



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB4312

Introduced 1/14/2026, by Rep. Maurice A. West, II - Yolonda Morris

SYNOPSIS AS INTRODUCED:

See Index

Amends the Code of Criminal Procedure of 1963. Changes the definitions of "harassment" to include, among other actions, doxing, electronic tracking, and nonconsensual creation, dissemination, or threatening the dissemination of electronically generated or digitally altered content pertaining to the petitioner. Requires a county (not just counties with more than 250,000 in population) to provide remote access to a hearing on a protective order to include relevant witnesses besides the petitioner and respondent. Creates additional remedies for the court to grant in a domestic violence order of protection. Requires that any motion to extend a plenary order must be filed on or before the expiration date, and the plenary order remains in effect after filing until its original expiration date or until the motion is presented or heard, whichever is later. Requires a plenary order to be extended if the court finds that since entry of the plenary order there has been no material change in the relevant circumstances as required by law, and an extension of a plenary order may be granted for any fixed period of time or indefinitely until the plenary order is vacated or modified. Provides that if the motion to extend the plenary order is uncontested, petitioner's motion or affidavit stating that there has been no material change in relevant circumstances since entry of the order and stating the reason for the requested extension is sufficient for the court to extend the plenary order for any length of time, including indefinitely. Provides that the court may grant a contested request for an extension of the plenary order for more than 2 years for good cause. Provides that a violation of the original order or a subsequent incident of abuse is not required to grant the extension or determine the length of the extension, and compliance with the original order does not negate the basis or length of the extension. Amends the Illinois Domestic Violence Act of 1986. Makes conforming changes.

LRB104 17114 JRC 30533 b

1 AN ACT concerning domestic violence.

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

4 Section 5. The Code of Criminal Procedure of 1963 is
5 amended by changing Sections 112A-3, 112A-5.5, 112A-14, and
6 112A-20 as follows:

7 (725 ILCS 5/112A-3) (from Ch. 38, par. 112A-3)

8 Sec. 112A-3. Definitions.

9 (a) In this Article:

10 "Advocate" means a person whose communications with the
11 victim are privileged under Section 8-802.1 or 8-802.2 of the
12 Code of Civil Procedure or Section 227 of the Illinois
13 Domestic Violence Act of 1986.

14 "Named victim" means the person named as the victim in the
15 delinquency petition or criminal prosecution.

16 "Protective order" means a domestic violence order of
17 protection, a civil no contact order, or a stalking no contact
18 order.

19 (b) For the purposes of domestic violence cases, the
20 following terms shall have the following meanings in this
21 Article:

22 (1) "Abuse" means physical abuse, harassment,
23 intimidation of a dependent, interference with personal

1 liberty or willful deprivation but does not include
2 reasonable direction of a minor child by a parent or
3 person in loco parentis.

4 (2) "Domestic violence" means abuse as described in
5 paragraph (1) of this subsection (b).

6 (3) "Family or household members" include spouses,
7 former spouses, parents, children, stepchildren, and other
8 persons related by blood or by present or prior marriage,
9 persons who share or formerly shared a common dwelling,
10 persons who have or allegedly have a child in common,
11 persons who share or allegedly share a blood relationship
12 through a child, persons who have or have had a dating or
13 engagement relationship, persons with disabilities and
14 their personal assistants, and caregivers as defined in
15 subsection (e) of Section 12-4.4a of the Criminal Code of
16 2012. For purposes of this paragraph (3), neither a casual
17 acquaintanceship nor ordinary fraternization between 2
18 individuals in business or social contexts shall be deemed
19 to constitute a dating relationship.

20 (4) "Harassment" means knowing conduct which is not
21 necessary to accomplish a purpose which is reasonable
22 under the circumstances; would cause a reasonable person
23 emotional distress; and does cause emotional distress to
24 the petitioner. Unless the presumption is rebutted by a
25 preponderance of the evidence, the following types of
26 conduct shall be presumed to cause emotional distress:

1 (i) creating a disturbance at petitioner's place
2 of employment or school;

3 (ii) engaging in doxing as defined in the Civil
4 Liability for Doxing Act ~~repeatedly telephoning~~
5 ~~petitioner's place of employment, home or residence;~~

6 (iii) repeatedly following the petitioner
7 including, but not limited to, directly or indirectly
8 through third parties, by using an electronic tracking
9 or monitoring device, a system or other electronic
10 means, or acquiring tracking information to determine
11 the petitioner's location, movement, or travel
12 patterns without the petitioner's knowledge or consent
13 ~~about in a public place or places;~~

14 (iv) non-consensual creation, dissemination, or
15 threatening the dissemination of electronically
16 generated or digitally altered content directly or
17 indirectly pertaining to the petitioner or to the
18 likeness of the petitioner including, but not limited
19 to, images of the petitioner or the petitioner's voice
20 ~~repeatedly keeping petitioner under surveillance by~~
21 ~~remaining present outside his or her home, school,~~
22 ~~place of employment, vehicle or other place occupied~~
23 ~~by petitioner or by peering in petitioner's windows;~~

24 (v) repeatedly surveilling the petitioner directly
25 or indirectly including, but not limited to, by
26 remaining present at or outside the petitioner's home,

1 school, place of employment, vehicle, or other place
2 occupied by petitioner, by peering in petitioner's
3 windows, through an electronic tracking or monitoring
4 device, a system or other electronic means, or by
5 acquiring tracking information to determine the
6 petitioner's location, movement, or travel patterns
7 without the petitioner's knowledge and consent;

8 (vi) non-consensual creation, dissemination or
9 threatening the non-consensual dissemination of
10 private sexual images and digitally altered sexual
11 images as defined in the Civil Remedies for
12 Nonconsensual Dissemination of Private Sexual Images
13 Act;

14 (vii) repeatedly contacting the petitioner
15 directly or indirectly through any means including,
16 but not limited to, telephonic, electronic, or online;

17 (viii) using an electronic tracking or monitoring,
18 device, a system or other electronic means, or
19 acquiring tracking information to determine the
20 petitioner's location, movement, or travel patterns
21 without the petitioner's knowledge or consent;

22 (ix) improperly concealing a minor child from
23 petitioner, repeatedly threatening to improperly
24 remove a minor child of petitioner's from the
25 jurisdiction or from the physical care of petitioner,
26 repeatedly threatening to conceal a minor child from

1 petitioner, or making a single such threat following
2 an actual or attempted improper removal or
3 concealment, unless respondent was fleeing from an
4 incident or pattern of domestic violence; or

5 (x) ~~(vi)~~ threatening physical force, confinement
6 or restraint on one or more occasions.

7 (5) "Interference with personal liberty" means
8 committing or threatening physical abuse, harassment,
9 intimidation or willful deprivation so as to compel
10 another to engage in conduct from which she or he has a
11 right to abstain or to refrain from conduct in which she or
12 he has a right to engage.

13 (6) "Intimidation of a dependent" means subjecting a
14 person who is dependent because of age, health, or
15 disability to participation in or the witnessing of:
16 physical force against another or physical confinement or
17 restraint of another which constitutes physical abuse as
18 defined in this Article, regardless of whether the abused
19 person is a family or household member.

20 (7) "Order of protection" or "domestic violence order
21 of protection" means an ex parte or final order, granted
22 pursuant to this Article, which includes any or all of the
23 remedies authorized by Section 112A-14 of this Code.

24 (8) "Petitioner" may mean not only any named
25 petitioner for the domestic violence order of protection
26 and any named victim of abuse on whose behalf the petition

1 is brought, but also any other person protected by this
2 Article.

3 (9) "Physical abuse" includes sexual abuse and means
4 any of the following:

5 (i) knowing or reckless use of physical force,
6 confinement or restraint;

7 (ii) knowing, repeated and unnecessary sleep
8 deprivation; or

9 (iii) knowing or reckless conduct which creates an
10 immediate risk of physical harm.

11 (9.3) "Respondent" in a petition for a domestic
12 violence order of protection means the defendant.

13 (9.5) "Stay away" means for the respondent to refrain
14 from both physical presence and nonphysical contact with
15 the petitioner whether direct, indirect (including, but
16 not limited to, telephone calls, mail, email, faxes, and
17 written notes), or through third parties who may or may
18 not know about the domestic violence order of protection.

19 (10) "Willful deprivation" means wilfully denying a
20 person who because of age, health or disability requires
21 medication, medical care, shelter, accessible shelter or
22 services, food, therapeutic device, or other physical
23 assistance, and thereby exposing that person to the risk
24 of physical, mental or emotional harm, except with regard
25 to medical care and treatment when such dependent person
26 has expressed the intent to forgo such medical care or

1 treatment. This paragraph (10) does not create any new
2 affirmative duty to provide support to dependent persons.

3 (c) For the purposes of cases involving sexual offenses,
4 the following terms shall have the following meanings in this
5 Article:

6 (1) "Civil no contact order" means an ex parte or
7 final order granted under this Article, which includes a
8 remedy authorized by Section 112A-14.5 of this Code.

9 (2) "Family or household members" include spouses,
10 parents, children, stepchildren, and persons who share a
11 common dwelling.

12 (3) "Non-consensual" means a lack of freely given
13 agreement.

14 (4) "Petitioner" means not only any named petitioner
15 for the civil no contact order and any named victim of
16 non-consensual sexual conduct or non-consensual sexual
17 penetration on whose behalf the petition is brought, but
18 includes any other person sought to be protected under
19 this Article.

20 (5) "Respondent" in a petition for a civil no contact
21 order means the defendant.

22 (6) "Sexual conduct" means any intentional or knowing
23 touching or fondling by the petitioner or the respondent,
24 either directly or through clothing, of the sex organs,
25 anus, or breast of the petitioner or the respondent, or
26 any part of the body of a child under 13 years of age, or

1 any transfer or transmission of semen by the respondent
2 upon any part of the clothed or unclothed body of the
3 petitioner, for the purpose of sexual gratification or
4 arousal of the petitioner or the respondent.

5 (7) "Sexual penetration" means any contact, however
6 slight, between the sex organ or anus of one person by an
7 object, the sex organ, mouth or anus of another person, or
8 any intrusion, however slight, of any part of the body of
9 one person or of any animal or object into the sex organ or
10 anus of another person, including, but not limited to,
11 cunnilingus, fellatio, or anal penetration. Evidence of
12 emission of semen is not required to prove sexual
13 penetration.

14 (8) "Stay away" means to refrain from both physical
15 presence and nonphysical contact with the petitioner
16 directly, indirectly, or through third parties who may or
17 may not know of the order. "Nonphysical contact" includes,
18 but is not limited to, telephone calls, mail, e-mail, fax,
19 and written notes.

