



Rep. Maurice A. West, II

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10400HB4312ham001

LRB104 17114 JRC 35736 a

1 AMENDMENT TO HOUSE BILL 4312

2 AMENDMENT NO. _____. Amend House Bill 4312 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Code of Criminal Procedure of 1963 is
5 amended by changing Sections 112A-3, 112A-5.5, 112A-11.5, and
6 112A-14 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

1 protection, a civil no contact order, or a stalking no contact
2 order.

3 (b) For the purposes of domestic violence cases, the
4 following terms shall have the following meanings in this
5 Article:

6 (1) "Abuse" means physical abuse, harassment,
7 intimidation of a dependent, interference with personal
8 liberty or willful deprivation but does not include
9 reasonable direction of a minor child by a parent or
10 person in loco parentis.

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

13 (3) "Family or household members" include spouses,
14 former spouses, parents, children, stepchildren, and other
15 persons related by blood or by present or prior marriage,
16 persons who share or formerly shared a common dwelling,
17 persons who have or allegedly have a child in common,
18 persons who share or allegedly share a blood relationship
19 through a child, persons who have or have had a dating or
20 engagement relationship, persons with disabilities and
21 their personal assistants, and caregivers as defined in
22 subsection (e) of Section 12-4.4a of the Criminal Code of
23 2012. For purposes of this paragraph (3), neither a casual
24 acquaintanceship nor ordinary fraternization between 2
25 individuals in business or social contexts shall be deemed
26 to constitute a dating relationship.

1 (4) "Harassment" means knowing conduct which is not
2 necessary to accomplish a purpose which is reasonable
3 under the circumstances; would cause a reasonable person
4 emotional distress; and does cause emotional distress to
5 the petitioner. Unless the presumption is rebutted by a
6 preponderance of the evidence, the following types of
7 conduct shall be presumed to cause emotional distress:

8 (i) creating a disturbance at the petitioner's
9 place of employment or school;

10 (ii) repeatedly contacting the petitioner directly
11 or indirectly through any means including, but not
12 limited to, telephonic, electronic, or online
13 ~~telephoning petitioner's place of employment, home or~~
14 ~~residence;~~

15 (iii) repeatedly following the petitioner
16 including, but not limited to, directly or indirectly,
17 through third parties or by using electronic tracking
18 or monitoring, or acquiring information, to determine
19 the petitioner's location, movement, or travel
20 patterns without the petitioner's knowledge or consent
21 ~~about in a public place or places;~~

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

1 by the petitioner, by peering in the petitioner's
2 windows, by using electronic tracking or monitoring,
3 or by acquiring information to determine the
4 petitioner's location, movement, or travel patterns
5 without the petitioner's knowledge and consent ~~keeping~~
6 ~~petitioner under surveillance by remaining present~~
7 ~~outside his or her home, school, place of employment,~~
8 ~~vehicle or other place occupied by petitioner or by~~
9 ~~peering in petitioner's windows;~~

10 (v) improperly concealing a minor child from
11 petitioner, repeatedly threatening to improperly
12 remove a minor child of petitioner's from the
13 jurisdiction or from the physical care of petitioner,
14 repeatedly threatening to conceal a minor child from
15 petitioner, or making a single such threat following
16 an actual or attempted improper removal or
17 concealment, unless respondent was fleeing from an
18 incident or pattern of domestic violence; ~~or~~

19 (vi) threatening physical force, confinement or
20 restraint on one or more occasions; ~~-~~

21 (vii) non-consensual dissemination or threatening
22 the dissemination of electronically generated or
23 digitally altered content using the image, voice, or
24 other characteristic of the petitioner to falsely and
25 deceptively impersonate the petitioner or the
26 petitioner's representative;

1 (viii) non-consensual dissemination or threatening
2 the non-consensual dissemination of private sexual
3 images and digitally altered sexual images as defined
4 in the Civil Remedies for Nonconsensual Dissemination
5 of Private Sexual Images Act; or

6 (ix) engaging in doxing as defined in the Civil
7 Liability for Doxing Act.

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

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

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

25 (8) "Petitioner" may mean not only any named
26 petitioner for the domestic violence order of protection

1 and any named victim of abuse on whose behalf the petition
2 is brought, but also any other person protected by this
3 Article.

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

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

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

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

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

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

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

1 has expressed the intent to forgo such medical care or
2 treatment. This paragraph (10) does not create any new
3 affirmative duty to provide support to dependent persons.

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

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

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

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

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

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

23 (6) "Sexual conduct" means any intentional or knowing
24 touching or fondling by the petitioner or the respondent,
25 either directly or through clothing, of the sex organs,
26 anus, or breast of the petitioner or the respondent, or

1 any part of the body of a child under 13 years of age, or
2 any transfer or transmission of semen by the respondent
3 upon any part of the clothed or unclothed body of the
4 petitioner, for the purpose of sexual gratification or
5 arousal of the petitioner or the respondent.

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

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

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

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

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

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

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

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

25 (5) "Reasonable person" means a person in the
26 petitioner's circumstances with the petitioner's knowledge

1 of the respondent and the respondent's prior acts.

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

4 (7) "Stalking" means engaging in a course of conduct
5 directed at a specific person, and he or she knows or
6 should know that this course of conduct would cause a
7 reasonable person to fear for his or her safety or the
8 safety of a third person or suffer emotional distress.

9 "Stalking" does not include an exercise of the right to
10 free speech or assembly that is otherwise lawful or
11 picketing occurring at the workplace that is otherwise
12 lawful and arises out of a bona fide labor dispute,
13 including any controversy concerning wages, salaries,
14 hours, working conditions or benefits, including health
15 and welfare, sick leave, insurance, and pension or
16 retirement provisions, the making or maintaining of
17 collective bargaining agreements, and the terms to be
18 included in those agreements.

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

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

23 (725 ILCS 5/112A-5.5)

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

1 (a) A petition for a protective order may be filed at any
2 time, in person or online, after a criminal charge or
3 delinquency petition is filed and before the charge or
4 delinquency petition is dismissed, the defendant or juvenile
5 is acquitted, or the defendant or juvenile completes service
6 of his or her sentence.

7 (b) The request for an ex parte protective order may be
8 considered without notice to the respondent under Section
9 112A-17.5 of this Code.

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

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

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

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

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

22 (f-5) A court ~~in a county with a population above 250,000~~
23 shall offer the option of a remote hearing to a petitioner for
24 a protective order. The court shall grant a request for a
25 remote hearing unless good cause is shown for denial ~~has the~~
26 ~~discretion to grant or deny the request for a remote hearing.~~

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 (g) Default orders.

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

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

23 (B) for any of the remedies provided under
24 paragraph (1), (2), (3), (5), (6), (7), (8), (9),
25 (10), (11), (14), (15), (17), or (18) of subsection
26 (b) of Section 112A-14 of this Code, or if the

1 respondent fails to answer or appear in accordance
2 with the date set in the publication notice or the
3 return date indicated on the service of a household
4 member.

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

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

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

22 (725 ILCS 5/112A-11.5)

23 Sec. 112A-11.5. Issuance of protective order.

24 (a) Except as provided in subsection (a-5) of this
25 Section, the court shall grant the petition and enter a

1 protective order if the court finds prima facie evidence that
2 a crime involving domestic violence, a sexual offense, or a
3 crime involving stalking has been committed. The following
4 shall be considered prima facie evidence of the crime:

5 (1) an information, complaint, indictment, or
6 delinquency petition, charging a crime of domestic
7 violence, a sexual offense, or stalking or charging an
8 attempt to commit a crime of domestic violence, a sexual
9 offense, or stalking;

10 (2) an adjudication of delinquency, a finding of guilt
11 based upon a plea, or a finding of guilt after a trial for
12 a crime of domestic battery, a sexual crime, or stalking
13 or an attempt to commit a crime of domestic violence, a
14 sexual offense, or stalking;

15 (3) any dispositional order issued under Section 5-710
16 of the Juvenile Court Act of 1987, the imposition of
17 supervision, conditional discharge, probation, periodic
18 imprisonment, parole, aftercare release, or mandatory
19 supervised release for a crime of domestic violence, a
20 sexual offense, or stalking or an attempt to commit a
21 crime of domestic violence, a sexual offense, or stalking,
22 or imprisonment in conjunction with a bond forfeiture
23 warrant; or

24 (4) the entry of a protective order in a separate
25 civil case brought by the petitioner against the
26 respondent.

