or  
2 household member, including the concealment of his or  
3 her location in order to evade service of process or  
4 notice, and the likelihood of danger of future abuse,  
5 neglect, or exploitation to petitioner or any member of  
6 petitioner's or respondent's family or household; and

7 (ii) the danger that any minor child will be abused  
8 or neglected or improperly relocated from the  
9 jurisdiction, improperly concealed within the State or  
10 improperly separated from the child's primary  
11 caretaker.

12 (2) In comparing relative hardships resulting to the  
13 parties from loss of possession of the family home, the  
14 court shall consider relevant factors, including but not  
15 limited to the following:

16 (i) availability, accessibility, cost, safety,  
17 adequacy, location and other characteristics of  
18 alternate housing for each party and any minor child or  
19 dependent adult in the party's care;

20 (ii) the effect on the party's employment; and

21 (iii) the effect on the relationship of the party,  
22 and any minor child or dependent adult in the party's  
23 care, to family, school, church and community.

24 (3) Subject to the exceptions set forth in paragraph  
25 (4) of this subsection, the court shall make its findings  
26 in an official record or in writing, and shall at a minimum

1 set forth the following:

2 (i) That the court has considered the applicable  
3 relevant factors described in paragraphs (1) and (2) of  
4 this subsection.

5 (ii) Whether the conduct or actions of respondent,  
6 unless prohibited, will likely cause irreparable harm  
7 or continued abuse.

8 (iii) Whether it is necessary to grant the  
9 requested relief in order to protect petitioner or  
10 other alleged abused persons.

11 (4) For purposes of issuing an ex parte emergency order  
12 of protection, the court, as an alternative to or as a  
13 supplement to making the findings described in paragraphs  
14 (c) (3) (i) through (c) (3) (iii) of this subsection, may use  
15 the following procedure:

16 When a verified petition for an emergency order of  
17 protection in accordance with the requirements of Sections  
18 203 and 217 is presented to the court, the court shall  
19 examine petitioner on oath or affirmation. An emergency  
20 order of protection shall be issued by the court if it  
21 appears from the contents of the petition and the  
22 examination of petitioner that the averments are  
23 sufficient to indicate abuse by respondent and to support  
24 the granting of relief under the issuance of the emergency  
25 order of protection.

26 (5) Never married parties. No rights or

1 responsibilities for a minor child born outside of marriage  
2 attach to a putative father until a father and child  
3 relationship has been established under the Illinois  
4 Parentage Act of 1984, the Illinois Parentage Act of 2015,  
5 the Illinois Public Aid Code, Section 12 of the Vital  
6 Records Act, the Juvenile Court Act of 1987, the Probate  
7 Act of 1975, the Revised Uniform Reciprocal Enforcement of  
8 Support Act, the Uniform Interstate Family Support Act, the  
9 Expedited Child Support Act of 1990, any judicial,  
10 administrative, or other act of another state or territory,  
11 any other Illinois statute, or by any foreign nation  
12 establishing the father and child relationship, any other  
13 proceeding substantially in conformity with the Personal  
14 Responsibility and Work Opportunity Reconciliation Act of  
15 1996 (Pub. L. 104-193), or where both parties appeared in  
16 open court or at an administrative hearing acknowledging  
17 under oath or admitting by affirmation the existence of a  
18 father and child relationship. Absent such an  
19 adjudication, finding, or acknowledgment, no putative  
20 father shall be granted temporary allocation of parental  
21 responsibilities, including parenting time with the minor  
22 child, or physical care and possession of the minor child,  
23 nor shall an order of payment for support of the minor  
24 child be entered.

25 (d) Balance of hardships; findings. If the court finds that  
26 the balance of hardships does not support the granting of a



1 remedy governed by paragraph (2), (3), (10), (11), or (16) of  
2 subsection (b) of this Section, which may require such  
3 balancing, the court's findings shall so indicate and shall  
4 include a finding as to whether granting the remedy will result  
5 in hardship to respondent that would substantially outweigh the  
6 hardship to petitioner from denial of the remedy. The findings  
7 shall be an official record or in writing.

8 (e) Denial of remedies. Denial of any remedy shall not be  
9 based, in whole or in part, on evidence that:

10 (1) Respondent has cause for any use of force, unless  
11 that cause satisfies the standards for justifiable use of  
12 force provided by Article 7 of the Criminal Code of 2012;

13 (2) Respondent was voluntarily intoxicated;

14 (3) Petitioner acted in self-defense or defense of  
15 another, provided that, if petitioner utilized force, such  
16 force was justifiable under Article 7 of the Criminal Code  
17 of 2012;

18 (4) Petitioner did not act in self-defense or defense  
19 of another;

20 (5) Petitioner left the residence or household to avoid  
21 further abuse, neglect, or exploitation by respondent;

22 (6) Petitioner did not leave the residence or household  
23 to avoid further abuse, neglect, or exploitation by  
24 respondent;

25 (7) Conduct by any family or household member excused  
26 the abuse, neglect, or exploitation by respondent, unless

1 that same conduct would have excused such abuse, neglect,  
2 or exploitation if the parties had not been family or  
3 household members.

4 (Source: P.A. 99-85, eff. 1-1-16; 99-90, eff. 1-1-16; 99-642,  
5 eff. 7-28-16; 100-388, eff. 1-1-18; 100-863, eff. 8-14-18;  
6 100-923, eff. 1-1-19.)

7 Section 20. The Law Enforcement Disposition of Property Act  
8 is amended by changing Section 2 as follows:

9 (765 ILCS 1030/2) (from Ch. 141, par. 142)

10 Sec. 2. (a) Such property believed to be abandoned, lost or  
11 stolen or otherwise illegally possessed shall be retained in  
12 custody by the sheriff, chief of police or other principal  
13 official of the law enforcement agency, which shall make  
14 reasonable inquiry and efforts to identify and notify the owner  
15 or other person entitled to possession thereof, and shall  
16 return the property after such person provides reasonable and  
17 satisfactory proof of his ownership or right to possession and  
18 reimburses the agency for all reasonable expenses of such  
19 custody.

20 (b) Weapons that have been confiscated as a result of  
21 having been abandoned or illegally possessed may be sold at  
22 public auction under Section 3 of this Act; or transferred to  
23 the Department of State Police for use by the crime laboratory  
24 system, for training purposes, or for any other application as

1 deemed appropriate by the Department, if no legitimate claim is  
2 made for the confiscated weapon within 6 months of the date of  
3 confiscation, or within 6 months of final court disposition if  
4 such confiscated weapon was used for evidentiary purposes.

5 (Source: P.A. 85-632.)