20 (d) For the purposes of cases involving stalking offenses,
21 the following terms shall have the following meanings in this
22 Article:

23 (1) "Course of conduct" means 2 or more acts,
24 including, but not limited to, acts in which a respondent
25 directly, indirectly, or through third parties, by any
26 action, method, device, or means follows, monitors,

1 observes, surveils, threatens, or communicates to or
2 about, a person, engages in other contact, or interferes
3 with or damages a person's property or pet. A course of
4 conduct may include contact via electronic communications.
5 The incarceration of a person in a penal institution who
6 commits the course of conduct is not a bar to prosecution.

7 (2) "Emotional distress" means significant mental
8 suffering, anxiety, or alarm.

9 (3) "Contact" includes any contact with the victim,
10 that is initiated or continued without the victim's
11 consent, or that is in disregard of the victim's expressed
12 desire that the contact be avoided or discontinued,
13 including, but not limited to, being in the physical
14 presence of the victim; appearing within the sight of the
15 victim; approaching or confronting the victim in a public
16 place or on private property; appearing at the workplace
17 or residence of the victim; entering onto or remaining on
18 property owned, leased, or occupied by the victim; or
19 placing an object on, or delivering an object to, property
20 owned, leased, or occupied by the victim.

21 (4) "Petitioner" means any named petitioner for the
22 stalking no contact order or any named victim of stalking
23 on whose behalf the petition is brought.

24 (5) "Reasonable person" means a person in the
25 petitioner's circumstances with the petitioner's knowledge
26 of the respondent and the respondent's prior acts.

1 (6) "Respondent" in a petition for a civil no contact
2 order means the defendant.

3 (7) "Stalking" means engaging in a course of conduct
4 directed at a specific person, and he or she knows or
5 should know that this course of conduct would cause a
6 reasonable person to fear for his or her safety or the
7 safety of a third person or suffer emotional distress.
8 "Stalking" does not include an exercise of the right to
9 free speech or assembly that is otherwise lawful or
10 picketing occurring at the workplace that is otherwise
11 lawful and arises out of a bona fide labor dispute,
12 including any controversy concerning wages, salaries,
13 hours, working conditions or benefits, including health
14 and welfare, sick leave, insurance, and pension or
15 retirement provisions, the making or maintaining of
16 collective bargaining agreements, and the terms to be
17 included in those agreements.

18 (8) "Stalking no contact order" means an ex parte or
19 final order granted under this Article, which includes a
20 remedy authorized by Section 112A-14.7 of this Code.

21 (Source: P.A. 100-199, eff. 1-1-18; 100-597, eff. 6-29-18.)

22 (725 ILCS 5/112A-5.5)

23 Sec. 112A-5.5. Time for filing petition; service on
24 respondent, hearing on petition, and default orders.

25 (a) A petition for a protective order may be filed at any

1 time, in person or online, after a criminal charge or
2 delinquency petition is filed and before the charge or
3 delinquency petition is dismissed, the defendant or juvenile
4 is acquitted, or the defendant or juvenile completes service
5 of his or her sentence.

6 (b) The request for an ex parte protective order may be
7 considered without notice to the respondent under Section
8 112A-17.5 of this Code.

9 (c) A summons shall be issued and served for a protective
10 order. The summons may be served by delivery to the respondent
11 personally in open court in the criminal or juvenile
12 delinquency proceeding, in the form prescribed by subsection
13 (d) of Supreme Court Rule 101, except that it shall require the
14 respondent to answer or appear within 7 days. Attachments to
15 the summons shall include the petition for protective order,
16 supporting affidavits, if any, and any ex parte protective
17 order that has been issued.

18 (d) The summons shall be served by the sheriff or other law
19 enforcement officer at the earliest time available and shall
20 take precedence over any other summons, except those of a
21 similar emergency nature. Attachments to the summons shall
22 include the petition for protective order, supporting
23 affidavits, if any, and any ex parte protective order that has
24 been issued. Special process servers may be appointed at any
25 time and their designation shall not affect the
26 responsibilities and authority of the sheriff or other

1 official process servers. In a county with a population over
2 3,000,000, a special process server may not be appointed if
3 the protective order grants the surrender of a child, the
4 surrender of a firearm or Firearm Owner's Identification Card,
5 or the exclusive possession of a shared residence.

6 (e) If the respondent is not served within 30 days of the
7 filing of the petition, the court shall schedule a court
8 proceeding on the issue of service. Either the petitioner, the
9 petitioner's counsel, or the State's Attorney shall appear and
10 the court shall either order continued attempts at personal
11 service or shall order service by publication, in accordance
12 with Sections 2-203, 2-206, and 2-207 of the Code of Civil
13 Procedure.

14 (f) The request for a final protective order can be
15 considered at any court proceeding in the delinquency or
16 criminal case after service of the petition. If the petitioner
17 has not been provided notice of the court proceeding at least
18 10 days in advance of the proceeding, the court shall schedule
19 a hearing on the petition and provide notice to the
20 petitioner.

21 (f-5) A court ~~in a county with a population above 250,000~~
22 shall offer the option of a remote hearing to a petitioner for
23 a protective order. The court has the discretion to grant or
24 deny the request for a remote hearing for good cause shown.
25 Each court shall determine the procedure for a remote hearing.
26 The petitioner, applicable witnesses, and respondent may

1 appear remotely or in person.

2 The court shall issue and publish a court order, standing
3 order, or local rule detailing information about the process
4 for requesting and participating in a remote court appearance.
5 The court order, standing order, or local rule shall be
6 published on the court's website and posted on signs
7 throughout the courthouse, including in the clerk's office.
8 The sign shall be written in plain language and include
9 information about the availability of remote court appearances
10 and the process for requesting a remote hearing.

11 (g) Default orders.

12 (1) A final domestic violence order of protection may
13 be entered by default:

14 (A) for any of the remedies sought in the
15 petition, if the respondent has been served with
16 documents under subsection (b) or (c) of this Section
17 and if the respondent fails to appear on the specified
18 return date or any subsequent hearing date agreed to
19 by the petitioner and respondent or set by the court;
20 or

21 (B) for any of the remedies provided under
22 paragraph (1), (2), (3), (5), (6), (7), (8), (9),
23 (10), (11), (14), (15), (17), or (18) of subsection
24 (b) of Section 112A-14 of this Code, or if the
25 respondent fails to answer or appear in accordance
26 with the date set in the publication notice or the

1 return date indicated on the service of a household
2 member.

3 (2) A final civil no contact order may be entered by
4 default for any of the remedies provided in Section
5 112A-14.5 of this Code, if the respondent has been served
6 with documents under subsection (b) or (c) of this
7 Section, and if the respondent fails to answer or appear
8 in accordance with the date set in the publication notice
9 or the return date indicated on the service of a household
10 member.

11 (3) A final stalking no contact order may be entered
12 by default for any of the remedies provided by Section
13 112A-14.7 of this Code, if the respondent has been served
14 with documents under subsection (b) or (c) of this Section
15 and if the respondent fails to answer or appear in
16 accordance with the date set in the publication notice or
17 the return date indicated on the service of a household
18 member.

19 (Source: P.A. 102-853, eff. 1-1-23; 103-154, eff. 6-30-23.)

20 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

21 Sec. 112A-14. Domestic violence order of protection;
22 remedies.

23 (a) (Blank).

24 (b) The court may order any of the remedies listed in this
25 subsection (b). The remedies listed in this subsection (b)

1 shall be in addition to other civil or criminal remedies
2 available to petitioner.

3 (1) Prohibition of abuse. Prohibit respondent's
4 harassment, interference with personal liberty,
5 intimidation of a dependent, physical abuse, or willful
6 deprivation, as defined in this Article, if such abuse has
7 occurred or otherwise appears likely to occur if not
8 prohibited.

9 (A) Require the respondent to cease harassment.

10 (B) Require the respondent to:

11 (i) stop creating, using, and disseminating;
12 remove; and delete the following harassing
13 conduct:

14 (a) any and all material or statements
15 that constitute harassment under this Act,
16 including, but not limited to, doxing,
17 electronically generated or digitally altered
18 content, sexual private images, and digitally
19 altered sexual images; and

20 (b) any and all electronic tracking or
21 monitoring devices, system or other electronic
22 means, or tracking information; and

23 (ii) present sufficient evidence that such
24 compliance has occurred.

25 (2) Grant of exclusive possession of residence.
26 Prohibit respondent from entering or remaining in any

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

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

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

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

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

19 (3) Stay away order and additional prohibitions. Order
20 respondent to stay away from petitioner or any other
21 person protected by the domestic violence order of
22 protection, or prohibit respondent from entering or
23 remaining present at petitioner's school, place of
24 employment, or other specified places at times when
25 petitioner is present, or both, if reasonable, given the
26 balance of hardships. Hardships need not be balanced for

1 the court to enter a stay away order or prohibit entry if
2 respondent has no right to enter the premises.

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

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

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

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

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

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

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

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

20 If the respondent is charged with abuse (as defined in
21 Section 112A-3 of this Code) of a minor child, there shall
22 be a rebuttable presumption that awarding physical care to
23 respondent would not be in the minor child's best
24 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
13 in a violent or abusive manner. If necessary to protect
14 any 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
3 the 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
18 property is that it is marital property, the court may
19 award 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,
4 if:

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

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

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

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

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

1 transferring, encumbering, concealing, harming, or
2 otherwise disposing of the animal.

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

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

1 expenses for temporary shelter and restaurant meals.

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

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

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

23 (14.5) Prohibition of possession of firearms and
24 firearm parts; search and seizure of firearms and firearm
25 parts.

26 (A) Subject to the provisions of subparagraph

1 (B-2), if applicable, a person who is subject to an
2 existing domestic violence order of protection issued
3 under this Code may not lawfully possess firearms or
4 firearm parts that could be assembled to make an
5 operable firearm or a Firearm Owner's Identification
6 Card under Section 8.2 of the Firearm Owners
7 Identification Card Act.

8 (B) Any firearms in the possession of the
9 respondent, except as provided in subparagraph (C) of
10 this paragraph (14.5) and subject to the provisions of
11 subparagraph (B-2), if applicable, shall be ordered by
12 the court to be surrendered to law enforcement for
13 safekeeping. Any firearms or firearm parts on the
14 respondent's person or at the place of service shall
15 be immediately surrendered to the serving officers at
16 the time of service of the order of protection, and any
17 other firearms or firearm parts shall be surrendered
18 to local law enforcement within 24 hours of service of
19 the order of protection. Any Firearm Owner's
20 Identification Card or Concealed Carry License in the
21 possession of the respondent, except as provided in
22 subparagraph (C), shall also be ordered by the court
23 to be turned over to serving officers at the time of
24 service of the order of protection or, if not on the
25 respondent's person or at the location where the
26 respondent is served at the time of service, to local

1 law enforcement within 24 hours of service of the
2 order. The law enforcement agency shall immediately
3 mail the card, as well as any license, to the Illinois
4 State Police Firearm Owner's Identification Card
5 Office for safekeeping.