1 (a-5) The respondent may rebut prima facie evidence of the
2 crime under paragraph (1) of subsection (a) of this Section by
3 presenting evidence of a meritorious defense. The respondent
4 shall file a written notice alleging a meritorious defense
5 which shall be verified and supported by affidavit. The
6 verified notice and affidavit shall set forth the evidence
7 that will be presented at a hearing. If the court finds that
8 the evidence presented at the hearing establishes a
9 meritorious defense by a preponderance of the evidence, the
10 court may decide not to issue a protective order.

11 (b) The petitioner shall not be denied a protective order
12 because the petitioner or the respondent is a minor or solely
13 upon the basis that the respondent or the petitioner is
14 incarcerated in a penal institution at the time of the
15 issuance of the order.

16 (c) The court, when determining whether or not to issue a
17 protective order, may not require physical injury on the
18 person of the victim.

19 (d) If the court issues a final protective order under
20 this Section, the court shall afford the petitioner and
21 respondent an opportunity to be heard on the remedies
22 requested in the petition.

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

24 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

25 Sec. 112A-14. Domestic violence order of protection;

1 remedies.

2 (a) (Blank).

3 (b) The court may order any of the remedies listed in this
4 subsection (b). The remedies listed in this subsection (b)
5 shall be in addition to other civil or criminal remedies
6 available to petitioner.

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

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

23 (A) Right to occupancy. A party has a right to
24 occupancy of a residence or household if it is solely
25 or jointly owned or leased by that party, that party's
26 spouse, a person with a legal duty to support that

1 party or a minor child in that party's care, or by any
2 person or entity other than the opposing party that
3 authorizes that party's occupancy (e.g., a domestic
4 violence shelter). Standards set forth in subparagraph
5 (B) shall not preclude equitable relief.

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

22 The balance of hardships is presumed to favor
23 possession by petitioner unless the presumption is
24 rebutted by a preponderance of the evidence, showing
25 that the hardships to respondent substantially
26 outweigh the hardships to petitioner and any minor

1 child or dependent adult in petitioner's care. The
2 court, on the request of petitioner or on its own
3 motion, may order respondent to provide suitable,
4 accessible, alternate housing for petitioner instead
5 of excluding respondent from a mutual residence or
6 household.

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

17 (A) If a domestic violence order of protection
18 grants petitioner exclusive possession of the
19 residence, prohibits respondent from entering the
20 residence, or orders respondent to stay away from
21 petitioner or other protected persons, then the court
22 may allow respondent access to the residence to remove
23 items of clothing and personal adornment used
24 exclusively by respondent, medications, and other
25 items as the court directs. The right to access shall
26 be exercised on only one occasion as the court directs

1 and in the presence of an agreed-upon adult third
2 party or law enforcement officer.

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

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

1 transportation and other costs associated with the
2 transfer or change.

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

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

24 (5) Physical care and possession of the minor child.
25 In order to protect the minor child from abuse, neglect,
26 or unwarranted separation from the person who has been the

1 minor child's primary caretaker, or to otherwise protect
2 the well-being of the minor child, the court may do either
3 or both of the following: (i) grant petitioner physical
4 care or possession of the minor child, or both, or (ii)
5 order respondent to return a minor child to, or not remove
6 a minor child from, the physical care of a parent or person
7 in loco parentis.

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

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

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 temporary
23 significant decision-making responsibility to respondent
24 would not be in the child's best interest.

25 (7) Parenting time. Determine the parenting time, if
26 any, of respondent in any case in which the court awards

1 physical care or temporary significant decision-making
2 responsibility of a minor child to petitioner. The court
3 shall restrict or deny respondent's parenting time with a
4 minor child if the court finds that respondent has done or
5 is likely to do any of the following:

6 (i) abuse or endanger the minor child during
7 parenting time;

8 (ii) use the parenting time as an opportunity to
9 abuse or harass petitioner or petitioner's family or
10 household members;

11 (iii) improperly conceal or detain the minor
12 child; or

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

15 The court shall not be limited by the standards set
16 forth in Section 603.10 of the Illinois Marriage and
17 Dissolution of Marriage Act. If the court grants parenting
18 time, the order shall specify dates and times for the
19 parenting time to take place or other specific parameters
20 or conditions that are appropriate. No order for parenting
21 time shall refer merely to the term "reasonable parenting
22 time". Petitioner may deny respondent access to the minor
23 child if, when respondent arrives for parenting time,
24 respondent is under the influence of drugs or alcohol and
25 constitutes a threat to the safety and well-being of
26 petitioner or petitioner's minor children or is behaving

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

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

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

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

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

26 (ii) the petitioner and respondent own the

1 property jointly; sharing it would risk abuse of
2 petitioner by respondent or is impracticable; and the
3 balance of hardships favors temporary possession by
4 petitioner.

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

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

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

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

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

24 If petitioner's sole claim to ownership of the
25 property is that it is marital property, the court may
26 grant petitioner relief under subparagraph (ii) of this

1 paragraph only if a proper proceeding has been filed under
2 the Illinois Marriage and Dissolution of Marriage Act, as
3 now or hereafter amended.

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

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

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

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

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

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

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

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

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

11 (14.5) Prohibition of possession of firearms and
12 firearm parts; search and seizure of firearms and firearm
13 parts.

14 (A) Subject to the provisions of subparagraph
15 (B-2), if applicable, a person who is subject to an
16 existing domestic violence order of protection issued
17 under this Code may not lawfully possess firearms or
18 firearm parts that could be assembled to make an
19 operable firearm or a Firearm Owner's Identification
20 Card under Section 8.2 of the Firearm Owners
21 Identification Card Act.

22 (B) Any firearms in the possession of the
23 respondent, except as provided in subparagraph (C) of
24 this paragraph (14.5) and subject to the provisions of
25 subparagraph (B-2), if applicable, shall be ordered by
26 the court to be surrendered to law enforcement for

1 safekeeping. Any firearms or firearm parts on the
2 respondent's person or at the place of service shall
3 be immediately surrendered to the serving officers at
4 the time of service of the order of protection, and any
5 other firearms or firearm parts shall be surrendered
6 to local law enforcement within 24 hours of service of
7 the order of protection. Any Firearm Owner's
8 Identification Card or Concealed Carry License in the
9 possession of the respondent, except as provided in
10 subparagraph (C), shall also be ordered by the court
11 to be turned over to serving officers at the time of
12 service of the order of protection or, if not on the
13 respondent's person or at the location where the
14 respondent is served at the time of service, to local
15 law enforcement within 24 hours of service of the
16 order. The law enforcement agency shall immediately
17 mail the card, as well as any license, to the Illinois
18 State Police Firearm Owner's Identification Card
19 Office for safekeeping.

20 (B-1) Upon request of the petitioner or the
21 State's Attorney on behalf of the petitioner, a law
22 enforcement officer may seek a search warrant based on
23 the allegations in the petition for the Order of
24 Protection.