6 (B-1) Upon request of the petitioner or the
7 State's Attorney on behalf of the petitioner, a law
8 enforcement officer may seek a search warrant based on
9 the allegations in the petition for the Order of
10 Protection.

11 (i) If requested by law enforcement, the court
12 shall issue a search warrant for the seizure of
13 any firearms or firearm parts that could be
14 assembled to make an operable firearm belonging to
15 the respondent at or after entry of an order of
16 protection if the court, based upon sworn
17 testimony and governed by Sections 108-3 and
18 108-4, finds probable cause exists that:

19 (aa) the respondent poses an immediate and
20 present credible threat to the physical safety
21 of the petitioner protected by the order of
22 protection;

23 (bb) the respondent possesses firearms or
24 firearm parts that could be assembled to make
25 an operable firearm; and

26 (cc) the firearms or firearm parts that

1 could be assembled to make an operable firearm
2 are located at the residence, vehicle, or
3 other property of the respondent to be
4 searched.

5 (ii) The search warrant shall specify with
6 particularity the scope of the search, including
7 the property to be searched, and shall direct the
8 law enforcement agency to seize the respondent's
9 firearms and firearm parts that could be assembled
10 to make an operable firearm. Law enforcement shall
11 also be directed to seize into their possession
12 any Firearm Owner's Identification Card and any
13 Concealed Carry License belonging to the
14 respondent.

15 (iii) The law enforcement agency to which the
16 court has directed the warrant shall execute the
17 warrant no later than 96 hours after issuance. The
18 law enforcement agency to which the court has
19 directed the warrant may coordinate with other law
20 enforcement agencies to execute the warrant. A
21 return of the warrant shall be filed by the law
22 enforcement agency within 24 hours of execution,
23 setting forth the time, date, and location where
24 the warrant was executed and what items, if any,
25 were seized. If the court is not in session, the
26 return information shall be returned on the next

1 date the court is in session. Subject to the
2 provisions of this Section, peace officers shall
3 have the same authority to execute a warrant
4 issued under this subsection as a warrant issued
5 under Article 108.

6 (iv) If the property to be searched is in
7 another county, the petitioner or the State's
8 Attorney may seek a search warrant in that county
9 with the law enforcement agency with primary
10 responsibility for responding to service calls at
11 the property to be searched. Regardless of whether
12 the petitioner is working with the State's
13 Attorney under subsection (d) of Section 112A-4.5,
14 the petitioner may request the State's Attorney's
15 assistance to request that the law enforcement
16 agency in the county where the property is located
17 seek a search warrant.

18 (v) Service of an order of protection shall,
19 to the extent possible, be concurrent with any
20 warrant issued under this paragraph.

21 (B-2) Ex parte relief may be granted under this
22 paragraph (14.5) only if the court finds that personal
23 injury to the petitioner is likely to occur if the
24 respondent received prior notice and if the petitioner
25 has otherwise satisfied the requirements of Section
26 112A-17.5 of this Article.

1 (C) If the respondent is a peace officer as
2 defined in Section 2-13 of the Criminal Code of 2012,
3 the court shall order that any firearms used by the
4 respondent in the performance of his or her duties as a
5 peace officer be surrendered to the chief law
6 enforcement executive of the agency in which the
7 respondent is employed, who shall retain the firearms
8 for safekeeping for the duration of the domestic
9 violence order of protection.

10 (D) (i) Any firearms or firearm parts that could be
11 assembled to make an operable firearm that have been
12 seized or surrendered shall be kept by the law
13 enforcement agency that took possession of the items
14 for safekeeping, except as provided in subparagraph
15 (C), (E), or (F). The period of safekeeping shall be
16 for the duration of the order of protection. Except as
17 provided in subparagraph (F), the respondent is
18 prohibited from transferring firearms or firearm parts
19 to another individual in lieu of surrender to law
20 enforcement. The law enforcement agency shall provide
21 an itemized statement of receipt to the respondent and
22 the court describing any seized or surrendered
23 firearms or firearm parts and informing the respondent
24 that the respondent may seek the return of the
25 respondent's items at the end of the order of
26 protection. The law enforcement agency may enter

1 arrangements, as needed, with federally licensed
2 firearm dealers or other law enforcement agencies for
3 the storage of any firearms seized or surrendered
4 under this subsection.

5 (ii) It is the respondent's responsibility to
6 request the return or reinstatement of any Firearm
7 Owner's Identification Card or Concealed Carry License
8 and to notify the Illinois State Police Firearm
9 Owner's Identification Card Office at the end of the
10 Order of Protection.

11 (iii) At the end of the order of protection, a
12 respondent may request the return of any seized or
13 surrendered firearms or firearm parts that could be
14 assembled to make an operable firearm. Seized or
15 surrendered firearms or firearm parts shall be
16 returned within 14 days of the request to the
17 respondent, if the respondent is lawfully eligible to
18 possess firearms, or to a designated third party who
19 is lawfully eligible to possess firearms. If the
20 firearms or firearm parts cannot be returned to
21 respondent because (1) the respondent has not
22 requested the return or transfer of the firearms or
23 firearm parts as set forth in this subparagraph and
24 (2) the respondent cannot be located or fails to
25 respond to more than 3 requests to retrieve the
26 firearms, upon petition from the appropriate law

1 enforcement agency and notice to the respondent at the
2 respondent's last known address, the court may order
3 the law enforcement agency to destroy the firearms or
4 firearm parts; use the firearms or firearm parts for
5 training purposes, or for any other application as
6 deemed appropriate by the law enforcement agency; or
7 turn over the firearms or firearm parts to a third
8 party who is lawfully eligible to possess firearms,
9 and who does not reside with respondent.

10 (E) (i) If a person other than the respondent
11 claims title to any firearms or firearm parts that
12 could be assembled to make an operable firearm seized
13 or surrendered under this subsection, the person may
14 petition the court to have the firearm and firearm
15 parts that could be assembled to make an operable
16 firearm returned to him or her with proper notice to
17 the petitioner and respondent. If, at a hearing on the
18 petition, the court determines the person to be the
19 lawful owner of the firearm and firearm parts that
20 could be assembled to make an operable firearm, the
21 firearm and firearm parts that could be assembled to
22 make an operable firearm shall be returned to the
23 person, provided that:

24 (aa) the firearm and firearm parts that could
25 be assembled to make an operable firearm are
26 removed from the respondent's custody, control, or

1 possession, and the lawful owner agrees to store
2 the firearm and firearm parts that could be
3 assembled to make an operable firearm in a manner
4 such that the respondent does not have access to
5 or control of the firearm and firearm parts that
6 could be assembled to make an operable firearm;
7 and

8 (bb) the firearm and firearm parts that could
9 be assembled to make an operable firearm are not
10 otherwise unlawfully possessed by the owner.

11 (ii) The person petitioning for the return of his
12 or her firearm and firearm parts that could be
13 assembled to make an operable firearm must swear or
14 affirm by affidavit that he or she:

15 (aa) is the lawful owner of the firearm and
16 firearm parts that could be assembled to make an
17 operable firearm;

18 (bb) shall not transfer the firearm and
19 firearm parts that could be assembled to make an
20 operable firearm to the respondent; and

21 (cc) will store the firearm and firearm parts
22 that could be assembled to make an operable
23 firearm in a manner that the respondent does not
24 have access to or control of the firearm and
25 firearm parts that could be assembled to make an
26 operable firearm.

1 (F) (i) The respondent may file a motion to
2 transfer, at the next scheduled hearing, any seized or
3 surrendered firearms or firearm parts to a third
4 party. Notice of the motion shall be provided to the
5 petitioner and the third party must appear at the
6 hearing.

7 (ii) The court may order transfer of the seized or
8 surrendered firearm or firearm parts only if:

9 (aa) the third party transferee affirms by
10 affidavit to the open court that:

11 (I) the third party transferee does not
12 reside with the respondent;

13 (II) the respondent does not have access
14 to the location in which the third party
15 transferee intends to keep the firearms or
16 firearm parts;

17 (III) the third party transferee will not
18 transfer the firearm or firearm parts to the
19 respondent or anyone who resides with the
20 respondent;

21 (IV) the third party transferee will
22 maintain control and possession of the firearm
23 or firearm parts until otherwise ordered by
24 the court; and

25 (V) the third party transferee will be
26 subject to criminal penalties for transferring

1 the firearms or firearm parts to the
2 respondent; and

3 (bb) the court finds that:

4 (I) the respondent holds a valid Firearm
5 Owner's Identification; and

6 (II) the transfer of firearms or firearm
7 parts to the third party transferee does not
8 place the petitioner or any other protected
9 parties at any additional threat or risk of
10 harm.

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

21 (16) Order for payment of shelter services. Order
22 respondent to reimburse a shelter providing temporary
23 housing and counseling services to the petitioner for the
24 cost of the services, as certified by the shelter and
25 deemed reasonable by the court.

26 (17) Order for injunctive relief. Enter injunctive

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

9 (18) Telephone services.

10 (A) Unless a condition described in subparagraph
11 (B) of this paragraph exists, the court may, upon
12 request by the petitioner, order a wireless telephone
13 service provider to transfer to the petitioner the
14 right to continue to use a telephone number or numbers
15 indicated by the petitioner and the financial
16 responsibility associated with the number or numbers,
17 as set forth in subparagraph (C) of this paragraph. In
18 this paragraph (18), the term "wireless telephone
19 service provider" means a provider of commercial
20 mobile service as defined in 47 U.S.C. 332. The
21 petitioner may request the transfer of each telephone
22 number that the petitioner, or a minor child in his or
23 her custody, uses. The clerk of the court shall serve
24 the order on the wireless telephone service provider's
25 agent for service of process provided to the Illinois
26 Commerce Commission. The order shall contain all of

1 the following:

2 (i) The name and billing telephone number of
3 the account holder including the name of the
4 wireless telephone service provider that serves
5 the account.

6 (ii) Each telephone number that will be
7 transferred.

8 (iii) A statement that the provider transfers
9 to the petitioner all financial responsibility for
10 and right to the use of any telephone number
11 transferred under this paragraph.

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

19 (i) The account holder named in the order has
20 terminated the account.

21 (ii) A difference in network technology would
22 prevent or impair the functionality of a device on
23 a network if the transfer occurs.