25 (i) If requested by law enforcement, the court
26 shall issue a search warrant for the seizure of

1 any firearms or firearm parts that could be
2 assembled to make an operable firearm belonging to
3 the respondent at or after entry of an order of
4 protection if the court, based upon sworn
5 testimony and governed by Sections 108-3 and
6 108-4, finds probable cause exists that:

7 (aa) the respondent poses an immediate and
8 present credible threat to the physical safety
9 of the petitioner protected by the order of
10 protection;

11 (bb) the respondent possesses firearms or
12 firearm parts that could be assembled to make
13 an operable firearm; and

14 (cc) the firearms or firearm parts that
15 could be assembled to make an operable firearm
16 are located at the residence, vehicle, or
17 other property of the respondent to be
18 searched.

19 (ii) The search warrant shall specify with
20 particularity the scope of the search, including
21 the property to be searched, and shall direct the
22 law enforcement agency to seize the respondent's
23 firearms and firearm parts that could be assembled
24 to make an operable firearm. Law enforcement shall
25 also be directed to seize into their possession
26 any Firearm Owner's Identification Card and any

1 Concealed Carry License belonging to the
2 respondent.

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

20 (iv) If the property to be searched is in
21 another county, the petitioner or the State's
22 Attorney may seek a search warrant in that county
23 with the law enforcement agency with primary
24 responsibility for responding to service calls at
25 the property to be searched. Regardless of whether
26 the petitioner is working with the State's

1 Attorney under subsection (d) of Section 112A-4.5,
2 the petitioner may request the State's Attorney's
3 assistance to request that the law enforcement
4 agency in the county where the property is located
5 seek a search warrant.

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

9 (B-2) Ex parte relief may be granted under this
10 paragraph (14.5) only if the court finds that personal
11 injury to the petitioner is likely to occur if the
12 respondent received prior notice and if the petitioner
13 has otherwise satisfied the requirements of Section
14 112A-17.5 of this Article.

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

24 (D) (i) Any firearms or firearm parts that could be
25 assembled to make an operable firearm that have been
26 seized or surrendered shall be kept by the law

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

19 (ii) It is the respondent's responsibility to
20 request the return or reinstatement of any Firearm
21 Owner's Identification Card or Concealed Carry License
22 and to notify the Illinois State Police Firearm
23 Owner's Identification Card Office at the end of the
24 Order of Protection.

25 (iii) At the end of the order of protection, a
26 respondent may request the return of any seized or

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

24 (E)(i) If a person other than the respondent
25 claims title to any firearms or firearm parts that
26 could be assembled to make an operable firearm seized

1 or surrendered under this subsection, the person may
2 petition the court to have the firearm and firearm
3 parts that could be assembled to make an operable
4 firearm returned to him or her with proper notice to
5 the petitioner and respondent. If, at a hearing on the
6 petition, the court determines the person to be the
7 lawful owner of the firearm and firearm parts that
8 could be assembled to make an operable firearm, the
9 firearm and firearm parts that could be assembled to
10 make an operable firearm shall be returned to the
11 person, provided that:

12 (aa) the firearm and firearm parts that could
13 be assembled to make an operable firearm are
14 removed from the respondent's custody, control, or
15 possession, and the lawful owner agrees to store
16 the firearm and firearm parts that could be
17 assembled to make an operable firearm in a manner
18 such that the respondent does not have access to
19 or control of the firearm and firearm parts that
20 could be assembled to make an operable firearm;
21 and

22 (bb) the firearm and firearm parts that could
23 be assembled to make an operable firearm are not
24 otherwise unlawfully possessed by the owner.

25 (ii) The person petitioning for the return of his
26 or her firearm and firearm parts that could be

1 assembled to make an operable firearm must swear or
2 affirm by affidavit that he or she:

3 (aa) is the lawful owner of the firearm and
4 firearm parts that could be assembled to make an
5 operable firearm;

6 (bb) shall not transfer the firearm and
7 firearm parts that could be assembled to make an
8 operable firearm to the respondent; and

9 (cc) will store the firearm and firearm parts
10 that could be assembled to make an operable
11 firearm in a manner that the respondent does not
12 have access to or control of the firearm and
13 firearm parts that could be assembled to make an
14 operable firearm.

15 (F) (i) The respondent may file a motion to
16 transfer, at the next scheduled hearing, any seized or
17 surrendered firearms or firearm parts to a third
18 party. Notice of the motion shall be provided to the
19 petitioner and the third party must appear at the
20 hearing.

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

23 (aa) the third party transferee affirms by
24 affidavit to the open court that:

25 (I) the third party transferee does not
26 reside with the respondent;

1 (II) the respondent does not have access
2 to the location in which the third party
3 transferee intends to keep the firearms or
4 firearm parts;

5 (III) the third party transferee will not
6 transfer the firearm or firearm parts to the
7 respondent or anyone who resides with the
8 respondent;

9 (IV) the third party transferee will
10 maintain control and possession of the firearm
11 or firearm parts until otherwise ordered by
12 the court; and

13 (V) the third party transferee will be
14 subject to criminal penalties for transferring
15 the firearms or firearm parts to the
16 respondent; and

17 (bb) the court finds that:

18 (I) the respondent holds a valid Firearm
19 Owner's Identification; and

20 (II) the transfer of firearms or firearm
21 parts to the third party transferee does not
22 place the petitioner or any other protected
23 parties at any additional threat or risk of
24 harm.

25 (15) Prohibition of access to records. If a domestic
26 violence order of protection prohibits respondent from

1 having contact with the minor child, or if petitioner's
2 address is omitted under subsection (b) of Section 112A-5
3 of this Code, or if necessary to prevent abuse or wrongful
4 removal or concealment of a minor child, the order shall
5 deny respondent access to, and prohibit respondent from
6 inspecting, obtaining, or attempting to inspect or obtain,
7 school or any other records of the minor child who is in
8 the care of petitioner.

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

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

23 (18) Telephone services.

24 (A) Unless a condition described in subparagraph

25 (B) of this paragraph exists, the court may, upon
26 request by the petitioner, order a wireless telephone

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

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

20 (ii) Each telephone number that will be
21 transferred.

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

26 (B) A wireless telephone service provider shall

1 terminate the respondent's use of, and shall transfer
2 to the petitioner use of, the telephone number or
3 numbers indicated in subparagraph (A) of this
4 paragraph unless it notifies the petitioner, within 72
5 hours after it receives the order, that one of the
6 following applies:

7 (i) The account holder named in the order has
8 terminated the account.

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

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

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

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

24 (D) A wireless telephone service provider may
25 apply to the petitioner its routine and customary
26 requirements for establishing an account or

1 transferring a number, including requiring the
2 petitioner to provide proof of identification,
3 financial information, and customer preferences.

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

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

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

22 (19) Cease use and dissemination.

23 (A) Order the respondent to stop use and
24 dissemination of materials or statements to prevent
25 further abuse.

26 (B) Order the respondent to stop use of any and all

1 electronic tracking or monitoring.

2 (C) Require the respondent to produce sufficient
3 evidence that compliance has occurred.

4 (20) Removal of harassing materials, tracking, or
5 monitoring. Order the respondent to remove or delete the
6 harassing statements or materials or delete the tracking
7 and monitoring information collected by the respondent and
8 produce sufficient evidence that compliance has occurred.

9 (c) Relevant factors; findings.

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

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

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

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

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

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

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

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

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

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

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

26 (4) (Blank).

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

25 (d) Balance of hardships; findings. If the court finds
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 by respondent;

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

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

1 or household members.

2 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
3 102-813, eff. 5-13-22; 103-1065, eff. 5-11-25.)

4 Section 10. The Illinois Domestic Violence Act of 1986 is
5 amended by changing Sections 103, 201, 212, 214, and 220 as
6 follows:

7 (750 ILCS 60/103) (from Ch. 40, par. 2311-3)

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

10 (1) "Abuse" means physical abuse, harassment, intimidation
11 of a dependent, interference with personal liberty or willful
12 deprivation but does not include reasonable direction of a
13 minor child by a parent or person in loco parentis.