24 (iii) The transfer would cause a geographic or
25 other limitation on network or service provision
26 to the petitioner.

1 (iv) Another technological or operational
2 issue would prevent or impair the use of the
3 telephone number if the transfer occurs.

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

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

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

20 (F) All wireless service providers that provide
21 services to residential customers shall provide to the
22 Illinois Commerce Commission the name and address of
23 an agent for service of orders entered under this
24 paragraph (18). Any change in status of the registered
25 agent must be reported to the Illinois Commerce
26 Commission within 30 days of such change.

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

8 (c) Relevant factors; findings.

9 (1) In determining whether to grant a specific remedy,
10 other than payment of support, the court shall consider
11 relevant factors, including, but not limited to, the
12 following:

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

21 (ii) the danger that any minor child will be
22 abused or neglected or improperly relocated from the
23 jurisdiction, improperly concealed within the State,
24 or improperly separated from the child's primary
25 caretaker.

26 (2) In comparing relative hardships resulting to the

1 parties from loss of possession of the family home, the
2 court shall consider relevant factors, including, but not
3 limited to, the following:

4 (i) availability, accessibility, cost, safety,
5 adequacy, location, and other characteristics of
6 alternate housing for each party and any minor child
7 or dependent adult in the party's care;

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

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

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

16 (i) That the court has considered the applicable
17 relevant factors described in paragraphs (1) and (2)
18 of this subsection (c).

19 (ii) Whether the conduct or actions of respondent,
20 unless prohibited, will likely cause irreparable harm
21 or continued abuse.

22 (iii) Whether it is necessary to grant the
23 requested relief in order to protect petitioner or
24 other alleged abused persons.

25 (4) (Blank).

26 (5) Never married parties. No rights or

1 responsibilities for a minor child born outside of
2 marriage attach to a putative father until a father and
3 child 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 Uniform Interstate Family Support Act,
8 the Expedited Child Support Act of 1990, any judicial,
9 administrative, or other act of another state or
10 territory, any other statute of this State, or by any
11 foreign nation establishing the father and child
12 relationship, any other proceeding substantially in
13 conformity with the federal Personal Responsibility and
14 Work Opportunity Reconciliation Act of 1996, or when both
15 parties appeared in open court or at an administrative
16 hearing acknowledging under oath or admitting by
17 affirmation the existence of a father and child
18 relationship. Absent such an adjudication, no putative
19 father shall be granted temporary allocation of parental
20 responsibilities, including parenting time with the minor
21 child, or physical care and possession of the minor child,
22 nor shall an order of payment for support of the minor
23 child be entered.

24 (d) Balance of hardships; findings. If the court finds
25 that the balance of hardships does not support the granting of
26 a remedy governed by paragraph (2), (3), (10), (11), or (16) of

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

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

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

12 (2) respondent was voluntarily intoxicated;

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

17 (4) petitioner did not act in self-defense or defense
18 of another;

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

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

23 (7) conduct by any family or household member excused
24 the abuse by respondent, unless that same conduct would
25 have excused such abuse if the parties had not been family
26 or household members.

1 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
2 102-813, eff. 5-13-22; 103-1065, eff. 5-11-25.)

3 (725 ILCS 5/112A-20) (from Ch. 38, par. 112A-20)
4 Sec. 112A-20. Duration and extension of final protective
5 orders.

6 (a) (Blank).

7 (b) A final protective order shall remain in effect as
8 follows:

9 (1) if entered during pre-trial release, until
10 disposition, withdrawal, or dismissal of the underlying
11 charge; if, however, the case is continued as an
12 independent cause of action, the order's duration may be
13 for a fixed period of time not to exceed 2 years;

14 (2) if in effect in conjunction with a bond forfeiture
15 warrant, until final disposition or an additional period
16 of time not exceeding 2 years; no domestic violence order
17 of protection, however, shall be terminated by a dismissal
18 that is accompanied by the issuance of a bond forfeiture
19 warrant;

20 (3) until 2 years after the expiration of any
21 supervision, conditional discharge, probation, periodic
22 imprisonment, parole, aftercare release, or mandatory
23 supervised release for domestic violence orders of
24 protection and civil no contact orders;

25 (4) until 2 years after the date set by the court for

1 expiration of any sentence of imprisonment and subsequent
2 parole, aftercare release, or mandatory supervised release
3 for domestic violence orders of protection and civil no
4 contact orders;

5 (5) permanent for a stalking no contact order if a
6 judgment of conviction for stalking is entered; or

7 (6) permanent for a civil no contact order at the
8 victim's request if a judgment of conviction for criminal
9 sexual assault, aggravated criminal sexual assault,
10 criminal sexual abuse, excluding a conviction under
11 subsection (c) of Section 11-1.50 of the Criminal Code of
12 2012, or aggravated criminal sexual abuse is entered.

13 (c) Computation of time. The duration of a domestic
14 violence order of protection shall not be reduced by the
15 duration of any prior domestic violence order of protection.

16 (d) Law enforcement records. When a protective order
17 expires upon the occurrence of a specified event, rather than
18 upon a specified date as provided in subsection (b), no
19 expiration date shall be entered in Illinois State Police
20 records. To remove the protective order from those records,
21 either the petitioner or the respondent shall request the
22 clerk of the court to file a certified copy of an order stating
23 that the specified event has occurred or that the protective
24 order has been vacated or modified with the sheriff, and the
25 sheriff shall direct that law enforcement records shall be
26 promptly corrected in accordance with the filed order.

1 (e) Extension of Orders. Any domestic violence order of
2 protection or civil no contact order that expires 2 years
3 after the expiration of the defendant's sentence under
4 paragraph (2), (3), or (4) of subsection (b) of Section
5 112A-20 of this Article may be extended one or more times, as
6 required. The petitioner, petitioner's counsel, or the State's
7 Attorney on the petitioner's behalf shall file the motion for
8 an extension of the final protective order in the criminal
9 case and serve the motion in accordance with Supreme Court
10 Rules 11 and 12. The court shall transfer the motion to the
11 appropriate court or division for consideration under
12 subsection (e) of Section 220 of the Illinois Domestic
13 Violence Act of 1986, subsection (c) of Section 216 of the
14 Civil No Contact Order Act, or subsection (c) of Section 105 of
15 the Stalking No Contact Order as appropriate.

16 (1) Motion to extend plenary order. Any motion to
17 extend a plenary order must be filed on or before the
18 expiration date. When the motion is filed, the plenary
19 order remains in effect until its original expiration date
20 or until the motion is presented or heard, whichever is
21 later. Upon the timely filing of the motion, the clerk
22 shall transmit to law enforcement the motion and notice of
23 motion with the next court date in accordance with Section
24 112A-22. If the next court date is after the expiration
25 date of the original order, the next court date shall be
26 entered into LEADS as the updated expiration date of the

1 plenary order.

2 (2) A plenary order shall be extended if the court
3 finds that since entry of the plenary order there has been
4 no material change in the relevant circumstances that met
5 the requirements of subsection (a) of Section 112A-14 and
6 Section 112A-19. An extension of a plenary order may be
7 granted for any fixed period of time or indefinitely until
8 the plenary order is vacated or modified.

9 (3) If the motion to extend the plenary order is
10 uncontested, petitioner's motion or affidavit stating that
11 there has been no material change in relevant
12 circumstances since entry of the order and stating the
13 reason for the requested extension is sufficient for the
14 court to extend the plenary order for any length of time,
15 including indefinitely.

16 (4) The court may grant a contested request for an
17 extension of the plenary order for more than 2 years based
18 on good cause shown. Good cause is established by the
19 facts of the original order, and a new finding that a
20 compelling reason related to the physical danger,
21 emotional distress, safety, or well-being of the
22 petitioner or other protected parties exists for the
23 extension. Good cause is not required for uncontested
24 requests for any duration or contested requests for
25 extensions up to 2 years.

26 (5) A violation of the original order or a subsequent

1 incident of abuse is not required to grant the extension
2 or determine the length of the extension. Compliance with
3 the original order does not negate the basis or length of
4 the extension.

5 (6) Any requested modification to the plenary order
6 independent from the length of the extension shall be
7 determined in accordance with the requirements of
8 subsection (a) of Section 112A-14 and 112A-19.

9 (f) Termination date. Any final protective order which
10 would expire on a court holiday shall instead expire at the
11 close of the next court business day.

12 (g) Statement of purpose. The practice of dismissing or
13 suspending a criminal prosecution in exchange for issuing a
14 protective order undermines the purposes of this Article. This
15 Section shall not be construed as encouraging that practice.

16 (Source: P.A. 102-184, eff. 1-1-22; 102-538, eff. 8-20-21;
17 102-813, eff. 5-13-22.)

18 Section 10. The Illinois Domestic Violence Act of 1986 is
19 amended by changing Sections 103, 212, 214, and 220 as
20 follows:

21 (750 ILCS 60/103) (from Ch. 40, par. 2311-3)

22 Sec. 103. Definitions. For the purposes of this Act, the
23 following terms shall have the following meanings:

24 (1) "Abuse" means physical abuse, harassment, intimidation

1 of a dependent, interference with personal liberty or willful
2 deprivation but does not include reasonable direction of a
3 minor child by a parent or person in loco parentis.

4 (2) "Adult with disabilities" means an elder adult with
5 disabilities or a high-risk adult with disabilities. A person
6 may be an adult with disabilities for purposes of this Act even
7 though he or she has never been adjudicated an incompetent
8 adult. However, no court proceeding may be initiated or
9 continued on behalf of an adult with disabilities over that
10 adult's objection, unless such proceeding is approved by his
11 or her legal guardian, if any.

12 (3) "Domestic violence" means abuse as defined in
13 paragraph (1).

14 (4) "Elder adult with disabilities" means an adult
15 prevented by advanced age from taking appropriate action to
16 protect himself or herself from abuse by a family or household
17 member.

18 (5) "Exploitation" means the illegal, including tortious,
19 use of a high-risk adult with disabilities or of the assets or
20 resources of a high-risk adult with disabilities. Exploitation
21 includes, but is not limited to, the misappropriation of
22 assets or resources of a high-risk adult with disabilities by
23 undue influence, by breach of a fiduciary relationship, by
24 fraud, deception, or extortion, or the use of such assets or
25 resources in a manner contrary to law.