14 (2) "Adult with disabilities" means an elder adult with
15 disabilities or a high-risk adult with disabilities. A person
16 may be an adult with disabilities for purposes of this Act even
17 though he or she has never been adjudicated an incompetent
18 adult. However, no court proceeding may be initiated or
19 continued on behalf of an adult with disabilities over that
20 adult's objection, unless such proceeding is approved by his
21 or her legal guardian, if any.

22 (3) "Domestic violence" means abuse as defined in
23 paragraph (1).

24 (4) "Elder adult with disabilities" means an adult

1 prevented by advanced age from taking appropriate action to
2 protect himself or herself from abuse by a family or household
3 member.

4 (5) "Exploitation" means the illegal, including tortious,
5 use of a high-risk adult with disabilities or of the assets or
6 resources of a high-risk adult with disabilities. Exploitation
7 includes, but is not limited to, the misappropriation of
8 assets or resources of a high-risk adult with disabilities by
9 undue influence, by breach of a fiduciary relationship, by
10 fraud, deception, or extortion, or the use of such assets or
11 resources in a manner contrary to law.

12 (6) "Family or household members" include spouses, former
13 spouses, parents, children, stepchildren and other persons
14 related by blood or by present or prior marriage, persons who
15 share or formerly shared a common dwelling, persons who have
16 or allegedly have a child in common, persons who share or
17 allegedly share a blood relationship through a child, persons
18 who have or have had a dating or engagement relationship,
19 persons with disabilities and their personal assistants, and
20 caregivers as defined in Section 12-4.4a of the Criminal Code
21 of 2012. For purposes of this paragraph, neither a casual
22 acquaintanceship nor ordinary fraternization between 2
23 individuals in business or social contexts shall be deemed to
24 constitute a dating relationship. In the case of a high-risk
25 adult with disabilities, "family or household members"
26 includes any person who has the responsibility for a high-risk

1 adult as a result of a family relationship or who has assumed
2 responsibility for all or a portion of the care of a high-risk
3 adult with disabilities voluntarily, or by express or implied
4 contract, or by court order.

5 (7) "Harassment" means knowing conduct which is not
6 necessary to accomplish a purpose that is reasonable under the
7 circumstances; would cause a reasonable person emotional
8 distress; and does cause emotional distress to the petitioner.
9 Unless the presumption is rebutted by a preponderance of the
10 evidence, the following types of conduct shall be presumed to
11 cause emotional distress:

12 (i) creating a disturbance at the petitioner's place
13 of employment or school;

14 (ii) repeatedly contacting the petitioner directly or
15 indirectly through any means including, but not limited
16 to, telephonic, electronic, or online telephoning
17 ~~petitioner's place of employment, home or residence;~~

18 (iii) repeatedly following the petitioner including,
19 but not limited to, directly or indirectly, through third
20 parties, or by using electronic tracking or monitoring, or
21 acquiring information, to determine the petitioner's
22 location, movement, or travel patterns without the
23 petitioner's knowledge or consent ~~about in a public place~~
24 ~~or places;~~

25 (iv) repeatedly surveilling the petitioner or tracking
26 the petitioner's location directly or indirectly

1 including, but not limited to, by remaining present at or
2 outside the petitioner's home, school, place of
3 employment, vehicle, or other place occupied by the
4 petitioner, by peering in the petitioner's windows, by
5 using electronic tracking or monitoring, or by acquiring
6 information to determine the petitioner's location,
7 movement, or travel patterns without the petitioner's
8 knowledge and consent ~~keeping petitioner under~~
9 ~~surveillance by remaining present outside his or her home,~~
10 ~~school, place of employment, vehicle or other place~~
11 ~~occupied by petitioner or by peering in petitioner's~~
12 ~~windows;~~

13 (v) improperly concealing a minor child from
14 petitioner, repeatedly threatening to improperly remove a
15 minor child of petitioner's from the jurisdiction or from
16 the physical care of petitioner, repeatedly threatening to
17 conceal a minor child from petitioner, or making a single
18 such threat following an actual or attempted improper
19 removal or concealment, unless respondent was fleeing an
20 incident or pattern of domestic violence; ~~or~~

21 (vi) threatening physical force, confinement or
22 restraint on one or more occasions; ~~or~~

23 (vii) non-consensual dissemination or threatening the
24 dissemination of electronically generated or digitally
25 altered content using the image, voice, or other
26 characteristic of the petitioner to falsely and

1 deceptively impersonate the petitioner or the petitioner's
2 representative;

3 (viii) non-consensual dissemination or threatening the
4 non-consensual dissemination of private sexual images and
5 digitally altered sexual images as defined in the Civil
6 Remedies for Nonconsensual Dissemination of Private Sexual
7 Images Act; or

8 (ix) engaging in doxing as defined in the Civil
9 Liability for Doxing Act.

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

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

19 (10) "Intimidation of a dependent" means subjecting a
20 person who is dependent because of age, health or disability
21 to participation in or the witnessing of: physical force
22 against another or physical confinement or restraint of
23 another which constitutes physical abuse as defined in this
24 Act, regardless of whether the abused person is a family or
25 household member.

26 (11) (A) "Neglect" means the failure to exercise that

1 degree of care toward a high-risk adult with disabilities
2 which a reasonable person would exercise under the
3 circumstances and includes but is not limited to:

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

6 (ii) the repeated, careless imposition of unreasonable
7 confinement;

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

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

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

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

22 (12) "Order of protection" means an emergency order,
23 interim order or plenary order, granted pursuant to this Act,
24 which includes any or all of the remedies authorized by
25 Section 214 of this Act.

26 (13) "Petitioner" may mean not only any named petitioner

1 for the order of protection and any named victim of abuse on
2 whose behalf the petition is brought, but also any other
3 person protected by this Act.

4 (14) "Physical abuse" includes sexual abuse and means any
5 of the following:

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

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

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

12 (14.5) "Stay away" means for the respondent to refrain
13 from both physical presence and nonphysical contact with the
14 petitioner whether direct, indirect (including, but not
15 limited to, telephone calls, mail, email, faxes, and written
16 notes), or through third parties who may or may not know about
17 the order of protection.

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

1 dependent persons.

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

3 (750 ILCS 60/201) (from Ch. 40, par. 2312-1)

4 Sec. 201. Persons protected by this Act.

5 (a) The following persons are protected by this Act:

6 (i) any person abused by a family or household member;

7 (ii) any high-risk adult with disabilities who is
8 abused, neglected, or exploited by a family or household
9 member;

10 (iii) any minor child or dependent adult in the care
11 of such person;

12 (iv) any person residing or employed at a private home
13 or public shelter which is housing an abused family or
14 household member; and

15 (v) any of the following persons if the person is
16 abused by a family or household member of a child:

17 (A) a foster parent of that child if the child has
18 been placed in the foster parent's home by the
19 Department of Children and Family Services or by
20 another state's public child welfare agency;

21 (B) a legally appointed guardian or legally
22 appointed custodian of that child;

23 (C) an adoptive parent of that child; or

24 (D) a prospective adoptive parent of that child if
25 the child has been placed in the prospective adoptive

1 parent's home pursuant to the Adoption Act or pursuant
2 to another state's law.

3 For purposes of this paragraph (a) (v), individuals who
4 would have been considered "family or household members"
5 of the child under subsection (6) of Section 103 of this
6 Act before a termination of the parental rights with
7 respect to the child continue to meet the definition of
8 "family or household members" of the child.

9 (b) A petition for an order of protection may be filed
10 only:

11 (i) by a person who has been abused by a family or
12 household member or by any person on behalf of a minor
13 child or an adult who has been abused by a family or
14 household member and who, because of age, health,
15 disability, or inaccessibility, cannot file the petition;

16 (ii) by any person on behalf of a high-risk adult with
17 disabilities who has been abused, neglected, or exploited
18 by a family or household member;

19 (iii) by any of the following persons if the person is
20 abused by a family or household member of a child:

21 (A) a foster parent of that child if the child has
22 been placed in the foster parent's home by the
23 Department of Children and Family Services or by
24 another state's public child welfare agency;

25 (B) a legally appointed guardian or legally
26 appointed custodian of that child;

1 (C) an adoptive parent of that child;

2 (D) a prospective adoptive parent of that child if
3 the child has been placed in the prospective adoptive
4 parent's home pursuant to the Adoption Act or pursuant
5 to another state's law.

6 For purposes of this paragraph (b)(iii), individuals
7 who would have been considered "family or household
8 members" of the child under subsection (6) of Section 103
9 of this Act before a termination of the parental rights
10 with respect to the child continue to meet the definition
11 of "family or household members" of the child;

12 (iv) by a crime victim who was abused by a family or
13 household member ~~an offender~~ prior to the incarceration of
14 the offender in a penal institution and such offender is
15 incarcerated in a penal institution at the time of the
16 filing of the petition; or

17 (v) by any person who has previously suffered abuse by
18 a family or household member ~~person~~ convicted of (1)
19 domestic battery, aggravated domestic battery, aggravated
20 battery, or any other offense that would constitute
21 domestic violence or (2) a violent crime, as defined in
22 Section 3 of the Rights of Crime Victims and Witnesses
23 Act, committed against another person.

24 A petition for an order of protection may not be denied
25 solely upon the basis that the respondent or petitioner is
26 incarcerated in a penal institution at the time of the filing

1 of the petition.

2 (c) Any petition properly filed under this Act may seek
3 protection for any additional persons protected by this Act.

4 (Source: P.A. 104-11, eff. 6-20-25.)

5 (750 ILCS 60/212) (from Ch. 40, par. 2312-12)

6 Sec. 212. Hearings.

7 (a) A petition for an order of protection shall be treated
8 as an expedited proceeding, and no court shall transfer or
9 otherwise decline to decide all or part of such petition
10 except as otherwise provided herein. Nothing in this Section
11 shall prevent the court from reserving issues when
12 jurisdiction or notice requirements are not met.

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

1 transferred matters.

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

5 (d) A court ~~in a county with a population above 250,000~~
6 shall offer the option of a remote hearing to a petitioner for
7 an order of protection. The court shall grant a request for a
8 remote hearing unless good cause is shown for denial ~~has the~~
9 ~~discretion to grant or deny the request for a remote hearing.~~
10 Each court shall determine the procedure for a remote hearing.
11 The petitioner, applicable witnesses, and respondent may
12 appear remotely or in person.

13 The court shall issue and publish a court order, standing
14 order, or local rule detailing information about the process
15 for requesting and participating in a remote court appearance.
16 The court order, standing order, or local rule shall be
17 published on the court's website and posted on signs
18 throughout the courthouse, including in the clerk's office.
19 The sign shall be written in plain language and include
20 information about the availability of remote court appearances
21 and the process for requesting a remote hearing.

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

23 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

24 Sec. 214. Order of protection; remedies.

25 (a) Issuance of order. If the court finds that petitioner

1 has been abused by a family or household member or that
2 petitioner is a high-risk adult who has been abused,
3 neglected, or exploited, as defined in this Act, an order of
4 protection prohibiting the abuse, neglect, or exploitation
5 shall issue; provided that petitioner must also satisfy the
6 requirements of one of the following Sections, as appropriate:
7 Section 217 on emergency orders, Section 218 on interim
8 orders, or Section 219 on plenary orders. Petitioner shall not
9 be denied an order of protection because petitioner or
10 respondent is a minor. The court, when determining whether or
11 not to issue an order of protection, shall not require
12 physical manifestations of abuse on the person of the victim.
13 Modification and extension of prior orders of protection shall
14 be in accordance with this Act.

15 (b) Remedies and standards. The remedies to be included in
16 an order of protection shall be determined in accordance with
17 this Section and one of the following Sections, as
18 appropriate: Section 217 on emergency orders, Section 218 on
19 interim orders, and Section 219 on plenary orders. The
20 remedies listed in this subsection shall be in addition to
21 other civil or criminal remedies available to petitioner.

22 (1) Prohibition of abuse, neglect, or exploitation.
23 Prohibit respondent's harassment, interference with
24 personal liberty, intimidation of a dependent, physical
25 abuse, or willful deprivation, neglect or exploitation, as
26 defined in this Act, or stalking of the petitioner, as

1 defined in Section 12-7.3 of the Criminal Code of 2012, if
2 such abuse, neglect, exploitation, or stalking has
3 occurred or otherwise appears likely to occur if not
4 prohibited.

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

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

24 (B) Presumption of hardships. If petitioner and
25 respondent each has the right to occupancy of a
26 residence or household, the court shall balance (i)

1 the hardships to respondent and any minor child or
2 dependent adult in respondent's care resulting from
3 entry of this remedy with (ii) the hardships to
4 petitioner and any minor child or dependent adult in
5 petitioner's care resulting from continued exposure to
6 the risk of abuse (should petitioner remain at the
7 residence or household) or from loss of possession of
8 the residence or household (should petitioner leave to
9 avoid the risk of abuse). When determining the balance
10 of hardships, the court shall also take into account
11 the accessibility of the residence or household.
12 Hardships need not be balanced if respondent does not
13 have a right to occupancy.

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

25 (3) Stay away order and additional prohibitions. Order
26 respondent to stay away from petitioner or any other

1 person protected by the order of protection, or prohibit
2 respondent from entering or remaining present at
3 petitioner's school, place of employment, or other
4 specified places at times when petitioner is present, or
5 both, if reasonable, given the balance of hardships.
6 Hardships need not be balanced for the court to enter a
7 stay away order or prohibit entry if respondent has no
8 right to enter the premises.

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

21 (B) When the petitioner and the respondent attend
22 the same public, private, or non-public elementary,
23 middle, or high school, the court when issuing an
24 order of protection and providing relief shall
25 consider the severity of the act, any continuing
26 physical danger or emotional distress to the

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

1 non-public school's transfer, change of placement, or
2 change of program or solely on the ground that the
3 respondent fails or refuses to consent or otherwise
4 does not take an action required to effectuate a
5 transfer, change of placement, or change of program.
6 When a court orders a respondent to stay away from the
7 public, private, or non-public school attended by the
8 petitioner and the respondent requests a transfer to
9 another attendance center within the respondent's
10 school district or private or non-public school, the
11 school district or private or non-public school shall
12 have sole discretion to determine the attendance
13 center to which the respondent is transferred. In the
14 event the court order results in a transfer of the
15 minor respondent to another attendance center, a
16 change in the respondent's placement, or a change of
17 the respondent's program, the parents, guardian, or
18 legal custodian of the respondent is responsible for
19 transportation and other costs associated with the
20 transfer or change.

21 (C) The court may order the parents, guardian, or
22 legal custodian of a minor respondent to take certain
23 actions or to refrain from taking certain actions to
24 ensure that the respondent complies with the order. In
25 the event the court orders a transfer of the
26 respondent to another school, the parents, guardian,

1 or legal custodian of the respondent is responsible
2 for transportation and other costs associated with the
3 change of school by the respondent.

4 (4) Counseling. Require or recommend the respondent to
5 undergo counseling for a specified duration with a social
6 worker, psychologist, clinical psychologist,
7 psychiatrist, family service agency, alcohol or substance
8 abuse program, mental health center guidance counselor,
9 agency providing services to elders, program designed for
10 domestic violence abusers or any other guidance service
11 the court deems appropriate. The Court may order the
12 respondent in any intimate partner relationship to report
13 to an Illinois Department of Human Services protocol
14 approved partner abuse intervention program for an
15 assessment and to follow all recommended treatment.