26 (6) "Family or household members" include spouses, former

1 spouses, parents, children, stepchildren and other persons
2 related by blood or by present or prior marriage, persons who
3 share or formerly shared a common dwelling, persons who have
4 or allegedly have a child in common, persons who share or
5 allegedly share a blood relationship through a child, persons
6 who have or have had a dating or engagement relationship,
7 persons with disabilities and their personal assistants, and
8 caregivers as defined in Section 12-4.4a of the Criminal Code
9 of 2012. For purposes of this paragraph, neither a casual
10 acquaintanceship nor ordinary fraternization between 2
11 individuals in business or social contexts shall be deemed to
12 constitute a dating relationship. In the case of a high-risk
13 adult with disabilities, "family or household members"
14 includes any person who has the responsibility for a high-risk
15 adult as a result of a family relationship or who has assumed
16 responsibility for all or a portion of the care of a high-risk
17 adult with disabilities voluntarily, or by express or implied
18 contract, or by court order.

19 (7) "Harassment" means knowing conduct which is not
20 necessary to accomplish a purpose that is reasonable under the
21 circumstances; would cause a reasonable person emotional
22 distress; and does cause emotional distress to the petitioner.
23 Unless the presumption is rebutted by a preponderance of the
24 evidence, the following types of conduct shall be presumed to
25 cause emotional distress:

26 (i) creating a disturbance at petitioner's place of

1 employment or school;

2 (ii) engaging in doxing as defined in the Civil
3 Liability for Doxing Act ~~repeatedly telephoning~~
4 ~~petitioner's place of employment, home or residence;~~

5 (iii) repeatedly following the petitioner including,
6 but not limited to, directly or indirectly through third
7 parties, by using an electronic tracking or monitoring
8 device, a system or other electronic means, or acquiring
9 tracking information to determine the petitioner's
10 location, movement or travel patterns without the
11 petitioner's knowledge or consent ~~about in a public place~~
12 ~~or places;~~

13 (iv) non-consensual creation, dissemination, or
14 threatening the dissemination of electronically generated
15 or digitally altered content directly or indirectly
16 pertaining to the petitioner or to the likeness of the
17 petitioner including, but not limited to, images of the
18 petitioner or the petitioner's voice ~~repeatedly keeping~~
19 ~~petitioner under surveillance by remaining present outside~~
20 ~~his or her home, school, place of employment, vehicle or~~
21 ~~other place occupied by petitioner or by peering in~~
22 ~~petitioner's windows;~~

23 (v) repeatedly surveilling the petitioner directly or
24 indirectly including, but not limited to, by remaining
25 present at or outside the petitioner's home, school, place
26 of employment, vehicle, or other place occupied by

1 petitioner, by peering in petitioner's windows, through an
2 electronic tracking or monitoring device, a system or
3 other electronic means, or by acquiring tracking
4 information to determine the petitioner's location,
5 movement, or travel patterns without the petitioner's
6 knowledge and consent;

7 (vi) non-consensual creation, dissemination or
8 threatening the non-consensual dissemination of private
9 sexual images and digitally altered sexual images as
10 defined in the Civil Remedies for Nonconsensual
11 Dissemination of Private Sexual Images Act;

12 (vii) repeatedly contacting the petitioner directly or
13 indirectly through any means including, but not limited
14 to, telephonic, electronic or online;

15 (viii) using an electronic tracking or monitoring,
16 device, a system or other electronic means, or acquiring
17 tracking information to determine the petitioner's
18 location, movement, or travel patterns without the
19 petitioner's knowledge or consent;

20 (ix) improperly concealing a minor child from
21 petitioner, repeatedly threatening to improperly remove a
22 minor child of petitioner's from the jurisdiction or from
23 the physical care of petitioner, repeatedly threatening to
24 conceal a minor child from petitioner, or making a single
25 such threat following an actual or attempted improper
26 removal or concealment, unless respondent was fleeing an

1 incident or pattern of domestic violence; or
2 (x) ~~(vi)~~ threatening physical force, confinement or
3 restraint on one or more occasions.

4 (8) "High-risk adult with disabilities" means a person
5 aged 18 or over whose physical or mental disability impairs
6 his or her ability to seek or obtain protection from abuse,
7 neglect, or exploitation.

8 (9) "Interference with personal liberty" means committing
9 or threatening physical abuse, harassment, intimidation or
10 willful deprivation so as to compel another to engage in
11 conduct from which she or he has a right to abstain or to
12 refrain from conduct in which she or he has a right to engage.

13 (10) "Intimidation of a dependent" means subjecting a
14 person who is dependent because of age, health or disability
15 to participation in or the witnessing of: physical force
16 against another or physical confinement or restraint of
17 another which constitutes physical abuse as defined in this
18 Act, regardless of whether the abused person is a family or
19 household member.

20 (11) (A) "Neglect" means the failure to exercise that
21 degree of care toward a high-risk adult with disabilities
22 which a reasonable person would exercise under the
23 circumstances and includes but is not limited to:

24 (i) the failure to take reasonable steps to protect a
25 high-risk adult with disabilities from acts of abuse;

26 (ii) the repeated, careless imposition of unreasonable

1 confinement;

2 (iii) the failure to provide food, shelter, clothing,
3 and personal hygiene to a high-risk adult with
4 disabilities who requires such assistance;

5 (iv) the failure to provide medical and rehabilitative
6 care for the physical and mental health needs of a
7 high-risk adult with disabilities; or

8 (v) the failure to protect a high-risk adult with
9 disabilities from health and safety hazards.

10 (B) Nothing in this subsection (10) shall be construed to
11 impose a requirement that assistance be provided to a
12 high-risk adult with disabilities over his or her objection in
13 the absence of a court order, nor to create any new affirmative
14 duty to provide support to a high-risk adult with
15 disabilities.

16 (12) "Order of protection" means an emergency order,
17 interim order or plenary order, granted pursuant to this Act,
18 which includes any or all of the remedies authorized by
19 Section 214 of this Act.

20 (13) "Petitioner" may mean not only any named petitioner
21 for the order of protection and any named victim of abuse on
22 whose behalf the petition is brought, but also any other
23 person protected by this Act.

24 (14) "Physical abuse" includes sexual abuse and means any
25 of the following:

26 (i) knowing or reckless use of physical force,

1 confinement or restraint;

2 (ii) knowing, repeated and unnecessary sleep
3 deprivation; or

4 (iii) knowing or reckless conduct which creates an
5 immediate risk of physical harm.

6 (14.5) "Stay away" means for the respondent to refrain
7 from both physical presence and nonphysical contact with the
8 petitioner whether direct, indirect (including, but not
9 limited to, telephone calls, mail, email, faxes, and written
10 notes), or through third parties who may or may not know about
11 the order of protection.

12 (15) "Willful deprivation" means wilfully denying a person
13 who because of age, health or disability requires medication,
14 medical care, shelter, accessible shelter or services, food,
15 therapeutic device, or other physical assistance, and thereby
16 exposing that person to the risk of physical, mental or
17 emotional harm, except with regard to medical care or
18 treatment when the dependent person has expressed an intent to
19 forgo such medical care or treatment. This paragraph does not
20 create any new affirmative duty to provide support to
21 dependent persons.

22 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

23 (750 ILCS 60/212) (from Ch. 40, par. 2312-12)

24 Sec. 212. Hearings.

25 (a) A petition for an order of protection shall be treated

1 as an expedited proceeding, and no court shall transfer or
2 otherwise decline to decide all or part of such petition
3 except as otherwise provided herein. Nothing in this Section
4 shall prevent the court from reserving issues when
5 jurisdiction or notice requirements are not met.

6 (b) Any court or a division thereof which ordinarily does
7 not decide matters of child custody and family support may
8 decline to decide contested issues of physical care, custody,
9 visitation, or family support unless a decision on one or more
10 of those contested issues is necessary to avoid the risk of
11 abuse, neglect, removal from the State or concealment within
12 the State of the child or of separation of the child from the
13 primary caretaker. If the court or division thereof has
14 declined to decide any or all of these issues, then it shall
15 transfer all undecided issues to the appropriate court or
16 division. In the event of such a transfer, a government
17 attorney involved in the criminal prosecution may, but need
18 not, continue to offer counsel to the petitioner on
19 transferred matters.

20 (c) If the court transfers or otherwise declines to decide
21 any issue, judgment on that issue shall be expressly reserved
22 and ruling on other issues shall not be delayed or declined.

23 (d) A court ~~in a county with a population above 250,000~~
24 shall offer the option of a remote hearing to a petitioner for
25 an order of protection. The court has the discretion to grant
26 or deny the request for a remote hearing for good cause shown.

1 Each court shall determine the procedure for a remote hearing.
2 The petitioner, applicable witnesses, and respondent may
3 appear remotely or in person.

4 The court shall issue and publish a court order, standing
5 order, or local rule detailing information about the process
6 for requesting and participating in a remote court appearance.
7 The court order, standing order, or local rule shall be
8 published on the court's website and posted on signs
9 throughout the courthouse, including in the clerk's office.
10 The sign shall be written in plain language and include
11 information about the availability of remote court appearances
12 and the process for requesting a remote hearing.

13 (Source: P.A. 102-853, eff. 1-1-23; 103-154, eff. 6-30-23.)

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

15 Sec. 214. Order of protection; remedies.

16 (a) Issuance of order. If the court finds that petitioner
17 has been abused by a family or household member or that
18 petitioner is a high-risk adult who has been abused,
19 neglected, or exploited, as defined in this Act, an order of
20 protection prohibiting the abuse, neglect, or exploitation
21 shall issue; provided that petitioner must also satisfy the
22 requirements of one of the following Sections, as appropriate:
23 Section 217 on emergency orders, Section 218 on interim
24 orders, or Section 219 on plenary orders. Petitioner shall not
25 be denied an order of protection because petitioner or

1 respondent is a minor. The court, when determining whether or
2 not to issue an order of protection, shall not require
3 physical manifestations of abuse on the person of the victim.
4 Modification and extension of prior orders of protection shall
5 be in accordance with this Act.

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

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

22 (2) Grant of exclusive possession of residence.
23 Prohibit respondent from entering or remaining in any
24 residence, household, or premises of the petitioner,
25 including one owned or leased by respondent, if petitioner
26 has a right to occupancy thereof. The grant of exclusive

1 possession of the residence, household, or premises shall
2 not affect title to real property, nor shall the court be
3 limited by the standard set forth in subsection (c-2) of
4 Section 501 of the Illinois Marriage and Dissolution of
5 Marriage Act.

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

15 (B) Presumption of hardships. If petitioner and
16 respondent each has the right to occupancy of a
17 residence or household, the court shall balance (i)
18 the hardships to respondent and any minor child or
19 dependent adult in respondent's care resulting from
20 entry of this remedy with (ii) the hardships to
21 petitioner and any minor child or dependent adult in
22 petitioner's care resulting from continued exposure to
23 the risk of abuse (should petitioner remain at the
24 residence or household) or from loss of possession of
25 the residence or household (should petitioner leave to
26 avoid the risk of abuse). When determining the balance

1 of hardships, the court shall also take into account
2 the accessibility of the residence or household.
3 Hardships need not be balanced if respondent does not
4 have a right to occupancy.

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

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

26 (A) If an order of protection grants petitioner

1 exclusive possession of the residence, or prohibits
2 respondent from entering the residence, or orders
3 respondent to stay away from petitioner or other
4 protected persons, then the court may allow respondent
5 access to the residence to remove items of clothing
6 and personal adornment used exclusively by respondent,
7 medications, and other items as the court directs. The
8 right to access shall be exercised on only one
9 occasion as the court directs and in the presence of an
10 agreed-upon adult third party or law enforcement
11 officer.

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

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

1 school district or private or non-public school, the
2 school district or private or non-public school shall
3 have sole discretion to determine the attendance
4 center to which the respondent is transferred. In the
5 event the court order results in a transfer of the
6 minor respondent to another attendance center, a
7 change in the respondent's placement, or a change of
8 the respondent's program, the parents, guardian, or
9 legal custodian of the respondent is responsible for
10 transportation and other costs associated with the
11 transfer or change.

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

21 (4) Counseling. Require or recommend the respondent to
22 undergo counseling for a specified duration with a social
23 worker, psychologist, clinical psychologist,
24 psychiatrist, family service agency, alcohol or substance
25 abuse program, mental health center guidance counselor,
26 agency providing services to elders, program designed for

1 domestic violence abusers or any other guidance service
2 the court deems appropriate. The Court may order the
3 respondent in any intimate partner relationship to report
4 to an Illinois Department of Human Services protocol
5 approved partner abuse intervention program for an
6 assessment and to follow all recommended treatment.

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

17 If a court finds, after a hearing, that respondent has
18 committed abuse (as defined in Section 103) of a minor
19 child, there shall be a rebuttable presumption that
20 awarding physical care to respondent would not be in the
21 minor child's best interest.

22 (6) Temporary allocation of parental responsibilities:
23 significant decision-making. Award temporary
24 decision-making responsibility to petitioner in accordance
25 with this Section, the Illinois Marriage and Dissolution
26 of Marriage Act, the Illinois Parentage Act of 2015, and

1 this State's Uniform Child-Custody Jurisdiction and
2 Enforcement Act.

3 If a court finds, after a hearing, that respondent has
4 committed abuse (as defined in Section 103) of a minor
5 child, there shall be a rebuttable presumption that
6 awarding temporary significant decision-making
7 responsibility to respondent would not be in the child's
8 best interest.

9 (7) Parenting time. Determine the parenting time, if
10 any, of respondent in any case in which the court awards
11 physical care or allocates temporary significant
12 decision-making responsibility of a minor child to
13 petitioner. The court shall restrict or deny respondent's
14 parenting time with a minor child if the court finds that
15 respondent has done or is likely to do any of the
16 following: (i) abuse or endanger the minor child during
17 parenting time; (ii) use the parenting time as an
18 opportunity to abuse or harass petitioner or petitioner's
19 family or household members; (iii) improperly conceal or
20 detain the minor child; or (iv) otherwise act in a manner
21 that is not in the best interests of the minor child. The
22 court shall not be limited by the standards set forth in
23 Section 603.10 of the Illinois Marriage and Dissolution of
24 Marriage Act. If the court grants parenting time, the
25 order shall specify dates and times for the parenting time
26 to take place or other specific parameters or conditions

1 that are appropriate. No order for parenting time shall
2 refer merely to the term "reasonable parenting time".

3 Petitioner may deny respondent access to the minor
4 child if, when respondent arrives for parenting time,
5 respondent is under the influence of drugs or alcohol and
6 constitutes a threat to the safety and well-being of
7 petitioner or petitioner's minor children or is behaving
8 in a violent or abusive manner.

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

18 (8) Removal or concealment of minor child. Prohibit
19 respondent from removing a minor child from the State or
20 concealing the child within the State.

21 (9) Order to appear. Order the respondent to appear in
22 court, alone or with a minor child, to prevent abuse,
23 neglect, removal or concealment of the child, to return
24 the child to the custody or care of the petitioner or to
25 permit any court-ordered interview or examination of the
26 child or the respondent.

1 (10) Possession of personal property. Grant petitioner
2 exclusive possession of personal property and, if
3 respondent has possession or control, direct respondent to
4 promptly make it available to petitioner, if:

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

7 (ii) the parties own the property jointly; sharing
8 it would risk abuse of petitioner by respondent or is
9 impracticable; and the balance of hardships favors
10 temporary possession by petitioner.

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

18 No order under this provision shall affect title to
19 property.

20 (11) Protection of property. Forbid the respondent
21 from taking, transferring, encumbering, concealing,
22 damaging or otherwise disposing of any real or personal
23 property, except as explicitly authorized by the court,
24 if:

25 (i) petitioner, but not respondent, owns the
26 property; or

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

3 If petitioner's sole claim to ownership of the
4 property is that it is marital property, the court may
5 grant petitioner relief under subparagraph (ii) of this
6 paragraph only if a proper proceeding has been filed under
7 the Illinois Marriage and Dissolution of Marriage Act, as
8 now or hereafter amended.

9 The court may further prohibit respondent from
10 improperly using the financial or other resources of an
11 aged member of the family or household for the profit or
12 advantage of respondent or of any other person.

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

22 (12) Order for payment of support. Order respondent to
23 pay temporary support for the petitioner or any child in
24 the petitioner's care or over whom the petitioner has been
25 allocated parental responsibility, when the respondent has
26 a legal obligation to support that person, in accordance

1 with the Illinois Marriage and Dissolution of Marriage
2 Act, which shall govern, among other matters, the amount
3 of support, payment through the clerk and withholding of
4 income to secure payment. An order for child support may
5 be granted to a petitioner with lawful physical care of a
6 child, or an order or agreement for physical care of a
7 child, prior to entry of an order allocating significant
8 decision-making responsibility. Such a support order shall
9 expire upon entry of a valid order allocating parental
10 responsibility differently and vacating the petitioner's
11 significant decision-making authority, unless otherwise
12 provided in the order.

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

22 (i) Losses affecting family needs. If a party is
23 entitled to seek maintenance, child support or
24 property distribution from the other party under the
25 Illinois Marriage and Dissolution of Marriage Act, as
26 now or hereafter amended, the court may order

1 respondent to reimburse petitioner's actual losses, to
2 the extent that such reimbursement would be
3 "appropriate temporary relief", as authorized by
4 subsection (a) (3) of Section 501 of that Act.

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

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

17 (14.5) Prohibition of possession of firearms and
18 firearm parts; search and seizure of firearms and firearms
19 parts.

20 (A) (i) Prohibit a respondent against whom an
21 emergency, interim, or plenary order of protection was
22 issued from possessing, during the duration of the
23 order, any firearms or firearm parts that could be
24 assembled into an operable firearm if a search warrant
25 is issued under (A-1) or the order:

26 (aa) was issued after a hearing of which such

1 person received actual notice, and at which such
2 person had an opportunity to participate, or the
3 petitioner has satisfied the requirements of
4 Section 217;

5 (bb) restrains such person from using physical
6 force; harassing, stalking, or threatening an
7 intimate partner of such person or child of such
8 intimate partner or person; or engaging in other
9 conduct that would place an intimate partner in
10 reasonable fear of bodily injury to the partner or
11 child; and

12 (cc) includes a finding that such person
13 represents a credible threat to the physical
14 safety of such intimate partner or child.

15 (ii) The court shall order any respondent
16 prohibited from possessing firearms under item (i) of
17 subparagraph (A) to surrender any firearms or firearm
18 parts that could be assembled to make an operable
19 firearm. Any firearms or firearm parts on the
20 respondent's person or at the place of service shall
21 be surrendered to the serving officers at the time of
22 service of the order of protection, and any other
23 firearms or firearm parts shall be surrendered to
24 local law enforcement within 24 hours of service of
25 the order of protection. Any Firearm Owner's
26 Identification Card or Concealed Carry License in the

1 possession of the respondent, except as provided in
2 subparagraph (B), shall also be ordered by the court
3 to be turned over to the officer serving the order of
4 protection at the time of service or, if not on the
5 respondent's person or at the location where the
6 respondent is served at the time of service, to local
7 law enforcement within 24 hours of service of the
8 order of protection. The law enforcement agency shall
9 immediately mail the card, as well as any license, to
10 the Illinois State Police Firearm Owner's
11 Identification Card Office for safekeeping.

12 (A-1)(i) Upon issuance of an emergency, interim,
13 or plenary order of protection and subject to the
14 provisions of item (ii) of this subparagraph (A-1),
15 the court shall issue a search warrant for the seizure
16 of any firearms or firearm parts that could be
17 assembled to make an operable firearm belonging to the
18 respondent if the court, based upon sworn testimony,
19 finds that:

20 (aa) the respondent poses a credible threat to
21 the physical safety of the petitioner protected by
22 the order of protection; and

23 (bb) probable cause exists to believe that:

24 (I) the respondent possesses firearms or
25 firearm parts that could be assembled to make
26 an operable firearm;

1 (II) the firearms or firearm parts that
2 could be assembled to make an operable firearm
3 are located at the residence, vehicle, or
4 other property of the respondent to be
5 searched; and

6 (III) the credible threat to the physical
7 safety of the petitioner protected by the
8 order of protection is immediate and present.

9 The record shall reflect the court's findings in
10 determining whether the search warrant shall be
11 issued.

12 (ii) If the petitioner does not seek a warrant
13 under this subparagraph (A-1) or the court determines
14 that the requirements of this subparagraph (A-1) have
15 not been met, relief under subparagraph (A) alone may
16 be granted.

17 (iii) An ex parte search warrant shall be granted
18 under this subparagraph (A-1) only if the court finds
19 that:

20 (aa) the elements of item (i) of subparagraph
21 (A-1) have been met;

22 (bb) personal injury to the petitioner is
23 likely to occur if the respondent received prior
24 notice; and

25 (cc) the petitioner has otherwise satisfied
26 the requirements of Section 217 of this Act.

1 (iv) Oral testimony is sufficient in lieu of an
2 affidavit to support a finding of probable cause.

3 (v) A search warrant issued under this
4 subparagraph (A-1) shall be directed by the court for
5 enforcement to the law enforcement agency with primary
6 responsibility for responding to calls for service at
7 the location to be searched or to another appropriate
8 law enforcement agency if justified by the
9 circumstances. The search warrant shall specify with
10 particularity the scope of the search, including the
11 property to be searched, and shall direct the law
12 enforcement agency to seize the respondent's firearms
13 and firearm parts that could be assembled to make an
14 operable firearm. Law enforcement shall also be
15 directed to seize any Firearm Owner's Identification
16 Card and any Concealed Carry License belonging to the
17 respondent.