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

26 If a court finds, after a hearing, that respondent has

1 committed abuse (as defined in Section 103) of a minor
2 child, there shall be a rebuttable presumption that
3 awarding physical care to respondent would not be in the
4 minor child's best interest.

5 (6) Temporary allocation of parental responsibilities:
6 significant decision-making. Award temporary
7 decision-making responsibility to petitioner in accordance
8 with this Section, the Illinois Marriage and Dissolution
9 of Marriage Act, the Illinois Parentage Act of 2015, and
10 this State's Uniform Child-Custody Jurisdiction and
11 Enforcement Act.

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

18 (7) Parenting time. Determine the parenting time, if
19 any, of respondent in any case in which the court awards
20 physical care or allocates temporary significant
21 decision-making responsibility of a minor child to
22 petitioner. The court shall restrict or deny respondent's
23 parenting time with a minor child if the court finds that
24 respondent has done or is likely to do any of the
25 following: (i) abuse or endanger the minor child during
26 parenting time; (ii) use the parenting time as an

1 opportunity to abuse or harass petitioner or petitioner's
2 family or household members; (iii) improperly conceal or
3 detain the minor child; or (iv) otherwise act in a manner
4 that is not in the best interests of the minor child. The
5 court shall not be limited by the standards set forth in
6 Section 603.10 of the Illinois Marriage and Dissolution of
7 Marriage Act. If the court grants parenting time, the
8 order shall specify dates and times for the parenting time
9 to take place or other specific parameters or conditions
10 that are appropriate. No order for parenting time shall
11 refer merely to the term "reasonable parenting time".

12 Petitioner may deny respondent access to the minor
13 child if, when respondent arrives for parenting time,
14 respondent is under the influence of drugs or alcohol and
15 constitutes a threat to the safety and well-being of
16 petitioner or petitioner's minor children or is behaving
17 in a violent or abusive manner.

18 If necessary to protect any member of petitioner's
19 family or household from future abuse, respondent shall be
20 prohibited from coming to petitioner's residence to meet
21 the minor child for parenting time, and the parties shall
22 submit to the court their recommendations for reasonable
23 alternative arrangements for parenting time. A person may
24 be approved to supervise parenting time only after filing
25 an affidavit accepting that responsibility and
26 acknowledging accountability to the court.

1 (8) Removal or concealment of minor child. Prohibit
2 respondent from removing a minor child from the State or
3 concealing the child within the State.

4 (9) Order to appear. Order the respondent to appear in
5 court, alone or with a minor child, to prevent abuse,
6 neglect, removal or concealment of the child, to return
7 the child to the custody or care of the petitioner or to
8 permit any court-ordered interview or examination of the
9 child or the respondent.

10 (10) Possession of personal property. Grant petitioner
11 exclusive possession of personal property and, if
12 respondent has possession or control, direct respondent to
13 promptly make it available to petitioner, if:

14 (i) petitioner, but not respondent, owns the
15 property; or

16 (ii) the parties own the property jointly; sharing
17 it would risk abuse of petitioner by respondent or is
18 impracticable; and the balance of hardships favors
19 temporary possession by petitioner.

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

1 No order under this provision shall affect title to
2 property.

3 (11) Protection of property. Forbid the respondent
4 from taking, transferring, encumbering, concealing,
5 damaging or otherwise disposing of any real or personal
6 property, except as explicitly authorized by the court,
7 if:

8 (i) petitioner, but not respondent, owns the
9 property; or

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

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

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

22 (11.5) Protection of animals. Grant the petitioner the
23 exclusive care, custody, or control of any animal owned,
24 possessed, leased, kept, or held by either the petitioner
25 or the respondent or a minor child residing in the
26 residence or household of either the petitioner or the

1 respondent and order the respondent to stay away from the
2 animal and forbid the respondent from taking,
3 transferring, encumbering, concealing, harming, or
4 otherwise disposing of the animal.

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

22 (13) Order for payment of losses. Order respondent to
23 pay petitioner for losses suffered as a direct result of
24 the abuse, neglect, or exploitation. Such losses shall
25 include, but not be limited to, medical expenses, lost
26 earnings or other support, repair or replacement of

1 property damaged or taken, reasonable attorney's fees,
2 court costs and moving or other travel expenses, including
3 additional reasonable expenses for temporary shelter and
4 restaurant meals.

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

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

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

26 (14.5) Prohibition of possession of firearms and

1 firearm parts; search and seizure of firearms and firearms
2 parts.

3 (A) (i) Prohibit a respondent against whom an
4 emergency, interim, or plenary order of protection was
5 issued from possessing, during the duration of the
6 order, any firearms or firearm parts that could be
7 assembled into an operable firearm if a search warrant
8 is issued under (A-1) or the order:

9 (aa) was issued after a hearing of which such
10 person received actual notice, and at which such
11 person had an opportunity to participate, or the
12 petitioner has satisfied the requirements of
13 Section 217;

14 (bb) restrains such person from using physical
15 force; harassing, stalking, or threatening an
16 intimate partner of such person or child of such
17 intimate partner or person; or engaging in other
18 conduct that would place an intimate partner in
19 reasonable fear of bodily injury to the partner or
20 child; and

21 (cc) includes a finding that such person
22 represents a credible threat to the physical
23 safety of such intimate partner or child.

24 (ii) The court shall order any respondent
25 prohibited from possessing firearms under item (i) of
26 subparagraph (A) to surrender any firearms or firearm

1 parts that could be assembled to make an operable
2 firearm. Any firearms or firearm parts on the
3 respondent's person or at the place of service shall
4 be surrendered to the serving officers at the time of
5 service of the order of protection, and any other
6 firearms or firearm parts shall be surrendered to
7 local law enforcement within 24 hours of service of
8 the order of protection. Any Firearm Owner's
9 Identification Card or Concealed Carry License in the
10 possession of the respondent, except as provided in
11 subparagraph (B), shall also be ordered by the court
12 to be turned over to the officer serving the order of
13 protection at the time of service or, if not on the
14 respondent's person or at the location where the
15 respondent is served at the time of service, to local
16 law enforcement within 24 hours of service of the
17 order of protection. The law enforcement agency shall
18 immediately mail the card, as well as any license, to
19 the Illinois State Police Firearm Owner's
20 Identification Card Office for safekeeping.

21 (A-1)(i) Upon issuance of an emergency, interim,
22 or plenary order of protection and subject to the
23 provisions of item (ii) of this subparagraph (A-1),
24 the court shall issue a search warrant for the seizure
25 of any firearms or firearm parts that could be
26 assembled to make an operable firearm belonging to the

1 respondent if the court, based upon sworn testimony,
2 finds that:

3 (aa) the respondent poses a credible threat to
4 the physical safety of the petitioner protected by
5 the order of protection; and

6 (bb) probable cause exists to believe that:

7 (I) the respondent possesses firearms or
8 firearm parts that could be assembled to make
9 an operable firearm;

10 (II) the firearms or firearm parts that
11 could be assembled to make an operable firearm
12 are located at the residence, vehicle, or
13 other property of the respondent to be
14 searched; and

15 (III) the credible threat to the physical
16 safety of the petitioner protected by the
17 order of protection is immediate and present.

18 The record shall reflect the court's findings in
19 determining whether the search warrant shall be
20 issued.

21 (ii) If the petitioner does not seek a warrant
22 under this subparagraph (A-1) or the court determines
23 that the requirements of this subparagraph (A-1) have
24 not been met, relief under subparagraph (A) alone may
25 be granted.

26 (iii) An ex parte search warrant shall be granted

1 under this subparagraph (A-1) only if the court finds
2 that:

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

5 (bb) personal injury to the petitioner is
6 likely to occur if the respondent received prior
7 notice; and

8 (cc) the petitioner has otherwise satisfied
9 the requirements of Section 217 of this Act.

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

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

1 (vi) The petitioner shall prepare an information
2 sheet, reviewed by the court, for law enforcement at
3 the time the warrant is granted. The information sheet
4 shall include:

5 (aa) contact information for the petitioner,
6 the petitioner's attorney, or both, including a
7 telephone number and email, if available;

8 (bb) a physical description of the respondent,
9 including the respondent's date of birth, if
10 known, or approximate age, height, weight, race,
11 and hair color;

12 (cc) days and times that the respondent is
13 likely to be at the property to be searched, if
14 known; and

15 (dd) whether people other than the respondent
16 are likely to be present at the property to be
17 searched and when, if known.

18 (vii) The information sheet shall be transmitted
19 to the law enforcement agency to which the search
20 warrant is directed in the same manner as the warrant
21 is transmitted under Section 222 of this Act.

22 (viii) If the court, after determining a search
23 warrant should issue, finds that the petitioner has
24 made a credible report of domestic violence to the
25 local law enforcement agency within the previous 90
26 days, law enforcement shall execute the warrant no

1 later than 96 hours after receipt of the warrant. If
2 the court finds that petitioner has not made such a
3 report, the law enforcement agency to which the court
4 has directed the warrant shall, within 48 hours of
5 receipt, evaluate the warrant and seek any corrections
6 to the warrant, and, if applicable, add to or negate
7 the warrant. The record shall reflect the court's
8 findings in determining whether to correct, add, or
9 negate the warrant. If a change is made regarding the
10 search warrant, law enforcement shall execute the
11 warrant no later than 96 hours after the correction is
12 issued. The law enforcement agency shall notify the
13 petitioner of any changes to the warrant or if the
14 warrant has been negated. The law enforcement agency
15 to which the court has directed the warrant may
16 coordinate with other law enforcement agencies to
17 execute the warrant. A return of the warrant shall be
18 filed by the law enforcement agency within 24 hours of
19 execution, setting forth the time, date, and location
20 where the warrant was executed and what items, if any,
21 were seized. If the court is not in session, the return
22 information shall be returned on the next date the
23 court is in session. Subject to the provisions of this
24 Section, peace officers shall have the same authority
25 to execute a warrant issued pursuant to this
26 subsection as a warrant issued under Article 108 of

1 the Code of Criminal Procedure of 1963.

2 (ix) Upon discovering a defect in the search
3 warrant, the appropriate law enforcement agency may
4 petition the court to correct the warrant. The law
5 enforcement agency shall notify the petitioner of any
6 such correction.

7 (x) Upon petition by the appropriate law
8 enforcement agency, the court may modify the search
9 warrant or extend the time to execute the search
10 warrant for a period of no more than 96 hours. In
11 determining whether to modify or extend the warrant,
12 the court shall consider:

13 (aa) any increased risk to the petitioner's
14 safety that may result from a modification or
15 extension of the warrant;

16 (bb) any unnecessary risk to law enforcement
17 that would be mitigated by a modification or
18 extension of the warrant;

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

22 (dd) the likelihood of successful execution of
23 warrant.

24 The record shall reflect the court's findings in
25 determining whether to extend or modify the warrant.
26 The law enforcement agency shall notify the petitioner

1 of any modification or extension of the warrant.

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

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

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

1 that the respondent may seek the return of the
2 respondent's items at the end of the order of
3 protection. The law enforcement agency may enter
4 arrangements, as needed, with federally licensed
5 firearm dealers or other law enforcement agencies for
6 the storage of any firearms seized or surrendered
7 under this subsection.

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

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

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

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

1 person, provided that:

2 (aa) the firearm and firearm parts that could
3 be assembled to make an operable firearm are
4 removed from the respondent's custody, control, or
5 possession and the lawful owner agrees to store
6 the firearm and firearm parts that could be
7 assembled to make an operable firearm in a manner
8 such that the respondent does not have access to
9 or control of the firearm and firearm parts that
10 could be assembled to make an operable firearm;
11 and

12 (bb) the firearm and firearm parts that could
13 be assembled to make an operable firearm are not
14 otherwise unlawfully possessed by the owner.

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

19 (aa) is the lawful owner of the firearm and
20 firearm parts that could be assembled to make an
21 operable firearm;

22 (bb) shall not transfer the firearm and
23 firearm parts that could be assembled to make an
24 operable firearm to the respondent; and

25 (cc) will store the firearm and firearm parts
26 that could be assembled to make an operable

1 firearm in a manner that the respondent does not
2 have access to or control of the firearm and
3 firearm parts that could be assembled to make an
4 operable firearm.

5 (E) (i) The respondent may file a motion to
6 transfer, at the next scheduled hearing, any seized or
7 surrendered firearms or firearm parts to a third
8 party. Notice of the motion shall be provided to the
9 petitioner and the third party must appear at the
10 hearing.

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

13 (aa) the third party transferee affirms by
14 affidavit to the open court that:

15 (I) the third party transferee does not
16 reside with the respondent;

17 (II) the respondent does not have access
18 to the location in which the third party
19 transferee intends to keep the firearms or
20 firearm parts;

21 (III) the third party transferee will not
22 transfer the firearm or firearm parts to the
23 respondent or anyone who resides with the
24 respondent;

25 (IV) the third party transferee will
26 maintain control and possession of the firearm

1 or firearm parts until otherwise ordered by
2 the court; and

3 (V) the third party transferee will be
4 subject to criminal penalties for transferring
5 the firearms or firearm parts to the
6 respondent; and

7 (bb) the court finds that:

8 (I) the respondent holds a valid Firearm
9 Owner's Identification; and

10 (II) the transfer of firearms or firearm
11 parts to the third party transferee does not
12 place the petitioner or any other protected
13 parties at any additional threat or risk of
14 harm.

15 (15) Prohibition of access to records. If an order of
16 protection prohibits respondent from having contact with
17 the minor child, or if petitioner's address is omitted
18 under subsection (b) of Section 203, or if necessary to
19 prevent abuse or wrongful removal or concealment of a
20 minor child, the order shall deny respondent access to,
21 and prohibit respondent from inspecting, obtaining, or
22 attempting to inspect or obtain, school or any other
23 records of the minor child who is in the care of
24 petitioner.

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

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

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

14 (18) Telephone services.

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

1 telephone number that the petitioner, or a minor child
2 in his or her custody, uses. The clerk of the court
3 shall serve the order on the wireless telephone
4 service provider's agent for service of process
5 provided to the Illinois Commerce Commission. The
6 order shall contain all of the following:

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

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

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

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

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

26 (ii) A difference in network technology would

1 prevent or impair the functionality of a device on
2 a network if the transfer occurs.

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

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

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

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

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

25 (F) All wireless service providers that provide
26 services to residential customers shall provide to the

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

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

13 (19) Cease use and dissemination.

14 (A) Order the respondent to stop use and
15 dissemination of materials or statements to prevent
16 further abuse.

17 (B) Order the respondent to stop use of any and all
18 electronic tracking or monitoring.

19 (C) Require the respondent to produce sufficient
20 evidence that compliance has occurred.

21 (20) Removal of harassing materials, tracking, or
22 monitoring. Order the respondent to remove or delete the
23 harassing statements or materials or delete the tracking
24 and monitoring information collected by the respondent and
25 produce sufficient evidence that compliance has occurred.

26 (c) Relevant factors; findings.