18 (vi) The petitioner shall prepare an information
19 sheet, reviewed by the court, for law enforcement at
20 the time the warrant is granted. The information sheet
21 shall include:

22 (aa) contact information for the petitioner,
23 the petitioner's attorney, or both, including a
24 telephone number and email, if available;

25 (bb) a physical description of the respondent,
26 including the respondent's date of birth, if

1 known, or approximate age, height, weight, race,
2 and hair color;

3 (cc) days and times that the respondent is
4 likely to be at the property to be searched, if
5 known; and

6 (dd) whether people other than the respondent
7 are likely to be present at the property to be
8 searched and when, if known.

9 (vii) The information sheet shall be transmitted
10 to the law enforcement agency to which the search
11 warrant is directed in the same manner as the warrant
12 is transmitted under Section 222 of this Act.

13 (viii) If the court, after determining a search
14 warrant should issue, finds that the petitioner has
15 made a credible report of domestic violence to the
16 local law enforcement agency within the previous 90
17 days, law enforcement shall execute the warrant no
18 later than 96 hours after receipt of the warrant. If
19 the court finds that petitioner has not made such a
20 report, the law enforcement agency to which the court
21 has directed the warrant shall, within 48 hours of
22 receipt, evaluate the warrant and seek any corrections
23 to the warrant, and, if applicable, add to or negate
24 the warrant. The record shall reflect the court's
25 findings in determining whether to correct, add, or
26 negate the warrant. If a change is made regarding the

1 search warrant, law enforcement shall execute the
2 warrant no later than 96 hours after the correction is
3 issued. The law enforcement agency shall notify the
4 petitioner of any changes to the warrant or if the
5 warrant has been negated. The law enforcement agency
6 to which the court has directed the warrant may
7 coordinate with other law enforcement agencies to
8 execute the warrant. A return of the warrant shall be
9 filed by the law enforcement agency within 24 hours of
10 execution, setting forth the time, date, and location
11 where the warrant was executed and what items, if any,
12 were seized. If the court is not in session, the return
13 information shall be returned on the next date the
14 court is in session. Subject to the provisions of this
15 Section, peace officers shall have the same authority
16 to execute a warrant issued pursuant to this
17 subsection as a warrant issued under Article 108 of
18 the Code of Criminal Procedure of 1963.

19 (ix) Upon discovering a defect in the search
20 warrant, the appropriate law enforcement agency may
21 petition the court to correct the warrant. The law
22 enforcement agency shall notify the petitioner of any
23 such correction.

24 (x) Upon petition by the appropriate law
25 enforcement agency, the court may modify the search
26 warrant or extend the time to execute the search

1 warrant for a period of no more than 96 hours. In
2 determining whether to modify or extend the warrant,
3 the court shall consider:

4 (aa) any increased risk to the petitioner's
5 safety that may result from a modification or
6 extension of the warrant;

7 (bb) any unnecessary risk to law enforcement
8 that would be mitigated by a modification or
9 extension of the warrant;

10 (cc) any risks to third parties at the
11 location to be searched that would be mitigated by
12 a modification or extension of the warrant; and

13 (dd) the likelihood of successful execution of
14 warrant.

15 The record shall reflect the court's findings in
16 determining whether to extend or modify the warrant.
17 The law enforcement agency shall notify the petitioner
18 of any modification or extension of the warrant.

19 (xi) Service of any order of protection shall, to
20 the extent possible, be concurrent with the execution
21 of any search warrant under this paragraph.

22 (B) If the respondent is a peace officer as
23 defined in Section 2-13 of the Criminal Code of 2012,
24 the court shall order that any firearms used by the
25 respondent in the performance of his or her duties as a
26 peace officer be surrendered to the chief law

1 enforcement executive of the agency in which the
2 respondent is employed, who shall retain the firearms
3 for safekeeping for the duration of the order of
4 protection.

5 (C) (i) Any firearms or firearm parts that could be
6 assembled to make an operable firearm shall be kept by
7 the law enforcement agency that took possession of the
8 items for safekeeping, except as provided in
9 subparagraph (B). The period of safekeeping shall be
10 for the duration of the order of protection. Except as
11 provided in subparagraph (E), the respondent is
12 prohibited from transferring firearms or firearm parts
13 to another individual in lieu of surrender to law
14 enforcement. The law enforcement agency shall provide
15 an itemized statement of receipt to the respondent and
16 the court describing any seized or surrendered
17 firearms or firearm parts and informing the respondent
18 that the respondent may seek the return of the
19 respondent's items at the end of the order of
20 protection. The law enforcement agency may enter
21 arrangements, as needed, with federally licensed
22 firearm dealers or other law enforcement agencies for
23 the storage of any firearms seized or surrendered
24 under this subsection.

25 (ii) It is the respondent's responsibility to
26 request the return or reinstatement of any Firearm

1 Owner's Identification Card or Concealed Carry License
2 and notify the Illinois State Police Firearm Owner's
3 Identification Card Office at the end of the Order of
4 Protection.

5 (iii) At the end of the order of protection, a
6 respondent may request the return of any seized or
7 surrendered firearms or firearm parts that could be
8 assembled to make an operable firearm. Such firearms
9 or firearm parts shall be returned within 14 days of
10 the request to the respondent, if the respondent is
11 lawfully eligible to possess firearms, or to a
12 designated third party who is lawfully eligible to
13 possess firearms. If the firearms or firearm parts
14 cannot be returned to respondent because (1) the
15 respondent has not requested the return or transfer of
16 the firearms or firearm parts as set forth in this
17 subparagraph, and (2) the respondent cannot be located
18 or fails to respond to more than 3 requests to retrieve
19 the firearms or firearm parts the court may, or is not
20 lawfully eligible to possess a firearm, upon petition
21 from the appropriate law enforcement agency and notice
22 to the respondent at the respondent's last known
23 address, order the law enforcement agency to destroy
24 the firearms or firearm parts; use the firearms or
25 firearm parts for training purposes or for any other
26 application as deemed appropriate by the law

1 enforcement agency; or turn over the firearm or
2 firearm parts to a third party who is lawfully
3 eligible to possess firearms, and who does not reside
4 with respondent.

5 (D) (i) If a person other than the respondent
6 claims title to any firearms and firearm parts that
7 could be assembled to make an operable firearm seized
8 or surrendered under this subsection, the person may
9 petition the court to have the firearm and firearm
10 parts that could be assembled to make an operable
11 firearm returned to him or her with proper notice to
12 the petitioner and respondent. If, at a hearing on the
13 petition, the court determines the person to be the
14 lawful owner of the firearm and firearm parts that
15 could be assembled to make an operable firearm, the
16 firearm and firearm parts that could be assembled to
17 make an operable firearm shall be returned to the
18 person, provided that:

19 (aa) the firearm and firearm parts that could
20 be assembled to make an operable firearm are
21 removed from the respondent's custody, control, or
22 possession and the lawful owner agrees to store
23 the firearm and firearm parts that could be
24 assembled to make an operable firearm in a manner
25 such that the respondent does not have access to
26 or control of the firearm and firearm parts that

1 could be assembled to make an operable firearm;
2 and

3 (bb) the firearm and firearm parts that could
4 be assembled to make an operable firearm are not
5 otherwise unlawfully possessed by the owner.

6 (ii) The person petitioning for the return of his
7 or her firearm and firearm parts that could be
8 assembled to make an operable firearm must swear or
9 affirm by affidavit that he or she:

10 (aa) is the lawful owner of the firearm and
11 firearm parts that could be assembled to make an
12 operable firearm;

13 (bb) shall not transfer the firearm and
14 firearm parts that could be assembled to make an
15 operable firearm to the respondent; and

16 (cc) will store the firearm and firearm parts
17 that could be assembled to make an operable
18 firearm in a manner that the respondent does not
19 have access to or control of the firearm and
20 firearm parts that could be assembled to make an
21 operable firearm.

22 (E) (i) The respondent may file a motion to
23 transfer, at the next scheduled hearing, any seized or
24 surrendered firearms or firearm parts to a third
25 party. Notice of the motion shall be provided to the
26 petitioner and the third party must appear at the

1 hearing.

2 (ii) The court may order transfer of the seized or
3 surrendered firearm or firearm parts only if:

4 (aa) the third party transferee affirms by
5 affidavit to the open court that:

6 (I) the third party transferee does not
7 reside with the respondent;

8 (II) the respondent does not have access
9 to the location in which the third party
10 transferee intends to keep the firearms or
11 firearm parts;

12 (III) the third party transferee will not
13 transfer the firearm or firearm parts to the
14 respondent or anyone who resides with the
15 respondent;

16 (IV) the third party transferee will
17 maintain control and possession of the firearm
18 or firearm parts until otherwise ordered by
19 the court; and

20 (V) the third party transferee will be
21 subject to criminal penalties for transferring
22 the firearms or firearm parts to the
23 respondent; and

24 (bb) the court finds that:

25 (I) the respondent holds a valid Firearm
26 Owner's Identification; and

1 (II) the transfer of firearms or firearm
2 parts to the third party transferee does not
3 place the petitioner or any other protected
4 parties at any additional threat or risk of
5 harm.

6 (15) Prohibition of access to records. If an order of
7 protection prohibits respondent from having contact with
8 the minor child, or if petitioner's address is omitted
9 under subsection (b) of Section 203, or if necessary to
10 prevent abuse or wrongful removal or concealment of a
11 minor child, the order shall deny respondent access to,
12 and prohibit respondent from inspecting, obtaining, or
13 attempting to inspect or obtain, school or any other
14 records of the minor child who is in the care of
15 petitioner.

16 (16) Order for payment of shelter services. Order
17 respondent to reimburse a shelter providing temporary
18 housing and counseling services to the petitioner for the
19 cost of the services, as certified by the shelter and
20 deemed reasonable by the court.

21 (17) Order for injunctive relief. Enter injunctive
22 relief necessary or appropriate to prevent further abuse
23 of a family or household member or further abuse, neglect,
24 or exploitation of a high-risk adult with disabilities or
25 to effectuate one of the granted remedies, if supported by
26 the balance of hardships. If the harm to be prevented by

1 the injunction is abuse or any other harm that one of the
2 remedies listed in paragraphs (1) through (16) of this
3 subsection is designed to prevent, no further evidence is
4 necessary that the harm is an irreparable injury.

5 (18) Telephone services.