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

5 (i) the nature, frequency, severity, pattern and
6 consequences of the respondent's past abuse, neglect
7 or exploitation of the petitioner or any family or
8 household member, including the concealment of his or
9 her location in order to evade service of process or
10 notice, and the likelihood of danger of future abuse,
11 neglect, or exploitation to petitioner or any member
12 of petitioner's or respondent's family or household;
13 and

14 (ii) the danger that any minor child will be
15 abused or neglected or improperly relocated from the
16 jurisdiction, improperly concealed within the State or
17 improperly separated from the child's primary
18 caretaker.

19 (2) In comparing relative hardships resulting to the
20 parties from loss of possession of the family home, the
21 court shall consider relevant factors, including but not
22 limited to the following:

23 (i) availability, accessibility, cost, safety,
24 adequacy, location and other characteristics of
25 alternate housing for each party and any minor child
26 or dependent adult in the party's care;

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

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

5 (3) Subject to the exceptions set forth in paragraph
6 (4) of this subsection, the court shall make its findings
7 in an official record or in writing, and shall at a minimum
8 set forth the following:

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

12 (ii) Whether the conduct or actions of respondent,
13 unless prohibited, will likely cause irreparable harm
14 or continued abuse.

15 (iii) Whether it is necessary to grant the
16 requested relief in order to protect petitioner or
17 other alleged abused persons.

18 (4) For purposes of issuing an ex parte emergency
19 order of protection, the court, as an alternative to or as
20 a supplement to making the findings described in
21 paragraphs (c)(3)(i) through (c)(3)(iii) of this
22 subsection, may use the following procedure:

23 When a verified petition for an emergency order of
24 protection in accordance with the requirements of Sections
25 203 and 217 is presented to the court, the court shall
26 examine petitioner on oath or affirmation. An emergency

1 order of protection shall be issued by the court if it
2 appears from the contents of the petition and the
3 examination of petitioner that the averments are
4 sufficient to indicate abuse by respondent and to support
5 the granting of relief under the issuance of the emergency
6 order of protection.

7 (5) Never married parties. No rights or
8 responsibilities for a minor child born outside of
9 marriage attach to a putative father until a father and
10 child relationship has been established under the Illinois
11 Parentage Act of 1984, the Illinois Parentage Act of 2015,
12 the Illinois Public Aid Code, Section 12 of the Vital
13 Records Act, the Juvenile Court Act of 1987, the Probate
14 Act of 1975, the Revised Uniform Reciprocal Enforcement of
15 Support Act, the Uniform Interstate Family Support Act,
16 the Expedited Child Support Act of 1990, any judicial,
17 administrative, or other act of another state or
18 territory, any other Illinois statute, or by any foreign
19 nation establishing the father and child relationship, any
20 other proceeding substantially in conformity with the
21 Personal Responsibility and Work Opportunity
22 Reconciliation Act of 1996 (Pub. L. 104-193), or where
23 both parties appeared in open court or at an
24 administrative hearing acknowledging under oath or
25 admitting by affirmation the existence of a father and
26 child relationship. Absent such an adjudication, finding,

1 or acknowledgment, no putative father shall be granted
2 temporary allocation of parental responsibilities,
3 including parenting time with the minor child, or physical
4 care and possession of the minor child, nor shall an order
5 of payment for support of the minor child be entered.

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

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

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

20 (2) Respondent was voluntarily intoxicated;

21 (3) Petitioner acted in self-defense or defense of
22 another, provided that, if petitioner utilized force, such
23 force was justifiable under Article 7 of the Criminal Code
24 of 2012;

25 (4) Petitioner did not act in self-defense or defense
26 of another;

1 (5) Petitioner left the residence or household to
2 avoid further abuse, neglect, or exploitation by
3 respondent;

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

7 (7) Conduct by any family or household member excused
8 the abuse, neglect, or exploitation by respondent, unless
9 that same conduct would have excused such abuse, neglect,
10 or exploitation if the parties had not been family or
11 household members.

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

13 (750 ILCS 60/220) (from Ch. 40, par. 2312-20)

14 Sec. 220. Duration and extension of orders.

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

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

20 (2) Interim orders shall be effective for up to 30
21 days.

22 (b) Duration of plenary orders.

23 (0.05) A plenary order of protection entered under
24 this Act shall be valid for a fixed period of time, not to
25 exceed two years.

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

4 (i) if entered as preliminary relief in that other
5 proceeding, until entry of final judgment in that
6 other proceeding;

7 (ii) if incorporated into the final judgment in
8 that other proceeding, until the order of protection
9 is vacated or modified; or

10 (iii) if incorporated in an order for involuntary
11 commitment, until termination of both the involuntary
12 commitment and any voluntary commitment, or for a
13 fixed period of time not exceeding 2 years.

14 (2) Duration of an order of protection entered in
15 conjunction with a criminal prosecution or delinquency
16 petition shall remain in effect as provided in Section
17 112A-20 of the Code of Criminal Procedure of 1963.

18 (c) Computation of time. The duration of an order of
19 protection shall not be reduced by the duration of any prior
20 order of protection.

21 (d) Law enforcement records. When a plenary order of
22 protection expires upon the occurrence of a specified event,
23 rather than upon a specified date as provided in subsection
24 (b), no expiration date shall be entered in Illinois State
25 Police records. To remove the plenary order from those
26 records, either party shall request the clerk of the court to

1 file a certified copy of an order stating that the specified
2 event has occurred or that the plenary order has been vacated
3 or modified with the Sheriff, and the Sheriff shall direct
4 that law enforcement records shall be promptly corrected in
5 accordance with the filed order.

6 (e) Extension of orders.

7 (1) Emergency and interim orders. Any emergency or ~~7~~
8 interim ~~or plenary~~ order may be extended one or more
9 times, as required, provided that the requirements of
10 Section 217, 218 or 219, as appropriate, are satisfied. A
11 violation of the original order or a subsequent incident
12 of abuse is not required to grant an extension of the
13 order. ~~If the motion for extension is uncontested and~~
14 ~~petitioner seeks no modification of the order, the order~~
15 ~~may be extended on the basis of petitioner's motion or~~
16 ~~affidavit stating that there has been no material change~~
17 ~~in relevant circumstances since entry of the order and~~
18 ~~stating the reason for the requested extension. An~~
19 ~~extension of a plenary order of protection may be granted,~~
20 ~~upon good cause shown, to remain in effect until the order~~
21 ~~of protection is vacated or modified. Extensions may be~~
22 ~~granted only in open court and not under the provisions of~~
23 ~~subsection (c) of Section 217, which applies only when the~~
24 ~~court is unavailable at the close of business or on a court~~
25 ~~holiday.~~

26 (2) Plenary orders.

1 (A) The court shall grant the petitioner's motion
2 to extend a plenary order of protection if the
3 requirements of Section 219 have been satisfied and
4 there has been no material change in the relevant
5 circumstances. The court may not deny a motion to
6 extend solely because there is no violation of the
7 original order nor a subsequent incident of abuse.

8 (B) An extension of a plenary order may be granted
9 for any fixed period of time or until the order is
10 vacated or modified. If the petitioner seeks an
11 extension longer than 2 years, the court may grant the
12 request if it finds that there is good cause to extend
13 the order for longer than 2 years.

14 (C) If the respondent does not contest the motion
15 to extend a plenary order of protection after service
16 of the motion in accordance with Supreme Court Rules
17 11, 12, and 105, the court may grant the request for an
18 extension based solely on the petitioner's motion and
19 affidavit setting forth the requirements of this
20 paragraph (e) (2).

21 (D) If the plenary order is set to expire before
22 the next available court date, then the court date for
23 extension must be expedited. The court may extend the
24 order on an emergency basis pending a hearing on the
25 request. If a plenary order expires before a hearing
26 on the motion, the court may reinstate and extend the

1 order upon hearing.

2 (3) Extensions under this subsection (e) may be
3 granted only in open court and not under the
4 provisions of subsection (c) of Section 217, which
5 applies only when the court is unavailable at the
6 close of business or on a court holiday.

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.)".