6 (A) Unless a condition described in subparagraph
7 (B) of this paragraph exists, the court may, upon
8 request by the petitioner, order a wireless telephone
9 service provider to transfer to the petitioner the
10 right to continue to use a telephone number or numbers
11 indicated by the petitioner and the financial
12 responsibility associated with the number or numbers,
13 as set forth in subparagraph (C) of this paragraph.
14 For purposes of this paragraph (18), the term
15 "wireless telephone service provider" means a provider
16 of commercial mobile service as defined in 47 U.S.C.
17 332. The petitioner may request the transfer of each
18 telephone number that the petitioner, or a minor child
19 in his or her custody, uses. The clerk of the court
20 shall serve the order on the wireless telephone
21 service provider's agent for service of process
22 provided to the Illinois Commerce Commission. The
23 order shall contain all of the following:

24 (i) The name and billing telephone number of
25 the account holder including the name of the
26 wireless telephone service provider that serves

1 the account.

2 (ii) Each telephone number that will be
3 transferred.

4 (iii) A statement that the provider transfers
5 to the petitioner all financial responsibility for
6 and right to the use of any telephone number
7 transferred under this paragraph.

8 (B) A wireless telephone service provider shall
9 terminate the respondent's use of, and shall transfer
10 to the petitioner use of, the telephone number or
11 numbers indicated in subparagraph (A) of this
12 paragraph unless it notifies the petitioner, within 72
13 hours after it receives the order, that one of the
14 following applies:

15 (i) The account holder named in the order has
16 terminated the account.

17 (ii) A difference in network technology would
18 prevent or impair the functionality of a device on
19 a network if the transfer occurs.

20 (iii) The transfer would cause a geographic or
21 other limitation on network or service provision
22 to the petitioner.

23 (iv) Another technological or operational
24 issue would prevent or impair the use of the
25 telephone number if the transfer occurs.

26 (C) The petitioner assumes all financial

1 responsibility for and right to the use of any
2 telephone number transferred under this paragraph. In
3 this paragraph, "financial responsibility" includes
4 monthly service costs and costs associated with any
5 mobile device associated with the number.

6 (D) A wireless telephone service provider may
7 apply to the petitioner its routine and customary
8 requirements for establishing an account or
9 transferring a number, including requiring the
10 petitioner to provide proof of identification,
11 financial information, and customer preferences.

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

16 (F) All wireless service providers that provide
17 services to residential customers shall provide to the
18 Illinois Commerce Commission the name and address of
19 an agent for service of orders entered under this
20 paragraph (18). Any change in status of the registered
21 agent must be reported to the Illinois Commerce
22 Commission within 30 days of such change.

23 (G) The Illinois Commerce Commission shall
24 maintain the list of registered agents for service for
25 each wireless telephone service provider on the
26 Commission's website. The Commission may consult with

1 wireless telephone service providers and the Circuit
2 Court Clerks on the manner in which this information
3 is provided and displayed.

4 (19) Require the respondent to cease harassment.

5 Require the respondent to:

6 (A) stop creating, using, disseminating and delete
7 the following harassing conduct:

8 (i) any and all material or statements that
9 constitute harassment under this Act, including,
10 but not limited to, doxing, electronically
11 generated or digitally altered content, sexual
12 private images and digitally altered sexual
13 images; and

14 (ii) any and all electronic tracking or
15 monitoring devices, system or other electronic
16 means, or tracking information; and

17 (B) present sufficient evidence that such
18 compliance has occurred.

19 (c) Relevant factors; findings.

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

24 (i) the nature, frequency, severity, pattern and
25 consequences of the respondent's past abuse, neglect
26 or exploitation of the petitioner or any family or

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

7 (ii) the danger that any minor child will be
8 abused 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
19 or 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)
4 of 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
12 order of protection, the court, as an alternative to or as
13 a supplement to making the findings described in
14 paragraphs (c)(3)(i) through (c)(3)(iii) of this
15 subsection, may use 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
2 marriage attach to a putative father until a father and
3 child 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,
9 the Expedited Child Support Act of 1990, any judicial,
10 administrative, or other act of another state or
11 territory, any other Illinois statute, or by any foreign
12 nation establishing the father and child relationship, any
13 other proceeding substantially in conformity with the
14 Personal Responsibility and Work Opportunity
15 Reconciliation Act of 1996 (Pub. L. 104-193), or where
16 both parties appeared in open court or at an
17 administrative hearing acknowledging under oath or
18 admitting by affirmation the existence of a father and
19 child relationship. Absent such an adjudication, finding,
20 or acknowledgment, no putative father shall be granted
21 temporary allocation of parental responsibilities,
22 including parenting time with the minor child, or physical
23 care and possession of the minor child, nor shall an order
24 of payment for support of the minor child be entered.

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

1 a 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
5 result in hardship to respondent that would substantially
6 outweigh the hardship to petitioner from denial of the remedy.
7 The findings 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
21 avoid further abuse, neglect, or exploitation by
22 respondent;

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

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

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

5 (Source: P.A. 102-538, eff. 8-20-21; 103-1065, eff. 5-11-25.)

6 (750 ILCS 60/220) (from Ch. 40, par. 2312-20)

7 Sec. 220. Duration and extension of orders.

8 (a) Duration of emergency and interim orders. Unless
9 re-opened or extended or voided by entry of an order of greater
10 duration:

11 (1) Emergency orders issued under Section 217 shall be
12 effective for not less than 14 nor more than 21 days;

13 (2) Interim orders shall be effective for up to 30
14 days.

15 (b) Duration of plenary orders.

16 (0.05) A plenary order of protection entered under
17 this Act shall be valid for a fixed period of time, not to
18 exceed two years.

19 (1) A plenary order of protection entered in
20 conjunction with another civil proceeding shall remain in
21 effect as follows:

22 (i) if entered as preliminary relief in that other
23 proceeding, until entry of final judgment in that
24 other proceeding;

25 (ii) if incorporated into the final judgment in

1 that other proceeding, until the order of protection
2 is vacated or modified; or

3 (iii) if incorporated in an order for involuntary
4 commitment, until termination of both the involuntary
5 commitment and any voluntary commitment, or for a
6 fixed period of time not exceeding 2 years.

7 (2) Duration of an order of protection entered in
8 conjunction with a criminal prosecution or delinquency
9 petition shall remain in effect as provided in Section
10 112A-20 of the Code of Criminal Procedure of 1963.

11 (c) Computation of time. The duration of an order of
12 protection shall not be reduced by the duration of any prior
13 order of protection.

14 (d) Law enforcement records. When a plenary order of
15 protection expires upon the occurrence of a specified event,
16 rather than upon a specified date as provided in subsection
17 (b), no expiration date shall be entered in Illinois State
18 Police records. To remove the plenary order from those
19 records, either party shall request the clerk of the court to
20 file a certified copy of an order stating that the specified
21 event has occurred or that the plenary order has been vacated
22 or modified with the Sheriff, and the Sheriff shall direct
23 that law enforcement records shall be promptly corrected in
24 accordance with the filed order.

25 (e) Extension of orders. Any emergency, interim or plenary
26 order may be extended one or more times, as required, provided

1 that the requirements of Section 217, 218 or 219, as
2 appropriate, are satisfied. If the motion for extension is
3 uncontested and petitioner seeks no modification of the order,
4 the order may be extended on the basis of petitioner's motion
5 or affidavit stating that there has been no material change in
6 relevant circumstances since entry of the order and stating
7 the reason for the requested extension. An extension of a
8 plenary order of protection may be granted, upon good cause
9 shown, to remain in effect until the order of protection is
10 vacated or modified. Extensions may be granted only in open
11 court and not under the provisions of subsection (c) of
12 Section 217, which applies only when the court is unavailable
13 at the close of business or on a court holiday.

14 (1) Motion to extend plenary order. Any motion to
15 extend a plenary order must be filed on or before the
16 expiration date. When the motion is filed, the plenary
17 order remains in effect until its original expiration date
18 or until the motion is presented or heard, whichever is
19 later. Upon the timely filing of the motion, the clerk
20 shall transmit to law enforcement the motion and notice of
21 motion with the next court date in accordance with
22 subsection (b) of Section 222. If the next court date is
23 after the expiration date of the original order, the next
24 court date shall be entered into LEADS as the updated
25 expiration date of the plenary order.

26 (2) A plenary order shall be extended if the court

1 finds that since entry of the plenary order there has been
2 no material change in the relevant circumstances that met
3 the requirements of Section 214. An extension of a plenary
4 order may be granted for any fixed period of time or
5 indefinitely until the plenary order is vacated or
6 modified.

7 (3) If the motion to extend the plenary order is
8 uncontested, petitioner's motion or affidavit stating that
9 there has been no material change in relevant
10 circumstances since entry of the order and stating the
11 reason for the requested extension is sufficient for the
12 court to extend the plenary order for any length of time,
13 including indefinitely.

14 (4) The court may grant a contested request for an
15 extension of the plenary order for more than 2 years based
16 on good cause shown. Good cause is established by the
17 facts of the original order, and a new finding that a
18 compelling reason related to the physical danger,
19 emotional distress, safety, or well-being of the
20 petitioner or other protected parties exists for the
21 extension. Good cause is not required for uncontested
22 requests for any duration or contested requests for
23 extensions up to 2 years.

24 (5) A violation of the original order or a subsequent
25 incident of abuse is not required to grant the extension
26 or determine the length of the extension. Compliance with

1 the original order does not negate the basis or length of
2 the extension.

3 (6) Any requested modification to the plenary order
4 independent from the length of the extension shall be
5 determined in accordance with the requirements of Section
6 224.

7 (f) Termination date. Any order of protection which would
8 expire on a court holiday shall instead expire at the close of
9 the next court business day.

10 (g) Statement of purpose. The practice of dismissing or
11 suspending a criminal prosecution in exchange for the issuance
12 of an order of protection undermines the purposes of this Act.
13 This Section shall not be construed as encouraging that
14 practice.

15 (Source: P.A. 102-538, eff. 8-20-21.)

1 INDEX

2 Statutes amended in order of appearance

3	725 ILCS 5/112A-3	from Ch. 38, par. 112A-3
4	725 ILCS 5/112A-5.5	
5	725 ILCS 5/112A-14	from Ch. 38, par. 112A-14
6	725 ILCS 5/112A-20	from Ch. 38, par. 112A-20
7	750 ILCS 60/103	from Ch. 40, par. 2311-3
8	750 ILCS 60/212	from Ch. 40, par. 2312-12
9	750 ILCS 60/214	from Ch. 40, par. 2312-14
10	750 ILCS 60/220	from Ch. 40, par. 2312-20